

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

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 24   Be It Enacted by the Legislature of the State of Florida:

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 26           Section 1. Athletic coaches for independent sanctioning  
 27 authorities.--

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

29        (a) "Athletic coach" means a person who:  
 30            1. Is authorized by an independent sanctioning authority  
 31 to work for 20 or more hours within a calendar year, whether for  
 32 compensation or as a volunteer, for a youth athletic team based  
 33 in this state; and  
 34            2. Has direct contact with one or more minors on the youth  
 35 athletic team.

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

41        (2) An independent sanctioning authority shall:  
 42            (a) Conduct a background screening of each current and  
 43 prospective athletic coach. No person shall be authorized by the  
 44 independent sanctioning authority to act as an athletic coach  
 45 after July 1, 2010, unless a background screening has been  
 46 conducted and did not result in disqualification under paragraph  
 47 (b). Background screenings shall be conducted annually for each  
 48 athletic coach. For purposes of this section, a background  
 49 screening shall be conducted with a search of the athletic  
 50 coach's name or other identifying information against state and  
 51 federal registries of sexual predators and sexual offenders,  
 52 which are available to the public on Internet sites provided by:  
 53            1. The Department of Law Enforcement under s. 943.043,  
 54 Florida Statutes; and  
 55            2. The Attorney General of the United States under 42  
 56 U.S.C. s. 16920.

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

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

64 (d) Maintain documentation of:

65 1. The results for each person screened under paragraph  
66 (a); and

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

69 (3) In a civil action for the death of, or injury or  
70 damage to, a third person caused by the intentional tort of an  
71 athletic coach that relates to alleged sexual misconduct by the  
72 athletic coach, there is a rebuttable presumption that the  
73 independent sanctioning authority was not negligent in  
74 authorizing the athletic coach if the authority complied with  
75 the background screening and disqualification requirements of  
76 subsection (2) prior to such authorization.

77 (4) The Legislature encourages independent sanctioning  
78 authorities for youth athletic teams to participate in the  
79 Volunteer and Employee Criminal History System, as authorized by  
80 the National Child Protection Act of 1993 and s. 943.0542,  
81 Florida Statutes.

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