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1  
2 An act relating to athletic coaches for youth athletic  
3 teams; amending s. 943.0438, F.S.; revising the  
4 definition of the term "athletic coach"; expanding  
5 provisions relating to athletic coaches for  
6 independent sanctioning authorities to require such  
7 authorities to conduct specified background screening  
8 of certain coaches of youth athletic teams; providing  
9 that the duty may not be delegated; providing for  
10 disqualification; providing for exemption from  
11 disqualification; requiring that specified  
12 documentation be maintained for a specified period by  
13 such authorities; providing an effective date.

14  
15 Be It Enacted by the Legislature of the State of Florida:

16  
17 Section 1. Subsection (1) and paragraphs (a), (b), (c), and  
18 (d) of subsection (2) of section 943.0438, Florida Statutes, are  
19 amended to read:

20 943.0438 Athletic coaches for independent sanctioning  
21 authorities.—

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

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

24 1. Is authorized by an independent sanctioning authority to  
25 work as a coach, assistant coach, or referee for 20 or more  
26 hours within a calendar year, whether for compensation or as a  
27 volunteer, for a youth athletic team based in this state; and

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

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30 (b) "Independent sanctioning authority" means a private,  
31 nongovernmental entity that organizes, operates, or coordinates  
32 a youth athletic team in this state if the team includes one or  
33 more minors and is not affiliated with a private school as  
34 defined in s. 1002.01.

35 (2) An independent sanctioning authority shall:

36 (a)1. Conduct a level 1 background screening pursuant to s.  
37 435.03 of each current and prospective athletic coach. The  
38 authority may not delegate this responsibility to an individual  
39 team and may not authorize any ~~No person shall be authorized by~~  
40 ~~the independent sanctioning authority~~ to act as an athletic  
41 coach unless a level 1 background screening is ~~has been~~  
42 conducted and does ~~did~~ not result in disqualification under  
43 paragraph (b). Level 1 background screenings shall be conducted  
44 annually for each athletic coach. For purposes of this section,  
45 a background screening shall include ~~be conducted with~~ a search  
46 of the athletic coach's name or other identifying information  
47 against state and federal registries of sexual predators and  
48 sexual offenders, which are available to the public on Internet  
49 sites provided by:

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

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

53 2. For purposes of this section, a background screening  
54 conducted by a commercial consumer reporting agency in  
55 compliance with the federal Fair Credit Reporting Act using the  
56 identifying information referenced in subparagraph 1. ~~and~~ that  
57 includes a level 1 background screening and a search of  
58 ~~searching~~ that information against the sexual predator and

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59 sexual offender Internet sites listed in sub-subparagraphs 1.a.  
60 and b. shall be deemed to satisfy ~~in compliance with~~ the  
61 requirements of this paragraph ~~section~~.

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

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

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

73 1. The results for each person screened under paragraph  
74 (a); and

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

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