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1 A bill to be entitled
2 An act relating to athletic coaches; defining the
3 terms "athletic coach" and "independent sanctioning
4 authority"; requiring the independent sanctioning
5 authority of a youth athletic team to screen the
6 background of current and prospective athletic coaches
7 through designated state and federal sex offender
8 registries; providing that a commercial consumer
9 reporting agency screening that meets specified
10 requirements complies with screening requirements;
11 requiring the independent sanctioning authority to
12 disqualify any athletic coach appearing on a registry;
13 requiring the independent sanctioning authority to
14 provide a disqualified athletic coach with written
15 notice; requiring the independent sanctioning
16 authority to maintain documentation of screening
17 results and disqualification notices; providing a
18 rebuttable presumption that an independent sanctioning
19 authority did not negligently authorize an athletic
20 coach for purposes of a civil action for an
21 intentional tort relating to alleged sexual misconduct
22 by the athletic coach if the authority complied with
23 the screening and disqualification requirements;
24 encouraging independent sanctioning authorities for
25 youth athletic teams to participate in the Volunteer
26 and Employee Criminal History System; providing an
27 effective date.

28
29 Be It Enacted by the Legislature of the State of Florida:

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31 Section 1. Athletic coaches for independent sanctioning
32 authorities.-

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

34 (a) "Athletic coach" means a person who:

35 1. Is authorized by an independent sanctioning authority to
36 work for 20 or more hours within a calendar year, whether for
37 compensation or as a volunteer, for a youth athletic team based
38 in this state; and

39 2. Has direct contact with one or more minors on the youth
40 athletic team.

41 (b) "Independent sanctioning authority" means a private,
42 nongovernmental entity that organizes, operates, or coordinates
43 a youth athletic team in this state if the team includes one or
44 more minors and is not affiliated with a private school as
45 defined in s. 1002.01, Florida Statutes.

46 (2) An independent sanctioning authority shall:

47 (a)1. Conduct a background screening of each current and
48 prospective athletic coach. No person shall be authorized by the
49 independent sanctioning authority to act as an athletic coach
50 after July 1, 2010, unless a background screening has been
51 conducted and did not result in disqualification under paragraph

52 (b). Background screenings shall be conducted annually for each
53 athletic coach. For purposes of this section, a background
54 screening shall be conducted with a search of the athletic
55 coach's name or other identifying information against state and
56 federal registries of sexual predators and sexual offenders,
57 which are available to the public on Internet sites provided by:

58 a. The Department of Law Enforcement under s. 943.043,

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59 Florida Statutes; and

60 b. The Attorney General of the United States under 42
61 U.S.C. s. 16920.

62 2. For purposes of this section, a background screening
63 conducted by a commercial consumer reporting agency in
64 compliance with the federal Fair Credit Reporting Act using the
65 identifying information referenced in subparagraph 1. and that
66 includes searching that information against the sexual predator
67 and sexual offender Internet sites listed in sub-subparagraphs
68 1.a. and b. shall be deemed in compliance with the requirements
69 of this section.

70 (b) Disqualify any person from acting as an athletic coach
71 if he or she is identified on a registry described in paragraph
72 (a).

73 (c) Provide, within 7 business days following the
74 background screening under paragraph (a), written notice to a
75 person disqualified under this section advising the person of
76 the results and of his or her disqualification.

77 (d) Maintain documentation of:

78 1. The results for each person screened under paragraph
79 (a); and

80 2. The written notice of disqualification provided to each
81 person under paragraph (c).

82 (3) In a civil action for the death of, or injury or damage
83 to, a third person caused by the intentional tort of an athletic
84 coach that relates to alleged sexual misconduct by the athletic
85 coach, there is a rebuttable presumption that the independent
86 sanctioning authority was not negligent in authorizing the
87 athletic coach if the authority complied with the background

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88 screening and disqualification requirements of subsection (2)
89 prior to such authorization.

90 (4) The Legislature encourages independent sanctioning
91 authorities for youth athletic teams to participate in the
92 Volunteer and Employee Criminal History System, as authorized by
93 the National Child Protection Act of 1993 and s. 943.0542,
94 Florida Statutes.

95 Section 2. This act shall take effect July 1, 2010.