

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Criminal Justice Committee

BILL: SB 748

INTRODUCER: Senator Ring

SUBJECT: Youth Athletic Teams

DATE: March 30, 2011 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Erickson	Cannon	CJ	Pre-meeting
2.	_____	_____	CA	_____
3.	_____	_____	JU	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

The bill requires the independent sanctioning authority of a youth athletic team to disqualify a person from serving as an athletic coach of a youth athletic team, if any team member is 12 years of age or younger and the coach is suspended, ejected, or otherwise removed from a game by a game official. The period of disqualification (“suspension”) is for the remainder of the team’s season.

The bill also provides for a process to appeal the suspension to the local sanctioning authority.

This bill substantially amends the following section of the Florida Statutes: 943.0438.

II. Present Situation:

Section 943.0438(1), F.S., defines an “independent sanctioning authority” as a private, nongovernmental entity that organizes, operates, or coordinates a youth athletic team in Florida that includes one or more minors and is not affiliated with a private school.

This same subsection defines “athletic coach” as a person who is authorized by an independent sanctioning authority to work for 20 or more hours within a calendar year, whether for compensation or as a volunteer, for a youth athletic team based in Florida; and has direct contact with one or more minors on the youth athletic team.

An independent sanctioning authority is currently required to conduct background screenings on each current and prospective athletic coach, disqualify an athletic coach who appears on the

Florida or federal registry of sexual predators and sexual offenders, provide written notice to a disqualified athletic coach, and maintain specified documentation.

The statute does not actually sanction or penalize an independent sanctioning authority for failure to comply with requirements of the statute, but there is an incentive to comply. In a civil action for the death of, or injury or damage to, a third person caused by the intentional tort of an athletic coach that relates to alleged sexual misconduct by the athletic coach, there is a rebuttable presumption that the independent sanctioning authority was not negligent in authorizing the athletic coach if the authority complied with the background screening and disqualification requirements of the statute prior to such authorization.

III. Effect of Proposed Changes:

The bill amends s. 943.0438, F.S., to require the independent sanctioning authority of a youth athletic team to disqualify a person from serving as an athletic coach of a youth athletic team, if any team member is 12 years of age or younger and the coach is suspended, ejected, or otherwise removed from a game by a game official. The period of disqualification (“suspension”) is for the remainder of the team’s season.

The bill provides that, upon receiving notification of such suspension, a coach may appeal the suspension to the local sanctioning authority. The authority must render a decision and notify the coach of its decision within one week after receiving a notice of appeal.

The bill takes effect on July 1, 2011.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Suspended athletic coaches of youth athletic teams may be subject to a longer period of suspension under the bill than they might currently receive under rules, bylaws, etc., of

the independent sanctioning authority. Suspension may affect a coach's compensation if the coach would be compensated but for the suspension.

C. **Government Sector Impact:**

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

Chapter 493, F.S., relates to the organization and duties of the Florida Department of Law Enforcement (FDLE). The logical nexus for the placement in ch. 943, F.S., of provisions relevant to an athletic coach of a youth athletic team is that those provisions involve a search of the coach's name or other identifying information against the Florida and federal registries of sexual predators and sexual offenders. The FDLE operates the Florida registry. In comparison, the provisions of the bill do not require the FDLE to do anything or require an independent sanctioning authority to do something which requires FDLE's assistance or access to a service FDLE provides. However, at the present time, there does not appear to be any other chapter of the Florida Statutes that addresses these coaches or that could be viewed as relevant to the provisions of the bill.

The bill does not contain any provision for sanctions or penalties if the independent sanctioning authority fails to comply with the requirements of the bill. However, current provisions of the statute do not include sanctions or penalties for failure to comply with requirements of the statute.

It is unclear if a game official's decision to suspend, eject, or otherwise remove a coach from a game might currently be subject to a review or grievance process by which the official's decision could be overturned or overruled by a designated reviewing or grievance authority or an independent sanctioning authority. If such a process is available, the time for the authority to render a decision may not parallel the time to render a decision on an appeal of a suspension as provided in the bill.

There is insufficient information to determine if all game officials in a particular sport in which youth athletic teams participate suspend, eject, or otherwise remove an athletic coach from a game for the same acts.

VIII. Additional Information:

A. **Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
