



29 recreational program using publicly owned facilities based in  
 30 this state; and

31 2. Has direct contact with one or more minors on the youth  
 32 athletic team.

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

40 (2) A youth sports or recreation ~~An independent~~  
 41 ~~sanctioning~~ authority shall:

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

56 a. The Department of Law Enforcement under s. 943.043; and

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

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

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

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

74 |           (d) Maintain for at least 5 years documentation of:

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

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

79 |           (e) Adopt guidelines to educate volunteers ~~athletic~~  
80 | ~~coaches~~, officials, administrators, and youth athletes and their  
81 | parents or guardians of the nature and risk of concussion and  
82 | head injury.

83 |           (f) Adopt bylaws or policies that require the parent or  
84 | guardian of a youth who is participating in athletic competition

85 | or other recreational programs or who is a candidate for an  
86 | athletic team or recreational program to sign and return an  
87 | informed consent that explains the nature and risk of concussion  
88 | and head injury, including the risk of continuing to play after  
89 | concussion or head injury, each year before participating in  
90 | athletic competition or other recreational programs or engaging  
91 | in any practice, tryout, workout, or other physical activity  
92 | associated with the youth's candidacy for an athletic team or  
93 | recreational program.

94 | (g) Adopt bylaws or policies that require each youth  
95 | athlete or recreational program participant who is suspected of  
96 | sustaining a concussion or head injury in a practice or  
97 | competition to be immediately removed from the activity. A youth  
98 | athlete or recreational program participant who is ~~has been~~  
99 | removed from an activity may not return to practice or  
100 | competition until the youth or participant submits to a  
101 | volunteer or volunteer supervisor ~~the athletic coach~~ a written  
102 | medical clearance to return stating that he or she ~~the youth~~  
103 | ~~athlete~~ no longer exhibits signs, symptoms, or behaviors  
104 | consistent with a concussion or other head injury. Medical  
105 | clearance must be authorized by the appropriate health care  
106 | practitioner trained in the diagnosis, evaluation, and  
107 | management of concussions as defined by the Sports Medicine  
108 | Advisory Committee of the Florida High School Athletic  
109 | Association.

110 | (3) In a civil action for the death of, or injury or  
111 | damage to, a third person caused by the intentional tort of a  
112 | volunteer ~~an athletic coach~~ that relates to alleged sexual

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113 misconduct by the volunteer ~~athletic coach~~, there is a  
114 rebuttable presumption that the youth sports or recreation  
115 ~~independent sanctioning~~ authority was not negligent in  
116 authorizing the volunteer ~~athletic coach~~ if the authority  
117 complied with the background screening and disqualification  
118 requirements of subsection (2) before ~~prior to~~ such  
119 authorization.

120 (4) The Legislature encourages youth sports and recreation  
121 ~~independent sanctioning~~ authorities ~~for youth athletic teams~~ to  
122 participate in the Volunteer and Employee Criminal History  
123 System, as authorized by the National Child Protection Act of  
124 1993 and s. 943.0542.

125 Section 2. This act shall take effect July 1, 2014.