

**ORDINANCE NO. 2008-24**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PARKLAND, FLORIDA, REQUIRING BACKGROUND CHECKS FOR ADULTS INVOLVED IN CITY RECOGNIZED SPORTS ORGANIZATIONS; CONTAINING A PROVISION FOR IMPLEMENTATION; PROVIDING FOR INCLUSION IN THE CITY CODE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City Commission of the City of Parkland operates numerous recreational facilities in which youth leagues play a prominent role; and

**WHEREAS**, the City Commission wishes to protect the youth of the City participating in leagues at City parks; and

**WHEREAS**, the City Commission finds that background screening for adults involved in City Recognized Sports Organizations would aid in protecting the health, safety and welfare of youth participating in leagues at City parks; and

**WHEREAS**, the City wishes to undertake a background screening program consistent with the standards of the National Recreation and Park Association (the Association) which standards the City finds will protect the public health and safety; and

**WHEREAS**, the City Commission of Parkland, Florida finds and determines that amending Chapter 11 of the City's Code of Ordinance is necessary to protect the health, safety, property, and welfare of the citizens and residents of the City of Parkland.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF PARKLAND, AS FOLLOWS:**

**SECTION 1.** The above referenced Whereas clauses are true and express the intent of the City Commission in adopting this ordinance.

**SECTION 2.** That Chapter 11, Code of Ordinance entitled "Offenses and Miscellaneous Provisions", Article II entitled "Park Regulations" is hereby amended by adding Section 11-80 entitled "Background Checks in Organized Sport".

**SECTION 3.** All City Recognized Sports Organizations that utilize any City facility, court, or playing field, shall be required to comply with the standards and requirements of this ordinance. The local level governing board of each City Recognized Sports Organization shall be required to certify compliance with this requirement as set forth herein. This shall be a condition of the authorized use of the fields by the particular City Recognized Sports Organization governed by the local level of governing board. The City Manager or his/her designee is hereby authorized and directed to prohibit any City Recognized Sports Organization which does not comply with these requirements from utilizing any City facility, court, or playing field.

**SECTION 4.** The City hereby adopts the following criteria for exclusion of adult managers, coaches and any other person 16 years of age or older, who has any supervisory or coaching responsibility, regardless of title or designation including league board members (hereinafter referred to as Volunteer). Any Volunteer shall be disqualified from participating as a Volunteer on City owned fields if the person has been found guilty of any one of the following crimes (guilty means that a person was found guilty following a trial, entered a guilty plea, entered a no contest plea, accompanied by a court finding of guilty, regardless of whether there was an adjudication of guilt or a withholding of guilt):

**Sex Offenses:**

All sex offenses, regardless of the amount of time since offense (examples include child molestation, rape, sexual assault, sexual battery, sodomy, prostitution, solicitation, indecent exposure or similar offenses).

**Felonies:**

All felony offenses involving violence, regardless of the amount of time since offense.

All felony offenses other than violence or sexual offenses within the past ten year.

**Misdemeanors:**

All misdemeanor violent offenses within the past seven years (examples include simple assault, battery, domestic violence, hit and run, and similar offenses).

All misdemeanor drug and alcohol offenses within the past five years or multiple offenses within the past ten years (examples include driving under the influence, simple drug possession, drunk and disorderly conduct, public intoxication, possession of drug paraphernalia and similar offenses).

Any other misdemeanor within the past five years that would be considered a potential danger to children or is directly related to the functions of that Volunteer (contributing to the delinquency of a minor, providing alcohol to a minor, theft - if person is handling monies, and related offenses).

The City further finds that any volunteer who has been charged with any of the disqualifying offenses above with cases pending in court should not be permitted to volunteer until the official adjudication of the case.

**SECTION 5.** The City adopts the standards of the Association for screening of volunteers. The City shall require all volunteers to be screened for the above recommended exclusionary criteria once a year as of October 1, 2008; City Recognized Sports Organizations already in season (as of October 2, 2008) will be exempt until the season commencing after October 2, 2008.

**SECTION 6.** All City Recognized Sports Organizations that utilize any City facility, court, or playing field shall be required to provide the names of all volunteers and the payment of a fee established by the City Manager for each volunteer so that the City may undertake the required background screening to determine if the volunteers should be excluded based upon the above stated criteria. No volunteer shall be permitted to participate in the activities of a City Recognized Sports Organization until the City has received the results of the background check and a finding has been made that the volunteer is not disqualified. The City shall make arrangements with a qualified entity to undertake the background screening. The City Manager shall authorize an approved set of forms to implement the requirements of this ordinance; all City Recognized Sports Organizations shall supply the information required by the form as a requirement of this ordinance. The standards as set forth in this ordinance shall be applied by the background screening entity. The background screening entity shall undertake the background screening and provide the results to the City. The results shall be simply a statement of whether

the specific volunteer satisfies the criteria or should be excluded by failing to satisfy the criteria set forth above. If the determination by the background screening entity contracted by the City is that the volunteer does not meet the criteria set forth herein, then the City shall provide said notice to the City Recognized Sports Organizations and the volunteer shall not be permitted to participate in any City Recognized Sports Organization activity on any City facility, court or playing field as a manager, coach, supervisor or assistant. All City Recognized Sports Organizations using any City facility, court or playing field shall comply with these requirements and shall not permit any volunteer who has not satisfied the exclusionary criteria to participate in violation of this ordinance.

**SECTION 7.** The Sports Policy of the City of Parkland as set forth in Resolution 2007-42A shall be amended to include this ordinance.

**SECTION 8.** Upon receiving results of background screenings from the City, each City Recognized Sports Organization shall notify its participants of all coaches who have been approved through the screening process.

**SECTION 9.** It is the intention of the City Commission and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Parkland, Florida, and the sections of this Ordinance may be renumbered to accomplish such intent.

**SECTION 10.** If any word, phrase, clause, sentence, or section of this Ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of this Ordinance.

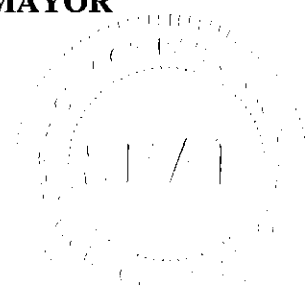
**SECTION 11.** That this Ordinance shall be in full force and effect immediately upon its passage and adoption.

**PASSED ON FIRST READING ON THIS 20<sup>th</sup> DAY OF AUGUST, 2008.**

**PASSED AND ADOPTED ON SECOND READING THIS 1 DAY OF October, 2008.**

**CITY OF PARKLAND, FLORIDA**

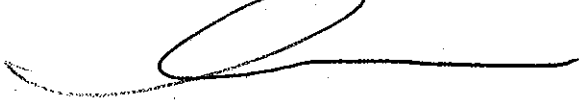
**MICHAEL UDINE, MAYOR**



ATTEST:

  
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SANDRA COUZZO, CMC, CITY CLERK

APPROVED AS TO FORM AND LEGALITY:

  
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ANDREW S. MAURODIS, CITY ATTORNEY