

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF KEY WEST,
FLORIDA, AMENDING CHAPTER 6 ("AMUSEMENTS
AND ENTERTAINMENT") OF THE CODE OF
ORDINANCES, BY CREATING ARTICLE V
ENTITLED "USE OF CITY RECREATIONAL FIELDS
AND ATHLETIC COACH REQUIREMENTS"
PROVIDING FOR SEVERABILITY; PROVIDING
FOR REPEAL OF INCONSISTENT PROVISIONS;
PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Florida Statute 943.0438 goes into effect on January 1, 2025 and mandates that independent sanctioning authorities conducting youth athletic programs must perform level 2 background screenings, disqualify unsuitable individuals, and adopt concussion protocols for youth athletes; and

WHEREAS, the City of Key West (the "City") seeks to ensure that youth athletic leagues or organizations using city fields or facilities comply with these requirements, as well as adopt and enforce bylaws that promote a safe environment for young athletes; and

WHEREAS, the City desires to provide clear guidelines for the issuance, suspension, or revocation of Field Use Agreements when these important health, safety, and welfare obligations are not met;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF KEY
WEST, FLORIDA:

**Section 1: That Chapter 6, Article V, Section 6-300 of
the Code of Ordinances is hereby created as follows*:**

Sec. 6-300 - Title.

This Ordinance shall be known as the "Athletic Coach
Requirements Ordinance."

**Section 2: That Chapter 6, Article V, Section 6-301 of
the Code of Ordinances is hereby created as follows*:**

Sec. 6-301 Applicability.

This Article applies to all independent sanctioning
authorities or clubs that organize, operate, or coordinate
youth athletic teams within the City of Key West using City-
owned or City-controlled parks, fields, or recreational
facilities, or who receive city funds to subsidize
operations.

*(Coding: Added language is underlined; deleted
language is ~~struck through~~ at first reading. Added language
is double underlined and ~~double struck through~~ at second
reading.)

**Section 3: That Chapter 6, Article V, Section 6-302 of the
Code of Ordinances is hereby created as follows*:**

Sec. 6-302 Incorporation of Florida Statute 943.0438.

(a) Florida Statute 943.0438, as it may be amended from time
to time, is hereby incorporated by reference.

(b) All independent sanctioning authorities and clubs subject
to this Article shall comply with the requirements set forth
in F.S. 943.0438.

**Section 4: That Chapter 6, Article V, Section 6-303 of
the Code of Ordinances is hereby created as follows*:**

Sec. 6-303 League Bylaws; Approval Required.

(a) Each independent sanctioning authority or youth
athletic league seeking to use city fields or city-
controlled recreational facilities must submit its bylaws
that are recognized by established national organizations
to the satisfaction of the City Manager for review and
approval as part of a Field Use Agreement within 30 days of
the effective date of this ordinance.

(b) Bylaws may not be amended without the prior written
consent of the City Manager.

(c) Minimum Requirements. The bylaws must incorporate or
reference the state mandated background screening,

disqualification, concussion education, and removal-from-play protocols mandated by Florida Statute 943.0438

(d) All concession agreements, and any ancillary or incidental contracts or agreements related to use of a city owned or controlled field or recreational facility must be provided to the city manager within 14 days of the effective date of this ordinance.

Section 5: That Chapter 6, Article V, Section 6-304 of the Code of Ordinances is hereby created as follows*:

Sec. 6-304 Field Use Agreements; Violation and Enforcement.

(a) Compliance with the provisions of Florida Statute 943.0438 and this Article is a condition of any field use agreement issued by the City to an independent sanctioning authority or youth athletic league.

(b) Any violation of the terms of this Article, Florida Statute 943.0438, or the field use agreement may result in the suspension or revocation of the field use agreement, and/or the revocation or suspension of any funding provided by the City of Key West.

(c) If the City Manager determines that a league has failed to comply with the requirements of this Article, the City Manager may suspend or revoke the field use agreement or

funding after notice is provided to the league or club representative of a hearing to determining if revocation or suspension of use is appropriate, with an opportunity for the league or club to be heard.

(d) A suspended field use agreement may be reinstated if the City Manager finds that the league or authority has corrected all violations and is in full compliance with this Article and state law.

(e) Any appeal of a decision from the City Manager to suspend or revoke a Field Use Agreement or funding can be appealed to the City Commission. A notice of appeal must be received by the City Clerk no later than the end of the tenth business day after an adverse decision was rendered.

Section 6: If any section, provision, clause, phrase, or application of this Ordinance is held invalid or unconstitutional for any reason by any court of competent jurisdiction, the remaining provisions of this Ordinance shall be deemed severable therefrom and shall be construed as reasonable and necessary to achieve the lawful purposes of this Ordinance.

Section 7: All Ordinances or parts of Ordinances of said City in conflict with the provisions of this Ordinance are hereby superseded to the extent of such conflict.

Section 8: This Ordinance shall go into effect immediately upon its passage and adoption and authentication by the signature of the presiding officer and the Clerk of the Commission.

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Read and passed on first reading at a regular meeting
held this _____ day of _____, 2024.

Read and passed on final reading at a regular meeting
held this _____ day of _____, 2024.

Authenticated by the presiding officer and Clerk of
the Commission on _____ day of _____, 2024.

Filed with the Clerk _____, 2024.

Mayor Danise Henriquez _____

Vice Mayor Sam Kaufman _____

Commissioner Lissette Carey _____

Commissioner Monica Haskell _____

Commissioner Mary Lou Hoover _____

Commissioner Donie Lee _____

Commissioner Clayton Lopez _____

DANISE HENRIQUEZ, MAYOR

ATTEST:

KERI O'BRIEN, CITY CLERK