

SB 150 — Sports Coaches/Criminal History Records Checks

by Senators Ring, Sobel, Crist, and Lynn

The bill requires an independent sanctioning authority to conduct a background screening of each current and prospective athletic coach. No person shall be authorized by the authority to act as an athletic coach after July 1, 2010, unless a background screening has been conducted and did not result in disqualification of the coach. Background screenings shall be conducted annually for each athletic coach, and consist of a search of the coach's name and other identifying information against state and federal sex offender registries. This screening may be conducted by a commercial consumer reporting agency in compliance with the federal Fair Credit Reporting Act.

An "athletic coach" is defined as a person who is authorized by an independent sanctioning authority to work 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 has direct contact with one or more minors on the youth athletic team.

"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.

The bill also requires the independent sanctioning authority to do the following:

- Disqualify any person from acting as an athletic coach if he or she is identified on a sex offender registry.
- Provide, within 7 business days following the background screening, written notice to a disqualified person that advises the person of the results of the screening and of his or her disqualification.
- Maintain documentation of the results for each person screened and the written notice of disqualification.

The bill further provides that in a civil action for the death of, or injury or damage to, a third person caused by the intentional tort of an athletic coach that relates to alleged sexual misconduct by the athletic coach, there is a rebuttable presumption that the independent sanctioning authority was not negligent in authorizing the athletic coach if the authority complied with the background screening and disqualification requirements prior to such authorization.

Finally, the bill contains a statement that the Legislature encourages independent sanctioning authorities for youth athletic teams to participate in the Volunteer and Employee Criminal History System, as authorized by the National Child Protection Act of 1993 and s. 943.0542, F.S.

If approved by the Governor, these provisions take effect July 1, 2010.

Vote: Senate 38-0; House 116-0