

By Senators Gaetz and Stargel

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1 A bill to be entitled
2 An act relating to choice in sports; amending s.
3 1002.20, F.S.; revising public school choice options
4 available to students to include CAPE digital tools,
5 CAPE industry certifications, and collegiate high
6 school programs; authorizing parents of public school
7 students to seek private educational choice options
8 through the Florida Personal Learning Scholarship
9 Accounts Program under certain circumstances; revising
10 student eligibility requirements for participating in
11 high school athletic competitions; authorizing public
12 schools to provide transportation to students
13 participating in open enrollment; amending s. 1002.31,
14 F.S.; requiring each district school board and charter
15 school governing board to authorize a parent to have
16 his or her child participate in controlled open
17 enrollment; requiring the school district to report
18 the student for purposes of the school district's
19 funding; authorizing a school district to provide
20 transportation to such students; requiring that each
21 district school board adopt and publish on its website
22 a controlled open enrollment process; specifying
23 criteria for the process; prohibiting a school
24 district from delaying or preventing a student who
25 participates in controlled open enrollment from being
26 immediately eligible to participate in certain
27 activities; amending s. 1006.15, F.S.; defining the
28 term "eligible to participate"; conforming provisions
29 to changes made by the act; prohibiting a school

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30 district from delaying or preventing a student who
31 participates in open controlled enrollment from being
32 immediately eligible to participate in certain
33 activities; authorizing a transfer student to
34 immediately participate in interscholastic or
35 intrascholastic activities under certain
36 circumstances; prohibiting a school district or the
37 Florida High School Athletic Association (FHSAA) from
38 declaring a transfer student ineligible under certain
39 circumstances; amending s. 1006.20, F.S.; requiring
40 the FHSAA to allow a school to maintain full
41 membership in the association or to join by sport;
42 prohibiting the FHSAA from discouraging a school from
43 maintaining membership in the FHSAA and another
44 athletic association; specifying penalties for
45 recruiting violations; requiring a school to forfeit a
46 competition in which a student who was recruited by
47 specified adults participated; revising circumstances
48 under which a student may be declared ineligible;
49 requiring student ineligibility to be established by a
50 preponderance of the evidence; amending ss. 1012.795
51 and 1012.796, F.S.; conforming provisions to changes
52 made by the act; providing an effective date.

53
54 Be It Enacted by the Legislature of the State of Florida:

55
56 Section 1. Paragraphs (a) and (b) of subsection (6),
57 paragraph (a) of subsection (17), and paragraph (a) of
58 subsection (22) of section 1002.20, Florida Statutes, are

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59 amended to read:

60 1002.20 K-12 student and parent rights.—Parents of public
61 school students must receive accurate and timely information
62 regarding their child's academic progress and must be informed
63 of ways they can help their child to succeed in school. K-12
64 students and their parents are afforded numerous statutory
65 rights including, but not limited to, the following:

66 (6) EDUCATIONAL CHOICE.—

67 (a) *Public school choices.*—Parents of public school
68 students may seek any ~~whatever~~ public school choice options that
69 are applicable and available to students in their school
70 districts. These options may include controlled open enrollment,
71 single-gender programs, lab schools, virtual instruction
72 programs, charter schools, charter technical career centers,
73 magnet schools, alternative schools, special programs, auditory-
74 oral education programs, advanced placement, dual enrollment,
75 International Baccalaureate, International General Certificate
76 of Secondary Education (pre-AICE), CAPE digital tools, CAPE
77 industry certifications, collegiate high school programs,
78 Advanced International Certificate of Education, early
79 admissions, credit by examination or demonstration of
80 competency, the New World School of the Arts, the Florida School
81 for the Deaf and the Blind, and the Florida Virtual School.
82 These options may also include the public educational ~~school~~
83 choice options of the Opportunity Scholarship Program and the
84 McKay Scholarships for Students with Disabilities Program.

85 (b) *Private educational ~~school~~ choices.*—Parents of public
86 school students may seek private educational ~~school~~ choice
87 options under certain programs.

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88 1. Under the McKay Scholarships for Students with
89 Disabilities Program, the parent of a public school student with
90 a disability may request and receive a McKay Scholarship for the
91 student to attend a private school in accordance with s.
92 1002.39.

93 2. Under the Florida Tax Credit Scholarship Program, the
94 parent of a student who qualifies for free or reduced-price
95 school lunch or who is currently placed, or during the previous
96 state fiscal year was placed, in foster care as defined in s.
97 39.01 may seek a scholarship from an eligible nonprofit
98 scholarship-funding organization in accordance with s. 1002.395.

99 3. Under the Florida Personal Learning Scholarship Accounts
100 Program, the parent of a student with a qualifying disability
101 may apply for a personal learning scholarship to be used for
102 individual educational needs in accordance with s. 1002.385.

103 (17) ATHLETICS; PUBLIC HIGH SCHOOL.—

104 (a) *Eligibility.*—Eligibility requirements for all students
105 participating in high school athletic competition must allow a
106 student to be immediately eligible in the school in which he or
107 she first enrolls each school year, the school in which the
108 student makes himself or herself a candidate for an athletic
109 team by engaging in practice before enrolling, or the school to
110 which the student has transferred ~~with approval of the district~~
111 ~~school board~~, in accordance with ~~the provisions of~~ s.
112 1006.20(2)(a).

113 (22) TRANSPORTATION.—

114 (a) *Transportation to school.*—Public school students shall
115 be provided transportation to school, in accordance with ~~the~~
116 ~~provisions of~~ s. 1006.21(3)(a). Public school students may be

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117 provided transportation to school in accordance with the
118 controlled open enrollment provisions of s. 1002.31(2).

119 Section 2. Section 1002.31, Florida Statutes, is amended to
120 read:

121 1002.31 Controlled open enrollment; public school parental
122 choice.—

123 (1) As used in this section, "controlled open enrollment"
124 means a public education delivery system that allows school
125 districts to make student school assignments using parents'
126 indicated preferential school choice as a significant factor.

127 (2) (a) As part of a school district's controlled open
128 enrollment, and in addition to the existing public school choice
129 programs provided in s. 1002.20(6)(a), each district school
130 board shall allow a parent from any school district in the state
131 whose child is not subject to a current expulsion order to
132 enroll his or her child in and transport his or her child to any
133 public school that has not reached capacity in the district,
134 subject to the maximum class size pursuant to s. 1003.03 and s.
135 1, Art. IX of the State Constitution. The school district shall
136 accept the student, pursuant to that school district's
137 controlled open enrollment participation process, and report the
138 student for purposes of the school district's funding pursuant
139 to the Florida Education Finance Program. A school district may
140 provide transportation to students described under this
141 subsection at the district school board's discretion.

142 (b) Each charter school governing board shall allow a
143 parent whose child is not subject to a current expulsion order
144 to enroll his or her child in and transport his or her child to
145 the charter school if the school has not reached capacity,

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146 subject to the maximum class size pursuant to s. 1003.03 and s.
147 1, Art. IX of the State Constitution, and the enrollment
148 limitations pursuant to s. 1002.33(10)(e)1., 2., 5., 6., and 7.
149 A charter school may provide transportation to students
150 described under this subsection at the discretion of the charter
151 school's governing board.

152 (c) For purposes of continuity of educational choice, a
153 student who transfers pursuant to paragraph (a) or paragraph (b)
154 may remain at the school chosen by the parent until the student
155 completes the highest grade level at the school ~~may offer~~
156 ~~controlled open enrollment within the public schools which is in~~
157 ~~addition to the existing choice programs such as virtual~~
158 ~~instruction programs, magnet schools, alternative schools,~~
159 ~~special programs, advanced placement, and dual enrollment.~~

160 (3) Each district school board ~~offering controlled open~~
161 ~~enrollment~~ shall adopt by rule and post on its website the
162 process required to participate in controlled open enrollment.
163 The process ~~a controlled open enrollment plan which must:~~

164 (a) Adhere to federal desegregation requirements.

165 (b) Allow ~~Include an application process required to~~
166 ~~participate in controlled open enrollment that allows parents to~~
167 ~~declare school preferences, including placement of siblings~~
168 ~~within the same school.~~

169 (c) Provide a lottery procedure to determine student
170 assignment and establish an appeals process for hardship cases.

171 (d) Afford parents of students in multiple session schools
172 preferred access to controlled open enrollment.

173 (e) Maintain socioeconomic, demographic, and racial
174 balance.

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175 (f) Address the availability of transportation.

176 (g) Maintain existing academic eligibility criteria for
177 public school choice programs pursuant to s. 1002.20(6)(a).

178 (h) Identify schools that have not reached capacity, as
179 determined by the school district. In determining the capacity
180 of each school, the district school board shall incorporate the
181 specifications, plans, elements, and commitments contained in
182 the school district educational facilities plan and the long-
183 term work programs required under s. 1013.35.

184 (i) Ensure that each district school board adopts a policy
185 to provide preferential treatment to all of the following:

186 1. Dependent children of active duty military personnel
187 whose move resulted from military orders.

188 2. Children who have been relocated due to a foster care
189 placement in a different school zone.

190 3. Children who move due to a change in custody due to
191 separation, divorce, the serious illness of a custodial parent,
192 the death of a parent, or a court order.

193 4. Students residing in the school district.

194 (4) In accordance with the reporting requirements of s.
195 1011.62, each district school board shall annually report the
196 number of students exercising public school choice, by type
197 ~~attending the various types of public schools of choice in the~~
198 ~~district, in accordance with including schools such as virtual~~
199 ~~instruction programs, magnet schools, and public charter~~
200 ~~schools, according to~~ rules adopted by the State Board of
201 Education.

202 (5) For a school or program that is a public school of
203 choice under this section, the calculation for compliance with

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204 maximum class size pursuant to s. 1003.03 is the average number
205 of students at the school level.

206 (6) A school district may not delay eligibility or
207 otherwise prevent a student participating in controlled open
208 enrollment or a choice program from being immediately eligible
209 to participate in interscholastic and intrascholastic
210 extracurricular activities.

211 Section 3. Subsection (3) and paragraph (a) of subsection
212 (8) of section 1006.15, Florida Statutes, are amended, and
213 subsection (9) is added to that section, to read:

214 1006.15 Student standards for participation in
215 interscholastic and intrascholastic extracurricular student
216 activities; regulation.—

217 (3) (a) As used in this section and s. 1006.20, the term
218 "eligible to participate" includes, but is not limited to, a
219 student participating in tryouts, off-season conditioning,
220 summer workouts, preseason conditioning, in-season practice, or
221 contests. The term does not mean that a student must be placed
222 on any specific team for interscholastic or intrascholastic
223 extracurricular activities. To be eligible to participate in
224 interscholastic extracurricular student activities, a student
225 must:

226 1. Maintain a grade point average of 2.0 or above on a 4.0
227 scale, or its equivalent, in the previous semester or a
228 cumulative grade point average of 2.0 or above on a 4.0 scale,
229 or its equivalent, in the courses required by s. 1002.3105(5) or
230 s. 1003.4282.

231 2. Execute and fulfill the requirements of an academic
232 performance contract between the student, the district school

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233 board, the appropriate governing association, and the student's
234 parents, if the student's cumulative grade point average falls
235 below 2.0, or its equivalent, on a 4.0 scale in the courses
236 required by s. 1002.3105(5) or s. 1003.4282. At a minimum, the
237 contract must require that the student attend summer school, or
238 its graded equivalent, between grades 9 and 10 or grades 10 and
239 11, as necessary.

240 3. Have a cumulative grade point average of 2.0 or above on
241 a 4.0 scale, or its equivalent, in the courses required by s.
242 1002.3105(5) or s. 1003.4282 during his or her junior or senior
243 year.

244 4. Maintain satisfactory conduct, including adherence to
245 appropriate dress and other codes of student conduct policies
246 described in s. 1006.07(2). If a student is convicted of, or is
247 found to have committed, a felony or a delinquent act that would
248 have been a felony if committed by an adult, regardless of
249 whether adjudication is withheld, the student's participation in
250 interscholastic extracurricular activities is contingent upon
251 established and published district school board policy.

252 (b) Any student who is exempt from attending a full school
253 day based on rules adopted by the district school board for
254 double session schools or programs, experimental schools, or
255 schools operating under emergency conditions must maintain the
256 grade point average required by this section and pass each class
257 for which he or she is enrolled.

258 (c) An individual home education student is eligible to
259 participate at the public school to which the student would be
260 assigned according to district school board attendance area
261 policies or which the student could ~~choose to attend pursuant to~~

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262 ~~district or interdistrict controlled open enrollment provisions,~~
263 or may develop an agreement to participate at a private school,
264 in the interscholastic extracurricular activities of that
265 school, provided the following conditions are met:

266 1. The home education student must meet the requirements of
267 the home education program pursuant to s. 1002.41.

268 2. During the period of participation at a school, the home
269 education student must demonstrate educational progress as
270 required in paragraph (b) in all subjects taken in the home
271 education program by a method of evaluation agreed upon by the
272 parent and the school principal which may include: review of the
273 student's work by a certified teacher chosen by the parent;
274 grades earned through correspondence; grades earned in courses
275 taken at a Florida College System institution, university, or
276 trade school; standardized test scores above the 35th
277 percentile; or any other method designated in s. 1002.41.

278 3. The home education student must meet the same residency
279 requirements as other students in the school at which he or she
280 participates.

281 4. The home education student must meet the same standards
282 of acceptance, behavior, and performance as required of other
283 students in extracurricular activities.

284 5. The student must register with the school his or her
285 intent to participate in interscholastic extracurricular
286 activities as a representative of the school before the
287 beginning date of the season for the activity in which he or she
288 wishes to participate. A home education student must be able to
289 participate in curricular activities if that is a requirement
290 for an extracurricular activity.

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291 6. A student who transfers from a home education program to
292 a public school before or during the first grading period of the
293 school year is academically eligible to participate in
294 interscholastic extracurricular activities during the first
295 grading period provided the student has a successful evaluation
296 from the previous school year, pursuant to subparagraph 2.

297 7. Any public school or private school student who has been
298 unable to maintain academic eligibility for participation in
299 interscholastic extracurricular activities is ineligible to
300 participate in such activities as a home education student until
301 the student has successfully completed one grading period in
302 home education pursuant to subparagraph 2. to become eligible to
303 participate as a home education student.

304 (d) An individual charter school student pursuant to s.
305 1002.33 is eligible to participate at the public school to which
306 the student would be assigned according to district school board
307 attendance area policies or which the student could ~~choose to~~
308 ~~attend, pursuant to district or interdistrict controlled open-~~
309 ~~enrollment provisions,~~ in any interscholastic extracurricular
310 activity of that school, unless such activity is provided by the
311 student's charter school, if the following conditions are met:

312 1. The charter school student must meet the requirements of
313 the charter school education program as determined by the
314 charter school governing board.

315 2. During the period of participation at a school, the
316 charter school student must demonstrate educational progress as
317 required in paragraph (b).

318 3. The charter school student must meet the same residency
319 requirements as other students in the school at which he or she

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320 participates.

321 4. The charter school student must meet the same standards
322 of acceptance, behavior, and performance that are required of
323 other students in extracurricular activities.

324 5. The charter school student must register with the school
325 his or her intent to participate in interscholastic
326 extracurricular activities as a representative of the school
327 before the beginning date of the season for the activity in
328 which he or she wishes to participate. A charter school student
329 must be able to participate in curricular activities if that is
330 a requirement for an extracurricular activity.

331 6. A student who transfers from a charter school program to
332 a traditional public school before or during the first grading
333 period of the school year is academically eligible to
334 participate in interscholastic extracurricular activities during
335 the first grading period if the student has a successful
336 evaluation from the previous school year, pursuant to
337 subparagraph 2.

338 7. Any public school or private school student who has been
339 unable to maintain academic eligibility for participation in
340 interscholastic extracurricular activities is ineligible to
341 participate in such activities as a charter school student until
342 the student has successfully completed one grading period in a
343 charter school pursuant to subparagraph 2. to become eligible to
344 participate as a charter school student.

345 (e) A student of the Florida Virtual School full-time
346 program may participate in any interscholastic extracurricular
347 activity at the public school to which the student would be
348 assigned according to district school board attendance area

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349 policies or which the student could ~~choose to attend, pursuant~~
350 ~~to district or interdistrict controlled open enrollment~~
351 ~~policies,~~ if the student:

352 1. During the period of participation in the
353 interscholastic extracurricular activity, meets the requirements
354 in paragraph (a).

355 2. Meets any additional requirements as determined by the
356 board of trustees of the Florida Virtual School.

357 3. Meets the same residency requirements as other students
358 in the school at which he or she participates.

359 4. Meets the same standards of acceptance, behavior, and
360 performance that are required of other students in
361 extracurricular activities.

362 5. Registers his or her intent to participate in
363 interscholastic extracurricular activities with the school
364 before the beginning date of the season for the activity in
365 which he or she wishes to participate. A Florida Virtual School
366 student must be able to participate in curricular activities if
367 that is a requirement for an extracurricular activity.

368 (f) A student who transfers from the Florida Virtual School
369 full-time program to a traditional public school before or
370 during the first grading period of the school year is
371 academically eligible to participate in interscholastic
372 extracurricular activities during the first grading period if
373 the student has a successful evaluation from the previous school
374 year pursuant to paragraph (a).

375 (g) A public school or private school student who has been
376 unable to maintain academic eligibility for participation in
377 interscholastic extracurricular activities is ineligible to

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378 participate in such activities as a Florida Virtual School
379 student until the student successfully completes one grading
380 period in the Florida Virtual School pursuant to paragraph (a).

381 (h) A school district may not delay eligibility or
382 otherwise prevent a student participating in controlled open
383 enrollment, or a choice program, from being immediately eligible
384 to participate in interscholastic and intrascholastic
385 extracurricular activities.

386 (8) (a) The Florida High School Athletic Association
387 (FHSAA), in cooperation with each district school board, shall
388 facilitate a program in which a middle school or high school
389 student who attends a private school shall be eligible to
390 participate in an interscholastic or intrascholastic sport at a
391 public high school, a public middle school, or a 6-12 public
392 school that is zoned for the physical address at which the
393 student resides if:

394 1. The private school in which the student is enrolled is
395 not a member of the FHSAA ~~and does not offer an interscholastic~~
396 ~~or intrascholastic athletic program.~~

397 2. The private school student meets the guidelines for the
398 conduct of the program established by the FHSAA's board of
399 directors and the district school board. At a minimum, such
400 guidelines shall provide:

401 a. A deadline for each sport by which the private school
402 student's parents must register with the public school in
403 writing their intent for their child to participate at that
404 school in the sport.

405 b. Requirements for a private school student to
406 participate, including, but not limited to, meeting the same

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407 standards of eligibility, acceptance, behavior, educational
408 progress, and performance which apply to other students
409 participating in interscholastic or intrascholastic sports at a
410 public school or FHSAA member private school.

411 (9) A student who transfers to a school during the school
412 year may seek to immediately join an existing team if the roster
413 for the specific interscholastic or intrascholastic
414 extracurricular activity has not reached the activity's
415 identified maximum size and if the coach for the activity
416 determines that the student has the requisite skill and ability
417 to participate. The FHSAA and school district may not declare
418 such a student ineligible because the student did not have the
419 opportunity to comply with qualifying requirements.

420 Section 4. Subsection (1) and paragraphs (a), (b), (c), and
421 (g) of subsection (2) of section 1006.20, Florida Statutes, are
422 amended to read:

423 1006.20 Athletics in public K-12 schools.—

424 (1) GOVERNING NONPROFIT ORGANIZATION.—The Florida High
425 School Athletic Association (FHSAA) is designated as the
426 governing nonprofit organization of athletics in Florida public
427 schools. If the FHSAA fails to meet the provisions of this
428 section, the commissioner shall designate a nonprofit
429 organization to govern athletics with the approval of the State
430 Board of Education. The FHSAA is not a state agency as defined
431 in s. 120.52. The FHSAA shall be subject to the provisions of s.
432 1006.19. A private school that wishes to engage in high school
433 athletic competition with a public high school may become a
434 member of the FHSAA. Any high school in the state, including
435 charter schools, virtual schools, and home education

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436 cooperatives, may become a member of the FHSAA and participate
437 in the activities of the FHSAA. However, membership in the FHSAA
438 is not mandatory for any school. The FHSAA must allow a school
439 the option of maintaining full membership in the association or
440 joining by sport and may not discourage a school from
441 simultaneously maintaining membership in another athletic
442 association. The FHSAA may not deny or discourage
443 interscholastic competition between its member schools and non-
444 FHSAA member Florida schools, including members of another
445 athletic governing organization, and may not take any
446 retributory or discriminatory action against any of its member
447 schools that participate in interscholastic competition with
448 non-FHSAA member Florida schools. The FHSAA may not unreasonably
449 withhold its approval of an application to become an affiliate
450 member of the National Federation of State High School
451 Associations submitted by any other organization that governs
452 interscholastic athletic competition in this state. The bylaws
453 of the FHSAA are the rules by which high school athletic
454 programs in its member schools, and the students who participate
455 in them, are governed, unless otherwise specifically provided by
456 statute. For the purposes of this section, "high school"
457 includes grades 6 through 12.

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

459 (a) The FHSAA shall adopt bylaws that, unless specifically
460 provided by statute, establish eligibility requirements for all
461 students who participate in high school athletic competition in
462 its member schools. The bylaws governing residence and transfer
463 shall allow the student to be immediately eligible in the school
464 in which he or she first enrolls each school year or the school

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465 in which the student makes himself or herself a candidate for an
466 athletic team by engaging in a practice prior to enrolling in
467 the school. The bylaws shall also allow the student to be
468 immediately eligible in the school to which the student has
469 transferred ~~during the school year if the transfer is made by a~~
470 ~~deadline established by the FHSAA, which may not be prior to the~~
471 ~~date authorized for the beginning of practice for the sport.~~
472 ~~These transfers shall be allowed pursuant to the district school~~
473 ~~board policies in the case of transfer to a public school or~~
474 ~~pursuant to the private school policies in the case of transfer~~
475 ~~to a private school.~~ The student shall be eligible in that
476 school so long as he or she remains enrolled in that school.
477 Subsequent eligibility shall be determined and enforced through
478 the FHSAA's bylaws. Requirements governing eligibility and
479 transfer between member schools shall be applied similarly to
480 public school students and private school students.

481 (b) The FHSAA shall adopt bylaws that specifically prohibit
482 the recruiting of students for athletic purposes. The bylaws
483 shall prescribe penalties and an appeals process for athletic
484 recruiting violations.

485 1. If it is determined that a school has recruited a
486 student in violation of FHSAA bylaws, the FHSAA may require the
487 school to participate in a higher classification for the sport
488 in which the recruited student competes for a minimum of one
489 classification cycle, in addition to the penalties in
490 subparagraphs 2. and 3., and any other appropriate fine or and
491 sanction imposed on the school, its coaches, or adult
492 representatives who violate recruiting rules.

493 2. Any recruitment by a school district employee or

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494 contractor in violation of FHSAA bylaws results in escalating
495 punishments as follows:

496 a. For a first offense, a \$5,000 forfeiture of pay for the
497 school district employee or contractor who committed the
498 violation.

499 b. For a second offense, suspension without pay for 12
500 months from coaching, directing, or advertising an
501 extracurricular activity and a \$5,000 forfeiture of pay for the
502 school district employee or contractor who committed the
503 violation.

504 c. For a third offense, a \$5,000 forfeiture of pay for the
505 school district employee or contractor who committed the
506 violation. If the individual who committed the violation holds
507 an educator certificate, the FHSAA shall also refer the
508 violation to the department for review pursuant to s. 1012.796
509 to determine whether probable cause exists, and, if there is a
510 finding of probable cause, the commissioner shall file a formal
511 complaint against the individual. If the complaint is upheld,
512 the individual's educator certificate shall be revoked for 3
513 years, in addition to any penalties available under s. 1012.796.
514 Additionally, the department shall revoke any adjunct teaching
515 certificates issued pursuant to s. 1012.57 and all permissions
516 under ss. 1012.39 and 1012.43, and the educator is ineligible
517 for such certificates or permissions for a period of time equal
518 to the period of revocation of his or her state-issued
519 certificate.

520 3. Notwithstanding any other provision of law, a school
521 shall forfeit every competition in which a student participated
522 who was recruited by an adult who is not a school district

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523 employee or contractor in violation of FHSAA bylaws.

524 4. A student may not be declared ineligible based on
525 violation of recruiting rules unless the student or parent has
526 falsified any enrollment or eligibility document or accepted any
527 benefit ~~or any promise of benefit~~ if such benefit is not
528 generally available to the school's students or family members
529 or is based in any way on athletic interest, potential, or
530 performance.

531 (c) The FHSAA shall adopt bylaws that require all students
532 participating in interscholastic athletic competition or who are
533 candidates for an interscholastic athletic team to
534 satisfactorily pass a medical evaluation each year prior to
535 participating in interscholastic athletic competition or
536 engaging in any practice, tryout, workout, or other physical
537 activity associated with the student's candidacy for an
538 interscholastic athletic team. Such medical evaluation may be
539 administered only by a practitioner licensed under chapter 458,
540 chapter 459, chapter 460, or s. 464.012, and in good standing
541 with the practitioner's regulatory board. The bylaws shall
542 establish requirements for eliciting a student's medical history
543 and performing the medical evaluation required under this
544 paragraph, which shall include a physical assessment of the
545 student's physical capabilities to participate in
546 interscholastic athletic competition as contained in a uniform
547 preparticipation physical evaluation and history form. The
548 evaluation form shall incorporate the recommendations of the
549 American Heart Association for participation cardiovascular
550 screening and shall provide a place for the signature of the
551 practitioner performing the evaluation with an attestation that

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552 each examination procedure listed on the form was performed by
553 the practitioner or by someone under the direct supervision of
554 the practitioner. The form shall also contain a place for the
555 practitioner to indicate if a referral to another practitioner
556 was made in lieu of completion of a certain examination
557 procedure. The form shall provide a place for the practitioner
558 to whom the student was referred to complete the remaining
559 sections and attest to that portion of the examination. The
560 preparticipation physical evaluation form shall advise students
561 to complete a cardiovascular assessment and shall include
562 information concerning alternative cardiovascular evaluation and
563 diagnostic tests. Results of such medical evaluation must be
564 provided to the school. A student is not ~~No student shall be~~
565 eligible to participate, as provided in s. 1006.15(3), in any
566 interscholastic athletic competition or engage in any practice,
567 tryout, workout, or other physical activity associated with the
568 student's candidacy for an interscholastic athletic team until
569 the results of the medical evaluation have been received and
570 approved by the school.

571 (g) The FHSAA shall adopt bylaws establishing the process
572 and standards by which FHSAA determinations of eligibility are
573 made. Such bylaws shall provide that:

574 1. Ineligibility must be established by a preponderance of
575 the ~~clear and convincing~~ evidence;

576 2. Student athletes, parents, and schools must have notice
577 of the initiation of any investigation or other inquiry into
578 eligibility and may present, to the investigator and to the
579 individual making the eligibility determination, any information
580 or evidence that is credible, persuasive, and of a kind

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581 reasonably prudent persons rely upon in the conduct of serious
582 affairs;

583 3. An investigator may not determine matters of eligibility
584 but must submit information and evidence to the executive
585 director or a person designated by the executive director or by
586 the board of directors for an unbiased and objective
587 determination of eligibility; and

588 4. A determination of ineligibility must be made in
589 writing, setting forth the findings of fact and specific
590 violation upon which the decision is based.

591 Section 5. Paragraph (o) is added to subsection (1) of
592 section 1012.795, Florida Statutes, and subsection (5) of that
593 section is amended, to read:

594 1012.795 Education Practices Commission; authority to
595 discipline.—

596 (1) The Education Practices Commission may suspend the
597 educator certificate of any person as defined in s. 1012.01(2)
598 or (3) for up to 5 years, thereby denying that person the right
599 to teach or otherwise be employed by a district school board or
600 public school in any capacity requiring direct contact with
601 students for that period of time, after which the holder may
602 return to teaching as provided in subsection (4); may revoke the
603 educator certificate of any person, thereby denying that person
604 the right to teach or otherwise be employed by a district school
605 board or public school in any capacity requiring direct contact
606 with students for up to 10 years, with reinstatement subject to
607 the provisions of subsection (4); may revoke permanently the
608 educator certificate of any person thereby denying that person
609 the right to teach or otherwise be employed by a district school

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610 board or public school in any capacity requiring direct contact
611 with students; may suspend the educator certificate, upon an
612 order of the court or notice by the Department of Revenue
613 relating to the payment of child support; or may impose any
614 other penalty provided by law, if the person:

615 (o) Has committed a third recruiting offense as determined
616 by the Florida High School Athletic Association (FHSAA) pursuant
617 to s. 1006.20(2)(b).

618 (5) Each district school superintendent and the governing
619 authority of each university lab school, state-supported school,
620 ~~or~~ private school, and the FHSAA shall report to the department
621 the name of any person certified pursuant to this chapter or
622 employed and qualified pursuant to s. 1012.39:

623 (a) Who has been convicted of, or who has pled nolo
624 contendere to, a misdemeanor, felony, or any other criminal
625 charge, other than a minor traffic infraction;

626 (b) Who that official has reason to believe has committed
627 or is found to have committed any act which would be a ground
628 for revocation or suspension under subsection (1); or

629 (c) Who has been dismissed or severed from employment
630 because of conduct involving any immoral, unnatural, or
631 lascivious act.

632 Section 6. Subsections (3) and (7) of section 1012.796,
633 Florida Statutes, are amended to read:

634 1012.796 Complaints against teachers and administrators;
635 procedure; penalties.—

636 (3) The department staff shall advise the commissioner
637 concerning the findings of the investigation and of all
638 referrals by the Florida High School Athletic Association

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639 (FHSAA) pursuant to ss. 1006.20(2)(b) and 1012.795. The
640 department general counsel or members of that staff shall review
641 the investigation or the referral and advise the commissioner
642 concerning probable cause or lack thereof. The determination of
643 probable cause shall be made by the commissioner. The
644 commissioner shall provide an opportunity for a conference, if
645 requested, prior to determining probable cause. The commissioner
646 may enter into deferred prosecution agreements in lieu of
647 finding probable cause if, in his or her judgment, such
648 agreements are in the best interests of the department, the
649 certificateholder, and the public. Such deferred prosecution
650 agreements shall become effective when filed with the clerk of
651 the Education Practices Commission. However, a deferred
652 prosecution agreement shall not be entered into if there is
653 probable cause to believe that a felony or an act of moral
654 turpitude, as defined by rule of the State Board of Education,
655 has occurred, or for referrals by the FHSAA. Upon finding no
656 probable cause, the commissioner shall dismiss the complaint.

657 (7) A panel of the commission shall enter a final order
658 either dismissing the complaint or imposing one or more of the
659 following penalties:

660 (a) Denial of an application for a teaching certificate or
661 for an administrative or supervisory endorsement on a teaching
662 certificate. The denial may provide that the applicant may not
663 reapply for certification, and that the department may refuse to
664 consider that applicant's application, for a specified period of
665 time or permanently.

666 (b) Revocation or suspension of a certificate.

667 (c) Imposition of an administrative fine not to exceed

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668 \$2,000 for each count or separate offense.

669 (d) Placement of the teacher, administrator, or supervisor
670 on probation for a period of time and subject to such conditions
671 as the commission may specify, including requiring the certified
672 teacher, administrator, or supervisor to complete additional
673 appropriate college courses or work with another certified
674 educator, with the administrative costs of monitoring the
675 probation assessed to the educator placed on probation. An
676 educator who has been placed on probation shall, at a minimum:

677 1. Immediately notify the investigative office in the
678 Department of Education upon employment or termination of
679 employment in the state in any public or private position
680 requiring a Florida educator's certificate.

681 2. Have his or her immediate supervisor submit annual
682 performance reports to the investigative office in the
683 Department of Education.

684 3. Pay to the commission within the first 6 months of each
685 probation year the administrative costs of monitoring probation
686 assessed to the educator.

687 4. Violate no law and shall fully comply with all district
688 school board policies, school rules, and State Board of
689 Education rules.

690 5. Satisfactorily perform his or her assigned duties in a
691 competent, professional manner.

692 6. Bear all costs of complying with the terms of a final
693 order entered by the commission.

694 (e) Restriction of the authorized scope of practice of the
695 teacher, administrator, or supervisor.

696 (f) Reprimand of the teacher, administrator, or supervisor

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697 in writing, with a copy to be placed in the certification file
698 of such person.

699 (g) Imposition of an administrative sanction, upon a person
700 whose teaching certificate has expired, for an act or acts
701 committed while that person possessed a teaching certificate or
702 an expired certificate subject to late renewal, which sanction
703 bars that person from applying for a new certificate for a
704 period of 10 years or less, or permanently.

705 (h) Refer the teacher, administrator, or supervisor to the
706 recovery network program provided in s. 1012.798 under such
707 terms and conditions as the commission may specify.

708
709 The penalties imposed under this subsection are in addition to,
710 and not in lieu of, the penalties required for a third
711 recruiting offense pursuant to s. 1006.20(2)(b).

712 Section 7. This act shall take effect July 1, 2016.