

HB 1141

2021

1                   A bill to be entitled  
2           An act relating to background screenings of athletic  
3           coaches; amending s. 943.0438, F.S.; providing that an  
4           athletic coach and an independent sanctioning  
5           authority are deemed to satisfy certain background  
6           screening requirements if the coach and the  
7           independent sanctioning authority are in compliance  
8           with national industry background check standards  
9           required by specified organizations; making a  
10          technical change; providing an effective date.

11  
12   Be It Enacted by the Legislature of the State of Florida:

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14          Section 1. Subsection (2) of section 943.0438, Florida  
15          Statutes, is amended to read:

16          943.0438   Athletic coaches for independent sanctioning  
17          authorities.—

18          (2)   An independent sanctioning authority shall:

19          (a)1.   Conduct a level 1 background screening pursuant to  
20          s. 435.03 of each current and prospective athletic coach. The  
21          authority may not delegate this responsibility to an individual  
22          team and may not authorize any person to act as an athletic  
23          coach unless a level 1 background screening is conducted and  
24          does not result in disqualification under paragraph (b). Level 1  
25          background screenings shall be conducted annually for each

26 athletic coach. For purposes of this section, a background  
27 screening shall include a search of the athletic coach's name or  
28 other identifying information against state and federal  
29 registries of sexual predators and sexual offenders, which are  
30 available to the public on Internet websites ~~sites~~ provided by:

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

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

34 2. For purposes of this section, a background screening  
35 conducted by a commercial consumer reporting agency in  
36 compliance with the federal Fair Credit Reporting Act using the  
37 identifying information referenced in subparagraph 1. that  
38 includes a level 1 background screening and a search of that  
39 information against the sexual predator and sexual offender  
40 Internet websites ~~sites~~ listed in sub-subparagraphs 1.a. and b.  
41 shall be deemed to satisfy the requirements of this paragraph.

42 3. For purposes of this section, an athletic coach and an  
43 independent sanctioning authority shall be deemed to satisfy the  
44 requirements of this paragraph if the athletic coach and the  
45 independent sanctioning authority are in compliance with  
46 national industry background check standards as required by the  
47 United States Olympic and Paralympic Committee, defined as  
48 "corporation" under 36 U.S.C. s. 220501(b)(7), or by the United  
49 States Center for SafeSport, defined as "Center" under 36 U.S.C.  
50 s. 220501(b)(5).

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

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

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

- 62 1. The results for each person screened under paragraph  
63 (a); and  
64 2. The written notice of disqualification provided to each  
65 person under paragraph (c).

66 (e) Adopt guidelines to educate athletic coaches,  
67 officials, administrators, and youth athletes and their parents  
68 or guardians of the nature and risk of concussion and head  
69 injury.

70 (f) Adopt bylaws or policies that require the parent or  
71 guardian of a youth who is participating in athletic competition  
72 or who is a candidate for an athletic team to sign and return an  
73 informed consent that explains the nature and risk of concussion  
74 and head injury, including the risk of continuing to play after  
75 concussion or head injury, each year before participating in

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76 athletic competition or engaging in any practice, tryout,  
77 workout, or other physical activity associated with the youth's  
78 candidacy for an athletic team.

79 (g) Adopt bylaws or policies that require each youth  
80 athlete who is suspected of sustaining a concussion or head  
81 injury in a practice or competition to be immediately removed  
82 from the activity. A youth athlete who has been removed from an  
83 activity may not return to practice or competition until the  
84 youth submits to the athletic coach a written medical clearance  
85 to return stating that the youth athlete no longer exhibits  
86 signs, symptoms, or behaviors consistent with a concussion or  
87 other head injury. Medical clearance must be authorized by the  
88 appropriate health care practitioner trained in the diagnosis,  
89 evaluation, and management of concussions as defined by the  
90 Sports Medicine Advisory Committee of the Florida High School  
91 Athletic Association.

92 Section 2. This act shall take effect July 1, 2021.