

1                                   A bill to be entitled  
 2           An act relating to athletic coaches; defining the terms  
 3           "athletic coach" and "independent sanctioning authority";  
 4           requiring the independent sanctioning authority of a youth  
 5           athletic team to background screen current and prospective  
 6           athletic coaches through designated federal and state sex  
 7           offender Internet websites; requiring the independent  
 8           sanctioning authority to disqualify any athletic coach  
 9           appearing on either registry; requiring the independent  
 10          sanctioning authority to provide a disqualified coach with  
 11          written notice; requiring the independent sanctioning  
 12          authority to maintain documentation of screening results  
 13          and disqualification notices; providing a rebuttable  
 14          presumption that an independent sanctioning authority did  
 15          not negligently authorize an athletic coach for purposes  
 16          of a civil action for an intentional tort relating to  
 17          sexual misconduct if the authority complied with the  
 18          screening and disqualification requirements; encouraging  
 19          independent sanctioning authorities for youth athletic  
 20          teams to participate in the Volunteer and Employee  
 21          Criminal History System; providing an effective date.

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 23   Be It Enacted by the Legislature of the State of Florida:

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 25           Section 1. Athletic coaches for independent sanctioning  
 26           authorities.--

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

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

29 1. Is authorized by an independent sanctioning authority  
 30 to work, whether for compensation or as a volunteer, for a youth  
 31 athletic team for 20 or more hours within a calendar year; and

32 2. Has direct contact with one or more minors on the youth  
 33 athletic team.

34 (b) "Independent sanctioning authority" means a private,  
 35 non-governmental entity that organizes, operates, or coordinates  
 36 a youth athletic team in this state. Such team shall include one  
 37 or more minors, as defined in s. 1.01, and may not be affiliated  
 38 with a private school as defined in s. 1002.01(2).

39 (2) An independent sanctioning authority shall:

40 (a) Conduct a background screening of each current and  
 41 prospective athletic coach. No person shall be authorized by the  
 42 independent sanctioning authority to act as an athletic coach  
 43 after July 1, 2008, unless the background screening has been  
 44 conducted and did not result in disqualification under paragraph  
 45 (b). Background screenings shall be annually repeated for each  
 46 athletic coach. For purposes of this section, the background  
 47 screening shall be conducted with a search of the athletic  
 48 coach's name or other identifying information against state and  
 49 federal registries of sexual predators and sexual offenders,  
 50 which are available to the public on an Internet site provided  
 51 by:

52 1. The Department of Law Enforcement under s. 943.043; and

53 2. The Attorney General of the United States under 42  
 54 U.S.C. § 16920.

55 (b) Disqualify any person from acting as an athletic coach  
 56 if he or she is identified on either registry under paragraph

57 (a) .

58 (c) Provide written notice to a person disqualified within  
 59 seven business days following the background screening under  
 60 paragraph (a), which advises the person of the results and of  
 61 his or her disqualification.

62 (d) Maintain documentation of:

63 1. The results for each person screened under paragraph  
 64 (a); and

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

67 (3) In a civil action for the death of, or injury or  
 68 damage to, a third person caused by the intentional tort of an  
 69 athletic coach, which relates to sexual misconduct, it is a  
 70 rebuttable presumption that the independent sanctioning  
 71 authority was not negligent in authorizing the athletic coach if  
 72 prior to such authorization it complied with the background  
 73 screening and disqualification requirements of subsection (2).

74 (4) The Legislature encourages independent sanctioning  
 75 authorities for youth athletic teams to participate in the  
 76 Volunteer and Employee Criminal History System, as authorized by  
 77 the National Child Protection Act of 1993 and s. 943.0542.

78 Section 2. This act shall take effect July 1, 2008.