

By Senator Baxley

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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.

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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 s.
20 435.03 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

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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

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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
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

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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.