

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 Committee on Judiciary

BILL: SB 238

INTRODUCER: Senator Ring

SUBJECT: Athletic Coaches

DATE: April 6, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Preston</u>	<u>Hendon</u>	<u>CF</u>	Favorable
2.	<u>Stearns</u>	<u>Yeatman</u>	<u>CA</u>	Favorable
3.	<u>Procaccini</u>	<u>Cibula</u>	<u>JU</u>	Pre-meeting
4.	_____	_____	<u>FP</u>	_____

I. Summary:

SB 238 requires an independent sanctioning authority to dismiss an athletic coach who is ejected from a game in a league of children who are 12 years of age or younger. The dismissal remains in effect at least until the following sport season.

The bill also requires an independent sanctioning authority to establish a process for coaches to appeal an ejection.

II. Present Situation:

Current law defines the term “athletic coach” as a person who is authorized by an independent sanctioning authority to work as a coach, assistant coach, or referee for 20 or more hours within a calendar year, whether for compensation or as a volunteer, for a youth athletic team based in this state and who has direct contact with one or more minors on the youth athletic team.¹

The term “independent sanctioning authority” is defined as a private, nongovernmental entity that organizes, operates, or coordinates a youth athletic team in this state if the team includes one or more minors and is not affiliated with a private school as defined in s. 1002.01, F.S.² An independent sanctioning authority is required to do the following:

- Conduct a level 1 background screening pursuant to s. 435.03, F.S., of each current and prospective athletic coach and maintain certain documentation of those screenings for at least 5 years.

¹ Section 943.0438, F.S.

² *Id.*

- Adopt policies related to requirements for parents or guardians of a young athlete to annually sign and return an informed consent that explains the nature and risk of concussion and head injury, including the risk of continuing to play after a concussion or head injury.
- Adopt policies related to continued participation and return to participation by a young athlete who is suspected of sustaining a concussion or head injury.³

The application process to become a coach, assistant coach, or manager, most often uncompensated, for youth athletic organizations, such as a Little League or City Parks and Recreation teams, may involve criminal background checks and interviews, and often include coaching and safety training.⁴ The Little League organizations have established rules for the suspension of their coaches which grant the Little League board of directors the authority to suspend or remove a coach or manager. The board of directors also considers concerns about coaches or managers from parents or anyone else.⁵ Other youth athletic organizations such as Pop Warner and city leagues have also suspended coaches for improper conduct or lack of coaching responsibility.⁶

III. Effect of Proposed Changes:

Section 1 amends s. 943.0438, F.S., to require an independent sanctioning authority to immediately dismiss an athletic coach who has been ejected from a game in a league in which the children are 12 years of age or younger. The dismissed coach may resume work as a coach the following sport season or any time thereafter if the authority determines the coach is still qualified. A procedure for a coach to appeal an ejection is also required to be established by a sanctioning authority.

Section 2 provides an effective date of July 1, 2015.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

³ *Id.*

⁴ Little League Softball and Baseball, *Coach's/Manager's Role*, <http://www.littleleague.org/managersandcoaches/coachrole.htm> (Apr. 6, 2015).

⁵ *Id.*

⁶ Gary Mihoces, *Pop Warner investigates, suspends coaches*, USA TODAY, (Oct. 24, 2012) <http://www.usatoday.com/story/sports/2012/10/24/pop-warner-coach-suspensions/1655795/> (This article describes a situation in which two opposing coaches were suspended from their coaching role after five players on the losing team left the field with concussions.).

D. Other Constitutional Issues:

Under existing case law, members of a purely social club have no due process rights prior to expulsion from the club.⁷ However, some due process rights may exist for members of other organizations. An organization may be “held to reasonable standards of due process and fairness” if disciplinary action against a member “may have an import which transcends the organization itself because it conveys to the community that the disciplined member was found lacking by his peers.”⁸ The appellate process provided by the bill likely provides a sufficient amount of due process protections to coaches who are ejected from a game.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

Because the bill imposes a significant penalty on a coach who is ejected from a game, coaches and sanctioning organizations will likely make use of the procedures to appeal a dismissal from a league. There will likely be costs associated with the appellate process.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 943.0438, Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

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

None.

⁷ *McCune v. Wilson*, 237 So. 2d 169 (Fla. 1970).

⁸ *Id.* at 172.

B. Amendments:

None.

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