

SB 1052 by **Montford**; (Identical to H 1081) Discretionary Sales Surtaxes

284932 A S L RCS ED, Montford Delete L.55: 04/22 01:41 PM

SB 1164 by **Stargel (CO-INTRODUCERS) Bullard**; (Identical to H 1137) High School Athletics

261788 D S RCS ED, Stargel Delete everything after 04/22 01:41 PM

CS/SB 1406 by **CJ, Bean**; (Similar to CS/H 0441) Juvenile Justice Education Programs

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

EDUCATION
Senator Legg, Chair
Senator Montford, Vice Chair

MEETING DATE: Monday, April 22, 2013
TIME: 12:30 —1:30 p.m.
PLACE: Pat Thomas Committee Room, 412 Knott Building

MEMBERS: Senator Legg, Chair; Senator Montford, Vice Chair; Senators Benacquisto, Brandes, Bullard, Galvano, Sachs, Simmons, and Stargel

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 1052 Montford (Identical H 1081)	Discretionary Sales Surtaxes; Authorizing a county school board to use the school surtax to purchase school buses, etc. ED 04/22/2013 Fav/CS AFT AP	Fav/CS Yeas 7 Nays 0
2	SB 1164 Stargel (Identical H 1137, Compare CS/H 1279)	High School Athletics; Revising criteria for student eligibility for participation in extracurricular activities to include students in charter schools; revising the criteria for bylaws, policies, or guidelines adopted by the Florida High School Athletic Association; providing procedures for student residence and transfer approvals; providing that the burden is on the FHSAA to demonstrate by clear and convincing evidence that a student is ineligible to participate in a high school athletic competition, etc. ED 04/22/2013 Fav/CS RC	Fav/CS Yeas 5 Nays 2
3	CS/SB 1406 Criminal Justice / Bean (Similar CS/H 441, Compare CS/CS/S 1720)	Juvenile Justice Education Programs; Revising provisions to be included in the multiagency education plan for students in juvenile justice education programs, including virtual education as an option; requiring the Department of Juvenile Justice to provide cost and effectiveness information for program and program activities to the Legislature and the public; authorizing instructional personnel at all juvenile justice facilities to access specific student records at the district; requiring the Department of Education to ensure that juvenile justice students who are eligible have access to high school equivalency testing, etc. CJ 03/18/2013 Fav/CS ED 04/22/2013 Favorable RC	Favorable Yeas 7 Nays 0

Other Related Meeting Documents

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Education

BILL: SB 1052

INTRODUCER: Senator Montford

SUBJECT: Discretionary Sales Surtaxes

DATE: April 19, 2013

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Harkey	Klebacha	ED	Pre-meeting
2.			AFT	
3.			AP	
4.				
5.				
6.				

I. Summary:

SB 1052 expands the possible use of a discretionary sales surtax levied for school capital outlay purposes to permit the proceeds from the surtax to be used to purchase school buses.

The bill takes effect July 1, 2013.

This bill amends s. 212.055 of the Florida Statutes.

II. Present Situation:

Local Discretionary Sales Surtax

A “surtax” is an extra tax or charge.¹ Sections 212.054 and 212.055, F.S., authorize Florida counties to charge a discretionary sales surtax on all transactions subject to the state sales and use tax. Only those surtaxes specifically designated may be levied.

Section 212.055, F.S., authorizes counties to impose eight local discretionary sales surtaxes on all transactions occurring in the county that are subject to the state tax imposed on sales, use, services, rental, admissions, and other transactions and on communications services, defined in chapter 202, F.S.² The eight surtaxes are:

- The charter county and regional transportation system surtax,
- The local government infrastructure surtax,

¹ Black’s Law Dictionary (9th ed., 2009), tax.

² The tax rates, duration of the surtax, method of imposition, and proceed uses are individually specified in s. 212.055, F.S. General limitations, administration, and collection procedures are set forth in s. 212.054, F.S.

- The small county surtax,
- The county public hospital surtax,
- The school capital outlay surtax,
- The voter-approved indigent care surtax,
- The emergency fire rescue services and facilities surtax, and
- The indigent care and trauma center surtax.

The maximum discretionary sales surtax that any county can levy depends upon the county's eligibility for the taxes listed in s. 212.055, F.S. Currently, the maximum surtax actually imposed is 1.5 percent in several counties;³ however, the theoretical maximum rate ranges between 2 percent and 3.5 percent, depending on the specifics of each individual county. In general, the levy of a particular tax is subject to county voter approval.

The discretionary sales surtax is based on the rate in the county where the taxable goods or services are sold, or delivered into, and is levied in addition to the state tax. The sales amount is not subject to the tax if the property or service is delivered within a county that does not impose a surtax. The surtax does not apply to a sales amount above \$5,000 on any item of tangible personal property. This \$5,000 cap does not apply to the sale of any service, rentals of real property, or transient rentals.

School Capital Outlay Surtax

Under s. 212.055, F.S., each county may levy, subject to approval by a majority of voters, a discretionary sales surtax at a rate that may not exceed 0.5 percent. The resolution providing for the surtax must include a plan for use of the proceeds. The authorized uses include fixed capital expenditures or fixed capital costs, or servicing bond indebtedness associated with the construction, reconstruction, or improvement of school facilities that have a useful life expectancy of five or more years, and any related land acquisition, land improvement, design, and engineering costs. The purchase of school buses is not an authorized use of the proceeds.

According to the Department of Education, the following district school boards levied the half-cent school capital outlay surtax for the 2011-12 school year:

³ See Florida Department of Revenue, *Discretionary Sales Surtax Information: Calendar Year 2013*, available at <http://dor.myflorida.com/dor/forms/2013/dr15dss.pdf>.

School District	Revenue
Bay County	\$15,654,029
Calhoun County	378,068
Escambia County	20,135,054
Flagler County	4,179,700
Hernando County	7,809,102
Jackson County	2,013,150
Leon County	17,470,686
Liberty County	43,818
Manatee County	22,663,498
Monroe County	13,440,925
Orange County	170,217,876
Polk County	32,004,071
St. Lucie County	12,598,416
Santa Rosa County	6,458,234
Volusia County	30,394,287

Source: Florida Department of Education⁴

According to the Department of Education, in January 2013, Florida’s public school districts had a total of 18,574 school buses in their fleets that were available to transport students (including spare and activity buses). The age breakdown of those buses was as follows:

0-5 Years Old: 4,182 buses
 6-10 Years Old: 8,104 buses
 11-15 Years Old: 4,022 buses
 16-20 Years Old: 2,112 buses
 21-28 Years Old: 154 buses

The average bus age (statewide) is 9.23 years, and, according to the DOE, the average life of a school bus is 9.23 years.⁵

III. Effect of Proposed Changes:

The bill would expand the authorized sources of revenue from which local county school districts may purchase school buses, subject to the statutory requirements for noticing the plan and gaining voter approval. Districts with current voter approval to levy the half-cent school capital outlay sales surtax would need additional voter approval to expand the plan to include school buses.⁶

⁴ Department of Education bill analysis for SB 1052, on file with the Senate Education Committee.

⁵ *Id.*

⁶ Department of Education bill analysis for SB 1052, on file with the Senate Education Committee, and Op. Att’y Gen. Fla. 06-38 (2006).

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

The bill authorizes an additional use for the School Capital Outlay Discretionary Sales Surtax, which would have to be approved by the voters in a referendum.

B. Private Sector Impact:

None.

C. Government Sector Impact:

In school districts where the voters passed a referendum authorizing the use of the school capital outlay surtax for the purchases of school buses, the district would gain a new source of revenue for the purchase of buses. The number of buses that would be purchased with half-cent school capital outlay sales surtaxes under the bill is not known.

The average price of a 65-passenger school bus with air conditioning as of January 2012 was \$93,400.⁷

School buses purchased by school districts from the Department of Education's volume purchasing contract over the last 5 fiscal years were as follows: 1,228 buses in 2007-08; 387 buses average per year for the 2008-09 and 2009-10 two-year bid period; and 607 buses average per year for the 2010-11 and 2011-12 two-year bid period. Based on a 5-year average, an estimated 645 buses will be replaced in the next school year.⁸

The cost to purchase 645 buses is \$60,243,000 ($645 \times \$93,400$).⁹

⁷ Department of Education bill analysis for SB 1052, on file with the Senate Education Committee.

⁸ *Id.*

⁹ *Id.*

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/22/2013	.	
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The Committee on Education (Montford) recommended the following:

Senate Amendment (with title amendment)

Delete line 55

and insert:

(d) The resolution may also set forth a plan for using the proceeds of the surtax to fund expenses authorized under s. 1011.71(2)-(5). Such plan may provide that the proceeds of the surtax, including interest accrued on the revenues of the surtax, be used for the expenses of maintaining, renovating, or repairing existing school facilities or maintaining, securing, or upgrading technology equipment for schools.

(e)~~(d)~~ Surtax revenues collected by the Department of Revenue



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===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete line 5

and insert:

buses and other needs; providing an effective date.

By Senator Montford

3-01213A-13 20131052__

1 A bill to be entitled
 2 An act relating to discretionary sales surtaxes;
 3 amending s. 212.055, F.S.; authorizing a county school
 4 board to use the school surtax to purchase school
 5 buses; providing an effective date.

6
 7 Be It Enacted by the Legislature of the State of Florida:

8
 9 Section 1. Subsection (6) of section 212.055, Florida
 10 Statutes, is amended to read:

11 212.055 Discretionary sales surtaxes; legislative intent;
 12 authorization and use of proceeds.—It is the legislative intent
 13 that any authorization for imposition of a discretionary sales
 14 surtax shall be published in the Florida Statutes as a
 15 subsection of this section, irrespective of the duration of the
 16 levy. Each enactment shall specify the types of counties
 17 authorized to levy; the rate or rates which may be imposed; the
 18 maximum length of time the surtax may be imposed, if any; the
 19 procedure which must be followed to secure voter approval, if
 20 required; the purpose for which the proceeds may be expended;
 21 and such other requirements as the Legislature may provide.
 22 Taxable transactions and administrative procedures shall be as
 23 provided in s. 212.054.

24 (6) SCHOOL CAPITAL OUTLAY SURTAX.—

25 (a) The school board in each county may levy, pursuant to
 26 resolution conditioned to take effect only upon approval by a
 27 majority vote of the electors of the county voting in a
 28 referendum, a discretionary sales surtax at a rate that may not
 29 exceed 0.5 percent.

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30 (b) The resolution shall include a statement that provides
 31 a brief and general description of the school capital outlay
 32 projects to be funded by the surtax. The statement shall conform
 33 to the requirements of s. 101.161 and shall be placed on the
 34 ballot by the governing body of the county. The following
 35 question shall be placed on the ballot:

36 ...FOR THE ...CENTS TAX

37 ...AGAINST THE ...CENTS TAX

38
 39 (c) The resolution providing for the imposition of the
 40 surtax shall set forth a plan for use of the surtax proceeds for
 41 fixed capital expenditures or fixed capital costs associated
 42 with the construction, reconstruction, or improvement of school
 43 facilities and campuses that which have a useful life expectancy
 44 of 5 or more years; for, and any land acquisition, land
 45 improvement, design, and engineering costs related thereto; and
 46 for the purchase of school buses. Additionally, the plan must
 47 ~~shall~~ include the costs of retrofitting and providing for
 48 technology implementation, including hardware and software, for
 49 the various sites within the school district. Surtax revenues
 50 may be used for the purpose of servicing bond indebtedness to
 51 finance projects authorized by this subsection, and any interest
 52 accrued ~~thereto~~ may be held in trust to finance such projects.
 53 Neither the proceeds of the surtax nor any interest accrued may
 54 ~~thereto shall~~ be used for operational expenses.

55 (d) Surtax revenues collected by the Department of Revenue
 56 pursuant to this subsection shall be distributed to the school

3-01213A-13

20131052__

57 board imposing the surtax in accordance with law.

58 Section 2. This act shall take effect July 1, 2013.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4-22-2013

Meeting Date

Topic _____

Bill Number 1052
(if applicable)

Name BRIAN PITTS

Amendment Barcode _____
(if applicable)

Job Title Trustee

Address 1119 Newton Ave S.
Street

Phone 727/897-9291

St Petersburg FL 33705
City State Zip

E-mail justice2jesus@Yahoo.com

Speaking: For Against Information

Representing Justice-2-Jesus

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

JAA
4/22/13

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/22/13

Meeting Date

Topic SB 1052

Bill Number 1052
(if applicable)

Name Iraida Mendez-Car tays

Amendment Barcode _____
(if applicable)

Job Title _____

Address _____

Phone _____

Street

City

State

Zip

E-mail _____

Speaking: For Against Information

Representing Mam. Dale

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Education

BILL: SB 1164

INTRODUCER: Senator Stargel

SUBJECT: High School Athletics

DATE: April 19, 2013

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hand	Klebacha	ED	Pre-meeting
2.			RC	
3.				
4.				
5.				
6.				

I. Summary:

SB 1164 expands student rights regarding eligibility, transfers, and due process protections during Florida High School Athletic Association (FHSAA) investigations and eligibility determinations. The bill adds nine members to the FHSAA governing board, prohibits certain funds from being provided to the executive director, and authorizes travel and per diem expenses to Public Liaison Advisory Committee members.

The bill requires the FHSAA to conduct a comprehensive review of its bylaws, policies, and procedures to determine compliance with applicable law. The bill voids noncompliant bylaws, policies and procedures. The bill requires the FHSAA to provide a report of the comprehensive review to the President of the Senate, Speaker of the House, Governor, and Commissioner of Education.

The act takes effect on July 1, 2013.

This bill substantially amends the following sections of the Florida Statutes: 1002.20, 1006.15, and 1006.20.

II. Present Situation:

Florida High School Athletic Association

The Florida High School Athletic Association (FHSAA) has been codified in law and designated as the governing nonprofit organization of athletics in Florida public schools.¹ FHSAA's sixteen member Board of Directors (board) is the organization's executive governing body and hires the executive director.² The FHSAA is required to adopt bylaws regulating student eligibility, residency, transfer, and recruiting in accordance with applicable law.³

Student Eligibility

To be eligible for participation in interscholastic extracurricular activities, a high school student must meet certain academic and conduct requirements.⁴ An eligible student may participate in high school athletics at the school in which he or she first enrolls each school year or, at the school in which the student becomes a candidate for an athletic team by engaging in a practice prior to enrolling in the school.⁵ A high school student may be eligible to participate in interscholastic extracurricular activities in the school to which the student has transferred during the school year if the transfer is made by a deadline established by the FHSAA.⁶

Eligibility Investigations and Determinations

Investigations

The FHSAA must adopt bylaws that regulate persons who conduct investigations on behalf of the FHSAA.⁷ The bylaws must require an investigator, in part, to undergo level 2 background screening, carry a photo identification card that shows the FHSAA name, logo, and the investigator's official title, and to adhere to specified guidelines.⁸

The guidelines require investigators to: investigate only those alleged violations assigned by the executive director or the board of directors, conduct interviews on Monday through Friday between the hours of 9 a.m. and 7 p.m., allow the parent of any student being interviewed to be present during the interview, and search residences or other private areas only with the consent of the student's parent and only with a parent or a representative of the parent present.⁹

¹ Section 1006.20, F.S.; Florida High School Athletic Association, *About the FHSAA*, <http://www.fhsaa.org/about> (last visited April 18, 2013).

² Section 1006.20(4), F.S.

³ Section 1006.20, F.S.

⁴ Section 1006.15(3)(a), F.S.

⁵ Section 1006.20(2)(a), F.S.

⁶ Section 1006.20(2), F.S.

⁷ Section 1006.20(2)(e), F.S.

⁸ *Id.*

⁹ Section 1006.20(2)(e), F.S.

Determinations

The FHSAA must adopt bylaws for the process and standards for FHSAA student eligibility determinations.¹⁰ The bylaws must provide that:

- Ineligibility must be established by clear and convincing evidence;
- Student athletes, parents, and schools must have notice of the initiation of any investigation or other eligibility inquiry and may present information or evidence to the investigator and to the individual making the eligibility determination;
- Eligibility determinations must be made by the executive director or designee for an unbiased and objective determination of eligibility; and
- A determination of ineligibility must be made in writing, setting forth the findings of fact and specific violation upon which the decision is based.¹¹

A student may be declared ineligible based upon violation of recruiting rules only if the student or parent has falsified any enrollment or eligibility document, accepted any benefit or promise not generally available to the school's students or family members, or accepted any benefit or promise that is based on athletic interest, potential, or performance.¹²

The FHSAA may not prospectively limit the competition of student athletes for rule violations of their adult representatives, their school or its coaches, nor may a student athlete be unfairly punished for eligibility or recruiting violations perpetrated by a teammate, coach, or administrator.¹³

III. Effect of Proposed Changes:

Florida High School Athletic Association

The bill would increase board membership from 16 to 25 members. Of these new members, three members would be appointed by the Commissioner of Education (bringing the total number of Commissioner appointments to four), and four members each would be appointed by the President of the Senate and the Speaker of the House of Representatives. The members would be appointed from each of the four administrative regions.

The executive director's salary would not exceed that set by law for the Governor. The executive director would not receive a car allowance, nor would the executive director receive per diem and travel expenses. However, Public Liaison Advisory Committee members would receive per diem and travel expenses per s. 112.061, F.S..

By October 1, 2013, the FHSAA would conduct a comprehensive review of its bylaws, policies, and administrative procedures to determine compliance with these requirements. The FHSAA would provide to the Commissioner of Education (Commissioner), the Governor, the President of the Senate, and the Speaker of the House of Representatives a detailed report articulating how each violation or requirement in the bylaws, policies, and administrative procedures is

¹⁰ Section 1006.20(2)(g), F.S.

¹¹ *Id.*

¹² Section 1006.20(2)(b), F.S.

¹³ Section 1006.20(2)(i), F.S.

substantially related to an identified, important objective and any necessary corrective action. Noncompliant bylaws, policies, or administrative procedures would be void as of July 1, 2013.

Student Eligibility

A student would be presumed eligible to participate in interscholastic extracurricular activities and would remain eligible if the student complies with existing eligibility criteria. A student would remain eligible so long as the student remains enrolled in school and complies with applicable requirements.

A student enrolled in a public school that does not offer a specific extracurricular activity would be able to participate in that extracurricular activity at the public school for which the student would be assigned, or could choose to attend, subject to applicable requirements.

Student residence and transfer approvals would be determined by the school district, in the case of a public school student, or by the private school, in the case of a private school student. Once the student residence or transfer would be approved, the student would remain eligible to participate in competitions under the jurisdiction of the FHSAA. The FHSAA would be able to challenge the eligibility determination by filing a petition for a hearing with the Division of Administrative Hearings. The FHSAA would need to demonstrate by clear and convincing evidence that the student is ineligible. If the student remains eligible, the final order would award all reasonable costs and attorney fees to be paid by the FHSAA. The FHSAA would not be able to recoup these costs from any other person, entity, or party.

Eligibility Investigations and Determinations

Investigations

The student, parent, coach, and school would be provided notice of the assignment of an investigation within two business days, unless the executive director certified in writing that a compelling need to withhold notice exists. The executive director would provide a copy of the certification to the Commissioner within one business day after signing the certification.

During the investigation, the investigator and the individual making the determination would receive and consider all evidence of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs.

The student, parent, coach, and school would be provided a copy of the investigation, report, and any recommendation made by the investigator, executive director, or board, within five business days after completion of the investigation.

Determinations

FHSAA bylaws would have to ensure that violations would be substantially related to specific, important objectives and would only address the minimal requirements necessary to accomplish the objectives. Ineligibility requirements would be applied to public and private school students as well as to transfer and non-transfer students equally.

A student would be declared ineligible if the student or parent had intentionally and knowingly:

- Falsified an enrollment or eligibility document; or
- Accepted any significant benefit or a promise of significant benefit not reasonably available to the school's students or family members and is provided based primarily on the student's athletic interest, potential, or performance.

Any rule, eligibility, and recruiting violations by a teammate, coach, administrator, school, or adult representative would not be used against a student.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

It is unknown whether the proposed process would result in increased or decreased costs for the parties should the FHSAA challenge the eligibility of a transfer student.

The FHSAA may incur additional costs from additional members on the board of directors, and payment of per diem of travel costs for Public Liaison Advisory Committee members.

The FHSAA may reduce costs from the cap on the executive director's salary, and the prohibitions on a car allowance, cellular telephone allowance, per diem expense, and travel expense.

C. Government Sector Impact:

It is unknown whether the proposed process would result in increased or decreased costs for the school district should the FHSAA challenge the eligibility of a transfer student.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.



261788

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/22/2013	.	
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The Committee on Education (Stargel) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsection (17) of section 1002.20, Florida
Statutes, is reenacted and amended to read:

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

(17) ATHLETICS; PUBLIC HIGH SCHOOL.—



261788

14 (a) *Eligibility.*—Eligibility requirements for all students
15 participating in a high school athletic competition must allow a
16 student to be eligible in the school in which he or she first
17 enrolls each school year, the school in which the student makes
18 himself or herself a candidate for an athletic team by engaging
19 in practice before enrolling, or the school to which the student
20 has transferred with approval of the district school board, in
21 accordance with ~~the provisions of~~ s. 1006.20(2) (a).

22 (b) *Medical evaluation.*—Students must satisfactorily pass a
23 medical evaluation each year before participating in athletics,
24 unless the parent objects in writing based on religious tenets
25 or practices, in accordance with ~~the provisions of~~ s.
26 1006.20(2) (d).

27 Section 2. Paragraphs (a), (d), (e), (f), and (g) of
28 subsection (3) and subsections (5) and (8) of section 1006.15,
29 Florida Statutes, are amended, and new paragraphs (f) and (g)
30 are added to subsection (3) of that section, to read:

31 1006.15 Student standards for participation in
32 interscholastic and intrascholastic extracurricular student
33 activities; regulation.—

34 (3) (a) Provided all eligibility requirements of this
35 section and s. 1006.20 are met, a student attending any school
36 identified in this section is presumed eligible to participate
37 in interscholastic extracurricular student activities. For
38 purposes of this section, the term “public school” includes the
39 Florida Virtual School, a full-time virtual instruction program
40 pursuant to s. 1002.45, a virtual charter school, and a charter
41 school. A student remains eligible to participate in
42 interscholastic extracurricular student activities if the



261788

43 ~~student To be eligible to participate in interscholastic~~
44 ~~extracurricular student activities, a student must:~~

45 1. Maintains ~~Maintain~~ a grade point average of 2.0 or above
46 on a 4.0 scale, or its equivalent, in the previous semester or a
47 cumulative grade point average of 2.0 or above on a 4.0 scale,
48 or its equivalent, in the courses required by s. 1003.43(1).

49 2. Executes ~~Execute~~ and fulfills ~~fulfill~~ the requirements
50 of an academic performance contract between the student, the
51 district school board, the appropriate governing association,
52 and the student's parents, if the student's cumulative grade
53 point average falls below 2.0, or its equivalent, on a 4.0 scale
54 in the courses required by s. 1003.43(1) ~~or, for students who~~
55 ~~entered the 9th grade prior to the 1997-1998 school year, if the~~
56 ~~student's cumulative grade point average falls below 2.0 on a~~
57 ~~4.0 scale, or its equivalent, in the courses required by s.~~
58 ~~1003.43(1) which are taken after July 1, 1997.~~ At a minimum, the
59 contract must require that the student attend summer school, or
60 its graded equivalent, between grades 9 and 10 or grades 10 and
61 11, as necessary.

62 3. Has ~~Have~~ a cumulative grade point average of 2.0 or
63 above on a 4.0 scale, or its equivalent, in the courses required
64 by s. 1003.43(1) during his or her junior or senior year.

65 4. Maintains ~~Maintain~~ satisfactory conduct, including
66 adherence to appropriate dress and other codes of student
67 conduct policies described in s. 1006.07(2). If a student is
68 convicted of, or is found to have committed, a felony or a
69 delinquent act that would have been a felony if committed by an
70 adult, regardless of whether adjudication is withheld, the
71 student's participation in interscholastic extracurricular



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72 activities is contingent upon established and published district
73 school board policy.

74 (d) An individual charter school student pursuant to s.
75 1002.33 is eligible to participate at the public school to which
76 the student would be assigned according to district school board
77 attendance area policies or which the student could choose to
78 attend, pursuant to district or interdistrict controlled open-
79 enrollment provisions, or a conversion charter school when the
80 student resides within the conversion charter school's
81 attendance zone as provided in s. 1002.33(10)(c), in any
82 interscholastic extracurricular activity of that school, unless
83 such activity is provided by the student's charter school, if
84 the following conditions are met:

85 1. The charter school student must meet the requirements of
86 the charter school education program as determined by the
87 charter school governing board.

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

91 3. The charter school student must meet the same residency
92 requirements as other students in the school at which he or she
93 participates.

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

97 5. The charter school student must register with the school
98 his or her intent to participate in interscholastic
99 extracurricular activities as a representative of the school
100 before the beginning date of the season for the activity in



101 which he or she wishes to participate. A charter school student
102 must be able to participate in curricular activities if that is
103 a requirement for an extracurricular activity.

104 6. A student who transfers from a charter school program to
105 a traditional public school before or during the first grading
106 period of the school year is academically eligible to
107 participate in interscholastic extracurricular activities during
108 the first grading period if the student has a successful
109 evaluation from the previous school year, pursuant to
110 subparagraph 2.

111 7. Any public school or private school student who has been
112 unable to maintain academic eligibility for participation in
113 interscholastic extracurricular activities is ineligible to
114 participate in such activities as a charter school student until
115 the student has successfully completed one grading period in a
116 charter school pursuant to subparagraph 2. to become eligible to
117 participate as a charter school student.

118 (e) A student of the Florida Virtual School full-time
119 program is eligible to ~~may~~ participate in any interscholastic
120 extracurricular activity at the public school to which the
121 student would be assigned according to district school board
122 attendance area policies or which the student could choose to
123 attend, pursuant to district or interdistrict controlled open
124 enrollment policies, if the following conditions are met
125 ~~student~~:

126 1. During the period of participation in the
127 interscholastic extracurricular activity, the Florida Virtual
128 School student must meet ~~meets~~ the requirements in paragraph
129 (a).



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130 2. The Florida Virtual School student must meet ~~meets~~ any
131 additional requirements as determined by the board of trustees
132 of the Florida Virtual School.

133 3. The Florida Virtual School student must meet ~~Meets~~ the
134 same residency requirements as other students in the school at
135 which he or she participates.

136 4. The Florida Virtual School student must meet ~~Meets~~ the
137 same standards of acceptance, behavior, and performance that are
138 required of other students in extracurricular activities.

139 5. The Florida Virtual School student must register with
140 the school ~~Registers~~ his or her intent to participate in
141 interscholastic extracurricular activities ~~with the school~~
142 before the beginning date of the season for the activity in
143 which he or she wishes to participate. A Florida Virtual School
144 student must be able to participate in curricular activities if
145 that is a requirement for an extracurricular activity.

146 6.-(f) A student who transfers from the Florida Virtual
147 School full-time program to a traditional public school before
148 or during the first grading period of the school year is
149 academically eligible to participate in interscholastic
150 extracurricular activities during the first grading period if
151 the student has a successful evaluation from the previous school
152 year pursuant to paragraph (a).

153 7.-(g) A public school or private school student who has
154 been unable to maintain academic eligibility for participation
155 in interscholastic extracurricular activities is ineligible to
156 participate in such activities as a Florida Virtual School
157 student until the student successfully completes one grading
158 period in the Florida Virtual School pursuant to paragraph (a).



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159 (f) A student who attends a public school or a private
160 school that does not offer a particular extracurricular activity
161 may participate in such an activity on a space-available basis
162 if it is offered at any public school that the student could
163 choose to attend pursuant to district or interdistrict
164 controlled open enrollment provisions, or may develop an
165 agreement to participate in that extracurricular activity at a
166 private school, limited to one additional extracurricular
167 activity at a different school each academic year, if the
168 student:

169 1. Meets the requirements for eligibility to participate in
170 interscholastic extracurricular activities, as provided under
171 paragraph (a);

172 2. Demonstrates educational progress at the school he or
173 she attends as required in paragraph (b);

174 3. Meets the same standards of acceptance, behavior, and
175 performance that are required of other students in
176 extracurricular activities;

177 4. Pays any fees required of other students who participate
178 in the extracurricular activity; and

179 5. Registers with the school that offers the
180 extracurricular activity his or her intent to participate in the
181 interscholastic extracurricular activity at that school before
182 the beginning date of the season for the activity in which he or
183 she wishes to participate. A public school student must
184 participate in a curricular activity if it is a requirement for
185 an extracurricular activity. The student may choose to
186 participate in the required curricular activity at the school he
187 or she attends or at the school in which he or she participates



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188 in the extracurricular activity.

189 (g) The parents of a student who participates in an
190 extracurricular activity under paragraph (f) are responsible for
191 transporting their child to and from the school at which the
192 student participates. The public school the student attends, the
193 school at which the student participates in the extracurricular
194 activity, the district school board, and the Florida High School
195 Athletic Association (FHSAA) are exempt from civil liability
196 arising from any injury that occurs to the student during such
197 transportation.

198 (5) An ~~Any~~ organization or entity that regulates or governs
199 interscholastic extracurricular activities of public schools:

200 (a) Shall permit home education associations to join as
201 member schools.

202 (b) May ~~Shall~~ not discriminate against any eligible student
203 based on an educational choice of public, private, or home
204 education.

205 (8) (a) The FHSAA ~~Florida High School Athletic Association~~
206 ~~(FHSAA)~~, in cooperation with each district school board, shall
207 facilitate a program in which a middle school or high school
208 student who attends a private school shall be eligible to
209 participate in an interscholastic or intrascholastic sport at a
210 public high school, a public middle school, or a 6-12 public
211 school that is zoned for the physical address at which the
212 student resides if:

213 1. The private school in which the student is enrolled is
214 not a member of the FHSAA and does not offer an interscholastic
215 or intrascholastic athletic program.

216 2. The private school student meets the guidelines for the



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217 conduct of the program established by the FHSAA's board of
218 directors and the district school board. At a minimum, such
219 guidelines shall provide:

220 a. A deadline for each sport by which the private school
221 student's parents must register with the public school in
222 writing their intent for their child to participate at that
223 school in the sport.

224 b. Requirements for a private school student to
225 participate, including, but not limited to, meeting the same
226 standards of eligibility, acceptance, behavior, educational
227 progress, and performance which apply to other students
228 participating in interscholastic or intrascholastic sports at a
229 public school or FHSAA member private school.

230 (b) The parents of a private school student participating
231 in a public school sport under this subsection are responsible
232 for transporting their child to and from the public school at
233 which the student participates. The private school the student
234 attends, the public school at which the student participates in
235 a sport, the district school board, and the FHSAA are exempt
236 from civil liability arising from any injury that occurs to the
237 student during such transportation.

238 (c) For each academic year, a private school student may
239 only participate at the public school in which the student is
240 first registered under sub-subparagraph (a)2.a. or makes himself
241 or herself a candidate for an athletic team by engaging in a
242 practice.

243 (d) The athletic director of each participating FHSAA
244 member public school shall maintain the student records
245 necessary for eligibility, compliance, and participation in the



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246 program.

247 (e) Any non-FHSAA member private school that has a student
248 who wishes to participate in this program must make all student
249 records, including, but not limited to, academic, financial,
250 disciplinary, and attendance records, available upon request of
251 the FHSAA.

252 (f) A student must apply to participate in this program
253 through the FHSAA program application process.

254 (g) Only students who are enrolled in non-FHSAA member
255 private schools consisting of 125 students or fewer in the
256 middle school grades or 125 students or fewer in the high school
257 grades are eligible to participate in the program in any given
258 academic year.

259 Section 3. Subsections (1) of section 1006.19, Florida
260 Statutes, is amended, and a new subsection (3) is added to that
261 section to read:

262 1006.19 Audit of records of nonprofit corporations and
263 associations handling interscholastic activities; annual
264 report.—

265 (1) Each nonprofit association or corporation that operates
266 for the purpose of supervising and controlling interscholastic
267 activities of public high schools and whose membership is
268 composed of duly certified representatives of public high
269 schools, and whose rules and regulations are established by
270 members thereof, shall have an annual financial and compliance
271 audit of its accounts and records by an independent certified
272 public accountant retained by it and paid from its funds, in
273 accordance with rules adopted by the Auditor General. The audit
274 must be conducted in compliance with generally accepted auditing



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275 standards and include a report on financial statements presented
276 in accordance with generally accepted accounting principles set
277 forth by the American Institute of Certified Public Accountants
278 for not-for-profit organizations and a determination of
279 compliance with the statutory eligibility and expenditure
280 requirements of s. 1006.20. Audits shall be submitted to the
281 Auditor General, the Speaker of the House of Representatives,
282 and the Senate President within 180 days after the end of each
283 fiscal year. ~~The accountant shall furnish a copy of the audit~~
284 ~~report to the Auditor General.~~

285 (3) Any such nonprofit association or corporation shall
286 provide a report of the number of appeals and other cases
287 involving the FHSAA and the disposition of those matters. The
288 report must include how many cases were filed, either with the
289 FHSAA or another tribunal, the number of cases that the initial
290 decision of the FHSAA or its member were affirmed, reversed, or
291 otherwise resolved, and a summary of the nature of the issue in
292 dispute. By October 1 of each year, the report must be submitted
293 to the Commissioner of Education, the President of the Senate,
294 and the Speaker of the House of Representatives.

295 Section 4. Subsections (1) through (5) of section 1006.20,
296 Florida Statutes, are amended, and paragraph (f) is added to
297 subsection (6) of that section to read:

298 1006.20 Athletics in public K-12 schools.—

299 (1) GOVERNING NONPROFIT ORGANIZATION.—The Florida High
300 School Athletic Association (FHSAA) is designated as the
301 governing nonprofit organization of athletics in Florida public
302 schools. This designation expires July 1, 2017. If the FHSAA
303 fails to meet the provisions of this section or the Legislature



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304 does not timely designate a successor, the commissioner shall
305 designate a nonprofit organization to govern athletics with the
306 approval of the State Board of Education for successive terms
307 not to exceed 4 years each or until the Legislature designates a
308 successor. The FHSAA is not a state agency as defined in s.
309 120.52. The Legislature determines it is in the public interest
310 and reflects the state's public policy that FHSAA operate in the
311 most open and accessible manner consistent with its public
312 purposes. To this end, the Legislature specifically declares
313 that FHSAA and its divisions, boards, and advisory councils, or
314 similar entities created or managed by FHSAA are subject to the
315 provisions of chapter 119 relating to public records and those
316 provisions of chapter 286 relating to public meetings. The FHSAA
317 shall be subject to ~~the provisions of~~ s. 1006.19. A private
318 school that wishes to engage in high school athletic competition
319 with a public high school may become a member of the FHSAA. Any
320 high school in the state, including charter schools, virtual
321 schools, and home education cooperatives, may become a member of
322 the FHSAA and participate in the activities of the FHSAA.
323 However, membership in the FHSAA is not mandatory for any
324 school. The FHSAA may not deny or discourage interscholastic
325 competition between its member schools and non-FHSAA member
326 Florida schools, including members of another athletic governing
327 organization, and may not take any retributory or discriminatory
328 action against any of its member schools that participate in
329 interscholastic competition with non-FHSAA member Florida
330 schools. The FHSAA may not unreasonably withhold its approval of
331 an application to become an affiliate member of the National
332 Federation of State High School Associations submitted by any



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333 other organization that governs interscholastic athletic
334 competition in this state. The bylaws of the FHSAA are the rules
335 by which high school athletic programs in its member schools,
336 and the students who participate in them, are governed, unless
337 otherwise specifically provided by statute. For the purposes of
338 this section, "high school" includes grades 6 through 12.

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

340 (a) The FHSAA shall adopt bylaws that, unless otherwise
341 provided by statute, presume the eligibility of students and
342 specify limited violations that result in ineligibility for
343 students who participate in high school athletic competition in
344 its member schools. The bylaws must ensure that:

345 1. A student remains eligible in the school in which he or
346 she first enrolls each school year or the school in which the
347 student makes himself or herself a candidate for an athletic
348 team by engaging in a practice before enrolling in the school.

349 2. A student remains eligible in the school to which the
350 student has transferred during the school year if the transfer
351 is made by a deadline established by the FHSAA, which may not be
352 before the date authorized for the beginning of practice for the
353 sport.

354 3. Once a student residence or transfer is approved by the
355 district school board or private school, as applicable, the
356 student remains eligible in the school if he or she remains
357 enrolled in the school and complies with applicable
358 requirements.

359 4. An otherwise eligible student athlete is not unfairly
360 punished for rule, eligibility, or recruiting violations
361 committed by a teammate, coach, administrator, school, or adult



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362 representative. Competition of otherwise eligible student
363 athletes is not prospectively limited for rule, eligibility, or
364 recruiting violations of a teammate, coach, administrator,
365 school, or adult representative.

366 5. A student is ineligible if the student or parent
367 intentionally and knowingly falsifies an enrollment or
368 eligibility document or intentionally and knowingly accepts a
369 significant benefit or a promise of significant benefit that is
370 not reasonably available to the school's students or family
371 members and that is provided based primarily on the student's
372 athletic interest, potential, or performance.

373 6. A student may not be ineligible based upon recruitment
374 or otherwise only because the student:

375 a. Participated on a non-school team or non-school teams
376 affiliated with the school in which the student ultimately
377 enrolls; or

378 b. Participated in activities sponsored by a member school
379 if, after participating, the student registers for, enrolls in
380 or applies to attend the sponsoring school.

381 7. Ineligibility requirements shall be applied to public
382 school students on an equal basis with private school students.

383 8. Ineligibility requirements shall be applied to transfer
384 students on an equal basis with nontransfer students.

385 9. Prescribed violations must be substantially related to
386 specific, important objectives and must be limited to address
387 only the minimal requirements necessary to accomplish the
388 objectives.

389
390 The FHSAA shall complete a comprehensive review and analysis of



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391 all existing bylaws, policies, and administrative procedures to
392 determine compliance with this paragraph by October 1, 2013. The
393 FHSAA shall provide a detailed report originating from its
394 review and analysis, which must include, but need not be limited
395 to, specifically articulating how each violation or requirement
396 in the bylaws, policies, and administrative procedures is
397 substantially related to an identified, important objective and
398 any necessary corrective action. The FHSAA shall provide a copy
399 of the report to the Commissioner of Education, the Governor,
400 the President of the Senate, and the Speaker of the House of
401 Representatives by October 15, 2013. Bylaws, policies, or
402 administrative procedures that are noncompliant with this
403 paragraph are void as of January 1, 2014 ~~The FHSAA shall adopt~~
404 ~~bylaws that, unless specifically provided by statute, establish~~
405 ~~eligibility requirements for all students who participate in~~
406 ~~high school athletic competition in its member schools. The~~
407 ~~bylaws governing residence and transfer shall allow the student~~
408 ~~to be eligible in the school in which he or she first enrolls~~
409 ~~each school year or the school in which the student makes~~
410 ~~himself or herself a candidate for an athletic team by engaging~~
411 ~~in a practice prior to enrolling in the school. The bylaws shall~~
412 ~~also allow the student to be eligible in the school to which the~~
413 ~~student has transferred during the school year if the transfer~~
414 ~~is made by a deadline established by the FHSAA, which may not be~~
415 ~~prior to the date authorized for the beginning of practice for~~
416 ~~the sport. These transfers shall be allowed pursuant to the~~
417 ~~district school board policies in the case of transfer to a~~
418 ~~public school or pursuant to the private school policies in the~~
419 ~~case of transfer to a private school. The student shall be~~



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420 ~~eligible in that school so long as he or she remains enrolled in~~
421 ~~that school. Subsequent eligibility shall be determined and~~
422 ~~enforced through the FHSAA's bylaws. Requirements governing~~
423 ~~eligibility and transfer between member schools shall be applied~~
424 ~~similarly to public school students and private school students.~~

425 (b) The FHSAA shall adopt bylaws that specifically prohibit
426 the recruiting of students for athletic purposes. The bylaws
427 must ~~shall~~ prescribe penalties and an appeals process for
428 athletic recruiting violations. If it is determined that a
429 school has recruited a student in violation of FHSAA bylaws, the
430 FHSAA may require the school to participate in a higher
431 classification for the sport in which the recruited student
432 competes for a minimum of one classification cycle, in addition
433 to any other appropriate fine and sanction imposed on the
434 school, its coaches, or adult representatives who violate
435 recruiting rules. ~~A student may not be declared ineligible based~~
436 ~~on violation of recruiting rules unless the student or parent~~
437 ~~has falsified any enrollment or eligibility document or accepted~~
438 ~~any benefit or any promise of benefit if such benefit is not~~
439 ~~generally available to the school's students or family members~~
440 ~~or is based in any way on athletic interest, potential, or~~
441 ~~performance.~~

442 (c) The FHSAA shall adopt bylaws that require all students
443 participating in interscholastic athletic competition or who are
444 candidates for an interscholastic athletic team to
445 satisfactorily pass a medical evaluation each year before ~~prior~~
446 ~~to~~ participating in interscholastic athletic competition or
447 engaging in any practice, tryout, workout, or other physical
448 activity associated with the student's candidacy for an



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449 interscholastic athletic team. Such medical evaluation may be
450 administered only by a practitioner licensed under chapter 458,
451 chapter 459, chapter 460, or s. 464.012, and in good standing
452 with the practitioner's regulatory board. The bylaws must ~~shall~~
453 establish requirements for eliciting a student's medical history
454 and performing the medical evaluation required under this
455 paragraph, which must ~~shall~~ include a physical assessment of the
456 student's physical capabilities to participate in
457 interscholastic athletic competition as contained in a uniform
458 preparticipation physical evaluation and history form. The
459 evaluation form must ~~shall~~ incorporate the recommendations of
460 the American Heart Association for participation cardiovascular
461 screening and must ~~shall~~ provide a place for the signature of
462 the practitioner performing the evaluation with an attestation
463 that each examination procedure listed on the form was performed
464 by the practitioner or by someone under the direct supervision
465 of the practitioner. The form must ~~shall~~ also contain a place
466 for the practitioner to indicate if a referral to another
467 practitioner was made in lieu of completion of a certain
468 examination procedure. The form must ~~shall~~ provide a place for
469 the practitioner to whom the student was referred to complete
470 the remaining sections and attest to that portion of the
471 examination. The preparticipation physical evaluation form must
472 ~~shall~~ advise students to complete a cardiovascular assessment
473 and must ~~shall~~ include information concerning alternative
474 cardiovascular evaluation and diagnostic tests. Results of such
475 medical evaluation must be provided to the school. No student
476 shall be eligible to participate in any interscholastic athletic
477 competition or engage in any practice, tryout, workout, or other



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478 physical activity associated with the student's candidacy for an
479 interscholastic athletic team until the results of the medical
480 evaluation have been received and approved by the school.

481 (d) Notwithstanding ~~the provisions of~~ paragraph (c), a
482 student may participate in interscholastic athletic competition
483 or be a candidate for an interscholastic athletic team if the
484 parent of the student objects in writing to the student
485 undergoing a medical evaluation because such evaluation is
486 contrary to his or her religious tenets or practices. However,
487 in such case, there shall be no liability on the part of any
488 person or entity in a position to otherwise rely on the results
489 of such medical evaluation for any damages resulting from the
490 student's injury or death arising directly from the student's
491 participation in interscholastic athletics where an undisclosed
492 medical condition that would have been revealed in the medical
493 evaluation is a proximate cause of the injury or death.

494 (e) The FHSAA shall adopt bylaws that regulate persons who
495 conduct investigations on behalf of the FHSAA. A formal
496 investigation must be completed within 90 days after the onset
497 of the investigation, and the FHSAA may not contract or in any
498 way pay for more than 520 hours of work for any investigation.
499 The bylaws must ~~shall~~ include provisions that require an
500 investigator to:

501 1. Undergo level 2 background screening under s. 435.04,
502 establishing that the investigator has not committed any
503 disqualifying offense listed in s. 435.04, unless the
504 investigator can provide proof of compliance with level 2
505 screening standards submitted within the previous 5 years to
506 meet any professional licensure requirements, provided:



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507 a. The investigator has not had a break in service from a
508 position that requires level 2 screening for more than 90 days;
509 and

510 b. The investigator submits, under penalty of perjury, an
511 affidavit verifying that the investigator has not committed any
512 disqualifying offense listed in s. 435.04 and is in full
513 compliance with this paragraph.

514 2. Be appointed as an investigator by the executive
515 director.

516 3. Carry a photo identification card that shows the FHSAA
517 name, logo, and the investigator's official title.

518 4. Notwithstanding s. 493.6102, maintain a valid class "C"
519 license as established in chapter 493.

520 5.4. Adhere to the following guidelines:

521 a. Investigate only those alleged violations assigned by
522 the executive director or the board of directors.

523 b. Conduct interviews on Monday through Friday between the
524 hours of 9 a.m. and 7 p.m. only, unless previously agreed to by
525 the interviewee.

526 c. Notify at least 24 hours before the interview at least
527 one custodial parent of a student being interviewed of the right
528 to be present during the interview upon the good-faith request
529 of the parent for a reasonable period of time if necessary for
530 the parent to attend the interview.

531 ~~d.e.~~ Allow both parents ~~the parent~~ of any student being
532 interviewed to be present during the interview.

533 ~~d. Search residences or other private areas only with the~~
534 ~~permission of the executive director and the written consent of~~
535 ~~the student's parent and only with a parent or a representative~~



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536 ~~of the parent present.~~

537 6. Provide notice to the affected student, parent, coach,
538 and school within 2 business days after the assignment of a
539 formal investigation into ineligibility or other violation of
540 law or rule. If the executive director certifies in writing that
541 a compelling need to withhold notice exists, identifying with
542 specificity why notice must not be provided, the notice is not
543 required until the investigator concludes the investigation. The
544 executive director shall provide a copy of the certification to
545 the Commissioner of Education within 1 business day after
546 signing the certification.

547 7. Provide the affected student, parent, coach, and school
548 within 5 business days after completion of the formal
549 investigation a copy of the investigation report and any
550 recommendation made by the investigator, executive director, or
551 board of directors.

552 (f) The FHSAA shall adopt bylaws that establish sanctions
553 for coaches who have committed major violations of the FHSAA's
554 bylaws and policies.

555 1. Major violations include, but are not limited to,
556 knowingly allowing an ineligible student to participate in a
557 contest representing a member school in an interscholastic
558 contest, ~~or~~ committing a violation of the FHSAA's recruiting or
559 sportsmanship policies, or colluding with a coach to prevent a
560 member or non-member school from scheduling competitions among
561 themselves.

562 2. Sanctions placed upon an individual coach may include,
563 but are not limited to, prohibiting or suspending the coach from
564 coaching, participating in, or attending any athletic activity



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565 sponsored, recognized, or sanctioned by the FHSAA and the member
566 school for which the coach committed the violation. If a coach
567 is sanctioned by the FHSAA and the coach transfers to another
568 member school, those sanctions remain in full force and effect
569 during the term of the sanction.

570 3. If a member school is assessed a financial penalty as a
571 result of a coach committing a major violation, the coach shall
572 reimburse the member school before being allowed to coach,
573 participate in, or attend any athletic activity sponsored,
574 recognized, or sanctioned by the FHSAA and a member school.

575 4. The FHSAA shall establish a due process procedure for
576 coaches sanctioned under this paragraph, consistent with the
577 appeals procedures set forth in subsection (7).

578 (g) The FHSAA shall adopt bylaws establishing the process
579 and standards by which FHSAA investigations into ineligibility
580 are initiated and determinations of sanctions or eligibility
581 determinations against a student, coach, or school eligibility
582 are made. Such bylaws must ~~shall~~ provide that:

583 1. Ineligibility must be established by clear and
584 convincing evidence;

585 2. Initial investigations into allegations of ineligibility
586 may be initiated by the FHSAA only if supported by credible
587 information from an identified source or from an anonymous
588 source with credible corroboration and which, if proven true,
589 would reasonably rebut the presumption of ineligibility. An
590 informal investigation is limited to determining whether there
591 is a sufficient evidentiary basis to initiate a formal
592 investigation and to produce the sworn testimony or affidavit
593 necessary to do so as hereinafter provided. Formal



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594 investigations into ineligibility may not be initiated unless
595 supported by sworn testimony or affidavits which, if proven
596 true, would reasonably demonstrate ineligibility by clear and
597 convincing evidence. The investigator and individual making the
598 determination shall receive and consider, from students,
599 parents, coaches, and schools, all evidence of a type commonly
600 relied upon by reasonably prudent persons in the conduct of
601 their affairs. Such evidence shall be admissible in the
602 proceeding, whether or not such evidence would be admissible in
603 a trial court in this state. An investigator or other agent of
604 the FHSAA may not conduct searches of residences or other
605 private areas during the course of an investigation. ~~Student~~
606 ~~athletes, parents, and schools must have notice of the~~
607 ~~initiation of any investigation or other inquiry into~~
608 ~~eligibility and may present, to the investigator and to the~~
609 ~~individual making the eligibility determination, any information~~
610 ~~or evidence that is credible, persuasive, and of a kind~~
611 ~~reasonably prudent persons rely upon in the conduct of serious~~
612 ~~affairs;~~

613 3. An investigator may not determine matters of eligibility
614 but must submit information and evidence to the executive
615 director or a person designated by the executive director or by
616 the board of directors for an unbiased and objective
617 determination of eligibility; and

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

621 (h) In lieu of bylaws adopted under paragraph (g), the
622 FHSAA may adopt bylaws providing as a minimum the procedural



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623 safeguards of ss. 120.569 and 120.57, making appropriate
624 provision for appointment of unbiased and qualified hearing
625 officers.

626 (i) Any student, coach, or school found to be ineligible
627 has the option to challenge the ineligibility determination
628 through the FHSAA appeal process or pursuant to ss. 120.569 and
629 120.57. The FHSAA shall notify in writing the student, coach, or
630 school of this option upon making the ineligibility
631 determination. Such an administrative hearing shall be
632 expedited. The Division of Administrative Hearings may assess a
633 fee, payable by the nonprevailing party, sufficient to cover the
634 cost of the administration of such proceedings ~~The FHSAA bylaws~~
635 ~~may not limit the competition of student athletes prospectively~~
636 ~~for rule violations of their school or its coaches or their~~
637 ~~adult representatives. The FHSAA bylaws may not unfairly punish~~
638 ~~student athletes for eligibility or recruiting violations~~
639 ~~perpetrated by a teammate, coach, or administrator. Contests may~~
640 not be forfeited for inadvertent eligibility violations unless
641 the coach or a school administrator should have known of the
642 violation. Contests may not be forfeited for other eligibility
643 violations or recruiting violations in excess of the number of
644 contests that the coaches and adult representatives responsible
645 for the violations are prospectively suspended.

646 (j) The FHSAA organization shall adopt guidelines to
647 educate athletic coaches, officials, administrators, and student
648 athletes and their parents of the nature and risk of concussion
649 and head injury.

650 (k) The FHSAA organization shall adopt bylaws or policies
651 that require the parent of a student who is participating in



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652 interscholastic athletic competition or who is a candidate for
653 an interscholastic athletic team to sign and return an informed
654 consent that explains the nature and risk of concussion and head
655 injury, including the risk of continuing to play after
656 concussion or head injury, each year before participating in
657 interscholastic athletic competition or engaging in any
658 practice, tryout, workout, or other physical activity associated
659 with the student's candidacy for an interscholastic athletic
660 team.

661 (1) The FHSAA ~~organization~~ shall adopt bylaws or policies
662 that require each student athlete who is suspected of sustaining
663 a concussion or head injury in a practice or competition to be
664 immediately removed from the activity. A student athlete who has
665 been removed from an activity may not return to practice or
666 competition until the student submits to the school a written
667 medical clearance to return stating that the student athlete no
668 longer exhibits signs, symptoms, or behaviors consistent with a
669 concussion or other head injury. Medical clearance must be
670 authorized by the appropriate health care practitioner trained
671 in the diagnosis, evaluation, and management of concussions as
672 defined by the Sports Medicine Advisory Committee of the Florida
673 High School Athletic Association.

674 (m) The FHSAA ~~organization~~ shall adopt bylaws for the
675 establishment and duties of a sports medicine advisory committee
676 composed of the following members:

- 677 1. Eight physicians licensed under chapter 458 or chapter
678 459 with at least one member licensed under chapter 459.
- 679 2. One chiropractor licensed under chapter 460.
- 680 3. One podiatrist licensed under chapter 461.



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681 4. One dentist licensed under chapter 466.

682 5. Three athletic trainers licensed under part XIII of
683 chapter 468.

684 6. One member who is a current or retired head coach of a
685 high school in the state.

686 (n) Student school attendance and transfer approvals shall
687 be determined by the district school board in the case of a
688 public school student and by the private school in the case of a
689 private school student. If the district school board or private
690 school approves the student school attendance or transfer, the
691 student remains eligible to participate in high school athletic
692 competition under the FHSAA jurisdiction.

693 (o)1. The FHSAA may challenge the student's eligibility to
694 participate in a high school athletic competition pursuant to
695 paragraph (n) by filing a petition for a hearing with the
696 Division of Administrative Hearings pursuant to s. 120.569, with
697 a copy of the petition contemporaneously provided to the
698 student, parent, coach, and school. The student remains eligible
699 unless a final order finding the student's ineligibility is
700 rendered. The Division of Administrative Hearings may assess a
701 fee, payable by the FHSAA, sufficient to cover the cost of the
702 administration of such proceedings.

703 2. The burden is on the FHSAA to demonstrate by clear and
704 convincing evidence that the student is ineligible. The
705 administrative law judge shall issue a final order pursuant to
706 s. 120.68. If the administrative law judge finds that the
707 student remains eligible, the final order shall award all
708 reasonable costs and attorney fees to be paid to all respondents
709 by the FHSAA. The FHSAA may not seek to recoup these costs and



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710 expenses from any other person, entity, or party.

711 (3) GOVERNING STRUCTURE OF THE ORGANIZATION.—

712 (a) The FHSAA shall operate as a representative democracy
713 in which the sovereign authority is within its member schools.
714 Except as provided in this section, the FHSAA shall govern its
715 affairs through its bylaws.

716 (b) Each member school, on its annual application for
717 membership, shall name its official representative to the FHSAA.
718 This representative must be either the school principal or his
719 or her designee. That designee must either be an assistant
720 principal or athletic director housed within that same school.

721 (c) The FHSAA's membership shall be divided along existing
722 county lines into four contiguous and compact administrative
723 regions, each containing an equal or nearly equal number of
724 member schools to ensure equitable representation on the FHSAA's
725 board of directors, representative assembly, and appeals
726 committees.

727 (4) BOARD OF DIRECTORS.—

728 (a) The executive authority of the FHSAA shall be vested in
729 its board of directors. Any entity that appoints members to the
730 board of directors shall examine the ethnic and demographic
731 composition of the board when selecting candidates for
732 appointment and shall, to the greatest extent possible, make
733 appointments that reflect state demographic and population
734 trends. Effective October 1, 2013, the board of directors shall
735 be composed of 17 ~~16~~ persons, as follows:

736 1. One charter school representative, elected from among
737 its public school representative members ~~Four public member~~
738 ~~school representatives, one elected from among its public school~~



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739 ~~representative members within each of the four administrative~~
740 ~~regions.~~

741 2. One ~~Four~~ nonpublic member school representative
742 ~~representatives, one~~ elected from among its nonpublic school
743 representative members ~~within each of the four administrative~~
744 ~~regions.~~

745 3. Four ~~Three~~ representatives appointed by the
746 commissioner, one appointed from each of the four administrative
747 regions ~~one appointed from the two northernmost administrative~~
748 ~~regions and one appointed from the two southernmost~~
749 ~~administrative regions. The third representative shall be~~
750 ~~appointed to balance the board for diversity or state population~~
751 ~~trends, or both.~~

752 4. Two district school superintendents, one elected from
753 the two northernmost administrative regions by the members in
754 those regions and one elected from the two southernmost
755 administrative regions by the members in those regions.

756 5. Two district school board members, one elected from the
757 two northernmost administrative regions by the members in those
758 regions and one elected from the two southernmost administrative
759 regions by the members in those regions.

760 6. Two county athletic directors, one elected from the two
761 northernmost administrative regions by the members in those
762 regions and one elected from the two southernmost administrative
763 regions by the members in those regions.

764 ~~7.6.~~ The commissioner or his or her designee from the
765 department executive staff.

766 8. One representative appointed by the President of the
767 Senate.



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768 9. One representative appointed by the Speaker of the House
769 of Representatives.

770 10. One representative appointed by the Executive Director
771 of the Florida Athletic Coaches Association.

772 11. One home school member representative elected from
773 among its home school representative members.

774 (b) A quorum of the board of directors shall consist of one
775 more than half of its ~~nine~~ members.

776 (c) The board of directors shall elect a president and a
777 vice president from among its members. These officers shall also
778 serve as officers of the FHSAA.

779 (d) Members of the board of directors shall serve terms of
780 4 ~~3~~ years and are not eligible to succeed themselves ~~only once~~.
781 A member of the board of directors, other than the commissioner
782 or his or her designee, may serve a maximum of 4 ~~6~~ consecutive
783 years. The FHSAA's bylaws shall establish a rotation of terms so
784 that approximately one-third of the members other than the
785 commissioner or his or her designee rotate off the board each
786 year to ensure that a majority of the members' terms do not
787 expire concurrently. For the purpose of ensuring staggered
788 terms, board members appointed by the commissioner prior to July
789 1, 2013, and the two district school superintendents elected
790 prior to July 1, 2013, may continue to serve on the board
791 through September 30, 2015.

792 (e) The authority and duties of the board of directors,
793 acting as a body and in accordance with the FHSAA's bylaws, are
794 as follows:

795 1. To act as the incorporated FHSAA's board of directors
796 and to fulfill its obligations as required by the FHSAA's



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797 charter and articles of incorporation.

798 2. To establish such guidelines, regulations, policies, and
799 procedures as are authorized by the bylaws.

800 3. To employ an FHSAA executive director, subject to Senate
801 confirmation. The executive director has ~~who shall have~~ the
802 authority to waive the bylaws of the FHSAA in order to comply
803 with statutory changes. The executive director's salary shall be
804 no greater than that set by law for the Governor of this state.
805 The executive director is not entitled to per diem and travel
806 expenses in excess of the rate provided for state employees
807 under s. 112.061.

808 4. To levy annual dues and other fees and to set the
809 percentage of contest receipts to be collected by the FHSAA
810 except that, beginning in the 2013-2014 fiscal year, all dues,
811 fees, and percentages of contest receipts that the FHSAA is
812 entitled to collect shall be fixed at the amount established in
813 the FHSAA bylaws for 2012-2013 as published on the FHSAA website
814 as of February 26, 2013, and may be increased only once annually
815 in an amount necessary to reflect changes in the United States
816 Department of Labor's Consumer Price Index for All Urban
817 Consumers (CPI-U), all items, with the resulting calculation
818 rounded to the nearest whole dollar amount. The aggregate of
819 such dues, fees, and percentages of contest receipts shall be
820 allocated as follows:

821 a. Up to 55 percent for the FHSAA to be used for
822 organization operations as allowed by law.

823 b. At least 30 percent for the FHSAA to provide
824 postsecondary scholarships to students who meet qualifications
825 established by the FHSAA.



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826 c. At least 15 percent for the FHSAA to coordinate with the
827 National Center for Sports Safety and provide for the education
828 of coaches, parks and recreation staff, parents, and other
829 volunteers on the basics of sports safety and injury prevention,
830 and the well-being and health, safety, and welfare of athletes.

831 5. To approve the budget of the FHSAA.

832 6. To organize and conduct statewide interscholastic
833 competitions, which may or may not lead to state championships,
834 and to establish the terms and conditions for these
835 competitions.

836 7. To act as an administrative board in the interpretation
837 of, and final decision on, all questions and appeals arising
838 from the directing of interscholastic athletics of member
839 schools.

840 8. To levy fines, penalties, and sanctions against schools
841 and coaches found to be in violation of student eligibility
842 requirements and recruiting practices pursuant to subsection
843 (2). However, fines, penalties, and sanctions may not exceed the
844 cost to investigate reported violations and the cost of
845 associated appeals processes. The board of directors shall
846 submit an annual report to the Department of Education by
847 October 1 each year which reconciles the costs of investigations
848 and appeals with the fines, penalties, and sanctions charged to
849 member schools and coaches for each fiscal year.

850 (5) REPRESENTATIVE ASSEMBLY.—

851 (a) The legislative authority of the FHSAA is vested in its
852 representative assembly.

853 (b) The representative assembly shall be composed of the
854 following:



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855 1. An equal number of member school representatives from
856 each of the four administrative regions.

857 2. Four district school superintendents, one elected from
858 each of the four administrative regions by the district school
859 superintendents in their respective administrative regions.

860 3. Four district school board members, one elected from
861 each of the four administrative regions by the district school
862 board members in their respective administrative regions.

863 4. The commissioner or his or her designee from the
864 department executive staff.

865 (c) The FHSAA's bylaws shall establish the number of member
866 school representatives to serve in the representative assembly
867 from each of the four administrative regions, not to exceed six
868 from each of the four regions, and shall establish the method
869 for their selection.

870 (d) No member of the board of directors other than the
871 commissioner or his or her designee can serve in the
872 representative assembly.

873 (e) The representative assembly shall elect a chairperson
874 and a vice chairperson from among its members.

875 (f) Elected members of the representative assembly shall
876 serve terms of 2 years and are eligible to succeed themselves
877 for one ~~two~~ additional term ~~terms~~. An elected member, other than
878 the commissioner or his or her designee, may serve a maximum of
879 4 ~~6~~ consecutive years in the representative assembly.

880 (g) A quorum of the representative assembly consists of one
881 more than half of its members.

882 (h) The authority of the representative assembly is limited
883 to its sole duty, which is to consider, adopt, or reject any



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884 proposed amendments to the FHSAA's bylaws.

885 (i) The representative assembly shall meet as a body
886 annually. A two-thirds majority of the votes cast by members
887 present is required for passage of any proposal.

888 (6) PUBLIC LIAISON ADVISORY COMMITTEE.-

889 (f) Members of the public liaison advisory committee are
890 entitled to per diem and travel expenses at the same rate
891 provided for state employees under s. 112.061.

892 Section 5. This act shall take effect July 1, 2013.

893

894 ===== T I T L E A M E N D M E N T =====

895 And the title is amended as follows:

896 Delete everything before the enacting clause
897 and insert:

898 A bill to be entitled

899 An act relating to high school athletics; reenacting
900 and amending s. 1002.20(17), F.S.; making technical
901 changes; amending s. 1006.15, F.S.; revising criteria
902 for student eligibility for participation in
903 extracurricular activities; defining the term "public
904 school"; authorizing certain students to participate
905 in an extracurricular activity at another school
906 subject to certain requirements; amending s. 1006.19,
907 F.S.; providing requirements for an annual financial
908 and compliance audit of an association that supervises
909 interscholastic activities of public high schools;
910 requiring that an association or corporation that
911 supervises interscholastic activities of public high
912 schools complete a report; specifying report



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913 requirements; requiring the report to be submitted to
914 the Commissioner of Education and the Legislature
915 annually; amending s. 1006.20, F.S.; providing that
916 the designation of the Florida High School Athletic
917 Association (FHSAA) as the governing nonprofit
918 organization of athletics expires on a specified date;
919 specifying that the FHSAA is subject to the provisions
920 of chs. 119 and 286, F.S.; revising the criteria for
921 bylaws, policies, or guidelines adopted by the FHSAA;
922 requiring the FHSAA to complete a review by a
923 specified date; requiring that the FHSAA submit a
924 report to the Commissioner of Education, the Governor,
925 and the Legislature; providing requirements for
926 investigations and investigators; authorizing the
927 assessment of fees to cover costs for certain
928 proceedings; establishing notice requirements;
929 providing procedures for student residence and
930 transfer approvals; providing for hearings before the
931 Division of Administrative Hearings (DOAH);
932 authorizing DOAH to assess fees payable by the
933 nonprevailing party to administer the hearings;
934 providing that the burden is on the FHSAA to
935 demonstrate by clear and convincing evidence that a
936 student is ineligible to participate in a high school
937 athletic competition; requiring that the FHSAA pay
938 costs and attorney fees in certain circumstances;
939 revising the composition of the board of directors of
940 the FHSAA and terms of office; revising what
941 constitutes a quorum of the board of directors;



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942 providing that the appointment of the executive
943 director is subject to Senate confirmation; providing
944 restrictions on the salary, per diem, and travel
945 expenses of the FHSAA's executive director; revising
946 provisions relating to the FHSAA's representative
947 assembly; providing restrictions on the levy of dues
948 and fees and the collection of contest receipts;
949 providing authority to levy fines, penalties, and
950 sanctions against schools and coaches; providing that
951 members of the FHSAA's public liaison advisory
952 committee are entitled to reimbursement for per diem
953 and travel expenses at the same rate as state
954 employees; providing an effective date.

By Senator Stargel

15-01209-13

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1 A bill to be entitled
 2 An act relating to high school athletics; reenacting
 3 and amending s. 1002.20(17), F.S.; making technical
 4 changes; amending s. 1006.15, F.S.; revising criteria
 5 for student eligibility for participation in
 6 extracurricular activities to include students in
 7 charter schools; amending s. 1006.20, F.S.; revising
 8 the criteria for bylaws, policies, or guidelines
 9 adopted by the Florida High School Athletic
 10 Association; requiring the association to complete a
 11 review by a specified date; requiring that the
 12 association submit a report to the Commissioner of
 13 Education, the Governor, and the Legislature;
 14 establishing notice requirements to specified parties;
 15 providing procedures for student residence and
 16 transfer approvals; providing that the burden is on
 17 the FHSAA to demonstrate by clear and convincing
 18 evidence that a student is ineligible to participate
 19 in a high school athletic competition; requiring that
 20 the FHSAA pay costs and attorney fees in certain
 21 circumstances; revising the composition of the board
 22 of directors of the association; revising what
 23 constitutes a quorum of the board of directors;
 24 providing restrictions for the salary, benefits, per
 25 diem, and travel expenses of the association's
 26 executive director; providing that members of the
 27 association's public liaison advisory committee are
 28 entitled to reimbursement for per diem and travel
 29 expenses at the same rate as state employees;

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30 providing an effective date.

31

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

33

34 Section 1. Subsection (17) of section 1002.20, Florida
 35 Statutes, is reenacted and amended to read:

36 1002.20 K-12 student and parent rights.—Parents of public
 37 school students must receive accurate and timely information
 38 regarding their child's academic progress and must be informed
 39 of ways they can help their child to succeed in school. K-12
 40 students and their parents are afforded numerous statutory
 41 rights including, but not limited to, the following:

42 (17) ATHLETICS; PUBLIC HIGH SCHOOL.—

43 (a) Eligibility.—Eligibility requirements for all students
 44 participating in a high school athletic competition must allow a
 45 student to be eligible in the school in which he or she first
 46 enrolls each school year, the school in which the student makes
 47 himself or herself a candidate for an athletic team by engaging
 48 in practice before enrolling, or the school to which the student
 49 has transferred with approval of the district school board, in
 50 accordance with ~~the provisions of~~ s. 1006.20(2)(a).

51 (b) Medical evaluation.—Students must satisfactorily pass a
 52 medical evaluation each year before participating in athletics,
 53 unless the parent objects in writing based on religious tenets
 54 or practices, in accordance with ~~the provisions of~~ s.
 55 1006.20(2)(d).

56 Section 2. Paragraphs (a), (d), and (f) of subsection (3)
 57 and subsection (5) of section 1006.15, Florida Statutes, are
 58 amended to read:

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59 1006.15 Student standards for participation in
60 interscholastic and intrascholastic extracurricular student
61 activities; regulation.—

62 (3) (a) A student attending a public school or a school
63 identified in this section is presumed eligible to participate
64 in interscholastic extracurricular student activities. For the
65 purposes of this section, a charter school is considered a
66 public school. A student remains eligible to participate in
67 interscholastic extracurricular student activities if the
68 student ~~To be eligible to participate in interscholastic~~
69 ~~extracurricular student activities, a student must:~~

70 1. Maintains ~~Maintain~~ a grade point average of 2.0 or above
71 on a 4.0 scale, or its equivalent, in the previous semester or a
72 cumulative grade point average of 2.0 or above on a 4.0 scale,
73 or its equivalent, in the courses required by s. 1003.43(1).

74 2. Executes ~~Execute~~ and fulfills ~~fulfill~~ the requirements
75 of an academic performance contract between the student, the
76 district school board, the appropriate governing association,
77 and the student's parents, if the student's cumulative grade
78 point average falls below 2.0, or its equivalent, on a 4.0 scale
79 in the courses required by s. 1003.43(1) or, for students who
80 entered the 9th grade ~~before~~ ~~prior~~ to the 1997-1998 school year,
81 if the student's cumulative grade point average falls below 2.0
82 on a 4.0 scale, or its equivalent, in the courses required by s.
83 1003.43(1) which are taken after July 1, 1997. At a minimum, the
84 contract must require that the student attend summer school, or
85 its graded equivalent, between grades 9 and 10 or grades 10 and
86 11, as necessary.

87 3. Has ~~Have~~ a cumulative grade point average of 2.0 or

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88 above on a 4.0 scale, or its equivalent, in the courses required
89 by s. 1003.43(1) during his or her junior or senior year.

90 4. Maintains ~~Maintain~~ satisfactory conduct, including
91 adherence to appropriate dress and other codes of student
92 conduct policies described in s. 1006.07(2). If a student is
93 convicted of, or is found to have committed, a felony or a
94 delinquent act that would have been a felony if committed by an
95 adult, regardless of whether adjudication is withheld, the
96 student's participation in interscholastic extracurricular
97 activities is contingent upon established and published district
98 school board policy.

99 (d) An individual public charter school student ~~pursuant to~~
100 ~~s. 1002.33~~ is eligible to participate at the public school to
101 which the student would be assigned, including a charter school,
102 according to district school board attendance area policies or
103 which the student could choose to attend, pursuant to district
104 or interdistrict controlled open-enrollment policies ~~provisions,~~
105 in any interscholastic extracurricular activity of that school,
106 unless such activity is provided by the student's current
107 ~~charter~~ school, if the following conditions are met:

108 1. The ~~charter school~~ student must meet the requirements of
109 the student's current ~~charter~~ school education program ~~as~~
110 ~~determined by the charter school governing board.~~

111 2. During the period of participation at a school, the
112 ~~charter school~~ student must demonstrate educational progress as
113 required in paragraph (b).

114 3. The ~~charter school~~ student must meet the same residency
115 requirements as other students in the school at which he or she
116 participates.

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117 4. The ~~charter school~~ student must meet the same standards
118 of acceptance, behavior, and performance which that are required
119 of other students in extracurricular activities.

120 5. The ~~charter school~~ student must register with the school
121 his or her intent to participate in interscholastic
122 extracurricular activities as a representative of the school
123 before the beginning date of the season for the activity in
124 which he or she wishes to participate. A ~~charter school~~ student
125 must be able to participate in curricular activities if there
126 ~~that~~ is a requirement for an extracurricular activity.

127 6. A student who transfers from a public charter school
128 ~~program~~ to a different traditional public school before or
129 during the first grading period of the school year is
130 academically eligible to participate in interscholastic
131 extracurricular activities during the first grading period if
132 the student has a successful evaluation from the previous school
133 year, pursuant to subparagraph 2.

134 7. A Any public school or private school student who has
135 been unable to maintain academic eligibility for participation
136 in interscholastic extracurricular activities is ineligible to
137 participate in such activities as a public charter school
138 student until the student has successfully completed one grading
139 period in a ~~charter~~ school pursuant to subparagraph 2. ~~to become~~
140 ~~eligible to participate as a charter school student.~~

141 (f) A student who transfers from the Florida Virtual School
142 full-time program to a ~~traditional~~ public school before or
143 during the first grading period of the school year is
144 academically eligible to participate in interscholastic
145 extracurricular activities during the first grading period if

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146 the student has a successful evaluation from the previous school
147 year pursuant to paragraph (a).

148 (5) An Any organization or entity that regulates or governs
149 interscholastic extracurricular activities of public schools:

150 (a) Shall permit home education associations to join as
151 member schools.

152 (b) May Shall not discriminate against any eligible student
153 based on an educational choice of public, private, or home
154 education.

155 Section 3. Subsections (1) through (4) of section 1006.20,
156 Florida Statutes, are amended, and paragraph (f) is added to
157 subsection (6) of that section to read:

158 1006.20 Athletics in public K-12 schools.—

159 (1) GOVERNING NONPROFIT ORGANIZATION.—The Florida High
160 School Athletic Association (FHSAA) is designated as the
161 governing nonprofit organization of athletics in Florida public
162 schools. If the FHSAA fails to meet the provisions of this
163 section, the commissioner shall designate a nonprofit
164 organization to govern athletics with the approval of the State
165 Board of Education. The FHSAA is not a state agency as defined
166 in s. 120.52. The FHSAA shall be subject to ~~the provisions of~~ s.
167 1006.19. A private school that wishes to engage in high school
168 athletic competition with a public high school may become a
169 member of the FHSAA. Any high school in the state, including
170 charter schools, virtual schools, and home education
171 cooperatives, may become a member of the FHSAA and participate
172 in the activities of the FHSAA. However, membership in the FHSAA
173 is not mandatory for any school. The FHSAA may not deny or
174 discourage interscholastic competition between its member

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 175 schools and non-FHSAA member Florida schools, including members
 176 of another athletic governing organization, and may not take any
 177 retributory or discriminatory action against any of its member
 178 schools that participate in interscholastic competition with
 179 non-FHSAA member Florida schools. The FHSAA may not unreasonably
 180 withhold its approval of an application to become an affiliate
 181 member of the National Federation of State High School
 182 Associations submitted by any other organization that governs
 183 interscholastic athletic competition in this state. The bylaws
 184 of the FHSAA are the rules by which high school athletic
 185 programs in its member schools, and the students who participate
 186 in them, are governed, unless otherwise specifically provided by
 187 statute. For the purposes of this section, "high school"
 188 includes grades 6 through 12.

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

190 (a) The FHSAA shall adopt bylaws that, unless otherwise
 191 provided by statute, establish limited violations that result in
 192 ineligibility for students who participate in high school
 193 athletic competition in its member schools. The bylaws must
 194 ensure that:

195 1. A student remains eligible in the school in which he or
 196 she first enrolls each school year or the school in which the
 197 student makes himself or herself a candidate for an athletic
 198 team by engaging in a practice before enrolling in the school.

199 2. A student remains eligible in the school to which the
 200 student has transferred during the school year if the transfer
 201 is made by a deadline established by the FHSAA, which may not be
 202 before the date authorized for the beginning of practice for the
 203 sport.

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 204 3. Once a student residence or transfer is approved by the
 205 district school board or private school, as applicable, the
 206 student remains eligible in the school if he or she remains
 207 enrolled in the school and complies with applicable
 208 requirements.

209 4. Rule, eligibility, and recruiting violations by a
 210 teammate, coach, administrator, school, or adult representative
 211 may not be used against a student.

212 5. A student is ineligible if the student or parent
 213 intentionally and knowingly falsifies an enrollment or
 214 eligibility document or intentionally and knowingly accepts a
 215 significant benefit or a promise of significant benefit that is
 216 not reasonably available to the school's students or family
 217 members and that is provided based primarily on the student's
 218 athletic interest, potential, or performance.

219 6. Ineligibility requirements shall be applied to public
 220 school students on an equal basis with private school students.

221 7. Ineligibility requirements shall be applied to transfer
 222 students on an equal basis with nontransfer students.

223 8. Prescribed violations must be substantially related to
 224 specific, important objectives and must be limited to address
 225 only the minimal requirements necessary to accomplish the
 226 objectives.

227 The FHSAA shall complete a comprehensive review and analysis of
 228 all existing bylaws, policies, and administrative procedures to
 229 determine compliance with this paragraph by October 1, 2013. The
 230 FHSAA shall provide a detailed report originating from its
 231 review and analysis, which must include, but need not be limited
 232

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233 to, specifically articulating how each violation or requirement
 234 in the bylaws, policies, and administrative procedures is
 235 substantially related to an identified, important objective and
 236 any necessary corrective action. The FHSAA shall provide a copy
 237 of the report to the Commissioner of Education, the Governor,
 238 the President of the Senate, and the Speaker of the House of
 239 Representatives by October 15, 2013. Bylaws, policies, or
 240 administrative procedures that are noncompliant with this
 241 paragraph are void as of July 1, 2013 ~~The FHSAA shall adopt~~
 242 ~~bylaws that, unless specifically provided by statute, establish~~
 243 ~~eligibility requirements for all students who participate in~~
 244 ~~high school athletic competition in its member schools. The~~
 245 ~~bylaws governing residence and transfer shall allow the student~~
 246 ~~to be eligible in the school in which he or she first enrolls~~
 247 ~~each school year or the school in which the student makes~~
 248 ~~himself or herself a candidate for an athletic team by engaging~~
 249 ~~in a practice prior to enrolling in the school. The bylaws shall~~
 250 ~~also allow the student to be eligible in the school to which the~~
 251 ~~student has transferred during the school year if the transfer~~
 252 ~~is made by a deadline established by the FHSAA, which may not be~~
 253 ~~prior to the date authorized for the beginning of practice for~~
 254 ~~the sport. These transfers shall be allowed pursuant to the~~
 255 ~~district school board policies in the case of transfer to a~~
 256 ~~public school or pursuant to the private school policies in the~~
 257 ~~case of transfer to a private school. The student shall be~~
 258 ~~eligible in that school so long as he or she remains enrolled in~~
 259 ~~that school. Subsequent eligibility shall be determined and~~
 260 ~~enforced through the FHSAA's bylaws. Requirements governing~~
 261 ~~eligibility and transfer between member schools shall be applied~~

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262 ~~similarly to public school students and private school students.~~
 263 (b) The FHSAA shall adopt bylaws that specifically prohibit
 264 the recruiting of students for athletic purposes. The bylaws
 265 ~~must shall~~ prescribe penalties and an appeals process for
 266 athletic recruiting violations. If it is determined that a
 267 school has recruited a student in violation of FHSAA bylaws, the
 268 FHSAA may require the school to participate in a higher
 269 classification for the sport in which the recruited student
 270 competes for a minimum of one classification cycle, in addition
 271 to any other appropriate fine and sanction imposed on the
 272 school, its coaches, or adult representatives who violate
 273 recruiting rules. ~~A student may not be declared ineligible based~~
 274 ~~on violation of recruiting rules unless the student or parent~~
 275 ~~has falsified any enrollment or eligibility document or accepted~~
 276 ~~any benefit or any promise of benefit if such benefit is not~~
 277 ~~generally available to the school's students or family members~~
 278 ~~or is based in any way on athletic interest, potential, or~~
 279 ~~performance.~~
 280 (c) The FHSAA shall adopt bylaws that require all students
 281 participating in interscholastic athletic competition or who are
 282 candidates for an interscholastic athletic team to
 283 satisfactorily pass a medical evaluation each year ~~before prior~~
 284 ~~to~~ participating in interscholastic athletic competition or
 285 engaging in any practice, tryout, workout, or other physical
 286 activity associated with the student's candidacy for an
 287 interscholastic athletic team. Such medical evaluation may be
 288 administered only by a practitioner licensed under chapter 458,
 289 chapter 459, chapter 460, or s. 464.012, and in good standing
 290 with the practitioner's regulatory board. The bylaws must shall

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291 establish requirements for eliciting a student's medical history
 292 and performing the medical evaluation required under this
 293 paragraph, which ~~must shall~~ include a physical assessment of the
 294 student's physical capabilities to participate in
 295 interscholastic athletic competition as contained in a uniform
 296 preparticipation physical evaluation and history form. The
 297 evaluation form ~~must shall~~ incorporate the recommendations of
 298 the American Heart Association for participation cardiovascular
 299 screening and ~~must shall~~ provide a place for the signature of
 300 the practitioner performing the evaluation with an attestation
 301 that each examination procedure listed on the form was performed
 302 by the practitioner or by someone under the direct supervision
 303 of the practitioner. The form ~~must shall~~ also contain a place
 304 for the practitioner to indicate if a referral to another
 305 practitioner was made in lieu of completion of a certain
 306 examination procedure. The form ~~must shall~~ provide a place for
 307 the practitioner to whom the student was referred to complete
 308 the remaining sections and attest to that portion of the
 309 examination. The preparticipation physical evaluation form ~~must~~
 310 ~~shall~~ advise students to complete a cardiovascular assessment
 311 and ~~must shall~~ include information concerning alternative
 312 cardiovascular evaluation and diagnostic tests. Results of such
 313 medical evaluation must be provided to the school. No student
 314 shall be eligible to participate in any interscholastic athletic
 315 competition or engage in any practice, tryout, workout, or other
 316 physical activity associated with the student's candidacy for an
 317 interscholastic athletic team until the results of the medical
 318 evaluation have been received and approved by the school.

319 (d) Notwithstanding ~~the provisions of~~ paragraph (c), a

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320 student may participate in interscholastic athletic competition
 321 or be a candidate for an interscholastic athletic team if the
 322 parent of the student objects in writing to the student
 323 undergoing a medical evaluation because such evaluation is
 324 contrary to his or her religious tenets or practices. However,
 325 in such case, there shall be no liability on the part of any
 326 person or entity in a position to otherwise rely on the results
 327 of such medical evaluation for any damages resulting from the
 328 student's injury or death arising directly from the student's
 329 participation in interscholastic athletics where an undisclosed
 330 medical condition that would have been revealed in the medical
 331 evaluation is a proximate cause of the injury or death.

332 (e) The FHSAA shall adopt bylaws that regulate persons who
 333 conduct investigations on behalf of the FHSAA. The bylaws ~~must~~
 334 ~~shall~~ include provisions that require an investigator to:

335 1. Undergo level 2 background screening under s. 435.04,
 336 establishing that the investigator has not committed any
 337 disqualifying offense listed in s. 435.04, unless the
 338 investigator can provide proof of compliance with level 2
 339 screening standards submitted within the previous 5 years to
 340 meet any professional licensure requirements, provided:

341 a. The investigator has not had a break in service from a
 342 position that requires level 2 screening for more than 90 days;
 343 and

344 b. The investigator submits, under penalty of perjury, an
 345 affidavit verifying that the investigator has not committed any
 346 disqualifying offense listed in s. 435.04 and is in full
 347 compliance with this paragraph.

348 2. Be appointed as an investigator by the executive

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349 director.

350 3. Carry a photo identification card that shows the FHSAA

351 name, logo, and the investigator's official title.

352 4. Adhere to the following guidelines:

353 a. Investigate only those alleged violations assigned by

354 the executive director or the board of directors.

355 b. Conduct interviews on Monday through Friday between the

356 hours of 9 a.m. and 7 p.m. only, unless previously agreed to by

357 the interviewee.

358 c. Allow the parent of any student being interviewed to be

359 present during the interview.

360 d. Search residences or other private areas only with the

361 permission of the executive director and the written consent of

362 the student's parent and only with a parent or a representative

363 of the parent present.

364 5. Provide notice to the affected student, parent, coach,

365 and school within 2 business days after the assignment of an

366 investigation into ineligibility or other violation of law or

367 rule. If the executive director certifies in writing that a

368 compelling need to withhold notice exists, identifying with

369 specificity why notice must not be provided, the notice is not

370 required until the investigator concludes the investigation. The

371 executive director shall provide a copy of the certification to

372 the Commissioner of Education within 1 business day after

373 signing the certification.

374 6. Provide the affected student, parent, coach, and school

375 within 5 business days after completion of the investigation a

376 copy of the investigation, report, and any recommendation made

377 by the investigator, executive director, or board of directors.

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378 (f) The FHSAA shall adopt bylaws that establish sanctions

379 for coaches who have committed major violations of the FHSAA's

380 bylaws and policies.

381 1. Major violations include, but are not limited to,

382 knowingly allowing an ineligible student to participate in a

383 contest representing a member school in an interscholastic

384 contest or committing a violation of the FHSAA's recruiting or

385 sportsmanship policies.

386 2. Sanctions placed upon an individual coach may include,

387 but are not limited to, prohibiting or suspending the coach from

388 coaching, participating in, or attending any athletic activity

389 sponsored, recognized, or sanctioned by the FHSAA and the member

390 school for which the coach committed the violation. If a coach

391 is sanctioned by the FHSAA and the coach transfers to another

392 member school, those sanctions remain in full force and effect

393 during the term of the sanction.

394 3. If a member school is assessed a financial penalty as a

395 result of a coach committing a major violation, the coach shall

396 reimburse the member school before being allowed to coach,

397 participate in, or attend any athletic activity sponsored,

398 recognized, or sanctioned by the FHSAA and a member school.

399 4. The FHSAA shall establish a due process procedure for

400 coaches sanctioned under this paragraph, consistent with the

401 appeals procedures set forth in subsection (7).

402 (g) The FHSAA shall adopt bylaws establishing the process

403 and standards by which FHSAA determinations of sanctions or

404 eligibility determinations against a coach or school eligibility

405 are made. Such bylaws must shall provide that:

406 1. Ineligibility must be established by clear and

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407 convincing evidence;

408 2. The investigator and individual making the determination
 409 shall receive and consider, from students, parents, coaches, and
 410 schools, all evidence of a type commonly relied upon by
 411 reasonably prudent persons in the conduct of their affairs. Such
 412 evidence shall be admissible in the proceeding, whether or not
 413 such evidence would be admissible in a trial court in this state
 414 ~~Student athletes, parents, and schools must have notice of the~~
 415 ~~initiation of any investigation or other inquiry into~~
 416 ~~eligibility and may present, to the investigator and to the~~
 417 ~~individual making the eligibility determination, any information~~
 418 ~~or evidence that is credible, persuasive, and of a kind~~
 419 ~~reasonably prudent persons rely upon in the conduct of serious~~
 420 ~~affairs;~~

421 3. An investigator may not determine matters of eligibility
 422 but must submit information and evidence to the executive
 423 director or a person designated by the executive director or by
 424 the board of directors for an unbiased and objective
 425 determination of eligibility; and

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

429 (h) In lieu of bylaws adopted under paragraph (g), the
 430 FHSAA may adopt bylaws providing as a minimum the procedural
 431 safeguards of ss. 120.569 and 120.57, making appropriate
 432 provision for appointment of unbiased and qualified hearing
 433 officers.

434 (i) ~~The FHSAA bylaws may not limit the competition of~~
 435 ~~student athletes prospectively for rule violations of their~~

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436 ~~school or its coaches or their adult representatives. The FHSAA~~
 437 ~~bylaws may not unfairly punish student athletes for eligibility~~
 438 ~~or recruiting violations perpetrated by a teammate, coach, or~~
 439 ~~administrator.~~ Contests may not be forfeited for inadvertent
 440 eligibility violations unless the coach or a school
 441 administrator should have known of the violation. Contests may
 442 not be forfeited for other eligibility violations or recruiting
 443 violations in excess of the number of contests that the coaches
 444 and adult representatives responsible for the violations are
 445 prospectively suspended.

446 (j) The FHSAA organization shall adopt guidelines to
 447 educate athletic coaches, officials, administrators, and student
 448 athletes and their parents of the nature and risk of concussion
 449 and head injury.

450 (k) The FHSAA organization shall adopt bylaws or policies
 451 that require the parent of a student who is participating in
 452 interscholastic athletic competition or who is a candidate for
 453 an interscholastic athletic team to sign and return an informed
 454 consent that explains the nature and risk of concussion and head
 455 injury, including the risk of continuing to play after
 456 concussion or head injury, each year before participating in
 457 interscholastic athletic competition or engaging in any
 458 practice, tryout, workout, or other physical activity associated
 459 with the student's candidacy for an interscholastic athletic
 460 team.

461 (l) The FHSAA organization shall adopt bylaws or policies
 462 that require each student athlete who is suspected of sustaining
 463 a concussion or head injury in a practice or competition to be
 464 immediately removed from the activity. A student athlete who has

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 465 been removed from an activity may not return to practice or
 466 competition until the student submits to the school a written
 467 medical clearance to return stating that the student athlete no
 468 longer exhibits signs, symptoms, or behaviors consistent with a
 469 concussion or other head injury. Medical clearance must be
 470 authorized by the appropriate health care practitioner trained
 471 in the diagnosis, evaluation, and management of concussions as
 472 defined by the Sports Medicine Advisory Committee of the Florida
 473 High School Athletic Association.

474 (m) The ~~FHSAA organization~~ shall adopt bylaws for the
 475 establishment and duties of a sports medicine advisory committee
 476 composed of the following members:

- 477 1. Eight physicians licensed under chapter 458 or chapter
- 478 459 with at least one member licensed under chapter 459.
- 479 2. One chiropractor licensed under chapter 460.
- 480 3. One podiatrist licensed under chapter 461.
- 481 4. One dentist licensed under chapter 466.
- 482 5. Three athletic trainers licensed under part XIII of
- 483 chapter 468.
- 484 6. One member who is a current or retired head coach of a
- 485 high school in the state.

486 (n) Student residence and transfer approvals shall be
 487 determined by the district school board in the case of a public
 488 school student, and by the private school in the case of a
 489 private school student. If the school district or private school
 490 approves the student residence or transfer, the student remains
 491 eligible to participate in high school athletic competition
 492 under the FHSAA jurisdiction.

- 493 1. The FHSAA may challenge the student's eligibility to

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 494 participate in a high school athletic competition under its
 495 jurisdiction by filing a petition for a hearing with the
 496 Division of Administrative Hearings pursuant to s. 120.569, with
 497 a copy of the petition contemporaneously provided to the
 498 student, parent, coach, and school. The student remains eligible
 499 unless a final order finding the student's ineligibility is
 500 rendered.

501 2. The burden is on the FHSAA to demonstrate by clear and
 502 convincing evidence that the student is ineligible. The
 503 administrative law judge shall issue a final order pursuant to
 504 s. 120.68. If the administrative law judge finds that the
 505 student remains eligible, the final order shall award all
 506 reasonable costs and attorney fees to be paid to all respondents
 507 by the FHSAA. The FHSAA may not seek to recoup these costs and
 508 expenses from any other person, entity, or party.

509 (3) GOVERNING STRUCTURE OF THE FLORIDA HIGH SCHOOL ATHLETIC
 510 ASSOCIATION ORGANIZATION.-

511 (a) The FHSAA shall operate as a representative democracy
 512 in which the sovereign authority is within its member schools.
 513 Except as provided in this section, the FHSAA shall govern its
 514 affairs through its bylaws.

515 (b) Each member school, on its annual application for
 516 membership, shall name its official representative to the FHSAA.
 517 This representative must be either the school principal or his
 518 or her designee. That designee must either be an assistant
 519 principal or athletic director housed within that same school.

520 (c) The FHSAA's membership shall be divided along existing
 521 county lines into four contiguous and compact administrative
 522 regions, each containing an equal or nearly equal number of

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523 member schools to ensure equitable representation on the FHSAA's
524 board of directors, representative assembly, and appeals
525 committees.

526 (4) BOARD OF DIRECTORS.—

527 (a) The executive authority of the FHSAA shall be vested in
528 its board of directors. Any entity that appoints members to the
529 board of directors shall examine the ethnic and demographic
530 composition of the board when selecting candidates for
531 appointment and shall, to the greatest extent possible, make
532 appointments that reflect state demographic and population
533 trends. The board of directors shall be composed of 25 ~~16~~
534 persons, as follows:

535 1. Four public member school representatives, one elected
536 from among its public school representative members within each
537 of the four administrative regions.

538 2. Four nonpublic member school representatives, one
539 elected from among its nonpublic school representative members
540 within each of the four administrative regions.

541 3. Four ~~Three~~ representatives appointed by the
542 commissioner, one appointed from each of the four administrative
543 regions ~~one appointed from the two northernmost administrative~~
544 ~~regions and one appointed from the two southernmost~~
545 ~~administrative regions. The third representative shall be~~
546 ~~appointed to balance the board for diversity or state population~~
547 ~~trends, or both.~~

548 4. Two district school superintendents, one elected from
549 the two northernmost administrative regions by the members in
550 those regions and one elected from the two southernmost
551 administrative regions by the members in those regions.

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552 5. Two district school board members, one elected from the
553 two northernmost administrative regions by the members in those
554 regions and one elected from the two southernmost administrative
555 regions by the members in those regions.

556 6. The commissioner or his or her designee from the
557 department executive staff.

558 7. Four representatives appointed by the President of the
559 Senate, one appointed from each of the four administrative
560 regions.

561 8. Four representatives appointed by the Speaker of the
562 House of Representatives, one appointed from each of the four
563 administrative regions.

564 (b) A quorum of the board of directors shall consist of one
565 more than half of ~~its nine~~ members.

566 (c) The board of directors shall elect a president and a
567 vice president from among its members. These officers shall also
568 serve as officers of the FHSAA.

569 (d) Members of the board of directors shall serve terms of
570 3 years and are eligible to succeed themselves only once. A
571 member of the board of directors, other than the commissioner or
572 his or her designee, may serve a maximum of 6 consecutive years.
573 The FHSAA's bylaws shall establish a rotation of terms to ensure
574 that a majority of the members' terms do not expire
575 concurrently.

576 (e) The authority and duties of the board of directors,
577 acting as a body and in accordance with the FHSAA's bylaws, are
578 as follows:

579 1. To act as the incorporated FHSAA's board of directors
580 and to fulfill its obligations as required by the FHSAA's

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581 charter and articles of incorporation.

582 2. To establish such guidelines, regulations, policies, and
583 procedures as are authorized by the bylaws.

584 3. To employ an FHSAA executive director, who ~~has shall~~
585 ~~have~~ the authority to waive the bylaws of the FHSAA in order to
586 comply with statutory changes. The executive director's salary
587 shall be no greater than that set by law for the Governor of
588 this state. The executive director may not receive a car
589 allowance or cellular telephone as a result of his or her
590 employment. The executive director is not entitled to per diem
591 and travel expenses in excess of the rate provided for state
592 employees under s. 112.061.

593 4. To levy annual dues and other fees and to set the
594 percentage of contest receipts to be collected by the FHSAA.

595 5. To approve the budget of the FHSAA.

596 6. To organize and conduct statewide interscholastic
597 competitions, which may or may not lead to state championships,
598 and to establish the terms and conditions for these
599 competitions.

600 7. To act as an administrative board in the interpretation
601 of, and final decision on, all questions and appeals arising
602 from the directing of interscholastic athletics of member
603 schools.

604 (6) PUBLIC LIAISON ADVISORY COMMITTEE.—

605 (f) Members of the public liaison advisory committee are
606 entitled to per diem and travel expenses at the same rate
607 provided for state employees under s. 112.061.

608 Section 4. This act shall take effect July 1, 2013.

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/22/13

Meeting Date

Topic FITSAA bill

Bill Number 1164
(if applicable)

Name ION MOYLE

Amendment Barcode _____
(if applicable)

Job Title MOYLE LAW FIRM

Address 118 N. GARDNER ST

Phone 850 681-3828

Street

City TAMPA State FL Zip _____

E-mail _____

Speaking: For Against Information

Representing _____

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4-22-13
Meeting Date

Topic STUDENT ATHLETICS

Bill Number SB 1164
(if applicable)

Name RON MEYER

Amendment Barcode _____
(if applicable)

Job Title ATTORNEY

Address POB 1545

Phone 850-848-5212

^{Street}
TALLAHASSEE FL 32302
_{City} _{State} _{Zip}

E-mail RMEYER@MEYERBROOKSLAW.COM

Speaking: For Against Information

Representing FLORIDA EDUCATION ASSOCIATION

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/22/2013
Meeting Date

Topic _____

Bill Number 1164
(if applicable)

Name Lara Bradbury

Amendment Barcode _____
(if applicable)

Job Title _____

Address 214 N Lipona Rd
Street
Tallahassee FL 32304
City State Zip

Phone _____

E-mail _____

Speaking: For Against Information

Representing _____

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
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(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4-22-13

Meeting Date

Topic High School Athletics

Bill Number 1164
(if applicable)

Name Eddie Dixon

Amendment Barcode _____
(if applicable)

Job Title Superintendent - Holmes Co.

Address 201 E. Pennsylvania Ave.
Street
Bonifay, FL 32425
City State Zip

Phone 850-547-9341

E-mail dixon@hdsb.org

Speaking: For Against Information

Representing Holmes County Schools

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/22/2013

Meeting Date

Topic _____

Bill Number 1164
(if applicable)

Name Brett Butler

Amendment Barcode _____
(if applicable)

Job Title _____

Address 7067 Oak St

Phone _____

Street

Milton

City

FL

State

32583

Zip

E-mail _____

Speaking: For Against Information

Representing _____

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/22/13

Meeting Date

Topic HIGH SCHOOL ATHLETICS Bill Number SB 1164 (if applicable)

Name BILL GRAHAM Amendment Barcode (if applicable)

Job Title EXEC. DIR. FLA. SCHOOL LABOR RELATIONS SERVICE (if applicable)

Address 203 SO. MONROE ST. Phone 414-2578

Street

TALLAHASSEE FL 32301

City

State

Zip

E-mail

Speaking: [] For [x] Against [] Information

Representing

Appearing at request of Chair: [] Yes [x] No

Lobbyist registered with Legislature: [x] Yes [] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/22/2013
Meeting Date

Topic FHSAA Reform

Bill Number 1164
(if applicable)

Name Jarrod Mitchel

Amendment Barcode _____
(if applicable)

Job Title _____

Address 737 W Voorhis Ave
Street

Phone _____

Deland FL 32720
City State Zip

E-mail _____

Speaking: For Against Information

Representing Home schooled

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4-22-13
Meeting Date

Topic EXTRA CURRICULAR ACTIVITIES / FHSA

Bill Number SB 1164
(if applicable)

Name BRENDA DICKINSON

Amendment Barcode 261788
(if applicable)

Job Title CONSULTANT / LOBBYIST

Address 1427 Pine St.
Street
TALLAHASSEE FL 32303
City State Zip

Phone 850-264-2184

E-mail CONSULTING BRENDA@GMAIL.COM

Speaking: For Against Information

Representing FLORIDA COUNCIL OF INDEPENDENT SCHOOLS

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/22/2013

Meeting Date

Topic FHSAA Reform efforts

Bill Number 1164
(if applicable)

Name Waylon Davis

Amendment Barcode _____
(if applicable)

Job Title _____

Address 1400 Eudora Rd.
Street

Phone _____

Dora FL 32720
City State Zip

E-mail _____

Speaking: For Against Information

Representing _____

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4-22-13

Meeting Date

Topic Athletics

Bill Number 1164
(if applicable)

Name Richard Finlayson

Amendment Barcode 261788
(if applicable)

Job Title Head of School

Address 7803 Aucilla Highway

Phone 850-556-7594

Street

Monticello FL 32344

City

State

Zip

E-mail rfinlayson@aucilla.org

Speaking: For Against Information

Representing Aucilla Christian Academy

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/22/13

Meeting Date

Topic High School Athletics

Bill Number SB 6411 1164
(if applicable)

Name Ruth Melton

Amendment Barcode _____
(if applicable)

Job Title Director of Legislative Relations

Address 203 South Monroe Street
Street

Phone 850/414-2578

Tallahassee FL 32308
City State Zip

E-mail melton@fsba.org

Speaking: For Against Information

Representing Florida School Boards Association

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/22/13

Meeting Date

Topic FHSAA - Education

Bill Number 1164
(if applicable)

Name Donna Savary

Amendment Barcode _____
(if applicable)

Job Title Director - Savary Academy

Address 31 Sarah Ct.

Phone 850-294-2920

Street

Crawfordville

FL

32327

City

State

Zip

E-mail Savaryd@Savaryacademy.com

Speaking: For Against Information

Representing _____

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/22/13
Meeting Date

Topic FHSA

Bill Number SB 1164
(if applicable)

Name Dr. Dan Boyd

Amendment Barcode _____
(if applicable)

Job Title Superintendent, Alachua

Address 620 E. Univ. Avenue

Phone 352/9557880

Street

Gainesville FL 32601

City

State

Zip

E-mail supt@gm.sbac.edu

Speaking: For Against Information

Representing Fla Assoc. of District School Superintendents

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

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4/22/2013

Meeting Date

Topic _____

Bill Number 1164
(if applicable)

Name Leslie Steele

Amendment Barcode _____
(if applicable)

Job Title _____

Address 265 Sand Pine Drive
Street

Phone _____

Midway FL 32343
City State Zip

E-mail _____

Speaking: For Against Information

Representing _____

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

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4/22/13
Meeting Date

Topic opposition to SB 1164 Bill Number SB 1164
Name TRISH Highland Amendment Barcode _____
Job Title Lake County Schools District Athletic Director (if applicable)
Address 5830 Lake Emma Court Phone 352 429 4602
Groveland FL 34736 E-mail highlandt@lake.k12.fl.us
City State Zip

Speaking: For Against Information

Representing Lake County Schools Athletics

Appearing at request of Chair: Yes No Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

THE FLORIDA SENATE
APPEARANCE RECORD

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4/22/2013
Meeting Date

Topic OPPOSITION TO SB 1164

Bill Number SB 1164
(if applicable)

Name WILBERT T. HOLLOWAY

Amendment Barcode _____
(if applicable)

Job Title SCHOOL BOARD MEMBER

Address 1450 NE 2ND AVE

Phone _____

Street

MIA FL 33132

City

State

Zip

E-mail wtholloway@dadeschools.net

Speaking: For Against Information

Representing CITIZEN

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/22/13
Meeting Date

Topic HB 1219 SENATE-1164 - ATHLETICS

Bill Number _____
(if applicable)

Name BOB WEST

Amendment Barcode _____
(if applicable)

Job Title ATHLETIC DIRECTOR - B1

Address 1055 KINGMAN AVE

Phone 904-398-7545

JACKSONVILLE, FL 32207
City State Zip

E-mail ATHLETICS @ Bishop Kenny -
VRS

Speaking: For Against Information

Representing BISHOP KENNY High School

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

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4/22/13
Meeting Date

Topic High School Athletics Bill Number SB 1164
Name Darvin Boothe Amendment Barcode _____
(if applicable) (if applicable)

Job Title Consultant / Seminole Assoc. of School Administrators

Address 1606 N Westmoreland Dr Phone 407-592-5263
Street
ORLANDO FL 32804
City State Zip
E-mail darvinbooth@gmail.com

Speaking: For Against Information

Representing Seminole Association of School Administrators

Appearing at request of Chair: Yes No Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4-22-13

Meeting Date

Topic Opposition to SB 1164

Bill Number SB 1164
(if applicable)

Name Joe Erwin

Amendment Barcode _____
(if applicable)

Job Title High School Referee

Address 6663 Lake Island Dr.

Phone 561-707-5428

Street

Lake Worth FL 33467

City

State

Zip

E-mail Joseph.Erwin@regions.com

Speaking: For Against Information

Representing High School Referees

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/22/2013

Meeting Date

~~HSAA~~

Topic _____

Bill Number 1164
(if applicable)

Name Georgia SLACK

Amendment Barcode _____
(if applicable)

Job Title Leg. Consultant

Address 9693 Ridgecrest Ct

Phone 305-608-5110

Davie Fl. 33328
City State Zip

E-mail SLACKG@meast.net

Speaking: For Against Information

Representing Broward County Public Schools

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date _____

Topic High School Athletics Bill Number 1164
(if applicable)

Name Andrea Messina Amendment Barcode _____
(if applicable)

Job Title Dir Bd Development

Address 6047 Almanac St Phone 941 661 6791
Street

Englewood FL 34724 E-mail andreamessina
City State Zip email@gmail.com

Speaking: For Against Information

Representing parent, former SB member

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4-22-2013

Meeting Date

Topic Opposition to bill

Bill Number SB 1164
(if applicable)

Name Morgan Thornton

Amendment Barcode _____
(if applicable)

Job Title Student-athlete

Address 19085 NW 230th Street
Street

Phone (352) 328-2653

High Springs Florida 32643
City State Zip

E-mail mthornton95@yahoo.com

Speaking: For Against Information

Representing Student

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4-22-13

Meeting Date

Topic Opposition of SB 1164 Bill Number SB 1164
(if applicable)

Name Judge Helms Amendment Barcode _____
(if applicable)

Job Title School Board Member (Gadsden)

Address 204 Elise Dr. Phone (850) 875-2205
Street

Quincy FL 32351 E-mail judgeh@tds.net
City State Zip

Speaking: For Against Information

Representing School Board (Gadsden) Public

Appearing at request of Chair: Yes No Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/22/13

Meeting Date

Topic SPEAK in Opposition to bill

Bill Number SB 1164
(if applicable)

Name TIM THARP

Amendment Barcode _____
(if applicable)

Job Title Athletic Director South Fork High School

Address 10205 SW PRATT-WHITEY Rd.

Phone (272) 219-1846

STUART, FL. 34997

E-mail tharp@mta.k12.fl.us

Speaking: For Against Information

Representing Athletic Director

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date _____

Topic Opposition to Bill SB 1164

Bill Number SB 1164
(if applicable)

Name Kenneth Vernoski

Amendment Barcode _____
(if applicable)

Job Title Sports official Retired Col USAF

Address 1264 Loch Tanna Loop

Phone 904-536-4966

Street
Jacksonville FL 32259
City State Zip

E-mail hottune50@hotmail.com

Speaking: For Against Information

Representing ~~FHSAA~~ NFOA FCLOA

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/22/2013
Meeting Date

Topic High School Athletics

Bill Number SB 1164
(if applicable)

Name Bob Cerra

Amendment Barcode _____
(if applicable)

Job Title Governmental Consultant

Address 206 South Monroe Street #104

Phone 850-222-4428

Tallahassee FL 32301
City State Zip

E-mail bobcerra@comcast.net

Speaking: For Against Information

Representing Lee County School District

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/22/2013
Meeting Date

Topic HIGH SCHOOL ATH.

Bill Number SB 1164
(if applicable)

Name JOHN BOSTON

Amendment Barcode _____
(if applicable)

Job Title FORMER ATH. DIR.

Address 8310 FLORIDA BOYS RANCH RD

Phone 352-429-0248

GROVE LAND FL. 34736
City State Zip

E-mail Joygthorse@hotmail.com

Speaking: For Against Information

Representing HIGH SCHOOL ATHLETICS

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/22/13

Meeting Date

Topic HS Athletics

Bill Number 1164
(if applicable)

Name SHELTON CREWS

Amendment Barcode _____
(if applicable)

Job Title EXECUTIVE DIRECTOR

Address 126 SALEM CT

Phone 850-727-8117

Street

TACU

FL

32301

E-mail Sheltoncrews@qshou.com

City

State

Zip

Speaking: For Against Information

Representing FLA ATHLETIC COACHES ASSOC

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date _____

Topic HIGH SCHOOL ATHLETICS

Bill Number 1164
(if applicable)

Name BRITTA BARNETTE

Amendment Barcode _____
(if applicable)

Job Title _____

Address 3420 SW 3RD ST

Phone 941-456-1649

Street

OCALA FL

E-mail BRITTBARNETTE@YAHOO.COM

City

State

Zip

Speaking: For Against Information

Representing COACH

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE

APPEARANCE RECORD

4-22-13

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date

Topic Opposition to Bill 1164 on High School Athletics

Bill Number 1164
(if applicable)

Name Claude Grubair

Amendment Barcode _____
(if applicable)

Job Title Athletic Director

Address 3575 MAIN Hwy

Phone 305 986-9230

Street

Miami, FL 33133

City

State

Zip

E-mail Cgrubair@ranson
everglades.org

Speaking: For Against Information

Representing Ranson Everglades School

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

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4/22/13
Meeting Date

Topic OPPOSITION TO BILL SB1164 Bill Number SB 1164
Name ANNALISE D MCPHILOMY (if applicable)
Job Title TEACHER, COACH, SPORTS OFFICIAL Amendment Barcode _____ (if applicable)
Address 8812 JOHNSON TERRACE Phone 904 612 6664
Street JACKSONVILLE FL 32219 E-mail MSREFAE@AOL.COM
City State Zip

Speaking: For Against Information

Representing COACHES, SPORTS OFFICIALS

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/21/13
Meeting Date

Topic OPPOSITION

Bill Number 1164
(if applicable)

Name Dr. Bill Johnson

Amendment Barcode _____
(if applicable)

Job Title Retired Education

Address 3121 Shaver Rd

Phone (850) 566-7310

Tallahassee FL 32312
Street City State Zip

E-mail Johnsonbill@earthlink.net

Speaking: For Against Information

Representing FHSAA

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/22/13
Meeting Date

Topic Opposition to SB 1164 - High School Athletics

Bill Number SB 1164
(if applicable)

Name Teresa Konrath

Amendment Barcode _____
(if applicable)

Job Title AD

Address 1153 Camino Del Vientos

Phone 305-743-5609

Street
Marathon
City

FL 33050
State *Zip*

E-mail Teresa.Konrath@
keyschools.com

Speaking: For Against Information

Representing Athletic Director

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4-22-13

Meeting Date

Topic Opposition to Bill

Bill Number SB 1164
(if applicable)

Name Taylor Konrath

Amendment Barcode _____
(if applicable)

Job Title Student Athlete

Address 1153 Camino del Vientos

Phone 305 872 7748

Marathon FL 33050
City State Zip

E-mail SuperTay07@aol.com

Speaking: For Against Information

Representing student athletes

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

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4/22/13

Meeting Date

Topic High School Athletics

Bill Number 1164
(if applicable)

Name David Goldstein

Amendment Barcode _____
(if applicable)

Job Title Student

Address 4321 Santa Maria St

Phone 786 427 7170

Street

Coral Gables FL

E-mail dgoldstein24@gmail.com

City

State

Zip

Speaking: For Against Information

Representing Student - Athletes

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/22/13
Meeting Date

pic FHSAA

Bill Number SB 1164
(if applicable)

Name Mike O'Farrell

Amendment Barcode _____
(if applicable)

Job Title Legislative Consultant

Address 3020 Godfrey Place
Street

Phone 850 509 6372

Tallahassee FL 32309
City State Zip

E-mail mjofarrell038@gmail.com

Speaking: For Against Information

Representing Duval County Public Schools

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

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4/22/13
Meeting Date

Topic FHSA

Bill Number 1164
(if applicable)

Name Vernon A. Pickup - Crawford

Amendment Barcode _____
(if applicable)

Job Title Legislative Liaison

Address 571 Kingsbury Terrace

Phone 561-644-2439

Wellington FL 33419
City State Zip

E-mail VAcrawA@msn.com

Speaking: For Against Information

Representing Pah Beach School District

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

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4/22/13
Meeting Date

Topic FHSAA

Bill Number 1164
(if applicable)

Name Beth Sweeney

Amendment Barcode _____
(if applicable)

Job Title Coordinator of Govt-Relations

Address NO orange Street

Phone 904-547-7673

St. Augustine FL 32084
City State Zip

E-mail Beth.Sweeney@StJohns.k12.FL.us

Speaking: For Against Information

Representing St. Johns County School District

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/22/13

Meeting Date

Topic SB 1164

Bill Number SB 1164
(if applicable)

Name Irmaida Mendez-Cortays

Amendment Barcode _____
(if applicable)

Job Title Assist. Superintendent

Address 1450 NE 2nd Ave Rm 931

Phone (3) 995-1497

Street
Miami FL 33132
City State Zip

E-mail imeardez@dade
schools.net

Speaking: For Against Information

Representing Miami Dade County Public Schools

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4-22-2013

Meeting Date

Topic _____

Bill Number 1164
(if applicable)

Name BRIAN PITTS

Amendment Barcode _____
(if applicable)

Job Title Trustee

Address 1119 Newton Ave S
Street

Phone 727/897-9291

St. Petersburg FL 33705
City State Zip

E-mail justice2jesus@Yahoo.com

Speaking: For Against Information

Representing Justice-2-Jesus

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4.22.13

Meeting Date

Topic High School Athletics

Bill Number SB 1164
(if applicable)

Name Andy De Angelo

Amendment Barcode _____
(if applicable)

Job Title ASST. ATHLETIC DIR.

Address 3575 MAIN HWY

Phone 305 460 8832

MIAMI FL 33133
City State Zip

E-mail adeangelo@ransomevergladesmy.com

Speaking: For Against Information

Representing RANSOM Everglades School

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Education

BILL: CS/SB 1406

INTRODUCER: Criminal Justice Committee and Senator Bean

SUBJECT: Juvenile Justice Education Programs

DATE: April 19, 2013 **REVISED:** _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Dugger	Cannon	CJ	Fav/CS
2.	McLaughlin	Klebacha	ED	Pre-meeting
3.	_____	_____	RC	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

Please see Section VIII. for Additional Information:

A. COMMITTEE SUBSTITUTE..... Statement of Substantial Changes

B. AMENDMENTS..... Technical amendments were recommended

Amendments were recommended

Significant amendments were recommended

I. Summary:

CS/SB 1406 makes changes to the provisions of law governing the accountability, deliverance, and review of juvenile justice education programs that provide educational services to students within the Department of Juvenile Justice (DJJ).

The bill revises the accountability of juvenile justice education programs by:

- Requiring the Department of Education (DOE), in partnership with the DJJ, to develop a comprehensive accountability and school improvement process;
- Requiring the DOE, in consultation with the DJJ, district school boards, and providers, to adopt rules for objective and measurable student performance measures and program performance ratings for the delivery of educational services by prevention, day treatment, and residential programs;
- Requiring the DJJ, in consultation with DOE, to publish by March 1 of each year a report on program costs and effectiveness, educational performance of students, and recommendations for modification or elimination of programs or program activities; and
- Requiring the DOE, in partnership with the DJJ, district school boards, and providers, to develop and implement requirements for contracts and cooperative agreements regarding the delivery of appropriate education services to students in DJJ programs.

The bill revises provisions related to juvenile justice programs by:

- Requiring school districts and juvenile justice education providers, in collaboration with others, to develop a transition plan during a student's stay in a program;
- Requiring the DOE and the DJJ to provide oversight and guidance on how to implement effective educational transition planning and services;
- Requiring prevention and day treatment programs to provide career readiness and exploration opportunities, as well as truancy and dropout prevention intervention services;
- Requiring residential juvenile justice education programs with a contracted minimum length of stay of nine months to provide career education courses that lead to preapprentice certifications, industry certifications, occupational completion points, or work-related certifications;
- Allowing residential juvenile justice programs with a contract length of stay of less than nine months, to provide career education courses that lead to preapprentice certifications, industry certifications, occupational completion points, or work-related certifications; and
- Requiring the multiagency plan for career education to eliminate barriers to education and address virtual education.

This bill substantially amends the following sections of the Florida Statutes: 985.622, 985.632, 1001.31, 1001.42, 1003.51, and 1003.52.

II. Present Situation:

Multiagency Plan for Career Education

Current law requires the DJJ and the DOE, in consultation with the statewide Workforce Development Youth Council, school districts, providers, and others, to develop a multiagency plan (plan) for vocational education in commitment facilities.¹

The plan must include:

- Provisions for maximizing appropriate state and federal funding sources, responsibilities of both departments and all other appropriate entities and detailed implementation schedules;²
- A definition of vocational programming that is appropriate based upon the age and assessed educational abilities and goals of the youth to be served and the typical length of stay, and custody characteristics at the commitment program to which each youth is assigned;³ and
- A definition of vocational programming that includes the classifications of commitment facilities that will offer vocational programming by one of the following types:
 - Type A - Programs that teach personal accountability skills and behavior that is appropriate for youth in all age groups and ability levels and that lead to work habits that help maintain employment and living standards;
 - Type B - Programs that include Type A program content and an orientation to the broad scope of career choices, based upon personal abilities, aptitudes, and interest; and

¹ Section 985.622(1), F.S.

² Section 985.622(1)(a) and (c), F.S.

³ Section 985.622(2), F.S.

- Type C - Programs that include Type A program content and the vocational competencies or the prerequisites needed for entry into a specific occupation.⁴

In October 2010, the Office of Program Policy Analysis and Government Accountability (OPPAGA) issued a report stating that the plan had several shortcomings. According to OPPAGA, the plan lacked goals and implementation strategies for increasing the percentage of youth receiving occupation-specific job training. Also, the plan did not address the barriers that juvenile justice students face in attaining a general educational development (GED) diploma.⁵ The OPPAGA found that many juvenile justice programs emphasized academic instruction rather than GED preparation and job training. The OPPAGA recommended that the Legislature amend s. 985.622, F.S., to address the shortcomings found in the plan.

Educational Services in DJJ Programs

Current law sets forth how educational services must be provided in DJJ programs and establishes the educational expectations for DJJ youth in such programs.⁶

The DOE is the lead agency for juvenile justice education programs, curriculum, support services, and resources; however, district school boards are responsible for actually providing educational services to youth in juvenile justice programs.⁷ Educational services consist of basic academic, career, or exceptional curricula that support treatment goals and reentry, and that may lead to the completion of a high school diploma or its equivalent.⁸

These services can be provided by the district school board itself or by a private provider through a contract with the district school board.⁹ However, school districts remain responsible for the quality of education provided in residential and day treatment juvenile justice facilities regardless of whether the school district provides those services directly or through a contractor.¹⁰

Annually, the DJJ and the DOE must develop a cooperative agreement and plan for juvenile justice education service enhancement, which must be submitted to the Secretary of the DJJ and the Commissioner of Education.¹¹

Each district school board must negotiate a cooperative agreement with the DJJ regarding the delivery of educational programming to DJJ youth. These agreements must include provisions that address certain issues, such as:

- Curriculum and delivery of instruction;

⁴ Section 985.622(3), F.S.

⁵ Office of Program Policy Analysis and Government Accountability, *Juvenile Justice Students Face Barriers to High School Graduation and Job Training*, Report No. 10-55, at 9 (2010) available at <http://www.oppaga.state.fl.us/MonitorDocs/Reports/pdf/1055rpt.pdf>. (last visited April 17, 2013.)

⁶ Section 1003.52, F.S.

⁷ Sections 1003.52(1), (3), and (4), F.S.

⁸ Section 1003.52(5), F.S.

⁹ Section 1003.52(11), F.S.

¹⁰ Office of Program Policy Analysis and Government Accountability, *Youth Entering the State's Juvenile Justice Programs Have Substantial Educational Deficits; Available Data Is Insufficient to Assess Learning Gains of Students*, Report No. 10-07 (2010), available at <http://www.oppaga.state.fl.us/Summary.aspx?reportNum=10-07>. (last visited April 17, 2013.)

¹¹ Section 1003.52 (1), F.S.

- Classroom management procedures and attendance policies;
- Procedures for provision of qualified instructional personnel;
- Improving skills in teaching and working with juvenile delinquents;
- Transition plans for students moving into and out of juvenile facilities; and
- Strategies for correcting any deficiencies found through the quality assurance process.¹²

The DOE and the DJJ must each designate a coordinator to resolve issues not addressed by the district school boards and to provide each department's participation in:

- Training, collaborating, and coordinating with the DJJ, district school boards, educational contract providers, and juvenile justice providers, whether state-operated or contracted;
- Collecting and reporting information on the academic performance of students in juvenile justice programs;
- Developing academic and career protocols that provide guidance to district school boards and providers in educational programming; and
- Prescribing the roles of program personnel and school district or provider collaboration strategies.¹³

Accountability and Reporting

The DOE and the DJJ, after consulting with the district school boards and local providers, must report annually to the Legislature on the progress toward developing effective educational programs for youth in the juvenile justice system. This report must include the results of the quality assessment reviews, including recommendations for system improvement.¹⁴ In its annual report to the Legislature, the DOE made several recommendations to address educational accountability and improvement such as:

- Continue to develop a juvenile justice education accountability system for programs and explore a process in which high-performing programs are recognized and low-performing programs receive assistance;
- Develop a customized school improvement plan template for programs;
- Continue to support improvement in transition services for youth in juvenile justice education through the maintenance of an accurate statewide transition contact list;
- Provide additional training and support to programs to improve their efforts with the Basic Achievement Skills Inventory administration, data reporting, and data interpretation;
- Continue to identify effective program practices and resources for students in need of academic remediation and credit recovery;
- Continue to identify academic curriculum, resources, and instructional practices related to high academic achievement for all students while incarcerated; and
- Continue to collaborate efforts among the DOE, the DJJ, school districts, and private providers to ensure appropriate and effective education for youth in juvenile justice programs.¹⁵

¹² Section 1003.52(13), F.S.

¹³ Section 1003.52(1), F.S.

¹⁴ Section 1003.52(19), F.S.

¹⁵ Florida Department of Education, *Developing Effective Education in Department of Juvenile Justice and other Dropout Prevention Programs*, Annual Report 2009-2010, at 13 (2011), available at http://www.fldoe.org/ese/pdf/ji_annual.pdf. (last visited April 17, 2013.)

The OPPAGA issued another report in 2010 examining educational services provided to youth in DJJ residential and day treatment programs. The OPPAGA found that most students entering juvenile justice programs were older, academically behind their peers, and were likely to have had attendance problems at school. The OPPAGA found that DOE had not collected sufficient information to assess the learning gains (or lack thereof) of students in juvenile justice programs. Only 48 of the 141 programs (34 percent) reported complete information for at least half of their students. For those programs that did report data, the nature of the assessment instrument made it difficult to determine whether students were making appropriate educational progress. The OPPAGA recommended that the Legislature amend s. 1003.52(3)(b), F.S., to require that the DOE make annual status reports to the Legislature on the learning gains of students in juvenile justice facilities and the steps it has taken to ensure the completeness and reliability of juvenile justice student performance data.¹⁶

The DJJ is required to annually collect and report cost data for every program that is state-operated or contracted by the department. The DJJ is responsible for accurate cost accounting for state operated services including market-equivalent rent and other shared cost. The cost of the educational program provided to a residential facility must be reported and included in the cost of the DJJ program. The cost-benefit analysis for each educational program will be developed and implemented in collaboration with the DOE, local providers, and local school districts. Cost data for the report must include data collected by the DOE for the purpose of preparing the annual report required pursuant to s. 1003.52(19), F.S., relating to developing effective educational progress for juvenile delinquents.¹⁷

The DOE, in consultation with the DJJ, district school boards, and providers must establish objective and measurable quality assurance standards for the educational components of residential and nonresidential juvenile justice facilities.¹⁸ The quality assurance standards and indicators are revised annually for juvenile justice education programs, based on new statutory and regulatory requirements, best practices research, and input from school districts and educational providers.¹⁹ These standards must rate the district school boards' performance both as a provider and contractor.²⁰

Transition Plan and Reentry Plan

Currently, an individual transition plan is developed for each student entering a DJJ commitment, day treatment, early delinquency intervention, or detention program.²¹ The transition plan is based on the student's post-placement goals that are developed cooperatively

¹⁶ Office of Program Policy Analysis and Government Accountability, *Youth Entering the State's Juvenile Justice Program Have Substantial Educational Deficits; Available Data is Insufficient to Assess Learning Gains of Students*, Report No. 10-07, at 8 (Jan. 2010), available at www.oppaga.state.fl.us/MonitorDocs/Reports/pdf/1007rpt.pdf. (last visited April 17, 2013.)

¹⁷ Section 985.632, F.S.

¹⁸ Section 1003.52(15)(a), F.S.

¹⁹ Florida Department of Education, *Developing Effective Education in Department of Juvenile Justice and other Dropout Prevention Programs*, Annual Report 2009-2010 (2011), available at www.fldoe.org/ese/pdf/ij_annual.pdf. (last visited April 17, 2013.)

²⁰ Section 1003.52(15)(a), F.S.

²¹ Section 1003.52(13)(i); Rule 6A-6.05281, F.A.C.

with the student, his or her parents, school district and or contracted provider personnel, and the DJJ program staff. Re-entry counselors, probation officers, and personnel from the student's "home" school district are involved in the transition planning to the extent practicable.²² The transition plan also includes a student's academic record, including each course completed by the student according to procedures in the State Course Code Directory, career re-entry goals maintained by the school district, and recommended educational placement. An exit plan is also conducted for each student. A copy of the academic records, student assessment, individual academic plan, work and project samples, and the transition plan is included in the discharge packet when the student exits a DJJ facility.²³

Teachers in Juvenile Justice Programs

District school boards must recruit and train teachers who are interested, qualified, or experienced in educating students in juvenile justice programs. Students in juvenile justice programs must be provided a wide range of educational programs and opportunities including textbooks, technology, instructional support, and other resources available to students in public schools. Teachers assigned to educational programs in juvenile justice settings in which the district school board operates the educational program must be selected by the district school board in consultation with the director of the juvenile justice facility. Educational programs in juvenile justice facilities must have access to the substitute teacher pool utilized by the district school board.²⁴

III. Effect of Proposed Changes:

Multiagency Plan for Career Education

The bill expands the requirement of the plan to address all educational programs, not just education programs in commitment facilities. The plan must:

- Include provisions for eliminating barriers to increasing occupation-specific job training and high school equivalency examination preparation opportunities; and
- Evaluate the effect that students' mobility between juvenile justice education programs and school districts has on the students' educational outcomes, and whether the continuity of the students' education can be better addressed through virtual education.

The bill also revises implementation dates for the DOE and the DJJ to align respective agency reporting documents to the revised plan for career education.

Educational Services in DJJ Programs

The bill revises the responsibilities of the DOE and the DJJ designated coordinators to include:

- Training, collaboration, and coordinating with local workforce boards and youth councils;
- Collecting information on the career education and transition performance of students in juvenile justice programs, and reporting the results; and

²² Email, Florida Department of Education, Governmental Relation Office (Feb. 8, 2012).

²³ Section 1003.52(10), F.S.

²⁴ Section 1003.52(10), F.S.

- Implementing a joint accountability, program performance, and school improvement system.

The bill also:

- Requires prevention and day treatment juvenile justice education programs, at a minimum, to provide career readiness and exploration opportunities as well as truancy and dropout prevention intervention services;
- Requires residential juvenile justice education programs with a contracted minimum length of stay of nine months to provide career education courses that lead to preapprentice certifications, industry certifications, occupational completion points, or work-related certifications; and
- Allows residential programs with contract lengths of stay of less than nine months to provide career education courses that lead to preapprentice certifications, industry certifications, occupational completion points, or work-related certifications.

The bill defines the educational component of programs with a duration of less than 40 days to include:

- Tutorial remediation activities;
- Career employability skills;
- Education counseling; and
- Transition services that prepare students for a return to school, the community, and their home setting based on the students' needs.

The bill requires educational programs to provide instruction based on each student's transition plan, assessed educational needs, and the educational programs available in the school district in which the student will return. Depending on the student's needs, educational programming may consist of remedial courses, academic courses required for grade advancement, career education courses, and high school equivalency examination preparation. Students may also be eligible for exceptional student education curricula and related services which support the transition goals and reentry, and which may lead to completion of the requirements for receipt of a high school diploma or its equivalent.

The bill requires that the DJJ and the DOE annual cooperative agreement and plan for juvenile justice education service enhancement include each agency's role regarding educational program accountability, technical assistance, training, and coordination of service.

Accountability and Reporting

The bill requires the DOE to establish and operate, either directly or indirectly through a contract, a mechanism to provide accountability measures that annually assess and evaluate all juvenile justice education programs using student performance data and program performance ratings by type of program.

The DOE, in partnership with the DJJ, must develop a comprehensive accountability and program improvement process. The accountability and program improvement process must be based on student performance measures by type of program and must rate education program performance. The accountability system must identify and recognize high-performing education

programs.

The DOE, in partnership with the DJJ, must identify low-performing education programs. Low-performing education programs must receive an onsite program evaluation from the DJJ. Identification of education programs needing school improvement, technical assistance, or reassignment of the program must be based, in part on the results of the program evaluation. Through a corrective action process, low-performing education programs must demonstrate improvement or the program must be reassigned to the district or another provider.

The DJJ must:

- Provide cost and effectiveness information on programs and program activities in order to compare, improve, or eliminate a program or program activity if necessary;
- Provide program and program activity cost and effectiveness data to the Legislature in order for resources to be allocated for achieving desired performance outcomes;
- Provide information to the public concerning program and program activity cost and effectiveness;
- Implement a system of accountability in order to provide the best and most appropriate program and activities to meet client needs; and
- Continue to improve service delivery.

The DJJ, in consultation with the DOE, must publish by March 1 of each year a report on program costs and effectiveness. The report must include uniform cost data for each program operated by the DJJ and by providers under contract with the DJJ. The DOE is required to provide cost data on each education program operated by a school district or a provider under contract with a school district. The report must also include data on student learning gains, as provided by the DOE, for all juvenile justice education programs, educational performance information, developing effective education programs, cost-effectiveness, and recommendations for modification or elimination of programs or program activities.

The DOE, in consultation with the DJJ, district school boards, and providers must establish by rule:

- Objective and measurable student performance measures to evaluate a student's educational progress while participating in a prevention, day treatment, or residential program. The student performance measures must be based on appropriate outcomes for all students in juvenile justice programs, taking into consideration the student's length of stay in the program. Performance measures must include outcomes that relate to student achievement of career education goals, acquisition of employability skills, receipt of a high school diploma, grade advancement, and learning gains;
- A performance rating system to be used by the DOE to evaluate the delivery of educational services within each of the juvenile justice education programs. The performance rating system must be primarily based upon data regarding student performance as described above; and
- The timeframes, procedures, and resources to be used to improve a low-rated educational program or to terminate or reassign the program.

The bill requires that education program performance results, including the identification of high and low-performing programs and aggregated student performance results, be included in the DOE and the DJJ annual report on the progress toward developing effective educational programs.

The DOE, in collaboration with the DJJ, must monitor and report on the educational performance of students in commitment, day treatment, prevention, and detention programs. The report must include, at a minimum, the number and percentage of students:

- Returning to an alternative school, middle school, or high school upon release and the attendance rate of such students before and after participation in juvenile justice education programs;
- Receiving a standard high school diploma or high school equivalency diploma;
- Receiving industry certification;
- Receiving occupational completion points;
- Enrolling in a postsecondary educational institution;
- Completing a juvenile justice education program without reoffending;
- Reoffending within one year after completing a day treatment or residential commitment program; and
- Remaining employed one year after completion of a day treatment or residential commitment program.

The results of the educational performance report must be included in the program costs and effectiveness report.

Transition Plan and Reentry Plan

The bill requires a transition plan to include, at a minimum:

- Services and interventions that address the student's assessed educational needs and postrelease education plans;
- Services to be provided during the program stay and services to be implemented upon release, including but not limited to, continuing education in secondary, career and technical programs, postsecondary education, or employment, based on the student's needs; and
- Specific monitoring responsibilities to determine whether the individualized transition plan is being implemented and the student is provided access to support services that will sustain the student's success, coordinated by individuals who are responsible for reintegration.

The DOE and the DJJ must provide oversight and guidance to school districts, education providers, and reentry personnel on how to implement effective educational transition planning and services. The bill also requires upon a student's return from a program, school districts to consider the individual needs and circumstances of the student and the transition plan recommendations when reenrolling a student in a public school. A local school district may not maintain a standardized policy for all students returning from a juvenile justice program, but place students based on their needs and their performance in the program.

The bill requires that representatives from the workforce and the one stop center where the student will return participate as members of the local DJJ reentry team.

Teachers in Juvenile Justice Programs

Under the bill, State Board of Education (SBE) rules for qualification of instructional staff must include career education instructors, standardized across the state, and be based on state certification, local school district approval, and industry recognized credentials or industry training. The bill also requires the establishment of procedures for the use of noncertified instructional personnel who possess expert knowledge or experience in their fields of instruction.

The bill also allows the Secretary of the DJJ or the director of a juvenile justice program to request that the performance of a teacher assigned by the district to a juvenile justice education program be reviewed by the district and that the teacher be reassigned based upon an evaluation conducted pursuant to s. 1012.34, F.S., for inappropriate behavior.

Public Educational Services – District School Boards

The bill clarifies the responsibilities of district school boards to include:

- Notifying students in juvenile justice education programs who reach the age of 16 years of the law regarding compulsory school attendance and make available the option of enrolling in a program to attain a high school diploma by taking the GED exam before release from the program;
- Responding to requests for student education records received from another district school board or a juvenile justice education program within 5 working days after receiving the request;
- Providing access to courses offered through Florida Virtual School, virtual instruction programs, and school district virtual courses. School districts and providers may enter into cooperative agreements for the provision of curriculum associated with school district virtual courses to enable providers to offer such courses;
- Prohibiting juvenile justice education programs from being charged FTE for virtual courses accessed through the school district which are for credit recovery or are offered to youth beyond the 300 minute daily requirement of instruction;
- Completing the assessment process; and
- Monitoring compliance with contracts for education programs for students in juvenile justice prevention, day treatment, residential, and detention programs.

The bill requires the DOE in partnership with the DJJ, district school boards, and providers to:

- Develop and implement requirements for contracts and cooperative agreements regarding the delivery of appropriate education services to students in DJJ programs; and
- Maintain standardized procedures for securing the student's records. The records must include, but not be limited to the student's progress monitoring plan and transition plan.

The bill also requires the DOE to assist juvenile justice programs with becoming high school equivalency examination centers.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Criminal Justice on March 18, 2013:

- Deletes the funding provisions in the bill; and
- Requires the DJJ, in consultation with DOE, to publish by March 1 of each year a report on program costs and effectiveness, educational performance of students, and recommendations for modification or elimination of programs or program activities.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

By the Committee on Criminal Justice; and Senator Bean

591-02621-13

20131406c1

1 A bill to be entitled
 2 An act relating to juvenile justice education
 3 programs; amending s. 985.622, F.S.; revising
 4 provisions to be included in the multiagency education
 5 plan for students in juvenile justice education
 6 programs, including virtual education as an option;
 7 amending s. 985.632, F.S.; requiring the Department of
 8 Juvenile Justice to provide cost and effectiveness
 9 information for program and program activities to the
 10 Legislature and the public; deleting legislative
 11 intent language; requiring implementation of an
 12 accountability system to ensure client needs are met;
 13 requiring the department and the Department of
 14 Education to submit an annual report that includes
 15 data on program costs and effectiveness and student
 16 achievement and recommendations for elimination or
 17 modification of programs; amending s. 1001.31, F.S.;
 18 authorizing instructional personnel at all juvenile
 19 justice facilities to access specific student records
 20 at the district; amending s. 1003.51, F.S.; revising
 21 terminology; revising requirements for rules to be
 22 maintained by the State Board of Education; providing
 23 expectations for effective education programs for
 24 students in Department of Juvenile Justice programs;
 25 revising requirements for contract and cooperative
 26 agreements for the delivery of appropriate education
 27 services to students in Department of Juvenile Justice
 28 programs; requiring the Department of Education to
 29 ensure that juvenile justice students who are eligible

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30 have access to high school equivalency testing;
 31 requiring the Department of Education to assist
 32 juvenile justice education programs with becoming high
 33 school equivalency testing centers; revising
 34 requirements for an accountability system that
 35 assesses and evaluates all juvenile justice education
 36 programs; revising requirements of district school
 37 boards; amending s. 1003.52, F.S.; revising
 38 requirements for activities to be coordinated by the
 39 coordinators for juvenile justice education programs;
 40 authorizing contracting for educational assessments;
 41 revising requirements for assessments; authorizing
 42 access to local virtual education courses; requiring
 43 that an education program be based on each student's
 44 transition plan and assessed educational needs;
 45 providing requirements for prevention and day
 46 treatment juvenile justice education programs;
 47 requiring progress monitoring plans for all students
 48 not classified as exceptional student education
 49 students; revising requirements for such plans;
 50 requiring that the Department of Education, in
 51 partnership with the Department of Juvenile Justice,
 52 ensure that school districts and juvenile justice
 53 education providers develop individualized transition
 54 plans; providing requirements for such plans;
 55 providing that the Secretary of Juvenile Justice or
 56 the director of a juvenile justice program may request
 57 that a school district teacher's performance be
 58 reviewed by the district and that the teacher be

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59 reassigned in certain circumstances; correcting a
 60 cross-reference; requiring the Department of Education
 61 to establish by rule objective and measurable student
 62 performance measures and program performance ratings;
 63 providing requirements for such ratings; requiring a
 64 comprehensive accountability and program improvement
 65 process; providing requirements for such a process;
 66 deleting provisions for minimum thresholds for the
 67 standards and key indicators for education programs in
 68 juvenile justice facilities; deleting a requirement
 69 for an annual report; requiring data collection;
 70 deleting provisions concerning the Arthur Dozier
 71 School for Boys; requiring rulemaking; amending s.
 72 1001.42, F.S.; revising terminology; revising a cross-
 73 reference; providing a directive to the Division of
 74 Law Revision and Information; providing an effective
 75 date.

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

78
 79 Section 1. Section 985.622, Florida Statutes, is amended to
 80 read:

81 985.622 Multiagency plan for ~~career vocational~~ education.—

82 (1) The Department of Juvenile Justice and the Department
 83 of Education shall, in consultation with the statewide Workforce
 84 Development Youth Council, school districts, providers, and
 85 others, jointly develop a multiagency plan for ~~career vocational~~
 86 education that establishes the curriculum, goals, and outcome
 87 measures for ~~career vocational~~ programs in juvenile justice

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88 education programs ~~commitment facilities~~. The plan must include:

89 (a) Provisions for maximizing appropriate state and federal
 90 funding sources, including funds under the Workforce Investment
 91 Act and the Perkins Act. ~~+~~

92 (b) Provisions for eliminating barriers to increasing
 93 occupation-specific job training and high school equivalency
 94 examination preparation opportunities.

95 ~~(c) (b)~~ The responsibilities of both departments and all
 96 other appropriate entities. ~~+~~ ~~and~~

97 ~~(d) (c)~~ A detailed implementation schedule.

98 (2) The plan must define career ~~vocational~~ programming that
 99 is appropriate based upon:

100 (a) The age and assessed educational abilities and goals of
 101 the student ~~youth~~ to be served; and

102 (b) The typical length of stay and custody characteristics
 103 at the juvenile justice education ~~commitment~~ program to which
 104 each student ~~youth~~ is assigned.

105 (3) The plan must include a definition of career ~~vocational~~
 106 programming that includes the following classifications of
 107 juvenile justice education programs ~~commitment facilities~~ that
 108 will offer career ~~vocational~~ programming by one of the following
 109 types:

110 (a) Type A.—Programs that teach personal accountability
 111 skills and behaviors that are appropriate for students ~~youth~~ in
 112 all age groups and ability levels and that lead to work habits
 113 that help maintain employment and living standards.

114 (b) Type B.—Programs that include Type A program content
 115 and an orientation to the broad scope of career choices, based
 116 upon personal abilities, aptitudes, and interests. Exploring and

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117 gaining knowledge of occupation options and the level of effort
118 required to achieve them are essential prerequisites to skill
119 training.

120 (c) Type C.—Programs that include Type A program content
121 and the career vocational competencies or the prerequisites
122 needed for entry into a specific occupation.

123 (4) The plan must also address strategies to facilitate
124 involvement of business and industry in the design, delivery,
125 and evaluation of career vocational programming in juvenile
126 justice education commitment facilities and conditional release
127 programs, including apprenticeship and work experience programs,
128 mentoring and job shadowing, and other strategies that lead to
129 postrelease employment. Incentives for business involvement,
130 such as tax breaks, bonding, and liability limits should be
131 investigated, implemented where appropriate, or recommended to
132 the Legislature for consideration.

133 (5) The plan must also evaluate the effect of students'
134 mobility between juvenile justice education programs and school
135 districts on the students' educational outcomes and whether the
136 continuity of the students' education can be better addressed
137 through virtual education.

138 ~~(6)(5)~~ The Department of Juvenile Justice and the
139 Department of Education shall each align its respective agency
140 policies, practices, technical manuals, contracts, quality-
141 assurance standards, performance-based-budgeting measures, and
142 outcome measures with the plan in juvenile justice education
143 programs commitment facilities by July 31, 2014 2001. Each
144 agency shall provide a report on the implementation of this
145 section to the Governor, the President of the Senate, and the

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146 Speaker of the House of Representatives by August 31, 2014 2001.

147 ~~(7)(6)~~ All provider contracts executed by the Department of
148 Juvenile Justice or the school districts after January 1, 2015
149 2002, must be aligned with the plan.

150 ~~(8)(7)~~ The planning and execution of quality assurance
151 reviews conducted by the Department of Education or the
152 Department of Juvenile Justice after August 1, 2014 2002, must
153 be aligned with the plan.

154 ~~(9)(8)~~ Outcome measures reported by the Department of
155 Juvenile Justice and the Department of Education for students
156 youth released on or after January 1, 2015 2002, should include
157 outcome measures that conform to the plan.

158 Section 2. Subsections (1) and (3) of section 985.632,
159 Florida Statutes, are amended to read:

160 985.632 Quality assurance and cost-effectiveness.—

161 (1) The department shall:

162 (a) Provide cost and effectiveness information on programs
163 and program activities in order to compare, improve, or
164 eliminate a program or program activity if necessary.

165 (b) Provide program and program activity cost and
166 effectiveness data to the Legislature in order for resources to
167 be allocated for achieving desired performance outcomes.

168 (c) Provide information to the public concerning program
169 and program activity cost and effectiveness.

170 (d) Implement a system of accountability in order to
171 provide the best and most appropriate programs and activities to
172 meet client needs.

173 (e) Continue to improve service delivery. It is the intent
174 of the Legislature that the department:

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175 ~~(a) Ensure that information be provided to decisionmakers~~
 176 ~~in a timely manner so that resources are allocated to programs~~
 177 ~~of the department which achieve desired performance levels.~~
 178 ~~(b) Provide information about the cost of such programs and~~
 179 ~~their differential effectiveness so that the quality of such~~
 180 ~~programs can be compared and improvements made continually.~~
 181 ~~(c) Provide information to aid in developing related policy~~
 182 ~~issues and concerns.~~
 183 ~~(d) Provide information to the public about the~~
 184 ~~effectiveness of such programs in meeting established goals and~~
 185 ~~objectives.~~
 186 ~~(e) Provide a basis for a system of accountability so that~~
 187 ~~each client is afforded the best programs to meet his or her~~
 188 ~~needs.~~
 189 ~~(f) Improve service delivery to clients.~~
 190 ~~(g) Modify or eliminate activities that are not effective.~~
 191 (3) By March 1st of each year, the department, in
 192 consultation with the Department of Education, shall publish a
 193 report on program costs and effectiveness. The report shall
 194 include uniform cost data for each program operated by the
 195 department or by providers under contract with the department.
 196 The Department of Education shall provide the cost data on each
 197 education program operated by a school district or a provider
 198 under contract with a school district. Cost data shall be
 199 formatted and presented in a manner approved by the Legislature.
 200 The report shall also include data on student learning gains, as
 201 provided by the Department of Education, for all juvenile
 202 justice education programs as required under s. 1003.52(3)(b),
 203 information required under s. 1003.52(17) and (21), the cost-

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204 effectiveness of each program offered, and recommendations for
 205 modification or elimination of programs or program activities
 206 ~~The department shall annually collect and report cost data for~~
 207 ~~every program operated or contracted by the department. The cost~~
 208 ~~data shall conform to a format approved by the department and~~
 209 ~~the Legislature. Uniform cost data shall be reported and~~
 210 ~~collected for state-operated and contracted programs so that~~
 211 ~~comparisons can be made among programs. The department shall~~
 212 ~~ensure that there is accurate cost accounting for state operated~~
 213 ~~services including market equivalent rent and other shared cost.~~
 214 ~~The cost of the educational program provided to a residential~~
 215 ~~facility shall be reported and included in the cost of a~~
 216 ~~program. The department shall submit an annual cost report to~~
 217 ~~the President of the Senate, the Speaker of the House of~~
 218 ~~Representatives, the Minority Leader of each house of the~~
 219 ~~Legislature, the appropriate substantive and fiscal committees~~
 220 ~~of each house of the Legislature, and the Governor, no later~~
 221 ~~than December 1 of each year. Cost benefit analysis for~~
 222 ~~educational programs will be developed and implemented in~~
 223 ~~collaboration with and in cooperation with the Department of~~
 224 ~~Education, local providers, and local school districts. Cost~~
 225 ~~data for the report shall include data collected by the~~
 226 ~~Department of Education for the purposes of preparing the annual~~
 227 ~~report required by s. 1003.52(19).~~
 228 Section 3. Section 1001.31, Florida Statutes, is amended to
 229 read:
 230 1001.31 Scope of district system.—A district school system
 231 shall include all public schools, classes, and courses of
 232 instruction and all services and activities directly related to

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 233 education in that district which are under the direction of the
 234 district school officials. A district school system may also
 235 include alternative site schools for disruptive or violent
 236 students youth. Such schools for disruptive or violent students
 237 youth may be funded by each district or provided through
 238 cooperative programs administered by a consortium of school
 239 districts, private providers, state and local law enforcement
 240 agencies, and the Department of Juvenile Justice. Pursuant to
 241 cooperative agreement, a district school system shall provide
 242 instructional personnel at juvenile justice facilities ~~of 50 or~~
 243 ~~more beds or slots~~ with access to the district school system
 244 database for the purpose of accessing student academic,
 245 immunization, and registration records for students assigned to
 246 the programs. Such access shall be in the same manner as
 247 provided to other schools in the district.

248 Section 4. Section 1003.51, Florida Statutes, is amended to
 249 read:

250 1003.51 Other public educational services.—

251 (1) The general control of other public educational
 252 services shall be vested in the State Board of Education except
 253 as provided in this section herein. The State Board of Education
 254 shall, at the request of the Department of Children and Families
 255 ~~Family Services~~ and the Department of Juvenile Justice, advise
 256 as to standards and requirements relating to education to be met
 257 in all state schools or institutions under their control which
 258 provide educational programs. The Department of Education shall
 259 provide supervisory services for the educational programs of all
 260 such schools or institutions. The direct control of any of these
 261 services provided as part of the district program of education

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 262 shall rest with the district school board. These services shall
 263 be supported out of state, district, federal, or other ~~lawful~~
 264 funds, depending on the requirements of the services being
 265 supported.

266 (2) The State Board of Education shall adopt rules ~~and~~
 267 ~~maintain an administrative rule~~ articulating expectations for
 268 effective education programs for students youth in Department of
 269 Juvenile Justice programs, including, but not limited to,
 270 education programs in juvenile justice prevention, day
 271 treatment, residential, commitment and detention facilities. The
 272 rules rule shall establish articulate policies and standards for
 273 education programs for students youth in Department of Juvenile
 274 Justice programs and shall include the following:

275 (a) The interagency collaborative process needed to ensure
 276 effective programs with measurable results.

277 (b) The responsibilities of the Department of Education,
 278 the Department of Juvenile Justice, Workforce Florida, Inc.,
 279 district school boards, and providers of education services to
 280 students youth in Department of Juvenile Justice programs.

281 (c) Academic expectations.

282 (d) Career and technical expectations.

283 (e) Education transition planning and services.

284 ~~(f) (d)~~ Service delivery options available to district
 285 school boards, including direct service and contracting.

286 ~~(g) (e)~~ Assessment procedures, which:

287 1. Include appropriate academic and career assessments
 288 administered at program entry and exit that are selected by the
 289 Department of Education in partnership with representatives from
 the Department of Juvenile Justice, district school boards, and

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291 education providers.

292 ~~2. Require district school boards to be responsible for~~
 293 ~~ensuring the completion of the assessment process.~~

294 ~~3. Require assessments for students in detention who will~~
 295 ~~move on to commitment facilities, to be designed to create the~~
 296 ~~foundation for developing the student's education program in the~~
 297 ~~assigned commitment facility.~~

298 ~~2.4~~ Require assessments of students in programs sent
 299 directly to commitment facilities to be completed within the
 300 first 10 school days after of the student's entry into the
 301 program commitment.

302
 303 The results of these assessments, together with a portfolio
 304 depicting the student's academic and career accomplishments,
 305 shall be included in the discharge packet package assembled for
 306 each student youth.

307 (h) (f) Recommended instructional programs, including, but
 308 not limited to, secondary education, high school equivalency
 309 examination preparation, postsecondary education, career
 310 training, and job preparation.

311 (i) (g) Funding requirements, which shall include the
 312 requirement that at least 90 percent of the FEFP funds generated
 313 by students in Department of Juvenile Justice programs or in an
 314 education program for juveniles under s. 985.19 be spent on
 315 instructional costs for those students. One hundred percent of
 316 the formula-based categorical funds generated by students in
 317 Department of Juvenile Justice programs must be spent on
 318 appropriate categoricals such as instructional materials and
 319 public school technology for those students.

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320 (j) (h) Qualifications of instructional staff, procedures
 321 for the selection of instructional staff, and procedures for to
 322 ensure consistent instruction and qualified staff year round.
 323 Qualifications shall include those for career education
 324 instructors, standardized across the state, and shall be based
 325 on state certification, local school district approval, and
 326 industry-recognized credentials or industry training. Procedures
 327 for the use of noncertified instructional personnel who possess
 328 expert knowledge or experience in their fields of instruction
 329 shall be established.

330 (k) (i) Transition services, including the roles and
 331 responsibilities of appropriate personnel in the juvenile
 332 justice education program, the school district where the student
 333 will reenter districts, provider organizations, and the
 334 Department of Juvenile Justice.

335 (l) (j) Procedures and timeframe for transfer of education
 336 records when a student youth enters and leaves a Department of
 337 Juvenile Justice education program facility.

338 (m) (k) The requirement that each district school board
 339 maintain an academic transcript for each student enrolled in a
 340 juvenile justice education program facility that delineates each
 341 course completed by the student as provided by the State Course
 342 Code Directory.

343 (n) (l) The requirement that each district school board make
 344 available and transmit a copy of a student's transcript in the
 345 discharge packet when the student exits a juvenile justice
 346 education program facility.

347 (o) (m) Contract requirements.

348 (p) (n) Performance expectations for providers and district

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 349 school boards, including student performance measures by type of
 350 program, education program performance ratings, school
 351 improvement, and corrective action plans for low-performing
 352 programs ~~the provision of a progress monitoring plan as required~~
 353 ~~in s. 1008.25.~~

354 ~~(q)(e)~~ The role and responsibility of the district school
 355 board in securing workforce development funds.

356 ~~(r)(p)~~ A series of graduated sanctions for district school
 357 boards whose educational programs in Department of Juvenile
 358 Justice programs ~~facilities~~ are considered to be unsatisfactory
 359 and for instances in which district school boards fail to meet
 360 standards prescribed by law, rule, or State Board of Education
 361 policy. These sanctions shall include the option of requiring a
 362 district school board to contract with a provider or another
 363 district school board if the educational program at the
 364 Department of Juvenile Justice program is performing below
 365 minimum standards ~~facility has failed a quality assurance review~~
 366 and, after 6 months, is still performing below minimum
 367 standards.

368 (s) Curriculum, guidance counseling, transition, and
 369 education services expectations, including curriculum
 370 flexibility for detention centers operated by the Department of
 371 Juvenile Justice.

372 ~~(t)(g)~~ Other aspects of program operations.

373 (3) The Department of Education in partnership with the
 374 Department of Juvenile Justice, the district school boards, and
 375 providers shall:

376 (a) Develop and implement requirements for contracts and
 377 cooperative agreements regarding ~~Maintain model contracts for~~

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 378 the delivery of appropriate education services to students youth
 379 in Department of Juvenile Justice programs ~~to be used for the~~
 380 ~~development of future contracts.~~ The minimum contract
 381 requirements shall include, but are not limited to, payment
 382 structure and amounts; access to district services; contract
 383 management provisions; data reporting requirements, including
 384 reporting of full-time equivalent student membership;
 385 administration of federal programs such as Title I, exceptional
 386 student education, and the Carl D. Perkins Career and Technical
 387 Education Act of 2006; and model contracts shall reflect the
 388 policy and standards included in subsection (2). ~~The Department~~
 389 ~~of Education shall ensure that appropriate district school board~~
 390 ~~personnel are trained and held accountable for the management~~
 391 ~~and monitoring of contracts for education programs for youth in~~
 392 ~~juvenile justice residential and nonresidential facilities.~~

393 (b) Develop and implement ~~Maintain model~~ procedures for
 394 transitioning students youth into and out of Department of
 395 Juvenile Justice education programs. These procedures shall
 396 reflect the policy and standards adopted pursuant to subsection
 397 (2).

398 (c) Maintain standardized required content of education
 399 records to be included as part of a student's youth's commitment
 400 record and procedures for securing the student's records. ~~The~~
 401 ~~education records~~ ~~These requirements shall reflect the policy~~
 402 ~~and standards adopted pursuant to subsection (2) and shall~~
 403 include, but not be limited to, the following:

- 404 1. A copy of the student's individual educational plan.
- 405 2. A copy of the student's individualized progress
 406 monitoring plan.

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407 3. A copy of the student's individualized transition plan.
 408 ~~4.2-~~ Assessment data, including grade level proficiency in
 409 reading, ~~writing,~~ and mathematics, and performance on tests
 410 taken according to s. 1008.22.
 411 ~~5.3-~~ A copy of the student's permanent cumulative record.
 412 ~~6.4-~~ A copy of the student's academic transcript.
 413 ~~7.5-~~ A portfolio reflecting the student's youth's academic
 414 and career and technical accomplishments, when age appropriate,
 415 while in the Department of Juvenile Justice program.
 416 (d) ~~Establish~~ Maintain model procedures for securing the
 417 ~~education record~~ and the roles and responsibilities of the
 418 juvenile probation officer and others involved in the withdrawal
 419 of the student from school and assignment to a juvenile justice
 420 education program ~~commitment or detention facility.~~ District
 421 ~~school boards shall respond to requests for student education~~
 422 ~~records received from another district school board or a~~
 423 ~~juvenile justice facility within 5 working days after receiving~~
 424 ~~the request.~~
 425 (4) ~~Each~~ The Department of Education shall ensure that
 426 ~~district school board shall:~~ boards
 427 (a) Notify students in juvenile justice education programs
 428 ~~residential or nonresidential facilities~~ who attain the age of
 429 16 years of the ~~provisions of~~ law regarding compulsory school
 430 attendance and make available the option of enrolling in a
 431 program to attain a Florida high school diploma by taking the
 432 high school equivalency examination before ~~General Educational~~
 433 ~~Development test prior to release from the program facility.~~
 434 District school boards or Florida College System institutions,
 435 or both, shall ~~waive CED testing fees for youth in Department of~~

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436 ~~Juvenile Justice residential programs and shall,~~ upon request,
 437 designate schools operating for the purpose of providing
 438 educational services to students youth in Department of Juvenile
 439 Justice programs. The Department of Education shall assist
 440 juvenile justice education programs with becoming high school
 441 equivalency examination centers ~~as CED testing centers, subject~~
 442 ~~to CED testing center requirements. The administrative fees for~~
 443 ~~the General Educational Development test required by the~~
 444 ~~Department of Education are the responsibility of district~~
 445 ~~school boards and may be required of providers by contractual~~
 446 ~~agreement.~~
 447 (b) Respond to requests for student education records
 448 received from another district school board or a juvenile
 449 justice education program within 5 working days after receiving
 450 the request.
 451 (c) Provide access to courses offered pursuant to ss.
 452 1002.37, 1002.45, and 1003.498. School districts and providers
 453 may enter into cooperative agreements for the provision of
 454 curriculum associated with courses offered pursuant to s.
 455 1003.498 to enable providers to offer such courses.
 456 (d) Complete the assessment process required by subsection
 457 (2).
 458 (e) Monitor compliance with contracts for education
 459 programs for students in juvenile justice prevention, day
 460 treatment, residential, and detention programs.
 461 (5) The Department of Education shall establish and
 462 operate, either directly or indirectly through a contract, a
 463 mechanism to provide accountability measures that annually
 464 assesses and evaluates all juvenile justice education programs

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465 using student performance data and program performance ratings
 466 by type of program quality assurance reviews of all juvenile
 467 justice education programs and shall provide technical
 468 assistance and related research to district school boards and
 469 juvenile justice education providers on how to establish,
 470 develop, and operate educational programs that exceed the
 471 minimum quality assurance standards. The Department of
 472 Education, with input from the Department of Juvenile Justice,
 473 school districts, and education providers, shall develop annual
 474 recommendations for system and school improvement.

475 Section 5. Section 1003.52, Florida Statutes, is amended to
 476 read:

477 1003.52 Educational services in Department of Juvenile
 478 Justice programs.—

479 (1) ~~The Legislature finds that education is the single most~~
 480 ~~important factor in the rehabilitation of adjudicated delinquent~~
 481 ~~youth in the custody of Department of Juvenile Justice programs.~~
 482 ~~It is the goal of the Legislature that youth in the juvenile~~
 483 ~~justice system continue to be allowed the opportunity to obtain~~
 484 ~~a high quality education.~~ The Department of Education shall
 485 serve as the lead agency for juvenile justice education
 486 programs, curriculum, support services, and resources. To this
 487 end, the Department of Education and the Department of Juvenile
 488 Justice shall each designate a Coordinator for Juvenile Justice
 489 Education Programs to serve as the point of contact for
 490 resolving issues not addressed by district school boards and to
 491 provide each department's participation in the following
 492 activities:

493 (a) Training, collaborating, and coordinating with ~~the~~

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494 ~~Department of Juvenile Justice,~~ district school boards, local
 495 workforce boards and youth councils, educational contract
 496 providers, and juvenile justice providers, whether state
 497 operated or contracted.

498 (b) Collecting information on the academic, career
 499 education, and transition performance of students in juvenile
 500 justice programs and reporting on the results.

501 (c) Developing academic and career education protocols that
 502 provide guidance to district school boards and juvenile justice
 503 education providers in all aspects of education programming,
 504 including records transfer and transition.

505 (d) Implementing a joint accountability, program
 506 performance, and program improvement process ~~Prescribing the~~
 507 ~~roles of program personnel and interdepartmental district school~~
 508 ~~board or provider collaboration strategies.~~

509 Annually, a cooperative agreement and plan for juvenile justice
 510 education service enhancement shall be developed between the
 511 Department of Juvenile Justice and the Department of Education
 512 and submitted to the Secretary of Juvenile Justice and the
 513 Commissioner of Education by June 30. The plan shall include, at
 514 a minimum, each agency's role regarding educational program
 515 accountability, technical assistance, training, and coordination
 516 of services.

517 (2) Students participating in Department of Juvenile
 518 Justice programs pursuant to chapter 985 which are sponsored by
 519 a community-based agency or are operated or contracted for by
 520 the Department of Juvenile Justice shall receive education
 521 ~~educational~~ programs according to rules of the State Board of

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523 Education. These students shall be eligible for services
 524 afforded to students enrolled in programs pursuant to s. 1003.53
 525 and all corresponding State Board of Education rules.

526 (3) The district school board of the county in which the
 527 juvenile justice education prevention, day treatment,
 528 residential, or detention program ~~residential or nonresidential~~
 529 ~~care facility or juvenile assessment facility~~ is located shall
 530 provide or contract for appropriate educational assessments and
 531 an appropriate program of instruction and special education
 532 services.

533 (a) The district school board shall make provisions for
 534 each student to participate in basic, career education, and
 535 exceptional student programs as appropriate. Students served in
 536 Department of Juvenile Justice programs shall have access to the
 537 appropriate courses and instruction to prepare them for the high
 538 school equivalency examination ~~GED test~~. Students participating
 539 in high school equivalency examination ~~GED~~ preparation programs
 540 shall be funded at the basic program cost factor for Department
 541 of Juvenile Justice programs in the Florida Education Finance
 542 Program. Each program shall be conducted according to applicable
 543 law providing for the operation of public schools and rules of
 544 the State Board of Education. School districts shall provide the
 545 high school equivalency examination ~~GED~~ exit option for all
 546 juvenile justice programs.

547 (b) ~~By October 1, 2004,~~ The Department of Education, with
 548 the assistance of the school districts and juvenile justice
 549 education providers, shall select a common student assessment
 550 instrument and protocol for measuring student learning gains and
 551 student progression while a student is in a juvenile justice

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552 education program. ~~The assessment instrument and protocol must~~
 553 ~~be implemented in all juvenile justice education programs in~~
 554 ~~this state by January 1, 2005.~~

555 (4) Educational services shall be provided at times of the
 556 day most appropriate for the juvenile justice program. School
 557 programming in juvenile justice detention, prevention, day
 558 treatment, and residential ~~commitment, and rehabilitation~~
 559 programs shall be made available by the local school district
 560 during the juvenile justice school year, as provided ~~defined~~ in
 561 s. 1003.01(11). In addition, students in juvenile justice
 562 education programs shall have access to courses offered pursuant
 563 to ss. 1002.37, 1002.45, and 1003.498 ~~Florida Virtual School~~
 564 ~~courses~~. The Department of Education and the school districts
 565 shall adopt policies necessary to provide ~~ensure~~ such access.

566 (5) The educational program shall provide instruction based
 567 on each student's individualized transition plan, assessed
 568 educational needs, and the education programs available in the
 569 school district to which the student will return. Depending on
 570 the student's needs, educational programming may consist of
 571 remedial courses, ~~consist of appropriate basic~~ academic
 572 courses, high school equivalency examination preparation, or exceptional
 573 student education curricula and related services which support
 574 the transition ~~treatment~~ goals and reentry and which may lead to
 575 completion of the requirements for receipt of a high school
 576 diploma or its equivalent. Prevention and day treatment juvenile
 577 justice education programs, at a minimum, shall provide career
 578 readiness and exploration opportunities as well as truancy and
 579 dropout prevention intervention services. Residential juvenile
 580

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581 justice education programs with a contracted minimum length of
 582 stay of 9 months shall provide career education courses that
 583 lead to preapprentice certifications, industry certifications,
 584 occupational completion points, or work-related certifications.
 585 Residential programs with contracted lengths of stay of less
 586 than 9 months may provide career education courses that lead to
 587 preapprentice certifications, industry certifications,
 588 occupational completion points, or work-related certifications.
 589 If the duration of a program is less than 40 days, the
 590 educational component may be limited to tutorial remediation
 591 activities, ~~and~~ career employability skills instruction,
 592 education counseling, and transition services that prepare
 593 students for a return to school, the community, and their home
 594 settings based on the students' needs.

595 (6) Participation in the program by students of compulsory
 596 school-attendance age as provided for in s. 1003.21 shall be
 597 mandatory. All students of noncompulsory school-attendance age
 598 who have not received a high school diploma or its equivalent
 599 shall participate in the educational program, unless the student
 600 files a formal declaration of his or her intent to terminate
 601 school enrollment as described in s. 1003.21 and is afforded the
 602 opportunity to take the general educational development test and
 603 attain a Florida high school diploma ~~before~~ prior to release
 604 from a juvenile justice education program facility. A student
 605 ~~youth~~ who has received a high school diploma or its equivalent
 606 and is not employed shall participate in workforce development
 607 or other career ~~or technical~~ education or Florida College System
 608 institution or university courses while in the program, subject
 609 to available funding.

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610 (7) An individualized ~~A~~ progress monitoring plan shall be
 611 developed for all students not classified as exceptional
 612 education students upon entry into a juvenile justice education
 613 program and upon reentry into the school district ~~who score~~
 614 ~~below the level specified in district school board policy in~~
 615 ~~reading, writing, and mathematics or below the level specified~~
 616 ~~by the Commissioner of Education on statewide assessments as~~
 617 ~~required by s. 1008.25.~~ These plans shall address academic,
 618 literacy, and career and technical ~~life~~ skills and shall include
 619 provisions for intensive remedial instruction in the areas of
 620 weakness.

621 (8) Each district school board shall maintain an academic
 622 record for each student enrolled in a juvenile justice program
 623 facility as prescribed by s. 1003.51. Such record shall
 624 delineate each course completed by the student according to
 625 procedures in the State Course Code Directory. The district
 626 school board shall include a copy of a student's academic record
 627 in the discharge packet when the student exits the program
 628 facility.

629 ~~(9) Each~~ ~~The Department of Education shall ensure that all~~
 630 district school board shall ~~boards~~ make provisions for high
 631 school level students ~~youth~~ to earn credits toward high school
 632 graduation while in residential and nonresidential juvenile
 633 justice programs ~~facilities~~. Provisions must be made for the
 634 transfer of credits and partial credits earned.

635 (10) School districts and juvenile justice education
 636 providers shall develop individualized transition plans during
 637 the course of a student's stay in a juvenile justice education
 638 program to coordinate academic, career and technical, and

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639 secondary and postsecondary services that assist the student in
 640 successful community reintegration upon release. Development of
 641 the transition plan shall be a collaboration of the personnel in
 642 the juvenile justice education program, reentry personnel,
 643 personnel from the school district to which the student will
 644 return, the student, the student's family, and the Department of
 645 Juvenile Justice personnel for committed students.

646 (a) Transition planning must begin upon a student's
 647 placement in the program. The transition plan must include, at a
 648 minimum:

649 1. Services and interventions that address the student's
 650 assessed educational needs and postrelease education plans.

651 2. Services to be provided during the program stay and
 652 services to be implemented upon release, including, but not
 653 limited to, continuing education in secondary school, career and
 654 technical programs, postsecondary education, or employment,
 655 based on the student's needs.

656 3. Specific monitoring responsibilities of individuals who
 657 are responsible for reintegration to determine whether the
 658 individualized transition plan is being implemented and if the
 659 student is being provided access to support services that will
 660 sustain the student's success. Individuals who are responsible
 661 for reintegration shall coordinate such activities.

662 (b) For the purpose of transition planning and reentry
 663 services, representatives from the school district and the one
 664 stop center where the student will return shall participate as
 665 members of the local Department of Juvenile Justice reentry
 666 teams. The school district, upon return of a student from a
 667 juvenile justice education program, must consider the individual

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668 needs and circumstances of the student and the transition plan
 669 recommendations when reenrolling a student in a public school. A
 670 local school district may not maintain a standardized policy for
 671 all students returning from a juvenile justice program but shall
 672 place students based on their needs and their performance in the
 673 program.

674 (c) The Department of Education and the Department of
 675 Juvenile Justice shall provide oversight and guidance to school
 676 districts, education providers, and reentry personnel on how to
 677 implement effective educational transition planning and
 678 services.

679 (11) ~~(10)~~ The district school board shall recruit and train
 680 teachers who are interested, qualified, or experienced in
 681 educating students in juvenile justice programs. Students in
 682 juvenile justice programs shall be provided a wide range of
 683 education ~~educational~~ programs and opportunities, including
 684 textbooks, access to technology, instructional support, and
 685 ~~other~~ resources commensurate with resources provided ~~available~~
 686 to students in public schools If the district school board
 687 operates a juvenile justice education program at a juvenile
 688 justice facility, the district school board, in consultation
 689 with the director of the juvenile justice facility, shall select
 690 the instructional personnel assigned to that program. The
 691 Secretary of Juvenile Justice or the director of a juvenile
 692 justice program may request that the performance of a teacher
 693 assigned by the district to a juvenile justice education program
 694 be reviewed by the district and that the teacher be reassigned
 695 based upon an evaluation conducted pursuant to s. 1012.34 or for
 696 inappropriate behavior ~~Teachers assigned to educational programs~~

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697 ~~in juvenile justice settings in which the district school board~~
 698 ~~operates the educational program shall be selected by the~~
 699 ~~district school board in consultation with the director of the~~
 700 ~~juvenile justice facility. Educational programs in~~ Juvenile
 701 justice education programs ~~facilities~~ shall have access to the
 702 substitute teacher pool used ~~utilized~~ by the district school
 703 board.

704 ~~(12)(11)~~ District school boards may contract with a private
 705 provider for the provision of education ~~educational~~ programs to
 706 students ~~youths~~ placed with the Department of Juvenile Justice
 707 and shall generate local, state, and federal funding, including
 708 funding through the Florida Education Finance Program for such
 709 students. The district school board's planning and budgeting
 710 process shall include the needs of Department of Juvenile
 711 Justice programs in the district school board's plan for
 712 expenditures for state categorical and federal funds.

713 ~~(13)(12)~~ (a) Funding for eligible students enrolled in
 714 juvenile justice education programs shall be provided through
 715 the Florida Education Finance Program as provided in s. 1011.62
 716 and the General Appropriations Act. Funding shall include, at a
 717 minimum:

718 1. Weighted program funding or the basic amount for current
 719 operation multiplied by the district cost differential as
 720 provided in s. 1011.62(1)(s) ~~1011.62(1)(r)~~ and (2);

721 2. The supplemental allocation for juvenile justice
 722 education as provided in s. 1011.62(10);

723 3. A proportionate share of the district's exceptional
 724 student education guaranteed allocation, the supplemental
 725 academic instruction allocation, and the instructional materials

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726 allocation;

727 4. An amount equivalent to the proportionate share of the
 728 state average potential discretionary local effort for
 729 operations, which shall be determined as follows:

730 a. If the district levies the maximum discretionary local
 731 effort and the district's discretionary local effort per FTE is
 732 less than the state average potential discretionary local effort
 733 per FTE, the proportionate share shall include both the
 734 discretionary local effort and the compression supplement per
 735 FTE. If the district's discretionary local effort per FTE is
 736 greater than the state average per FTE, the proportionate share
 737 shall be equal to the state average; or

738 b. If the district does not levy the maximum discretionary
 739 local effort and the district's actual discretionary local
 740 effort per FTE is less than the state average potential
 741 discretionary local effort per FTE, the proportionate share
 742 shall be equal to the district's actual discretionary local
 743 effort per FTE. If the district's actual discretionary local
 744 effort per FTE is greater than the state average per FTE, the
 745 proportionate share shall be equal to the state average
 746 potential local effort per FTE; and

747 5. A proportionate share of the district's proration to
 748 funds available, if necessary.

749 (b) Juvenile justice education ~~educational~~ programs to
 750 receive the appropriate FEFP funding for Department of Juvenile
 751 Justice programs shall include those operated through a contract
 752 with the Department of Juvenile Justice ~~and which are under~~
 753 ~~purview of the Department of Juvenile Justice quality assurance~~
 754 ~~standards for education.~~

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755 (c) Consistent with the rules of the State Board of
756 Education, district school boards are required to request an
757 alternative FTE survey for Department of Juvenile Justice
758 programs experiencing fluctuations in student enrollment.

759 (d) FTE count periods shall be prescribed in rules of the
760 State Board of Education and shall be the same for programs of
761 the Department of Juvenile Justice as for other public school
762 programs. The summer school period for students in Department of
763 Juvenile Justice programs shall begin on the day immediately
764 following the end of the regular school year and end on the day
765 immediately preceding the subsequent regular school year.
766 Students shall be funded for no more than 25 hours per week of
767 direct instruction.

768 (e) Each juvenile justice education program must receive
769 all federal funds for which the program is eligible.

770 (14) ~~(13)~~ Each district school board shall negotiate a
771 cooperative agreement with the Department of Juvenile Justice on
772 the delivery of educational services to students ~~youths~~ under
773 the jurisdiction of the Department of Juvenile Justice. Such
774 agreement must include, but is not limited to:

775 (a) Roles and responsibilities of each agency, including
776 the roles and responsibilities of contract providers.

777 (b) Administrative issues including procedures for sharing
778 information.

779 (c) Allocation of resources including maximization of
780 local, state, and federal funding.

781 (d) Procedures for educational evaluation for educational
782 exceptionalities and special needs.

783 (e) Curriculum and delivery of instruction.

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784 (f) Classroom management procedures and attendance
785 policies.

786 (g) Procedures for provision of qualified instructional
787 personnel, whether supplied by the district school board or
788 provided under contract by the provider, and for performance of
789 duties while in a juvenile justice setting.

790 (h) Provisions for improving skills in teaching and working
791 with students referred to juvenile justice programs ~~delinquents~~.

792 (i) Transition plans for students moving into and out of
793 juvenile programs ~~facilities~~.

794 (j) Procedures and timelines for the timely documentation
795 of credits earned and transfer of student records.

796 (k) Methods and procedures for dispute resolution.

797 (l) Provisions for ensuring the safety of education
798 personnel and support for the agreed-upon education program.

799 (m) Strategies for correcting any deficiencies found
800 through the accountability and evaluation system and student
801 performance measures ~~quality assurance process~~.

802 (15) ~~(14)~~ Nothing in this section or in a cooperative
803 agreement requires ~~shall be construed to require~~ the district
804 school board to provide more services than can be supported by
805 the funds generated by students in the juvenile justice
806 programs.

807 (16) ~~(15) (a)~~ The Department of Education, in consultation
808 with the Department of Juvenile Justice, district school boards,
809 and providers, shall adopt rules establishing: ~~establish~~

810 (a) Objective and measurable student performance measures
811 to evaluate a student's educational progress while participating
812 in a prevention, day treatment, or residential program. The

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813 student performance measures must be based on appropriate
 814 outcomes for all students in juvenile justice education
 815 programs, taking into consideration the student's length of stay
 816 in the program. Performance measures shall include outcomes that
 817 relate to student achievement of career education goals,
 818 acquisition of employability skills, receipt of a high school
 819 diploma, and grade advancement.

820 (b) A performance rating system to be used by the
 821 Department of Education to evaluate ~~quality assurance standards~~
 822 for the delivery of educational services within each of the
 823 juvenile justice programs. The performance rating shall be
 824 primarily based on data regarding student performance as
 825 described in paragraph (a) ~~component of residential and~~
 826 ~~nonresidential juvenile justice facilities.~~

827 (c) The timeframes, procedures, and resources to be used to
 828 improve a low-rated educational program or to terminate or
 829 reassign the program ~~These standards shall rate the district~~
 830 ~~school board's performance both as a provider and contractor.~~
 831 The quality assurance rating for the educational component shall
 832 be disaggregated from the overall quality assurance score and
 833 reported separately.

834 ~~(d) (b) The Department of Education shall develop A~~
 835 comprehensive accountability and program improvement ~~quality~~
 836 ~~assurance review~~ process in partnership with the Department of
 837 Juvenile Justice. The accountability and program improvement
 838 process shall be based on student performance measures by type
 839 of program and shall rate education program performance. The
 840 accountability system shall identify and recognize high-
 841 performing education programs. The Department of Education, in

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842 partnership with the Department of Juvenile Justice, shall also
 843 identify low-performing programs. Low-performing education
 844 programs shall receive an onsite program evaluation from the
 845 Department of Juvenile Justice. School improvement, technical
 846 assistance, or the reassignment of the program shall be based,
 847 in part, on the results of the program evaluation. Through a
 848 corrective action process, low-performing programs must
 849 demonstrate improvement or reassign the program ~~and schedule for~~
 850 the evaluation of the educational component in juvenile justice
 851 programs. The Department of Juvenile Justice ~~quality assurance~~
 852 ~~site visit and the education quality assurance site visit shall~~
 853 ~~be conducted during the same visit.~~

854 ~~(c) The Department of Education, in consultation with~~
 855 ~~district school boards and providers, shall establish minimum~~
 856 ~~thresholds for the standards and key indicators for educational~~
 857 ~~programs in juvenile justice facilities. If a district school~~
 858 ~~board fails to meet the established minimum standards, it will~~
 859 ~~be given 6 months to achieve compliance with the standards. If~~
 860 ~~after 6 months, the district school board's performance is still~~
 861 ~~below minimum standards, the Department of Education shall~~
 862 ~~exercise sanctions as prescribed by rules adopted by the State~~
 863 ~~Board of Education. If a provider, under contract with the~~
 864 ~~district school board, fails to meet minimum standards, such~~
 865 ~~failure shall cause the district school board to cancel the~~
 866 ~~provider's contract unless the provider achieves compliance~~
 867 ~~within 6 months or unless there are documented extenuating~~
 868 ~~circumstances.~~

869 ~~(d) The requirements in paragraphs (a), (b), and (c) shall~~
 870 ~~be implemented to the extent that funds are available.~~

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871 (17) The department, in collaboration with the Department
 872 of Juvenile Justice, shall monitor and report on the educational
 873 performance of students in commitment, day treatment,
 874 prevention, and detention programs. The report by the Department
 875 of Education must include, at a minimum, the number and
 876 percentage of students who:

877 (a) Return to an alternative school, middle school, or high
 878 school upon release and the attendance rate of such students
 879 before and after participation in juvenile justice education
 880 programs.

881 (b) Receive a standard high school diploma or a high school
 882 equivalency diploma.

883 (c) Receive industry certification.

884 (d) Receive occupational completion points.

885 (e) Enroll in a postsecondary educational institution.

886 (f) Complete a juvenile justice education program without
 887 reoffending.

888 (g) Reoffend within 1 year after completion of a day
 889 treatment or residential commitment program.

890 (h) Remain employed 1 year after completion of a day
 891 treatment or residential commitment program.

892
 893 The results of this report shall be included in the report
 894 required by s. 985.632.

895 (18)~~(16)~~ The district school board may ~~shall~~ not be charged
 896 any rent, maintenance, utilities, or overhead on such
 897 facilities. Maintenance, repairs, and remodeling of existing
 898 facilities shall be provided by the Department of Juvenile
 899 Justice.

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900 (19)~~(17)~~ When additional facilities are required, the
 901 district school board and the Department of Juvenile Justice
 902 shall agree on the appropriate site based on the instructional
 903 needs of the students. When the most appropriate site for
 904 instruction is on district school board property, a special
 905 capital outlay request shall be made by the commissioner in
 906 accordance with s. 1013.60. When the most appropriate site is on
 907 state property, state capital outlay funds shall be requested by
 908 the Department of Juvenile Justice provided by s. 216.043 and
 909 shall be submitted as specified by s. 216.023. Any instructional
 910 facility to be built on state property shall have educational
 911 specifications jointly developed by the district school board
 912 and the Department of Juvenile Justice and approved by the
 913 Department of Education. The size of space and occupant design
 914 capacity criteria as provided by State Board of Education rules
 915 shall be used for remodeling or new construction whether
 916 facilities are provided on state property or district school
 917 board property.

918 (20)~~(18)~~ The parent of an exceptional student shall have
 919 the due process rights provided for in this chapter.

920 (21)~~(19)~~ The Department of Education and the Department of
 921 Juvenile Justice, after consultation with and assistance from
 922 local providers and district school boards, shall collect data
 923 report annually to the Legislature by February 1 on the progress
 924 toward developing effective education ~~educational~~ programs for
 925 juvenile delinquents, including the amount of funding provided
 926 by district school boards to juvenile justice programs;~~7~~ the
 927 amount retained for administration, including documenting the
 928 purposes for such expenses;~~7~~ the status of the development of

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929 cooperative agreements; education program performance, ~~the~~
 930 results, including the identification of high- and low-
 931 performing programs and aggregate student performance results;
 932 ~~of the quality assurance reviews including~~ recommendations for
 933 system improvement; ~~r~~ and information on the identification of,
 934 and services provided to, exceptional students in juvenile
 935 justice programs ~~commitment facilities~~ to determine whether
 936 these students are properly reported for funding and are
 937 appropriately served.

938 ~~(22)(20)~~ The education ~~educational~~ programs at ~~the Arthur~~
 939 ~~Dozier School for Boys in Jackson County and~~ the Florida School
 940 for Boys in Okeechobee shall be operated by the Department of
 941 Education, either directly or through grants or contractual
 942 agreements with other public or duly accredited education
 943 agencies approved by the Department of Education.

944 ~~(23)(21)~~ The State Board of Education shall may adopt ~~any~~
 945 rules necessary to implement ~~the provisions of this section,~~
 946 ~~including uniform curriculum, funding, and second chance~~
 947 ~~schools~~. Such rules must require the minimum amount of paperwork
 948 and reporting.

949 ~~(24)(22)~~ The Department of Juvenile Justice and the
 950 Department of Education, in consultation with Workforce Florida,
 951 Inc., the statewide Workforce Development Youth Council,
 952 district school boards, Florida College System institutions,
 953 providers, and others, shall jointly develop a multiagency plan
 954 for career education which describes the funding, curriculum,
 955 transfer of credits, goals, and outcome measures for career
 956 education programming in juvenile commitment facilities,
 957 pursuant to s. 985.622. The plan must be reviewed annually.

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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958 Section 6. Paragraph (b) of subsection (18) of section
 959 1001.42, Florida Statutes, is amended to read:

960 1001.42 Powers and duties of district school board.—The
 961 district school board, acting as a board, shall exercise all
 962 powers and perform all duties listed below:

963 (18) IMPLEMENT SCHOOL IMPROVEMENT AND ACCOUNTABILITY.—
 964 Maintain a state system of school improvement and education
 965 accountability as provided by statute and State Board of
 966 Education rule. This system of school improvement and education
 967 accountability shall be consistent with, and implemented
 968 through, the district's continuing system of planning and
 969 budgeting required by this section and ss. 1008.385, 1010.01,
 970 and 1011.01. This system of school improvement and education
 971 accountability shall comply with the provisions of ss. 1008.33,
 972 1008.34, 1008.345, and 1008.385 and include the following:

973 (b) *Public disclosure*.—The district school board shall
 974 provide information regarding the performance of students and
 975 educational programs as required pursuant to ss. 1008.22 and
 976 1008.385 and implement a system of school reports as required by
 977 statute and State Board of Education rule which shall include
 978 schools operating for the purpose of providing educational
 979 services to students ~~youth~~ in Department of Juvenile Justice
 980 programs, and for those schools, report on the elements
 981 specified in s. 1003.52(16) ~~1003.52(19)~~. Annual public
 982 disclosure reports shall be in an easy-to-read report card
 983 format and shall include the school's grade, high school
 984 graduation rate calculated without high school equivalency
 985 examinations ~~GED tests~~, disaggregated by student ethnicity, and
 986 performance data as specified in state board rule.

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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987 Section 7. The Division of Law Revision and Information is
988 requested to prepare a reviser's bill for introduction at the
989 next regular session of the Legislature to change the terms
990 "General Educational Development test" or "GED test" to "high
991 school equivalency examination" and the terms "general education
992 diploma," "graduate equivalency diploma," or "GED" to "high
993 school equivalency diploma" wherever those terms appear in the
994 Florida Statutes.

995 Section 8. This act shall take effect July 1, 2013.

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/22/13

Meeting Date

Topic Juvenile Justice Education

Bill Number 1406
(if applicable)

Name ADRIANNA SEKULA

Amendment Barcode _____
(if applicable)

Job Title Assoc. Dir. of Govt Affairs

Address _____
Street

Phone 904 553 7850

City _____ State _____ Zip _____

E-mail adrianna.sekula@pacecenter.org

Speaking: For Against Information

Representing PACE Center for Girls, Inc.

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/22
Meeting Date

Topic Sen. Edc.

Bill Number 5B 1406
(if applicable)

Name Jon Menendez

Amendment Barcode _____
(if applicable)

Job Title Legislative Affairs - DJJ

Address _____
Street

Phone _____

City _____ State _____ Zip _____

E-mail _____

Speaking: For Against Information

Representing Legislative AFFAIRS - Dept. Juvenile Justice

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date _____

Topic Juvenile Justice Education

Bill Number SB 1406
(if applicable)

Name Cathy Craft Myers

Amendment Barcode _____
(if applicable)

Job Title Executive Director

Address 1201 Hays St

Phone 850 284-9960

Street

Tallahassee FL

City

State

Zip

E-mail Cathy@fjja.org

Speaking: For Against Information

Representing Florida Juvenile Justice Association

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date _____

Topic SB 1406

Bill Number SB 1406
(if applicable)

Name George Perta

Amendment Barcode _____
(if applicable)

Job Title FLS Director of Education

Address 1212 Sandhurst

Phone _____

Street

Jolly
City

FL
State

32312
Zip

E-mail gperta@comcast.net

Speaking: For Against Information

Representing FLS Youth Services

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4-22-2013

Meeting Date

Topic _____

Bill Number 1406
(if applicable)

Name BRIAN PITTS

Amendment Barcode _____
(if applicable)

Job Title Trustee

Address 1119 Newton Ave S.
Street

Phone 727/897-9291

St. Petersburg FL 33705
City State Zip

E-mail justice2jesus@yahoo.com

Speaking: For ^{IN PART} Against Information

Representing _____

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/22/13
Meeting Date

Topic _____

Bill Number 1406
(if applicable)

Name Greg Pound (Pound)

Amendment Barcode _____
(if applicable)

Job Title _____

Address 9106 Sunrise Ave
Street

Phone _____

Largo Fla 33773
City State Zip

E-mail _____

Speaking: For Against Information

Representing _____

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.



THE FLORIDA SENATE

Senator Maria Lorts Sachs
Minority Leader Pro Tempore
District 34

Committees:

Gaming
Vice Chair

Agriculture

Education

Appropriations
Subcommittee on
Education

Appropriations
Subcommittee on Finance
and Tax

Military Affairs, Space,
and Domestic Security

Regulated Industries

STAFF:

Matthew Damsky
Legislative Assistant

Joshua Freeman
Legislative Assistant

Caitlin Lewis
Legislative Assistant

April 22, 2013

The Honorable Don Gaetz
President of the Senate
420 Senate Office Building
404 S. Monroe Street
Tallahassee, FL 32399-1100

Dear President Gaetz,

I will not be able to attend the Committee on Education meeting taking place at 12:30pm on April 22nd, 2013.

Pursuant to the Rules of the Senate, the committee chair will be contacted regarding my absence. Thank you.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Maria Lorts Sachs".

Senator Maria Sachs
District 34

17th Avenue, Suite E, Delray Beach, Florida 33445 (561) 279-1427
Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5091

Senate's Website: www.flsenate.gov

Don Gaetz
President of the Senate

Garrett Richter
President Pro Tempore