

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; providing that a  
8 commercial consumer reporting agency screening that meets  
9 specified requirements complies with screening  
10 requirements; requiring the independent sanctioning  
11 authority to disqualify any athletic coach appearing on a  
12 registry; requiring the independent sanctioning authority  
13 to provide a disqualified athletic coach with written  
14 notice; requiring the independent sanctioning authority to  
15 maintain documentation of screening results and  
16 disqualification notices; providing a rebuttable  
17 presumption that an independent sanctioning authority did  
18 not negligently authorize an athletic coach for purposes  
19 of a civil action for an intentional tort relating to  
20 alleged sexual misconduct by the athletic coach if the  
21 authority complied with the screening and disqualification  
22 requirements; encouraging independent sanctioning  
23 authorities for youth athletic teams to participate in the  
24 Volunteer and Employee Criminal History System; providing  
25 an effective date.

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27 Be It Enacted by the Legislature of the State of Florida:  
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29           Section 1. Athletic coaches for independent sanctioning  
 30 authorities.—

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

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

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

37           2. Has direct contact with one or more minors on the youth  
 38 athletic team.

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

44           (2) An independent sanctioning authority shall:

45           (a)1. Conduct a background screening of each current and  
 46 prospective athletic coach. No person shall be authorized by the  
 47 independent sanctioning authority to act as an athletic coach  
 48 after July 1, 2010, unless a background screening has been  
 49 conducted and did not result in disqualification under paragraph  
 50 (b). Background screenings shall be conducted annually for each  
 51 athletic coach. For purposes of this section, a background  
 52 screening shall be conducted with a search of the athletic  
 53 coach's name or other identifying information against state and  
 54 federal registries of sexual predators and sexual offenders,  
 55 which are available to the public on Internet sites provided by:

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

57 Florida Statutes; and

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

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

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

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

75 (d) Maintain documentation of:

76 1. The results for each person screened under paragraph  
 77 (a); and

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

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

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85 authorizing the athletic coach if the authority complied with  
86 the background screening and disqualification requirements of  
87 subsection (2) prior to such authorization.

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

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