

CHAPTER 2014-9

Committee Substitute for Senate Bill No. 358

An act relating to athletic coaches for youth athletic teams; amending s. 943.0438, F.S.; revising the definition of the term “athletic coach”; expanding provisions relating to athletic coaches for independent sanctioning authorities to require such authorities to conduct specified background screening of certain coaches of youth athletic teams; providing that the duty may not be delegated; providing for disqualification; providing for exemption from disqualification; requiring that specified documentation be maintained for a specified period by such authorities; providing an effective date.

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

Section 1. Subsection (1) and paragraphs (a), (b), (c), and (d) of subsection (2) of section 943.0438, Florida Statutes, are amended to read:

943.0438 Athletic coaches for independent sanctioning authorities.—

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

(a) “Athletic coach” means a person who:

1. 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

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

(b) “Independent sanctioning authority” means 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.

(2) An independent sanctioning authority shall:

(a)1. Conduct a level 1 background screening pursuant to s. 435.03 of each current and prospective athletic coach. The authority may not delegate this responsibility to an individual team and may not authorize any ~~No~~ person shall be authorized by the independent sanctioning authority to act as an athletic coach unless a level 1 background screening is ~~has been~~ conducted and does ~~did~~ not result in disqualification under paragraph (b). Level 1 background screenings shall be conducted annually for each athletic coach. For purposes of this section, a background screening shall include ~~be conducted with~~ a search of the athletic coach’s name or other identifying information against state and federal registries of sexual predators and

sexual offenders, which are available to the public on Internet sites provided by:

- a. The Department of Law Enforcement under s. 943.043; and
- b. The Attorney General of the United States under 42 U.S.C. s. 16920.

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

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

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

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

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

Section 2. This act shall take effect July 1, 2014.

Approved by the Governor May 12, 2014.

Filed in Office Secretary of State May 12, 2014.