

By Senator Ring

29-00558-14

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1                                   A bill to be entitled  
 2       An act relating to volunteers for organized youth  
 3       sports and recreational programs; amending s.  
 4       943.0438, F.S.; defining the terms "volunteer" and  
 5       "youth sports or recreation authority"; expanding  
 6       provisions relating to athletic coaches for  
 7       independent sanctioning authorities to require youth  
 8       sports or recreation authorities to conduct specified  
 9       background screening of all volunteers with any youth  
 10      athletic team or organized youth recreational program  
 11      using publicly owned facilities; prohibiting a youth  
 12      sports or recreation authority from delegating such  
 13      duty; requiring that specified documentation be  
 14      maintained for a specified period by such authorities;  
 15      conforming provisions to changes made by the act;  
 16      providing an effective date.

17  
 18 Be It Enacted by the Legislature of the State of Florida:

19  
 20       Section 1. Section 943.0438, Florida Statutes, is amended  
 21 to read:

22       943.0438 Volunteers ~~Athletic coaches~~ for organized youth  
 23 sports and recreation ~~independent sanctioning~~ authorities.-

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

25       (a) "Volunteer Athletic coach" means a person who:

26       1. Is authorized by a youth sports or recreation ~~an~~  
 27 ~~independent sanctioning~~ authority to work ~~for 20 or more hours~~  
 28 ~~within a calendar year~~, whether for compensation or as a  
 29 volunteer, for a youth athletic team or organized youth

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30 recreational program using publicly owned facilities based in  
31 this state; and

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

34 (b) "Youth sports or recreation ~~Independent sanctioning~~  
35 authority" means a private, nongovernmental entity that  
36 organizes, operates, or coordinates a youth athletic team or  
37 organized youth recreational program using publicly owned  
38 facilities in this state if the team or program includes one or  
39 more minors and is not affiliated with a private school as  
40 defined in s. 1002.01.

41 (2) A youth sports or recreation ~~An independent sanctioning~~  
42 authority shall:

43 (a)1. Conduct a background screening of each current and  
44 prospective volunteer athletic coach. The authority may not  
45 delegate this responsibility to an individual team or program  
46 and may not authorize a ~~No person shall be authorized by the~~  
47 ~~independent sanctioning authority~~ to act as a volunteer an  
48 ~~athletic coach~~ unless a background screening is ~~has been~~  
49 conducted and does ~~did~~ not result in disqualification under  
50 paragraph (b). Background screenings shall be conducted annually  
51 for each volunteer athletic coach. For purposes of this section,  
52 a background screening shall be conducted with a search of the  
53 volunteer's ~~athletic coach's~~ name or other identifying  
54 information against state and federal registries of sexual  
55 predators and sexual offenders, which are available to the  
56 public on Internet sites provided by:

- 57 a. The Department of Law Enforcement under s. 943.043; and  
58 b. The Attorney General of the United States under 42

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59 U.S.C. s. 16920.

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

68 (b) Disqualify a ~~any~~ person from acting as a volunteer ~~an~~  
69 ~~athletic coach~~ if he or she is identified on a registry  
70 described in paragraph (a).

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

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

76 1. The results for each person screened under paragraph  
77 (a); and

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

80 (e) Adopt guidelines to educate volunteers ~~athletic~~  
81 ~~coaches~~, officials, administrators, and youth athletes and their  
82 parents or guardians of the nature and risk of concussion and  
83 head injury.

84 (f) Adopt bylaws or policies that require the parent or  
85 guardian of a youth who is participating in athletic competition  
86 or other recreational programs or who is a candidate for an  
87 athletic team or recreational program to sign and return an

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88 informed consent that explains the nature and risk of concussion  
89 and head injury, including the risk of continuing to play after  
90 concussion or head injury, each year before participating in  
91 athletic competition or other recreational programs, or engaging  
92 in any practice, tryout, workout, or other physical activity  
93 associated with the youth's candidacy for an athletic team or  
94 recreational program.

95 (g) Adopt bylaws or policies that require each youth  
96 athlete or recreational program participant who is suspected of  
97 sustaining a concussion or head injury in a practice or  
98 competition to be immediately removed from the activity. A youth  
99 athlete or recreational program participant who is ~~has been~~  
100 removed from an activity may not return to practice or  
101 competition until the youth or participant submits to a  
102 volunteer or volunteer supervisor ~~the athletic coach~~ a written  
103 medical clearance ~~to return~~ stating that he or she ~~the youth~~  
104 ~~athlete~~ no longer exhibits signs, symptoms, or behaviors  
105 consistent with a concussion or other head injury. Medical  
106 clearance must be authorized by the appropriate health care  
107 practitioner trained in the diagnosis, evaluation, and  
108 management of concussions as defined by the Sports Medicine  
109 Advisory Committee of the Florida High School Athletic  
110 Association.

111 (3) In a civil action for the death of, or injury or damage  
112 to, a third person caused by the intentional tort of a volunteer  
113 ~~an athletic coach~~ that relates to alleged sexual misconduct by  
114 the volunteer athletic coach, there is a rebuttable presumption  
115 that the youth sports or recreation ~~independent sanctioning~~  
116 authority was not negligent in authorizing the person to act as

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117 a volunteer ~~athletic coach~~ if the authority complied with the  
118 background screening and disqualification requirements of  
119 subsection (2) before ~~prior to~~ such authorization.

120 (4) The Legislature encourages youth sports and recreation  
121 ~~independent sanctioning~~ authorities ~~for youth athletic teams~~ to  
122 participate in the Volunteer and Employee Criminal History  
123 System, as authorized by the National Child Protection Act of  
124 1993 and s. 943.0542.

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