

1 A bill to be entitled
2 An act relating to athletics; creating s. 760.12,
3 F.S.; requiring specified organizations using
4 specified facilities to comply with policies regarding
5 bullying and harassment promulgated by the local
6 school board; amending s. 943.0438, F.S.; requiring
7 sanctioning authority for athletic coaches to require
8 athletes to sign a pledge against bullying; amending
9 s. 1006.20, F.S.; requiring the Florida High School
10 Athletic Association to adopt specified guidelines
11 regarding the promotion of respectful conduct in
12 interscholastic athletics; requiring that participants
13 in interscholastic athletics sign a pledge; requiring
14 that interscholastic athletics coaching staff be
15 trained in policies promoting mutual respect in
16 athletics; requiring sanctions for bullying or
17 harassment that occurs in games or competitions;
18 creating s. 1006.74, F.S.; prohibiting bullying or
19 harassment in intercollegiate athletics; requiring
20 specified public and nonpublic postsecondary
21 educational institutions to adopt written policies
22 regarding the promotion of respectful conduct in
23 intercollegiate athletics; providing requirements for
24 such policy; requiring that participants in
25 intercollegiate athletics sign a pledge against
26 prohibited conduct; requiring that coaching staff

27 involved in intercollegiate athletics be trained on
 28 the prevention of prohibited conduct; providing that
 29 there is no private right of action; providing for
 30 reference of incidents to proper authorities;
 31 creating s. 760.101, F.S.; providing that it is an
 32 unlawful employment practice for a professional sports
 33 franchise to fail to take reasonable measures to
 34 prevent abusive conduct; providing that there is no
 35 private right of action; providing for enforcement by
 36 the Attorney General in a civil action; providing an
 37 effective date.

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

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41 Section 1. Section 760.12, Florida Statutes, is created to
 42 read:

43 760.12 Promotion of respectful conduct in athletics using
 44 public accommodations.—

45 (1) An organization permitted to use any state, county,
 46 municipal or school board playing field, athletic facility, or
 47 other public accommodations for the purpose of sponsored non-
 48 interscholastic athletic competition by persons younger than 18
 49 years of age must, as a condition of such use, agree to
 50 substantially comply with the policies regarding bullying and
 51 harassment developed by the school board for the county in which
 52 the playing field, athletic facility, or other public

53 accommodations is located.

54 (2) As used in this section, the term:

55 (a) "Public accommodations" has the same meaning as
 56 provided in s. 760.02.

57 (b) "Sponsored non-interscholastic athletic competition"
 58 means an athletic competition organized and supervised by a
 59 group, league, or similar organization other than a public or
 60 private school.

61 Section 2. Subsection (2) of section 943.0438, Florida
 62 Statutes, is amended, and subsection (5) of said section is
 63 crated, to read:

64 943.0438 Athletic coaches for independent sanctioning
 65 authorities.—

66 (2) An independent sanctioning authority shall:

67 (a)1. Conduct a background screening of each current and
 68 prospective athletic coach. No person shall be authorized by the
 69 independent sanctioning authority to act as an athletic coach
 70 unless a background screening has been conducted and did not
 71 result in disqualification under paragraph (b). Background
 72 screenings shall be conducted annually for each athletic coach.
 73 For purposes of this section, a background screening shall be
 74 conducted with a search of the athletic coach's name or other
 75 identifying information against state and federal registries of
 76 sexual predators and sexual offenders, which are available to
 77 the public on Internet sites provided by:

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

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

81 2. For purposes of this section, a background screening
82 conducted by a commercial consumer reporting agency in
83 compliance with the federal Fair Credit Reporting Act using the
84 identifying information referenced in subparagraph 1. and that
85 includes searching that information against the sexual predator
86 and sexual offender Internet sites listed in sub-subparagraphs
87 1.a. and b. shall be deemed in compliance with the requirements
88 of this section.

89 (b) Disqualify any person from acting as an athletic coach
90 if he or she is identified on a registry described in paragraph
91 (a).

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

96 (d) Maintain documentation of:

97 1. The results for each person screened under paragraph
98 (a); and

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

101 (5) An independent sanctioning authority shall adopt:

102 (a)-(e) Adopt Guidelines to educate athletic coaches,
103 officials, administrators, and youth athletes and their parents
104 or guardians of the nature and risk of concussion and head

105 injury.

106 (b) (f) ~~Adopt~~ Bylaws or policies that require the parent or
 107 guardian of a youth who is participating in athletic competition
 108 or who is a candidate for an athletic team to sign and return an
 109 informed consent that explains the nature and risk of concussion
 110 and head injury, including the risk of continuing to play after
 111 concussion or head injury, each year before participating in
 112 athletic competition or engaging in any practice, tryout,
 113 workout, or other physical activity associated with the youth's
 114 candidacy for an athletic team.

115 (c) (g) ~~Adopt~~ Bylaws or policies that require each youth
 116 athlete who is suspected of sustaining a concussion or head
 117 injury in a practice or competition to be immediately removed
 118 from the activity. A youth athlete who has been removed from an
 119 activity may not return to practice or competition until the
 120 youth submits to the athletic coach a written medical clearance
 121 to return stating that the youth athlete no longer exhibits
 122 signs, symptoms, or behaviors consistent with a concussion or
 123 other head injury. Medical clearance must be authorized by the
 124 appropriate health care practitioner trained in the diagnosis,
 125 evaluation, and management of concussions as defined by the
 126 Sports Medicine Advisory Committee of the Florida High School
 127 Athletic Association.

128 (d) Bylaws or policies that require a youth who is
 129 participating in athletic competition or who is a candidate for
 130 an athletic team to sign and return a pledge to not participate

131 in bullying or harassment.

132 Section 3. Paragraph (n) is added to subsection (2) of
 133 section 1006.20, Florida Statutes, to read:

134 1006.20 Athletics in public K-12 schools.—

135 (2) ADOPTION OF BYLAWS, POLICIES, OR GUIDELINES.—

136 (n) The FHSAA shall adopt guidelines for the prevention of
 137 bullying and harassment in athletics. The guidelines must
 138 include:

139 1. A requirement that every student athlete who seeks to
 140 participate in a sport shall sign a pledge that he or she will
 141 not engage in bullying or harassment while participating in
 142 interscholastic athletics. No student athlete may participate in
 143 any tryout, practice or competition until such pledge is signed.
 144 There shall be no sanction against an athlete or school for
 145 failure to obtain a signed form unless the failure was
 146 intentional and willful.

147 2. Training of all coaches involved in interscholastic
 148 athletics. The training must teach the prevention of bullying
 149 and harassment in athletics. Such training must include
 150 instruction on identifying, preventing, and responding to
 151 bullying and harassment in athletics, including instruction on
 152 recognizing behaviors that lead to bullying and harassment in
 153 athletics and taking appropriate preventive action based on
 154 those observations. Training shall be required on a schedule
 155 created by the FHSAA. There shall be no sanction against a coach
 156 or school for failure to complete the required training unless

157 the failure was intentional and willful.

158 3. Training of game officials in the prevention of bullying
 159 and harassment occurring during games or competitions sanctioned
 160 by the FHSAA.

161 4. Implementation of appropriate sanctions for
 162 unsportsmanlike conduct related to bullying and harassment that
 163 occurs in the presence of sports officials during games or
 164 competitions. Sanctions shall provide for a warning prior to
 165 ejection, and the maximum punishment may not exceed ejection
 166 from the game or competition. Any ejection shall be reported to
 167 the principal of the athlete's school.

168 Section 4. Section 1006.74, Florida Statutes, is created
 169 to read:

170 1006.74 Bullying and harassment in intercollegiate
 171 athletics prohibited.—

172 (1) Bullying or harassment of any student participating in
 173 intercollegiate athletics is prohibited. As used in this
 174 section, the terms "bullying" and "harassment" have the same
 175 meanings as provided in s. 1006.147.

176 (2) Public and nonpublic postsecondary educational
 177 institutions whose students receive state student financial
 178 assistance shall, if those students participate in
 179 intercollegiate athletics, adopt a written policy on the subject
 180 of bullying and harassment in intercollegiate athletics. Such
 181 policy must:

182 (a) Include rules prohibiting students from engaging in

183 bullying or harassment in intercollegiate athletics.

184 (b) Require, as a condition of participation in
 185 intercollegiate athletics, that each athlete sign a pledge not
 186 to engage in bullying or harassment in the course of
 187 intercollegiate athletics. No student athlete may participate in
 188 any tryout, practice or competition until such pledge is signed.

189 (c) Require the training of coaching staff involved in
 190 intercollegiate athletics on the prevention of bullying and
 191 harassment in athletics. Such training must include instruction
 192 on identifying, preventing, and responding to bullying and
 193 harassment in athletics, including instruction on recognizing
 194 behaviors that lead to bullying and harassment in athletics and
 195 taking appropriate preventive action based on those
 196 observations.

197 (3) This section does not create a private right of
 198 action. A student who violates a policy against bullying or
 199 harassment shall be referred to the disciplinary authority of
 200 the college or university pursuant to s. 1006.62. Where
 201 appropriate, a person shall be referred to law enforcement
 202 authorities where conduct appears to be a violation of s.
 203 1006.63.

204 Section 5. Section 760.101, Florida Statutes, is created
 205 to read:

206 760.101 Unlawful employment practices in professional
 207 athletics.—

208 (1) It is an unlawful employment practice for a

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209 professional sports franchise based in Florida to fail to take
210 reasonable measures to prevent abusive conduct targeted at any
211 player, including abusive conduct inflicted by another player.

212 (2) This section does not create a private right of
213 action. The Attorney General may bring a civil action seeking
214 injunctive relief to enforce this section. In addition to
215 injunctive relief, or in lieu thereof, for any employer or other
216 person found to have willfully violated this section, the
217 Attorney General may seek to impose a fine of \$10,000 per
218 violation, payable to the state.

219 Section 6. This act shall take effect July 1, 2014.

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