



HB 161

2013

29 | 1. Is authorized by a youth sports or recreation an  
30 | ~~independent sanctioning~~ authority to work ~~for 20 or more hours~~  
31 | ~~within a calendar year~~, whether for compensation or as a  
32 | volunteer, for a youth athletic team or organized youth  
33 | recreational program using publicly owned facilities based in  
34 | this state; and

35 | 2. Has direct contact with one or more minors on the youth  
36 | athletic team.

37 | (b) "Youth sports or recreation ~~Independent sanctioning~~  
38 | authority" means a private, nongovernmental entity that  
39 | organizes, operates, or coordinates a youth athletic team or  
40 | organized youth recreational program using publicly owned  
41 | facilities in this state if the team or program includes one or  
42 | more minors and is not affiliated with a private school as  
43 | defined in s. 1002.01.

44 | (2) A youth sports or recreation ~~An independent~~  
45 | ~~sanctioning~~ authority shall:

46 | (a)1. Conduct a background screening of each current and  
47 | prospective volunteer ~~athletic coach~~. The authority may not  
48 | delegate this responsibility to an individual team or program  
49 | and may not authorize any ~~No person shall be authorized by the~~  
50 | ~~independent sanctioning authority~~ to act as a volunteer an  
51 | ~~athletic coach~~ after July 1, 2013 ~~2010~~, unless a background  
52 | screening is ~~has been~~ conducted and does ~~did~~ not result in  
53 | disqualification under paragraph (b). Background screenings  
54 | shall be conducted annually for each volunteer ~~athletic coach~~.  
55 | For purposes of this section, a background screening shall be  
56 | conducted with a search of the volunteer's ~~athletic coach's~~ name

57 | or other identifying information against state and federal  
 58 | registries of sexual predators and sexual offenders, which are  
 59 | available to the public on Internet sites provided by:

- 60 |     a. The Department of Law Enforcement under s. 943.043; and
- 61 |     b. The Attorney General of the United States under 42  
 62 | U.S.C. s. 16920.

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

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

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

78 |     (d) 1. Maintain for at least 5 years documentation of:

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

81 |     ~~b.2.~~ The written notice of disqualification provided to  
 82 | each person under paragraph (c).

83 |     2. Provide copies of all the documentation required under  
 84 | subparagraph 1. to each municipality with jurisdiction over a

85 | publicly owned facility used by the authority or, for any  
86 | facility not located within a municipality, the county with  
87 | jurisdiction over the facility. Each governmental entity  
88 | provided with documentation under this subparagraph must retain  
89 | that documentation for at least 5 years.

90 | (e) Adopt guidelines to educate volunteers ~~athletic~~  
91 | ~~coaches~~, officials, administrators, and youth athletes and their  
92 | parents or guardians of the nature and risk of concussion and  
93 | head injury.

94 | (f) Adopt bylaws or policies that require the parent or  
95 | guardian of a youth who is participating in athletic competition  
96 | or other recreation programs or who is a candidate for an  
97 | athletic team or recreation program to sign and return an  
98 | informed consent that explains the nature and risk of concussion  
99 | and head injury, including the risk of continuing to play after  
100 | concussion or head injury, each year before participating in  
101 | athletic competition or other recreational programs or engaging  
102 | in any practice, tryout, workout, or other physical activity  
103 | associated with the youth's candidacy for an athletic team or  
104 | recreational program.

105 | (g) Adopt bylaws or policies that require each youth  
106 | athlete or recreational program participant who is suspected of  
107 | sustaining a concussion or head injury in a practice or  
108 | competition to be immediately removed from the activity. A youth  
109 | athlete or recreational program participant who is ~~has been~~  
110 | removed from an activity may not return to practice or  
111 | competition until the youth or participant submits to a  
112 | volunteer or volunteer supervisor ~~the athletic coach~~ a written

HB 161

2013

113 | medical clearance to return stating that he or she ~~the youth~~  
114 | ~~athlete~~ no longer exhibits signs, symptoms, or behaviors  
115 | consistent with a concussion or other head injury. Medical  
116 | clearance must be authorized by the appropriate health care  
117 | practitioner trained in the diagnosis, evaluation, and  
118 | management of concussions as defined by the Sports Medicine  
119 | Advisory Committee of the Florida High School Athletic  
120 | Association.

121 |       (3) In a civil action for the death of, or injury or  
122 | damage to, a third person caused by the intentional tort of a  
123 | volunteer ~~an athletic coach~~ that relates to alleged sexual  
124 | misconduct by the volunteer ~~athletic coach~~, there is a  
125 | rebuttable presumption that the youth sports or recreation  
126 | ~~independent sanctioning~~ authority was not negligent in  
127 | authorizing the volunteer ~~athletic coach~~ if the authority  
128 | complied with the background screening and disqualification  
129 | requirements of subsection (2) before ~~prior to~~ such  
130 | authorization.

131 |       (4) The Legislature encourages youth sports and recreation  
132 | ~~independent sanctioning~~ authorities ~~for youth athletic teams~~ to  
133 | participate in the Volunteer and Employee Criminal History  
134 | System, as authorized by the National Child Protection Act of  
135 | 1993 and s. 943.0542.

136 |       Section 2. This act shall take effect July 1, 2013.