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# AGENDA ITEM SUMMARY

**MEETING DATE:** February 3, 2025

**AGENDA ITEM NO.:** 10

**FOR:**

City of Weston    Indian Trace Development District    Bonaventure Development District

**TITLE:**

An Ordinance of the City of Weston, Florida, amending the Code of Ordinances of the City, Section 1.01, "Definitions," to provide for a definition of "Independent Sanctioning Authority" and "Athletic Coaches", remove the definition of "Sports League Official;" and amending Section 100.11, "Background Checks," to revise the background checks requirements for athletic coaches to conform to state law; and providing for an effective date.

***Public Hearing and First Reading***

**SUMMARY EXPLANATION & BACKGROUND:**

The City Commission desires to amend the City Code by revising the background checks requirements for Sports League Officials to conform to recent revisions to state law.

**REQUESTED ACTION:** Approval

**EXHIBITS (LIST):** Ordinance

**PREPARED BY:**

Jamie Alan Cole, City Attorney

**PETITIONER/REPRESENTATIVE:**

Not Applicable

**RECOMMENDED FOR CONSIDERATION BY:**

Donald P. Decker, City Manager  
Jamie Alan Cole, City Attorney

**FUNDING SOURCE:**

Not Applicable

**VOTING REQUIRED FOR PASSAGE:**

Majority    Majority Plus One    Unanimous

**COMMISSION ACTION:**

	M	2	Y	N		
					Approved as presented	
Commissioner Andrade					Approved as amended	
Vice Mayor Mead					Approved with conditions	
Commissioner Molina-Macfie					Continued to	
Commissioner Jaffe					Deferred to	
Mayor Brown					To deny	

**CITY OF WESTON, FLORIDA  
ORDINANCE NO. 2025-\_\_**

AN ORDINANCE OF THE CITY OF WESTON, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY, SECTION 1.01, "DEFINITIONS," TO PROVIDE FOR A DEFINITION OF "INDEPENDENT SANCTIONING AUTHORITY" AND "ATHLETIC COACHES", REMOVE THE DEFINITION OF "SPORTS LEAGUE OFFICIAL;" AND AMENDING SECTION 100.11, "BACKGROUND CHECKS," TO REVISE THE BACKGROUND CHECKS REQUIREMENTS FOR ATHLETIC COACHES TO CONFORM TO STATE LAW; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, First, the City Commission desires to amend the City Code by revising the background checks requirements for Sports League Officials to conform to recent revisions to state law; and

WHEREAS, Second, the City Commission finds that it is in the best interest of the City to adopt this Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the City Commission of the City of Weston, Florida:

**Section 1.** The foregoing Whereas clauses are ratified and incorporated as the legislative intent and factual findings underlying this Ordinance.

**Section 2. Amendment to Chapter 1.**

Chapter 1, "Definitions," of the Code of Ordinances of the City of Weston is amended to read as follows:

**§ 1.01 DEFINITIONS.**

\* \* \*

**INDEPENDENT SANCTIONING AUTHORITY.** 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 F.S. § 1002.01.

\* \* \*

**LEVEL 2 BACKGROUND CHECK.** A background check as described in F.S. § ~~435.04~~ 943.0438.

\* \* \*

~~**SPORTS LEAGUE OFFICIAL.**~~ **ATHLETIC COACHES.** Any Person who is authorized by a sports league to work, whether for compensation or as a volunteer, in (a) a position of, or in a position with substantially similar duties as, a coach, assistant coach, trainer, team manager, referee, officer or board member, or (b) any other position for 10 or more hours within a Year and has direct contact with one or more minors participants in a sports league at City facilities, courts or playing fields. A

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1 person authorized by an Independent Sanctioning Authority to work as a coach, assistant coach,  
2 manager, or referee, whether for compensation or as a volunteer, for a youth athletic team based in  
3 Florida; and has direct contact with one or more minors on the youth athletic team.

4  
5 \* \* \*

6  
7 **Section 3. Amendment to Chapter 100.**

8  
9 Chapter 100, "Public Parks, Recreation and Special Events," of the Code of Ordinances of the  
10 City of Weston is amended to read as follows:

11  
12 **§ 100.11 BACKGROUND CHECKS.**

13  
14 100.11(A) **Background check requirement.** All Sports League Officials Athletic Coaches,  
15 trainers and officers or board members of the sports leagues shall be required to undergo background  
16 checks; provided, however, this requirement shall only apply to Sports League Officials eighteen  
17 years and older. The local level governing board Independent Sanctioning Authority of the sports  
18 league shall ensure that such background checks are conducted. The local governing board of the  
19 sports league may not delegate this responsibility to an individual team and may not authorize any  
20 Person to act as a Sports League Official an Athletic Coach or participate as a trainer, or officer or  
21 board member, unless a Level 2 Background Check is conducted that does not result in  
22 disqualification for any of the following offenses defined in F.S. § 435.04(2), unless the Sports League  
23 Official has been adjudicated not guilty of all such offenses:-

24  
25 ~~100.11(A)(1) All sex offenses regardless of the amount of time since the offense (examples~~  
26 ~~include child molestation, rape, sexual assault, sexual battery, sodomy, prostitution, solicitation,~~  
27 ~~indecent exposure or similar offenses)-~~

28  
29 ~~100.11(A)(2) All felony offenses involving violence regardless of the amount of time since the~~  
30 ~~offense (examples include murder, manslaughter, aggravated assault, kidnapping, robbery,~~  
31 ~~aggravated burglary)-~~

32  
33 ~~100.11(A)(3) All felony offenses other than violence or sex offenses within the past ten years~~  
34 ~~(examples include drug offenses, theft, embezzlement, fraud, child endangerment)-~~

35  
36 ~~100.11(A)(4) All misdemeanor violence offenses within the past seven years (examples include~~  
37 ~~simple assault, battery, domestic violence, hit and run)-~~

38  
39 ~~100.11(A)(5) Two misdemeanor drug or alcohol offenses within the past ten years (examples~~  
40 ~~include driving under the influence, simple drug possession, drunk and disorderly conduct, public~~  
41 ~~intoxication, possession of drug paraphernalia)-~~

42  
43 ~~100.11(A)(6) Any other misdemeanor within the past five years that would be considered a~~  
44 ~~potential danger to children or is directly related to the functions of that volunteer (examples include~~  
45 ~~contributing to the delinquency of a minor, providing alcohol to a minor, theft if the volunteer is to~~  
46 ~~handle money)-~~

47  
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1 100.11(B) **Type of background check.** A Level 2 Background Check that identifies an  
2 individual's entire criminal history shall be conducted in accordance with F.S. § 943.0438 and all  
3 other applicable law.

4  
5 100.11(C) **Frequency of background checks.** Every adult who is new to a City youth sports  
6 league shall be subject to an initial background check that shall be completed prior to that adult's  
7 involvement in any capacity. A background check shall be conducted ~~annually~~ in accordance with  
8 F.S. § 943.0438 this Section and all other applicable law.

9  
10 100.11(D) **Responsibility for payment of costs.** All background check related costs shall be the  
11 sole responsibility of the league. In the event that an Sports League Official Athletic Coach, trainer  
12 or officer or board member is involved in more than one sports league, the respective leagues should  
13 work together to share the costs in a mutually beneficial manner.

14  
15 100.11(E) **Notification regarding compliance.** Prior to the commencement of each Year's  
16 practice season, the local level governing board of the league shall submit written certification to the  
17 City that the league has complied with the City's requirements regarding background checks on all  
18 Sports League Officials Athletic Coaches, trainers or officers or board members. The certifying  
19 document shall be signed by the presiding officer of the local level governing board of the league.  
20 Should an adult commence participation in the league after the commencement of the practice  
21 season, the league shall, as soon as reasonably possible, submit a supplemental certifying document  
22 regarding a background check on the new adult participant. The certifying document shall read as  
23 follows:

24  
25 "In accordance with and pursuant to Chapter 100 of the City of Weston Code, the  
26 (League Name) hereby certifies that it has complied with the City's requirements  
27 regarding background checks on all Sports League Officials Athletic Coaches, trainers  
28 or officers or board members."

29  
30 100.11(F) **Responsibility of records maintenance, ownership, and control.** Maintenance,  
31 ownership, and control of all background check records and information generated, received,  
32 possessed and stored shall be the sole responsibility of the league, and shall be retained for a period  
33 of at least five Years in accordance with F.S. § 943.0438 and all other applicable law.

34  
35 100.11(G) **Failure to pass a Level 2 Background Check.** Any Sports League Official Athletic  
36 Coach, trainer or officer or board member who has not passed a criminal background check, in  
37 accordance with F.S. § 943.0438, this Section and all other applicable law, is prohibited from  
38 functioning in an official capacity until such time as the process has been successfully completed.  
39 Any sports league that is found to be in violation of this Section is subject to a suspension or  
40 revocation of its facilities use permit.

#### 41 42 **Section 4. Codification.**

43  
44 It is the intention of the City Commission that the provisions of this Ordinance become and  
45 be made part of the City Code, and that the Sections of this Ordinance and Code may be renumbered  
46 or relettered and the word "ordinance" may be changed to "section" or such other appropriate word  
47 or phrase to accomplish such intentions.

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1  
2 **Section 5. Severability.**  
3

4 Should any section, paragraph, sentence, clause, phrase or other part of this Ordinance be  
5 declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity  
6 of this Ordinance as a whole or any portion thereof, other than the part so declared to be invalid.  
7

8 **Section 6. Conflict.**  
9

10 That all Sections or parts of Sections of the Code of Ordinances, all Ordinances or parts of  
11 Ordinances, and all Resolutions, or parts of Resolutions, in conflict with this Ordinance are repealed  
12 to the extent of such conflict.  
13

14 **Section 7. Effective Date.**  
15

16 This Ordinance shall become effective upon passage and adoption; and all Persons shall  
17 comply with the requirements of this Ordinance retroactive from January 1, 2025.  
18

19 PASSED ON FIRST READING \_\_\_\_\_.

20 PASSED AND ADOPTED ON SECOND READING \_\_\_\_\_.

21  
22  
23  
24 CITY COMMISSION  
25 CITY OF WESTON, FLORIDA

26  
27  
28 By \_\_\_\_\_  
29 Margaret Brown, Mayor

30 ATTEST:

31  
32  
33 \_\_\_\_\_  
34 Patricia A. Bates, MMC, City Clerk

35 Approved as to form and legality  
36 for the use of and reliance by the  
37 City of Weston only:

38  
39 \_\_\_\_\_  
40 Jamie Alan Cole, City Attorney  
41

Roll Call:  
Commissioner Andrade \_\_\_\_\_  
Vice Mayor Mead \_\_\_\_\_  
Commissioner Molina-Macfie \_\_\_\_\_  
Commissioner Jaffe \_\_\_\_\_  
Mayor Brown \_\_\_\_\_

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