



293046

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/20/2014	.	
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The Committee on Rules (Ring) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Subsection (1) and paragraphs (a), (b), (c), and  
(d) of subsection (2) of section 943.0438, Florida Statutes, are  
amended to read:

943.0438 Athletic coaches for independent sanctioning  
authorities.—

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

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



293046

12           1. Is authorized by an independent sanctioning authority to  
13 work as a coach, assistant coach, or referee for 20 or more  
14 hours within a calendar year, whether for compensation or as a  
15 volunteer, for a youth athletic team based in this state; and

16           2. Has direct contact with one or more minors on the youth  
17 athletic team.

18           (b) "Independent sanctioning authority" means a private,  
19 nongovernmental entity that organizes, operates, or coordinates  
20 a youth athletic team in this state if the team includes one or  
21 more minors and is not affiliated with a private school as  
22 defined in s. 1002.01.

23           (2) An independent sanctioning authority shall:

24           (a)1. Conduct a level 1 background screening pursuant to s.  
25 435.03 of each current and prospective athletic coach. The  
26 authority may not delegate this responsibility to an individual  
27 team and may not authorize any ~~No person shall be authorized by~~  
28 ~~the independent sanctioning authority~~ to act as an athletic  
29 coach unless a level 1 background screening is ~~has been~~  
30 conducted and does ~~did~~ not result in disqualification under  
31 paragraph (b). Level 1 background screenings shall be conducted  
32 annually for each athletic coach. For purposes of this section,  
33 a background screening shall include ~~be conducted with~~ a search  
34 of the athletic coach's name or other identifying information  
35 against state and federal registries of sexual predators and  
36 sexual offenders, which are available to the public on Internet  
37 sites provided by:

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

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



293046

41           2. For purposes of this section, a background screening  
42 conducted by a commercial consumer reporting agency in  
43 compliance with the federal Fair Credit Reporting Act using the  
44 identifying information referenced in subparagraph 1. ~~and~~ that  
45 includes a level 1 background screening and a search of  
46 ~~searching~~ that information against the sexual predator and  
47 sexual offender Internet sites listed in sub-subparagraphs 1.a.  
48 and b. shall be deemed to satisfy in compliance with the  
49 requirements of this paragraph ~~section~~.

50           (b) Disqualify any person from acting as an athletic coach  
51 as provided in s. 435.03 or if he or she is identified on a  
52 registry described in paragraph (a). The authority may allow a  
53 person disqualified under this paragraph to act as an athletic  
54 coach if it determines that the person meets the requirements  
55 for an exemption from disqualification under s. 435.07.

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

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

61           1. The results for each person screened under paragraph  
62 (a); and

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

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

66  
67 ===== T I T L E   A M E N D M E N T =====

68 And the title is amended as follows:

69           Delete everything before the enacting clause



293046

70 and insert:

71                   A bill to be entitled  
72           An act relating to athletic coaches for youth athletic  
73           teams; amending s. 943.0438, F.S.; revising the  
74           definition of the term "athletic coach"; expanding  
75           provisions relating to athletic coaches for  
76           independent sanctioning authorities to require such  
77           authorities to conduct specified background screening  
78           of certain coaches of youth athletic teams; providing  
79           that the duty may not be delegated; providing for  
80           disqualification; providing for exemption from  
81           disqualification; requiring that specified  
82           documentation be maintained for a specified period by  
83           such authorities; providing an effective date.