

Tab 1 SB 684 by Gaetz, Stargel; (Compare to CS/H 0031) Choice in Sports							
841786	A	S	L	RCS	ED, Gaetz	Delete L.438 - 442:	01/14 05:36 PM

Tab 2 SB 1026 by Simmons; (Similar to CS/H 0031) High School Athletics							
152324	A	S		RCS	ED, Brandes	btw L.63 - 64:	01/14 05:36 PM

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

EDUCATION PRE-K - 12
Senator Legg, Chair
Senator Detert, Vice Chair

MEETING DATE: Thursday, January 14, 2016
TIME: 4:00—6:00 p.m.
PLACE: *Pat Thomas Committee Room, 412 Knott Building*

MEMBERS: Senator Legg, Chair; Senator Detert, Vice Chair; Senators Benacquisto, Brandes, Bullard, Clemens, Gaetz, Galvano, Garcia, Montford, and Sobel

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 684 Gaetz / Stargel (Compare H 31, H 669, H 7039, S 886, S 1026)	Choice in Sports; Revising public school choice options available to students to include CAPE digital tools, CAPE industry certifications, and collegiate high school programs; requiring each district school board and charter school governing board to authorize a parent to have his or her child participate in controlled open enrollment; requiring the FHSAA to allow a school to maintain full membership in the association or to join by sport, etc. ED 01/14/2016 Fav/CS AED AP	Fav/CS Yeas 10 Nays 0
2	SB 1026 Simmons (Similar H 31, Compare H 7039, S 684)	High School Athletics; Providing requirements regarding fees and contest receipts collected by the Florida High School Athletic Association (FHSAA); requiring the FHSAA to allow a school to join the FHSAA as a full- time member or on a per-sport basis, etc. ED 01/14/2016 Fav/CS AED AP	Fav/CS Yeas 9 Nays 1

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 Pre-K - 12

BILL: CS/SB 684

INTRODUCER: Committee on Education Pre-K – 12 and Senators Gaetz and Stargel

SUBJECT: Choice in Sports

DATE: January 19, 2016 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Bailey	Klebacha	ED	Fav/CS
2.	_____	_____	AED	_____
3.	_____	_____	AP	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 684 revises student eligibility requirements for participation in interscholastic and intrascholastic extracurricular activities, expands Florida High School Athletic Association (FHSAA) membership options for private schools, establishes escalating penalties for recruiting violations, and increases educational choice and controlled open enrollment options.

Specifically, the bill:

- Allows students to be immediately eligible to join an existing team if the activity roster has not reached maximum size and the student has the requisite skills and abilities to participate;
- Prohibits a school district from delaying or preventing student participation in interscholastic and intrascholastic extracurricular activities;
- Allows a private school the option of joining the FHSAA on a per-sport basis;
- Prohibits the FHSAA from discouraging private schools from simultaneously maintaining membership in another athletic association;
- Authorizes the FHSAA to allow a public school the option to apply for consideration to join another athletic association;
- Establishes escalating penalties for recruiting violations;
- Requires an educator certificate to be revoked for a third recruiting offense in violation of FHSAA bylaws; and
- Expands the scope of controlled open enrollment options available to parents beyond school district boundaries, subject to capacity and maximum class size.

The bill takes effect on July 1, 2016.

II. Present Situation:

Florida High School Athletics

The Florida High School Athletic Association (FHSAA) is statutorily designated as the governing nonprofit organization of athletics in Florida public schools in grades 6 through 12.¹ The FHSAA is not a state agency, but is assigned quasi-governmental functions.²

Student Eligibility

To be eligible for participation in interscholastic³ extracurricular activities,⁴ a student must meet certain academic and conduct requirements.⁵ Each student must meet the other requirements for participation established by the district school board.⁶ The FHSAA is required to adopt bylaws that, unless specifically provided by statute, establish eligibility requirements for all students who participate in high school athletic competition in its member schools.⁷

The FHSAA bylaws governing residence allow students to be eligible to participate in high school athletic competitions in the schools in which he or she:⁸

- First enrolls each school year; or
- Makes himself or herself a candidate for an athletic team by engaging in practice before enrolling.⁹

The FHSAA bylaws governing student transfers:¹⁰

- Allow a student to be eligible in the school to which the student transferred during the school year if the transfer was made by a deadline established by the FHSAA, which may not be prior to the date authorized for the beginning of practice for the sport.¹¹
- Require transfers to be allowed pursuant to district school board policies or to private school policies, in the case of a student transfer to a private school.¹²
- Require a student eligible in that school must remain enrolled in that school.¹³
- Allow a student who transfers from a home education program, charter school, or from Florida Virtual School full-time program to a public school before or during the first grading period of the school year to be academically eligible to participate in interscholastic

¹ Section 1006.20, F.S.

² *Id.*

³ The FHSAA defines an “interscholastic contest” as any competition between organized teams or individuals of different schools in a sport recognized or sanctioned by the FHSAA, and is subject to all regulations pertaining to such contests. Bylaw 8.1.1, FHSAA.

⁴ “Extracurricular” means any school-authorized or education-related activity occurring during or outside the regular instructional school day. Section 1006.15(2), F.S.

⁵ Section 1006.15(3)(a), F.S.

⁶ Section 1006.15(4), F.S.

⁷ Section 1006.20(2)(a), F.S.

⁸ Section 1006.20(2)(a), F.S.

⁹ Section 1002.20(17), F.S.

¹⁰ Section 1006.20(2), F.S.

¹¹ Section 1006.20(2)(a), F.S.

¹² Section 1006.20(2), F.S.

¹³ *Id.*

extracurricular activities during the first grading period provided the student had a successful evaluation from the previous year.¹⁴

- Require the governing eligibility and transfer requirements to be applied similarly to public school students and private school students in member schools.¹⁵

The FHSAA, in cooperation with each district school board, facilitates a program for middle or high school students who attend a private school to be eligible to participate in an interscholastic or intrascholastic sport at a public high school, for which the student is zoned, if the private school is not a member of the FHSAA and does not offer an interscholastic or intrascholastic athletic program.¹⁶

Membership in the FHSAA

Any high school in the state, including charter schools, virtual schools, and home education cooperatives,¹⁷ may become a member of the FHSAA and participate in FHSAA activities.¹⁸ A private school that wishes to engage in high school athletic competition with a public high school may become a member of the FHSAA.¹⁹ Membership in the FHSAA is not mandatory for any school.²⁰

The FHSAA may not deny or discourage interscholastic competition between its member schools and non-FHSAA member Florida schools, including members of another athletic governing organization.²¹ The FHSAA is prohibited from taking retributory or discriminatory actions against member schools who participate in interscholastic competition with non-FHSAA member schools.²² The bylaws of the FHSAA are the rules by which high school athletic programs in its member schools, and the students who participate in them are governed, unless otherwise specified in statute.²³ The FHSAA member schools may only engage in interscholastic contests with schools which are members of the FHSAA or with non-member schools that meet specific requirements designated in the FHSAA bylaws.²⁴

Recruitment of Student Athletes

Florida law requires the FHSAA to adopt bylaws prohibiting the recruitment of student athletes.²⁵ Currently, the bylaws prohibit member schools from recruiting student athletes for

¹⁴ Section 1006.15(3)(c)6.- (d)6 and (f), F.S.

¹⁵ Section 1006.20(2), F.S.

¹⁶ Section 1006.15(8), F.S.

¹⁷ A home education cooperative is defined by the FHSAA as a parent-directed group of individual home education students that provides opportunities for interscholastic athletic competition to those students and may include students in grades 6-12. Bylaw 3.2.2.4, FHSAA. Florida High School Athletic Association, *2015-16 FHSAA Bylaws* (2015-16), available at http://www.fhsaa.org/sites/default/files/attachments/2010/09/16/node-235/1516_handbook_bylaws.pdf.

¹⁸ Section 1006.20, F.S.

¹⁹ *Id.*

²⁰ *Id.*

²¹ *Id.*

²² *Id.* at (1)

²³ *Id.*

²⁴ Bylaw 8.3, FHSAA. Florida High School Athletic Association, *2015-16 FHSAA Bylaws* (2015-16), available at http://www.fhsaa.org/sites/default/files/attachments/2010/09/16/node-235/1516_handbook_bylaws.pdf.

²⁵ Section 1006.20(2)(b), F.S.

athletic purposes.²⁶ “Athletic recruiting” is defined by the FHSAA as any effort by a school employee, athletic department staff member or representative of a school’s athletic interests to pressure, urge, or entice a student to attend that school for the purpose of participating in interscholastic athletics.²⁷ The FHSAA sets forth specific behaviors that constitute recruiting, as well as identifying persons who are considered to represent a school’s athletic interests.²⁸

If it is determined that a school has recruited a student in violation of FHSAA bylaws, the FHSAA may require the school to participate in a higher classification for the sport in which the recruited student competes for a minimum of one classification cycle.²⁹

In addition to any other appropriate fine and sanction imposed on the school, its coaches, or adult representatives, the following penalties may be imposed against a school for recruiting violations:³⁰

- Public reprimand;
- Financial penalty of a minimum of \$2,500;
- A form or combination of forms of probation for one or more years;
- Prohibition against participating in certain interscholastic competitions;
- Prohibition against participating in any interscholastic competition for one or more years in the sport(s) in which the violation(s) occurred;
- Participation in interscholastic competition at a higher classification for one or more years in the sport(s) in which the violation(s) occurred;
- Restricted membership for one or more years during which time some or all of the school’s membership privileges may be restricted or denied; and
- Expulsion from membership in the FHSAA for one or more years.

The FHSAA must adopt bylaws that establish sanctions for coaches who have committed major violations of the FHSAA’s bylaws and policies.³¹ The bylaws prescribe penalties and an appeals process for athletic recruiting violations.³²

The FHSAA must adopt bylaws for the process and standards for FHSAA student eligibility determinations.³³ The bylaws must provide that student ineligibility must be established by clear and convincing evidence.³⁴

²⁶ The FHSAA defines recruiting as the use of undue influence or special inducement by anyone associated with the school in an attempt to encourage a prospective student to attend or remain at that school for the purpose of participating in interscholastic athletics. Bylaw 6.3, FHSAA.

²⁷ Policy 36.2.1, FHSAA. *Administrative Policies of the Florida High School Athletic Association, Inc.* (2015-16), available at http://www.fhsaa.org/sites/default/files/attachments/2010/09/16/node-235/1516_handbook_policies.pdf.

²⁸ Policy 36, FHSAA.

²⁹ Section 1006.20(2)(b), F.S.

³⁰ Policy 36.5, FHSAA; Bylaw 10.1.2, FHSAA.

³¹ Section 1006.20(2)(f), F.S. Major violations include, but are not limited to: knowingly allowing an ineligible student to participate in a contest representing a member school in an interscholastic contest; or committing a violation of the FHSAA’s recruiting or sportsmanship policies.

³² *Id.*

³³ Section 1006(2)(g), F.S.

³⁴ Section 1006.20(2)(g), F.S. Bylaw 4.6.2.3, FHSAA. The FHSAA defines clear and convincing evidence as the evidence that is precise, explicit, lacking in confusion, and of such weight that it produces a firm belief or conviction, without hesitation, about the matter in issue. Bylaw 1.4.33, FHSAA.

Controlled Open Enrollment

Controlled open enrollment is a public education delivery system that allows school districts the opportunity to make student school assignments using parents' indicated preferential school choice as a significant factor.³⁵ School districts have the option to offer controlled open enrollment within the public schools in addition to existing choice programs such as virtual instruction programs, magnet schools, alternative schools, special programs, advanced placement, and dual enrollment.³⁶ The district school board must adopt by rule and post on the district website a controlled open enrollment plan.³⁷ The controlled open enrollment plan must:³⁸

- Adhere to federal desegregation requirements;
- Require an application process to participate in the controlled open enrollment program that allows parents to declare school preferences and includes placements of siblings within the same school;
- Use a lottery procedure by the school district to determine student assignment;
- Establish an appeal process for hardship cases;
- Afford parents of students in multiple session schools preferred access;
- Maintain socioeconomic, demographic, and racial balance; and
- Address the availability of transportation.

District school boards must annually report the number of students attending the various types of public schools of choice in the district.³⁹

III. Effect of Proposed Changes:

CS/SB 684 revises student eligibility requirements for participation in interscholastic and intrascholastic extracurricular activities, expands Florida High School Athletic Association (FHSAA) membership options for private schools, establishes escalating penalties for recruiting violations, and increases educational choice and controlled open enrollment options.

Specifically, the bill:

- Allows students to be immediately eligible to join an existing team if the activity roster has not reached maximum size and the student has the requisite skills and abilities to participate;
- Prohibits a school district from delaying or preventing student participation in interscholastic and intrascholastic extracurricular activities;
- Allows a private school the option of joining the FHSAA on a per-sport basis;
- Prohibits the FHSAA from discouraging private schools from simultaneously maintaining membership in another athletic association;
- Authorizes the FHSAA to allow a public school the option to apply for consideration to join another athletic association;
- Establishes escalating penalties for recruiting violations;

³⁵ Section 1002.31, F.S.

³⁶ *Id.*

³⁷ *Id.*

³⁸ Section 1002.31(3), F.S.

³⁹ Section 1002.31(4), F.S.

- Requires an educator certificate to be revoked for a third recruiting offense in violation of FHSAA bylaws; and
- Expands the scope of controlled open enrollment options available to parents beyond school district boundaries, subject to capacity and maximum class size.

Florida High School Athletics

Student Eligibility

The bill revises student eligibility requirements by:

- Prohibiting a school district from delaying eligibility or otherwise preventing students from being immediately eligible to participate in interscholastic and intrascholastic extracurricular activities;
- Defining “eligible to participate” to include, but not be limited to, a student participating in tryouts, off-season conditioning, summer workouts, preseason conditioning, in-season practice, or contests, and does not require a student to be placed on any specific team for interscholastic or intrascholastic extracurricular activities; and
- Allowing a student who transfers during the school year to join an existing team if the activity roster has not reached maximum size and if the coach determines the student has the required skill and ability to participate.

Additionally, the bill increases student eligibility options by:

- Prohibiting the FHSAA and school district from declaring a transfer student ineligible due to the student’s inopportunity to comply with qualifying requirements;
- Enables a private school student the option to participate at the public school zoned for the physical address, regardless of whether or not the school offers an interscholastic or intrascholastic athletic program; and
- Changing level of proof in an eligibility determination from “clear and convincing evidence” to “a preponderance of evidence.”⁴⁰

Membership in the FHSAA

The bill authorizes the FHSAA to allow a private school to join the FHSAA on a full-time or a per sport basis. This offers a private school the option of joining other athletic associations by individual sport while maintaining membership in FHSAA for other sports. In addition, the bill prohibits FHSAA from discouraging private schools from simultaneously maintaining membership in another athletic association.

The bill authorizes the FHSAA to allow a public school the option to apply for consideration to join another athletic association.

⁴⁰ Preponderance of evidence is defined to mean the evidence which is at the greater weight or more convincing than the evidence which is offered in opposition to it. Black, Henry Campbell. A Dictionary of Law: Containing Definitions of the Terms and Phrases of American and English Jurisprudence, Ancient and Modern ... New York, NY: Lawbook Exchange, 1991.

Recruitment of Student Athletes

The bill establishes escalating penalties for the recruitment of student athletes. Specifically, the bill enhances current recruitment penalties found in the FHSAA bylaws by adding stringent penalties for the recruitment of a student athlete by a school district employee or contractor. The bill requires the following penalties:

- First offense would be a \$5,000 forfeiture of pay.
- Second offense would include suspension without pay for 12 months from coaching, directing, or advertising an extracurricular activity and a \$5,000 forfeiture of pay.
- Third offense would include:
 - \$5,000 forfeiture of pay for the employee or contractor who committed the violation;
 - If the individual holds an educator certificate, the FHSAA will refer the violation for review to determine if probable cause exists;
 - Commissioner will file a formal complaint against the individual if there is a finding of probable cause;
 - Individual's educator certificate will be revoked by the Education Practices Commission for 3 years, in addition to FHSAA penalties, if the complaint is upheld;
 - If the complaint is upheld, the Department of Education will revoke any adjunct teaching certificates issued and all permissions; and
 - Educator will be ineligible for such certificates or permissions for a period of time equal to the period of revocation of his or her state-issued certificate.

Controlled Open Enrollment

The bill expands the school district's controlled open enrollment options for parents to enroll students in public schools outside of the student's county of residence by the following:

- Allows a parent from any district in the state, whose child is not subject to a current expulsion order, to enroll and transport the child to any public school that has not reached capacity in the district, subject to maximum class size, including charter schools;
- Requires the receiving school district to accept the student and report the student for funding;
- Allows a student who transfers to remain at the school chosen by the parent until the student completes the highest grade level at the school; and
- Permits a school district to provide transportation for students participating in a controlled open enrollment program.

The bill elevates the transparency of the district school board controlled open enrollment plans by requiring the district to adopt by rule and visibly post on its website the processes required for participation in the controlled open enrollment plan. Additionally, plan elements are expanded to require the process to:

- Provides preferential treatment to:
 - Dependent children of active duty military personnel whose move resulted from military orders;
 - Children who have been relocated due to a foster care placement in a different school zone;
 - Children who move due to a change in custody due to separation, divorce, the serious illness of a custodial parent, the death of a parent, or a court order; or
 - Students residing in the school district;

- Maintains existing academic eligibility criteria for public school choice programs; and
- Identifies schools that have not reached capacity.⁴¹

The bill takes effect on July 1, 2016.

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. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 1002.20, 1002.31, 1006.15, 1006.20, 1012.795, and 1012.796.

⁴¹ In determining the capacity of each school, the district school board shall incorporate the specifications, plans, elements, and commitments contained in the school district educational facilities plan and the long-term work programs required under s. 1013.35. The bill.

IX. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Education Pre-K – 12 on January 14, 2016:

The committee substitute modifies the bill as follows:

- Omits the authority for public schools to join the FHSAA on a per sport basis; and
- Authorizes the FHSAA to allow a public school the option to apply for consideration to join another athletic association.

- B. **Amendments:**

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/14/2016	.	
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	.	

The Committee on Education Pre-K - 12 (Gaetz) recommended the following:

Senate Amendment (with title amendment)

Delete lines 438 - 442

and insert:

is not mandatory for any school. The FHSAA must allow a private school the option of maintaining full membership in the association or joining by sport and may not discourage a private school from simultaneously maintaining membership in another athletic association. The FHSAA may allow a public school the option to apply for consideration to join another athletic



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11 association. The FHSAA may not deny or discourage

12

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

14 And the title is amended as follows:

15 Delete lines 40 - 44

16 and insert:

17 the FHSAA to allow a private school to maintain full
18 membership in the association or to join by sport;
19 prohibiting the FHSAA from discouraging a private
20 school from maintaining membership in the FHSAA and
21 another athletic association; authorizing the FHSAA to
22 allow a public school to apply for consideration to
23 join another athletic association; specifying
24 penalties for

By Senators Gaetz and Stargel

1-00825A-16

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

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

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

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

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59 amended to read:

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

66 (6) EDUCATIONAL CHOICE.—

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

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

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

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

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

103 (17) ATHLETICS; PUBLIC HIGH SCHOOL.—

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

113 (22) TRANSPORTATION.—

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

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

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

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

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

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

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

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

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

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

164 (a) Adhere to federal desegregation requirements.

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

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

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

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

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175 (f) Address the availability of transportation.

176 (g) Maintain existing academic eligibility criteria for

177 public school choice programs pursuant to s. 1002.20(6) (a).

178 (h) Identify schools that have not reached capacity, as

179 determined by the school district. In determining the capacity

180 of each school, the district school board shall incorporate the

181 specifications, plans, elements, and commitments contained in

182 the school district educational facilities plan and the long-

183 term work programs required under s. 1013.35.

184 (i) Ensure that each district school board adopts a policy

185 to provide preferential treatment to all of the following:

186 1. Dependent children of active duty military personnel

187 whose move resulted from military orders.

188 2. Children who have been relocated due to a foster care

189 placement in a different school zone.

190 3. Children who move due to a change in custody due to

191 separation, divorce, the serious illness of a custodial parent,

192 the death of a parent, or a court order.

193 4. Students residing in the school district.

194 (4) In accordance with the reporting requirements of s.

195 1011.62, each district school board shall annually report the

196 number of students exercising public school choice, by type

197 attending the various types of public schools of choice in the

198 district, in accordance with including schools such as virtual

199 instruction programs, magnet schools, and public charter

200 schools, according to rules adopted by the State Board of

201 Education.

202 (5) For a school or program that is a public school of

203 choice under this section, the calculation for compliance with

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204 maximum class size pursuant to s. 1003.03 is the average number

205 of students at the school level.

206 (6) A school district may not delay eligibility or

207 otherwise prevent a student participating in controlled open

208 enrollment or a choice program from being immediately eligible

209 to participate in interscholastic and intrascholastic

210 extracurricular activities.

211 Section 3. Subsection (3) and paragraph (a) of subsection

212 (8) of section 1006.15, Florida Statutes, are amended, and

213 subsection (9) is added to that section, to read:

214 1006.15 Student standards for participation in

215 interscholastic and intrascholastic extracurricular student

216 activities; regulation.—

217 (3) (a) As used in this section and s. 1006.20, the term

218 "eligible to participate" includes, but is not limited to, a

219 student participating in tryouts, off-season conditioning,

220 summer workouts, preseason conditioning, in-season practice, or

221 contests. The term does not mean that a student must be placed

222 on any specific team for interscholastic or intrascholastic

223 extracurricular activities. To be eligible to participate in

224 interscholastic extracurricular student activities, a student

225 must:

226 1. Maintain a grade point average of 2.0 or above on a 4.0

227 scale, or its equivalent, in the previous semester or a

228 cumulative grade point average of 2.0 or above on a 4.0 scale,

229 or its equivalent, in the courses required by s. 1002.3105(5) or

230 s. 1003.4282.

231 2. Execute and fulfill the requirements of an academic

232 performance contract between the student, the district school

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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320 participates.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

423 1006.20 Athletics in public K-12 schools.—

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

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

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

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

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

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

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

493 2. Any recruitment by a school district employee or

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

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

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

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

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

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523 employee or contractor in violation of FHSAA bylaws.

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

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

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

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

- 574 1. Ineligibility must be established by a preponderance of
575 the clear and convincing evidence;
- 576 2. Student athletes, parents, and schools must have notice
577 of the initiation of any investigation or other inquiry into
578 eligibility and may present, to the investigator and to the
579 individual making the eligibility determination, any information
580 or evidence that is credible, persuasive, and of a kind

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

666 (b) Revocation or suspension of a certificate.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

708

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

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

THE FLORIDA SENATE

APPEARANCE RECORD

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

1/14/16
Meeting Date

SB 684
Bill Number (if applicable)

Topic THE CHOICE IN SPORTS

Amendment Barcode (if applicable)

Name STUART WEISS

Job Title PRESIDENT

Address PO BOX 1881

Phone 813-681-6722

Street
VALENCIA, FL 33595
City State Zip

Email _____

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing SUNSHINE STATE ATHLETIC CONFERENCE

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)

11/4/16
Meeting Date

684
Bill Number (if applicable)

Topic Controlled Choice

Amendment Barcode (if applicable)

Name Vern Pickup - Crawford

Job Title Legislative Liaison

Address 571 Kingsbury Terrace
Street

Phone PA1-644-2439

Wellington FL 33414
City State Zip

Email vacrawford@msw.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Palm Beach School Board

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)

1/14/16

Meeting Date

SB684

Bill Number (if applicable)

Topic

Amendment Barcode (if applicable)

Name

Ron Book

Job Title

Address

104 West Jefferson

Phone

850-2243427

Street

Tallahassee

Fla

32301

Email

Ron@RLBookPA.com

City

State

Zip

Speaking:

For

Against

Information

Waive Speaking:

In Support

Against

(The Chair will read this information into the record.)

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.

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

S-001 (10/14/14)

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 Pre-K - 12

BILL: CS/SB 1026

INTRODUCER: Committee on Education Pre-K – 12 and Senator Simmons

SUBJECT: High School Athletics

DATE: January 19, 2016

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Bailey	Klebacha	ED	Fav/CS
2.			AED	
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1026 modifies the membership provisions, oversight, and related fees required by the governing nonprofit organization of athletics in Florida. Specifically, the bill:

- Allows member schools to join the Florida High School Athletic Association (FHSAA) on a per-sport basis;
- Authorizes the commissioner to identify the other associations that govern interscholastic athletic competition in compliance with law, of which the FHSAA may not unreasonably withhold membership of such associations to become affiliate members of the National Federation of State High School Associations;
- Provides for an informal and formal appeals process for resolving student eligibility disputes; and
- Prohibits the FHSAA special event fees, sanctioning fees, third party sanctioning fees, or contest receipts collected annually by the FHSAA from exceeding the actual cost of performing the function that is the basis of the fee.

The bill takes effect on July 1, 2016.

II. Present Situation:

Florida High School Athletics

The Florida High School Athletic Association (FHSAA) is statutorily designated as the governing nonprofit organization of athletics in Florida public schools in grades 6 through 12.¹ The FHSAA is not a state agency, but is assigned quasi-governmental functions.²

Membership in the FHSAA

Any high school in the state, including charter schools, virtual schools, and home education cooperatives,³ may become a member of the FHSAA and participate in the activities of the FHSAA.⁴ A private school that wishes to engage in high school athletic competition with a public high school may become a member of the FHSAA.⁵ Membership in the FHSAA is not mandatory for any school.⁶ The FHSAA is a membership-driven organization, encompassing 702 member combination schools⁷ and senior high schools,⁸ and 102 middle schools.⁹

The FHSAA may not deny or discourage interscholastic¹⁰ competition between its member schools and non-FHSAA member schools, including members of another athletic governing organization, and is prohibited from taking retributory or discriminatory actions against member schools who participate in interscholastic competition with non-FHSAA member schools.¹¹

¹ Section 1006.20, F.S.

² *Id.*

³ A home education cooperative is defined by the FHSAA as a parent-directed group of individual home education students that provides opportunities for interscholastic athletic competition to those students and may include students in grades 6-12. Bylaw 3.2.2.4, FHSAA. Florida High School Athletic Association, *2015-16 FHSAA Bylaws* (2015-16), available at http://www.fhsaa.org/sites/default/files/attachments/2010/09/16/node-235/1516_handbook_bylaws.pdf.

⁴ Section 1006.20, F.S.

⁵ *Id.*

⁶ *Id.*

⁷ A combination school is defined by the FHSAA as any traditional public school, charter school, virtual school, private school, or university laboratory school that provides instruction to students in both middle/junior high school grades and/or senior high school grades under the direction of a single principal and located on the same campus, except for 9-12 high schools which have 9th grade centers at a separate location, with participation and enrollment based on a single campus site. A combination school must hold membership as a middle school if its terminal grade is grade 6 through 8, as a junior high school if its terminal grade is grade 9, or as a senior high school if its terminal grade is grade 10 through 12. Bylaw 3.2.2.3, FHSAA. Florida High School Athletic Association, *2015-16 FHSAA Bylaws* (2015-16), available at http://www.fhsaa.org/sites/default/files/attachments/2010/09/16/node-235/1516_handbook_bylaws.pdf.

⁸ A senior high school is defined by the FHSAA as any traditional public school, charter school, virtual school, private school, or university laboratory school that provides instruction to students at one or more grade levels from 9 through 12. Bylaw 3.2.2.1, FHSAA. Florida High School Athletic Association, *2015-16 FHSAA Bylaws* (2015-16), available at http://www.fhsaa.org/sites/default/files/attachments/2010/09/16/node-235/1516_handbook_bylaws.pdf.

⁹ Florida High School Athletic Association, *Who we are* (2015), available at <http://www.fhsaa.org/about>.

¹⁰ Bylaw 8.1.1, FHSAA defines an interscholastic contest as any competition between organized teams or individuals of different schools in a sport recognized or sanctioned by the FHSAA and is subject to all regulations pertaining to such contests. Florida High School Athletic Association, *2015-16 FHSAA Bylaws* (2015-16), available at http://www.fhsaa.org/sites/default/files/attachments/2010/09/16/node-235/1516_handbook_bylaws.pdf.

¹¹ Section 1006.20, F.S.

Membership in the National Federation of State High School Associations

The National Federation of State High School Associations (NFSH) is the national leadership organization for high school athletic and performing arts activities.¹² The voting members shall be state high school athletic associations.¹³ The FHSAA is the voting member of the NFHS for Florida.¹⁴ The FHSAA has been a member of the NFHS since 1926.¹⁵ Affiliate membership, with rights of participation in meetings and activities, but without voting privileges, or eligibility for elected or appointed offices or assignments, may be granted to various organizations.¹⁶ Affiliate members do not have sanctioning authority, as that lies with the voting member.¹⁷

A state high school athletic association may not become an affiliate member without the state's voting member approving of such affiliate membership.¹⁸ Likewise, Florida statute provides that the FHSAA may not unreasonably withhold approval of an application to become an affiliate member of the NFHS that is submitted by an organization that governs interscholastic athletic competition in Florida.¹⁹

Appeals Process

The FHSAA procedures provide each student the opportunity to appeal an unfavorable ruling with regard to his or her eligibility to compete.²⁰

The initial appeal is made to a committee on appeals within the administrative region where the student lives.²¹ The FHSAA bylaws establish the number, size, and composition of each committee on appeals.²² The bylaws specify the process and standards for eligibility determinations.²³

The appeals process for eligibility violations are as follows:

- An appeal must be filed with the executive director to make the initial determination of ineligibility.²⁴

¹² NFHS membership includes, but is not limited to state high school athletic associations. Membership is divided into voting members and affiliate members National Federation of State High School Associations, *NFHS Brochure*, available at <http://www.nfhs.org/media/885655/nfhs-company-brochure.pdf>. See, ss. 2.1-2.2, NFHS Handbook.

¹³ See s. 2.1, NFSH Handbook 2015-2016. National Federation of State High School Associations, *NFHS Annual Report 2015-2016*, available at <https://www.nfhs.org/media/1015824/2015-16-nfhs-handbook.pdf>.

¹⁴ National Federation of State High School Associations, *NFHS Annual Report 2015-2016*, Directory of Member State Associations and Staff members, available at <https://www.nfhs.org/media/1015824/2015-16-nfhs-handbook.pdf>. Bylaw 1.1.4, FHSAA.

¹⁵ National Federation of State High School Associations, *NFHS Annual Report 2015-2016*, Directory of Member State Associations and Staff members, available at <https://www.nfhs.org/media/1015824/2015-16-nfhs-handbook.pdf>.

¹⁶ See s. 2.2, NFSH Handbook 2015-2016. National Federation of State High School Associations, *NFHS Annual Report 2015-2016*, available at <https://www.nfhs.org/media/1015824/2015-16-nfhs-handbook.pdf>.

¹⁷ See s. 2.21(c), NFSH Handbook 2015-2016. National Federation of State High School Associations, *NFHS Annual Report 2015-2016*, available at <https://www.nfhs.org/media/1015824/2015-16-nfhs-handbook.pdf>.

¹⁸ See ss. 2.2(e), 2.21(b) NFSH Handbook 2015-2016. National Federation of State High School Associations, *NFHS Annual Report 2015-2016*, available at <https://www.nfhs.org/media/1015824/2015-16-nfhs-handbook.pdf>.

¹⁹ Section 1006.20(1), F.S.

²⁰ Section 1006.20(7), F.S.

²¹ *Id.*

²² *Id.*

²³ Bylaw 10.4.1, FHSAA.

²⁴ Bylaw 10.6.1, FHSAA.

- An initial appeal is heard by the Sectional Appeals Committee.²⁵
- Unfavorable decisions found on the initial appeal rendered by the Sectional Appeals Committee can be heard by the committee again, if new information is provided, or by the board of directors.²⁶
- A request for mediation must be made in writing to the executive director, within 5 business days of the Sectional Appeals Committee hearing.²⁷
- If the matter is unresolved, the notice of appeal must be in writing and received by the board of directors within 5 business days following the mediation session.²⁸
- The decision of the board of directors in each case is by a majority vote and will be final.²⁹

Finances

The executive authority of the FHSAA is vested in its board of directors.³⁰ One of the duties of the board of directors, acting as a body and in accordance with the FHSAA's bylaws, is to levy annual dues and other fees and to set the percentage of contest receipts to be collected by the FHSAA.³¹ The board of directors establishes policies for the approval of hosting interscholastic multi-team athletic events, tournaments, and sanctioned events.³²

FHSAA receives revenue from a variety of sources, including membership dues, special event fees,³³ fines, corporate sponsorships, sanctioning fees,³⁴ third party sanctioning fees,³⁵ contest receipts,³⁶ and interest on investments.³⁷ Among other things, FHSAA charges sanctioning fees for third party athletic events involving member schools held by a corporation or promoter.³⁸

²⁵ Bylaw 10.5.5, FHSAA.

²⁶ Bylaw 10.5.6, FHSAA.

²⁷ Bylaw 10.6.5.1, FHSAA.

²⁸ Bylaw 10.6.5.6, FHSAA.

²⁹ Bylaw 10.7.3.1, FHSAA.

³⁰ Section 1006.20(4), F.S.

³¹ Section 1006.20(4)(e)4., F.S.

³² Policy 7 and 9.9, FHSAA. *Administrative Policies of the Florida High School Athletic Association, Inc.* (2015-16), available at http://www.fhsaa.org/sites/default/files/attachments/2010/09/16/node-235/1516_handbook_policies.pdf.

³³ A special event is, but not limited to, a preseason jamboree game or tournament, preseason classic game or tournament, spring football jamboree or classic, football post season game, and third party organized or sponsored games or tournaments. Policy 7.1.3, FHSAA. *Administrative Policies of the Florida High School Athletic Association, Inc.* (2015-16), available at http://www.fhsaa.org/sites/default/files/attachments/2010/09/16/node-235/1516_handbook_policies.pdf.

³⁴ A sanctioned event is any event that requires a sanction application by the FHSAA and/or the NFHS as part of the requirement for the event. Policy 7.1.4, FHSAA. *Administrative Policies of the Florida High School Athletic Association, Inc.* (2015-16), available at http://www.fhsaa.org/sites/default/files/attachments/2010/09/16/node-235/1516_handbook_policies.pdf.

³⁵ A third party is any entity that is not a member of the FHSAA and is organizing, producing, or managing an event that involves FHSAA member schools or NFHS schools from out of state, regardless of where the event is held. Policy 7.8, FHSAA. *Administrative Policies of the Florida High School Athletic Association, Inc.* (2015-16), available at http://www.fhsaa.org/sites/default/files/attachments/2010/09/16/node-235/1516_handbook_policies.pdf.

³⁶ An interscholastic contest is any competition between organized teams of different schools in a sport recognized or sanctioned by the FHSAA. All contests must have a fully executed contract as stated in Bylaw 8.4, FHSAA.

³⁷ Florida High School Athletic Association, *2015-16 Fiscal Year Budget*, available at http://www.fhsaa.org/sites/default/files/orig_uploads/finance/finalbudget2015-16.pdf.

³⁸ A third party direct event is any high school athletic event conducted by a corporation or promoter using one or more FHSAA member schools or one or more NFHS member schools or a combination thereof, where the event sponsor is requesting FHSAA or NFHS sanction of the event. Florida High School Athletic Association, *2015-16 Event Sanction Fees*

These fees range from \$2,300 per every two teams for football jamborees to \$50 per every four teams in sports like bowling or cheerleading.³⁹ During the 2015-2016 fiscal year, the FHSAA will receive in revenue approximately \$62,000 from tournaments, \$328,800 from special events, and \$149,000 in third-party sanctioning fees.⁴⁰

Current law requires the FHSAA to have an annual financial audit⁴¹ of its accounts and records by an independent certified public accountant retained by the FHSAA and paid from its funds.⁴² The accountant must furnish a copy of the audit report to the Auditor General.⁴³

Additionally, the FHSAA as the designated governing nonprofit organization of athletics in Florida public schools, must keep adequate and complete records of all revenues and expenditures.⁴⁴ All records from the FHSAA must be open for inspection by the Auditor General.⁴⁵

III. Effect of Proposed Changes:

Florida High School Athletics

CS/SB 1026 modifies the membership provisions, oversight, and related fees required by the governing nonprofit organization of athletics in Florida. Specifically, the bill:

- Allows member schools to join the Florida High School Athletic Association (FHSAA) on a per-sport basis;
- Authorizes the commissioner to identify the other associations that govern interscholastic athletic competition in compliance with law, of which the FHSAA may not unreasonably withhold membership of such associations to become affiliate members of the National Federation of State High School Associations;
- Provides for an informal and formal appeals process for resolving student eligibility disputes; and
- Requires any special event fees, sanctioning fees, or contest receipts collected annually by the FHSAA to not exceed the actual cost of performing the function that is the basis of the fee.

for Third Party Direct Contract with FHSAA (2014-15), available at

http://www.fhsaa.org/sites/default/files/orig_uploads/forms/2015-16_third_party_fees.pdf.

³⁹ Florida High School Athletic Association, *2015-16 Event Sanction Fees for Third Party Direct Contract with FHSAA* (2014-15), available at http://www.fhsaa.org/sites/default/files/orig_uploads/forms/2015-16_third_party_fees.pdf.

⁴⁰ Florida High School Athletic Association, *2015-16 Fiscal Year Budget*, available at http://www.fhsaa.org/sites/default/files/orig_uploads/finance/finalbudget2015-16.pdf.

⁴¹ “Financial audit” means an examination of financial statements in order to express an opinion on the fairness with which they are presented in conformity with generally accepted accounting principles and an examination to determine whether operations are properly conducted in accordance with legal and regulatory requirements. Section 11.45(1)(c), F.S.

⁴² Section 1006.19(1), F.S.

⁴³ *Id.*

⁴⁴ Section 1006.19(2), F.S.

⁴⁵ *Id.*

Membership in the FHSAA

The bill:

- Allows a school to join FHSAA as a full-time member or on a per-sport basis. This offers a school the option of joining other athletic associations by individual sport while maintaining membership in FHSAA for other sports; and
- Prohibits the FHSAA from taking retributory or discriminatory actions against members seeking membership in other associations for a sport for which they are not a member of the FHSAA.

Membership in the National Federation of State High School Associations

The bill limits the means by which the FHSAA may withhold approval of an association applying for a National Federation of State High School Associations affiliate membership by providing that the Commissioner of Education, not the FHSAA, may determine whether the applicant that governs interscholastic athletic competition does so in compliance with law.

Appeals Process

The bill requires the FHSAA to provide an opportunity to resolve ineligibility determinations through an informal and formal appeal process.

The bill creates a new informal conference procedure to be held within 10 days of the initial ineligibility determination. The new informal process allows for a more timely resolution of student eligibility disputes. The bill allows for the informal conference to be held by telephone or by video conference, removing the requirement for a student to appear in person.

The bill specifies that the FHSAA must provide for a formal appeals process for the timely and cost-effective resolution of an eligibility dispute by a mutually agreed upon neutral third party. In effect, this could eliminate the cost of mediation which is currently shared equally by both parties.⁴⁶

The bill requires the final determination to be issued no later than 30 days after the informal conference, unless there is an agreed upon extension.

Finances

The bill prohibits the FHSAA special event fees, sanctioning fees, third party sanctioning fees, or contest receipts collected annually by the FHSAA from exceeding the actual cost of performing the function that is the basis of the fee.

In effect, the bill limits, actual costs, public spending on athletic events, and fees for corporate sponsors and promoters that organize high school athletic events.

The bill takes effect on July 1, 2016.

⁴⁶ Bylaw 10.6.5.7, FHSAA.

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. Statutes Affected:

This bill substantially amends section 1006.20 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

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

CS by Education Pre-K – 12 on January 14, 2016

The committee substitute revises the current process and standards for FHSAA determinations of eligibility and specifies for an informal and formal appealing process for resolving student eligibility disputes.

B. Amendments:

None.

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



152324

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/14/2016	.	
	.	
	.	
	.	

The Committee on Education Pre-K - 12 (Brandes) recommended the following:

Senate Amendment (with directory and title amendments)

Between lines 63 and 64

insert:

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

(g) The FHSAA shall provide a process for the resolution of student eligibility disputes which includes the opportunity to use an informal conference procedure.

1. The FHSAA must provide written notice to the student athlete, parent, and member school stating specific findings of



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11 fact that support a determination of ineligibility. The student
12 athlete, parent, or member school must request an informal
13 conference within 10 days after receipt of such notice if
14 intending to contest the determination. The informal conference
15 must be held within 10 days after receipt of the request. The
16 informal conference may be held by telephone or by video
17 conference and, if video conference equipment is available, may
18 be conducted at the student's school.

19 2. If the eligibility dispute is not resolved at the
20 informal conference and if requested by the student athlete,
21 parent, or member school, the FHSAA must provide a formal
22 process for the timely and cost-effective resolution of an
23 eligibility dispute by a neutral third party whose decision is
24 binding on the parties to the dispute. The neutral third party
25 must be mutually agreed to by the parties and may be a retired
26 or former judge, a dispute resolution professional approved by
27 The Florida Bar or by the court in the circuit in which the
28 dispute arose, or a certified mediator or arbitrator in the
29 jurisdiction in which the dispute arose. If the parties cannot
30 mutually agree on a neutral third party, the FHSAA must select a
31 neutral third party at random from a list of dispute resolution
32 professionals maintained by The Florida Bar.

33 3. A final determination regarding the eligibility dispute
34 must be issued no later than 30 days after the informal
35 conference, unless an extension is agreed upon by both parties.

36 (i) ~~(h)~~ In lieu of bylaws adopted under paragraph (h) ~~(g)~~,
37 the FHSAA may adopt bylaws providing as a minimum the procedural
38 safeguards of ss. 120.569 and 120.57, making appropriate
39 provision for appointment of unbiased and qualified hearing



152324

40 officers.

41

42 ===== D I R E C T O R Y C L A U S E A M E N D M E N T =====

43 And the directory clause is amended as follows:

44 Delete lines 16 - 17

45 and insert:

46 Section 1. Subsection (1) and present paragraph (h) of
47 subsection (2) of section 1006.20, Florida Statutes, are
48 amended, present paragraphs (g) through (m) of that subsection
49 are redesignated as paragraphs (h) through (n), respectively,
50 and a new paragraph (g) is added to that subsection, to read:

51

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

53 And the title is amended as follows:

54 Between lines 11 and 12

55 insert:

56 providing a process for resolving student eligibility
57 disputes; conforming a cross-reference;

By Senator Simmons

10-00073-16

20161026__

A bill to be entitled

An act relating to high school athletics; amending s. 1006.20, F.S.; providing requirements regarding fees and contest receipts collected by the Florida High School Athletic Association (FHSAA); requiring the FHSAA to allow a school to join the FHSAA as a full-time member or on a per-sport basis; prohibiting the FHSAA from taking any retributory or discriminatory action against specified schools; authorizing the Commissioner of Education to identify other associations in compliance with specified provisions; providing an effective date.

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

Section 1. Subsection (1) of section 1006.20, Florida Statutes, is amended to read:

1006.20 Athletics in public K-12 schools.—

(1) GOVERNING NONPROFIT ORGANIZATION.—The Florida High School Athletic Association (FHSAA) is designated as the governing nonprofit organization of athletics in Florida public schools. If the FHSAA fails to meet the provisions of this section, the commissioner shall designate a nonprofit organization to govern athletics with the approval of the State Board of Education. The FHSAA is not a state agency as defined in s. 120.52 ~~but is. The FHSAA shall be~~ subject to ss. 1006.15-1006.19. Any special event fees; sanctioning fees, including third-party sanctioning fees; or contest receipts collected annually by the FHSAA may not exceed its actual costs to perform

Page 1 of 3

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

10-00073-16

20161026__

the function or duty that is the subject of or justification for the fee ~~the provisions of s. 1006.19. A private school that wishes to engage in high school athletic competition with a public high school may become a member of the FHSAA.~~ Any high school in the state, including private schools, traditional public schools, charter schools, virtual schools, and home education cooperatives, may become a member of the FHSAA and participate in the activities of the FHSAA. ~~However,~~ Membership in the FHSAA is not mandatory for any school. The FHSAA shall allow a school the option of joining the association as a full-time member or on a per-sport basis and may not prohibit or discourage any school from simultaneously maintaining membership in the FHSAA and another athletic association. The FHSAA may not deny or discourage interscholastic competition between its member schools and nonmember non-FHSAA member Florida schools, including members of another athletic association governing organization, and may not take any retributory or discriminatory action against any of its member schools that seek to participate in interscholastic competition with nonmember non-FHSAA member Florida schools or any of its member schools that seek membership in other associations for a sport for which they are not a member of the FHSAA. The FHSAA may not unreasonably withhold its approval of an application to become an affiliate member of the National Federation of State High School Associations submitted by any other association organization that governs interscholastic athletic competition in this state which meets the requirements of this section. The commissioner may identify other associations that govern interscholastic athletic competition in compliance with this section ~~The bylaws~~

Page 2 of 3

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

10-00073-16

20161026__

59 ~~of the FHSAA are the rules by which high school athletic~~
60 ~~programs in its member schools, and the students who participate~~
61 ~~in them, are governed, unless otherwise specifically provided by~~
62 ~~statute.~~ For the purposes of this section, "high school"
63 includes grades 6 through 12.

64 Section 2. This act shall take effect July 1, 2016.

THE FLORIDA SENATE
APPEARANCE RECORD

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

1-14-16

Meeting Date

1026

Bill Number (if applicable)

152324

Amendment Barcode (if applicable)

Topic HIGH SCHOOL ATHLETICS

Name DEAN CANNON

Job Title _____

Address 301 SOUTH BRONOUGH ST STE 500

Street

Phone _____

TLH

FL

32301

City

State

Zip

Email _____

Speaking: For Against Information
AMENDMENT BY BRANDES

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing THE VILLAGES

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)

1/14/16
Meeting Date

SA1026
Bill Number (if applicable)

Topic HIGH SCHOOL ATHLETICS

Amendment Barcode (if applicable)

Name STUART WEISS

Job Title PRESIDENT

Address PO BOX 1881

Phone 813-681-6722

Street

VALENCIA, FL 33595

City

State

Zip

Email _____

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing SUNSHINE STATE ATHLETIC CONFERENCE

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

1/14/14

Meeting Date

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

SB 1026

Bill Number (if applicable)

Topic High School Athletics

Amendment Barcode (if applicable)

Name Tom Crenetti

Job Title Coach Saint Stephen's Episcopal School

Address 5720 115th Dr E Phone 941 779 4474

Street

Marietta

FL

State

34219

Zip

Email

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

Waive Speaking: [] In Support [] Against (The Chair will read this information into the record.)

Representing Saint Stephens' Episcopal School

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

Lobbyist registered with Legislature: [] Yes [x] 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)

1-14-2016

Meeting Date

1026

Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name BRIAN PITTS

Job Title Trustee

Address 1119 Newton Avenue South

Phone 727/897-9291

Street

SAINT PETERSBURG

City

FL

State

33705

Zip

Email justice2jesus@yahoo.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Justice-2-Jesus

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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THE FLORIDA SENATE
APPEARANCE RECORD

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01.14.16

Meeting Date

⁶⁸⁴
SB ~~86A~~ / SB 1026
Bill Number (if applicable)

Topic FHSAA

Amendment Barcode (if applicable)

Name RICEDOR DEARING

Job Title EX. DIRECTOR - FHSAA

Address 1801 NW 80TH BLVA

Phone 352-372-9551

Street

GAINESVILLE

City

FL

State

32606

Zip

Email rdearing@fhsaa.org

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

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)

1/14/16
Meeting Date

SB 1026 *on docket today*
Bill Number (if applicable)
??

Topic Assessment testing

Amendment Barcode (if applicable)

Name Jade Thompson

Job Title 5th grade student

Address 45. Ne 45 st
Street

Phone (305) 926-8299 (mom)

Miami
City

FL
State

33137
Zip

Email _____

Speaking: For Against Information *Public comment*

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing self / Students in Miami - 1 minute

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
State Senator René García
38th District

Please reply to:

□ **District Office:**

1490 West 68 Street
Suite # 201
Hialeah, FL. 33014
Phone# (305) 364-3100

January 14, 2016

The Honorable John Legg
Chair, Committee on Education Pre-K-12
415 Knott Building
404 S. Monroe Street
Tallahassee, FL 32399-1100

Dear Senator Legg:

Please excuse my absence from the Committee on Education Pre-K-12s on January 16, as I had an urgent matter to attend to during the time the committee was scheduled.

Sincerely,



State Senator René García
District 38
RG:AD

CC: Theresa Klebacha, Michelle Perez

Committees: Appropriations Subcommittee on Health & Human Services, Chairman, Appropriations, Children, Families, and Elderly Affairs, Health Policy, Agriculture, Education Pre-K – 12, Joint Legislative Budget Committee and Communications, Energy and Public Utilities.

CourtSmart Tag Report

Room: KN 412

Case No.:

Type:

Caption: Senate Education Pre-K 12 Committee

Judge:

Started: 1/14/2016 4:03:54 PM

Ends: 1/14/2016 5:29:08 PM

Length: 01:25:15

4:03:53 PM Meeting called to order
4:03:58 PM Meeting called to order
4:04:00 PM Quorum is present
4:04:16 PM Chair
4:04:31 PM Sen Montford, recognizing delegation from India in audience
4:07:01 PM Tab 2 - SB 1026 by Sen. Simmons
4:08:18 PM Chair
4:09:22 PM Sen. Clemens
4:10:11 PM Sen. Simmons
4:10:36 PM Sen. Clemens
4:12:15 PM Sen. Simmons
4:13:13 PM Chair
4:13:15 PM Sen. Montford
4:14:09 PM Sen. Simmons
4:15:39 PM Sen. Montford
4:15:55 PM Sen. Simmons
4:16:21 PM Sen. Montford
4:17:23 PM Sen. Simmons
4:19:16 PM Sen. Detert
4:20:04 PM Sen. Simmons
4:21:42 PM Sen. Sobel
4:21:57 PM Sen. Simmons
4:22:40 PM Chair
4:22:45 PM Amendment # 152324 by Brandes
4:23:07 PM Chair
4:23:09 PM Sen. Clemens
4:23:21 PM Sen. Brandes
4:23:35 PM Chair
4:24:08 PM Sen. Montford
4:24:14 PM Sen. Brandes
4:24:49 PM Sen. Montford
4:24:53 PM Sen. Brandes
4:24:56 PM Chair
4:24:59 PM Dean Cannon, The Villages, waives in support of amendment # 152324
4:25:00 PM Chair
4:25:06 PM On the amendment 152324
4:25:11 PM Amendment 152324 - favorable
4:25:16 PM Back on bill as amended
4:25:22 PM Stuart Weiss, President, Sunshine State Athletic Conference, speaking for the amendment
4:30:10 PM Chair
4:31:10 PM Sen. Clemens
4:32:30 PM Stuart Weiss
4:32:40 PM Sen. Clemens
4:33:19 PM Stuart Weiss
4:33:41 PM Chair
4:34:46 PM Tod Creneti, Coach, St. Stephen's Episcopal School, Parrish, FL, speaking for
4:38:02 PM Sen. Montford
4:40:10 PM Tod Creneti
4:41:12 PM Chair
4:41:19 PM Brian Pitts, Trustee, Justice-2- Jesus, for information purpose
4:44:18 PM Chair
4:45:06 PM Roger Dearing, Ex. Director FHSAA, Gainesville, FL, information purpose

4:49:53 PM Sen. Brandes
4:50:55 PM Roger Dearing
4:51:29 PM Chair
4:52:55 PM Sen. Clemens
4:53:34 PM Sen. Galvano
4:53:42 PM Roger Dearing
4:54:44 PM Chair
4:55:03 PM Sen. Montford - debate on bill
4:56:21 PM Chair
4:56:30 PM Sen. Simmons to close
4:59:41 PM Chair
4:59:46 PM Roll Call for CS/SB 1026
4:59:56 PM CS/SB 1026 - favorable
5:00:22 PM Tab 1 -SB 684 - by Sen. Gaetz
5:03:25 PM Chair
5:04:30 PM Sen. Clemens
5:05:00 PM Sen. Gaetz
5:05:44 PM Sen. Clemens
5:06:12 PM Sen. Gaetz
5:07:16 PM Sen. Clemens
5:08:34 PM Sen. Gaetz
5:09:28 PM Sen. Clemens
5:09:36 PM Sen. Gaetz
5:10:11 PM Sen. Montford
5:10:30 PM Sen. Gaetz
5:11:20 PM Sen. Montford
5:11:25 PM Sen. Gaetz
5:11:29 PM Sen. Montford
5:11:36 PM Sen. Gaetz
5:13:18 PM Sen. Galvano
5:13:32 PM Sen. Gaetz
5:13:41 PM Chair
5:13:42 PM Late filed Amendment # 841786 by Gaetz
5:14:38 PM Sen. Detert
5:15:13 PM Chair
5:15:22 PM Amendment #841786 is adopted
5:15:29 PM Back on the bill as amended
5:15:32 PM Roger Dearing, Ex. Dir, FHSAA, Gainesville, FL, waives in support
5:15:39 PM Stuart Weiss, President, Sunshine State Athletic conf., waives in support
5:15:41 PM Vern Pickup Crawford, Legislative Liaison, Palm Beach School Board, speaking for information purposes
5:18:13 PM Chair
5:18:22 PM Ron Book, FHSAA, speaking for the bill
5:23:29 PM Sen. Clemens
5:24:44 PM Ron Book
5:24:55 PM Chair
5:25:18 PM Sen. Gaetz to close defers to Sen. Stargel to close
5:25:49 PM Sen. Stargel to close
5:25:56 PM Chair
5:26:31 PM Roll Call CS/SB84, favorable
5:26:59 PM Jade Thompson, 5th grade student, Miami, FL, Assessment testing
5:28:53 PM Chair, Sen. Benacquisto moves to rise.