

By Senator Ring

32-00047-10

2010150__

1 A bill to be entitled
2 An act relating to criminal history record checks;
3 defining the terms "independent youth athletic team,"
4 "sanctioning authority," and "sports coach"; requiring
5 the sanctioning authority of an independent youth
6 athletic team to screen an applicant for sports coach
7 through designated public websites maintained by the
8 Department of Law Enforcement and the United States
9 Department of Justice; requiring the sanctioning
10 authority to disqualify any applicant from acting as a
11 sports coach if that applicant appears on either
12 registry; requiring that the sanctioning authority
13 notify the applicant of his or her right to obtain a
14 copy of the screening report; providing that an
15 applicant who is disqualified from acting as a sports
16 coach based on the screening may appeal to the
17 sanctioning authority the accuracy and completeness of
18 the screening report; providing that the sanctioning
19 authority may place an applicant appealing his or her
20 disqualification as a sports coach on probationary
21 status pending resolution of the appeal; providing
22 that a background screening in compliance with the
23 federal Fair Credit Reporting Act satisfies screening
24 provisions; requiring each sanctioning authority to
25 sign an affidavit annually, under penalty of perjury,
26 stating that all persons who have applied for a
27 position as a sports coach of an independent youth
28 athletic team under its jurisdiction have been
29 screened; requiring a sanctioning authority to

32-00047-10

2010150__

30 maintain the affidavit in its files and provide a copy
31 of the affidavit to anyone upon request; creating
32 rebuttable presumptions in a civil action brought
33 against a sanctioning authority in which it is alleged
34 that the sanctioning authority was negligent in the
35 hiring of a sports coach because of sexual misconduct
36 committed by the sports coach; providing legislative
37 intent encouraging sanctioning authorities for youth
38 athletic teams to participate in the Volunteer and
39 Employee Criminal History System as authorized by the
40 National Child Protection Act and the laws of this
41 state; providing an effective date.

42
43 Be It Enacted by the Legislature of the State of Florida:

44
45 Section 1. Criminal history record checks for sports
46 coaches.—

47 (1) As used in this section, the term:

48 (a) "Independent youth athletic team" or "team" means an
49 athletic team that is based in this state and that:

50 1. Includes a minor as a team member;

51 2. Is sanctioned by an independent organization; and

52 3. Is not sanctioned by or affiliated with a public or
53 private school.

54 (b) "Minor" has the same meaning as in s. 1.01, Florida
55 Statutes.

56 (c) "Sanctioning authority of an independent youth athletic
57 team" or "sanctioning authority" includes the independent
58 organization having authority to sanction an independent youth

32-00047-10

2010150

59 athletic team, any local office of that organization, and any
60 office or entity that is authorized by that organization to
61 perform any of its functions or represent its interests.

62 (d) "Sports coach" means a person who is authorized by a
63 sanctioning authority to be responsible for leading an
64 independent youth athletic team and any person assisting the
65 sports coach. A sports coach is an individual who:

66 1. Works or volunteers or is to work or volunteer for the
67 independent youth athletic team 20 or more hours within a
68 calendar year;

69 2. Has or is to have unsupervised contact with minors; or

70 3. Serves or is to serve as a chaperone for minors on any
71 overnight activity related to the independent youth athletic
72 team.

73 (2) (a) Before a person in this state is hired or recruited
74 as a sports coach of an independent youth athletic team, the
75 sanctioning authority of the independent youth athletic team
76 must screen the person through the public website on sexual
77 offenders and sexual predators maintained by the Department of
78 Law Enforcement and the Dru Sjodin National Sex Offender Public
79 Website maintained by the United States Department of Justice.

80 (b) The sanctioning authority shall disqualify an applicant
81 for sports coach from acting as a sports coach if the applicant
82 appears on either registry.

83 (c) The sanctioning authority must notify in writing each
84 applicant for sports coach of his or her right to obtain a copy
85 of the screening report. An applicant who is disqualified from
86 acting as a sports coach based on the screening may appeal to
87 the sanctioning authority the accuracy and completeness of any

32-00047-10

2010150

88 information contained in the screening report. Unless otherwise
89 prohibited by state or federal law, an applicant appealing his
90 or her disqualification as a sports coach may be placed on
91 probationary status pending resolution of the appeal.

92 (d) For purposes of this section, a sanctioning authority
93 that uses a commercial consumer reporting agency that conducts a
94 background screening in compliance with the federal Fair Credit
95 Reporting Act using the information from the sexual predators
96 and sexual offenders Internet websites listed in paragraph (a)
97 shall be deemed in compliance with the requirements of this
98 subsection.

99 (3) Each sanctioning authority must sign an affidavit
100 annually, under penalty of perjury, stating that all persons who
101 have applied for a position as a sports coach of an independent
102 youth athletic team under its jurisdiction have been screened in
103 compliance with subsection (2). The sanctioning authority must
104 maintain the affidavit in its records and provide a copy of the
105 affidavit to any person requesting it.

106 (4) In any civil action brought against a sanctioning
107 authority in which it is alleged that the sanctioning authority
108 was negligent in the hiring of a sports coach because of sexual
109 misconduct committed by the sports coach, a rebuttable
110 presumption is created that the sanctioning authority was:

111 (a) Not negligent in the hiring of the sports coach if the
112 sanctioning authority conducted a screening of the sports coach
113 by participating in the Volunteer and Employee Criminal History
114 System and made a reasonable effort to contact references.

115 (b) Negligent in the hiring of the sports coach if the
116 sanctioning authority did not conduct a screening of the sports

32-00047-10

2010150__

117 coach by participating in the Volunteer and Employee Criminal
118 History System of the Department of Law Enforcement and make a
119 reasonable effort to contact references.

120 Section 2. Because of the history of harm to children by
121 coaches and others, the Legislature encourages sanctioning
122 authorities of youth athletic teams to participate in the
123 Volunteer and Employee Criminal History System, as authorized by
124 the National Child Protection Act of 1993 and s. 943.0542,
125 Florida Statutes.

126 Section 3. This act shall take effect July 1, 2010.