

1                   A bill to be entitled  
2           An act relating to interscholastic and intrascholastic  
3           activities; amending s. 1006.20, F.S.; providing for  
4           the approval of athletic associations that meet  
5           certain requirements; providing a definition;  
6           requiring certain athletic associations to operate  
7           under a contract with the State Board of Education;  
8           requiring the State Board of Education to annually  
9           review specified information relating to such athletic  
10          associations; providing that private schools and  
11          traditional public schools are considered high schools  
12          for specified purposes; prohibiting public schools  
13          from maintaining memberships in or paying dues or fees  
14          to certain athletic associations; providing that  
15          approved athletic associations are subject to certain  
16          requirements; requiring approved athletic associations  
17          to adopt certain bylaws; requiring approved athletic  
18          associations to establish a certain appeals process;  
19          authorizing certain sports medicine advisory  
20          committees to establish specified definitions related  
21          to concussions; authorizing certain approved athletic  
22          associations to establish sports medicine advisory  
23          committees that meet certain membership requirements;  
24          amending s. 1006.15, F.S.; authorizing home education  
25          students, Florida Virtual School students, and private

26 school students to participate in interscholastic and  
 27 intrascholastic activities at certain schools;  
 28 revising the requirements for such students to  
 29 participate in such activities; providing for the  
 30 continued participation in such activities by certain  
 31 students who transfer from a public school; conforming  
 32 cross-references and provisions to changes made by the  
 33 act; creating s. 1006.185, F.S.; requiring certain  
 34 athletic associations to adopt bylaws, policies, or  
 35 procedures allowing opening remarks at specified  
 36 events; providing requirements for such remarks;  
 37 requiring certain announcements before such remarks;  
 38 providing that opening remarks at specified events are  
 39 at the discretion of each school; amending ss.  
 40 768.135, 1002.20, 1002.42, 1006.165, 1006.18,  
 41 1006.195, 1012.468, 1012.795, and 1012.796, F.S.;  
 42 conforming cross-references and provisions to changes  
 43 made by the act; providing an effective date.

44  
 45 Be It Enacted by the Legislature of the State of Florida:

46  
 47 Section 1. Section 1006.20, Florida Statutes, is amended  
 48 to read:

49 1006.20 Athletics in public K-12 schools.—

50 (1) GOVERNING NONPROFIT ATHLETIC ASSOCIATION

51 ~~ORGANIZATION.~~—The Florida High School Athletic Association  
 52 (FHSAA) is designated as the governing nonprofit athletic  
 53 association ~~organization of athletics~~ in Florida public schools.  
 54 ~~If the FHSAA fails to meet the provisions of this section,~~ The  
 55 State Board of Education may approve other ~~commissioner shall~~  
 56 ~~designate a nonprofit~~ athletic associations. As used in this  
 57 section, the term "approved athletic association" means the  
 58 FHSAA and other nonprofit athletic associations approved by  
 59 ~~organization to govern athletics with the approval of the State~~  
 60 Board of Education. Each nonprofit athletic association subject  
 61 to the requirements of this section shall operate under a  
 62 contract with the State Board of Education. Before entering into  
 63 a contract with an association, the State Board of Education  
 64 shall annually review, at a minimum, the bylaws, policies, and  
 65 dues and fees of the association for compliance with subpart D.  
 66 of this part. Any approved athletic association ~~The FHSAA is not~~  
 67 ~~a state agency as defined in s. 120.52~~ but is. ~~The FHSAA shall~~  
 68 ~~be subject to ss. 1006.15-1006.19~~ the provisions of s. 1006.19.

69 (2) ~~MEMBERSHIP.~~ ~~A private school that wishes to engage in~~  
 70 ~~high school athletic competition with a public high school may~~  
 71 ~~become a member of the FHSAA.~~ Any high school in the state,  
 72 including private schools, traditional public schools, charter  
 73 schools, virtual schools, and home education cooperatives, may  
 74 become a member of any approved athletic association. However, a  
 75 public school may not maintain membership in or pay dues or fees

76 | to any athletic association that is not operated under a  
 77 | contract with the State Board of Education ~~the FHSAA and~~  
 78 | ~~participate in the activities of the FHSAA. However,~~ Membership  
 79 | in an association ~~the FHSAA~~ is not mandatory for any school.  
 80 | Approved athletic associations ~~The FHSAA~~ must allow any a  
 81 | ~~private~~ school or cooperative the option of maintaining full  
 82 | membership in the association or joining by sport and may not  
 83 | discourage any a private school or cooperative from  
 84 | simultaneously maintaining membership in another approved  
 85 | athletic association. Approved athletic associations ~~The FHSAA~~  
 86 | ~~may allow a public school the option to apply for consideration~~  
 87 | ~~to join another athletic association. the FHSAA~~ may not deny or  
 88 | discourage interscholastic competition between its member  
 89 | schools and nonmember ~~non-FHSAA member~~ Florida schools,  
 90 | including members of another approved athletic association  
 91 | ~~governing organization~~, and may not take any retributory or  
 92 | discriminatory action against any of its member schools that  
 93 | participate in interscholastic competition with nonmember non-  
 94 | ~~FHSAA member~~ Florida schools. The FHSAA may not ~~unreasonably~~  
 95 | withhold its approval of an application to become an affiliate  
 96 | member of the National Federation of State High School  
 97 | Associations submitted by any other approved athletic  
 98 | association ~~organization~~ that governs interscholastic athletic  
 99 | competition in this state. The bylaws of each approved athletic  
 100 | association ~~the FHSAA~~ are the rules by which high school

101 athletic programs in its member schools, and the students who  
102 participate in them, are governed, unless otherwise specifically  
103 provided by statute. For the purposes of this section, the term  
104 "high school" includes grades 6 through 12.

105 (3)~~(2)~~ ADOPTION OF BYLAWS, POLICIES, OR GUIDELINES.—

106 (a) Each approved athletic association ~~the FHSAA~~ shall  
107 adopt bylaws that, unless specifically provided by statute,  
108 establish eligibility requirements for all students who  
109 participate in high school athletic competition in its member  
110 schools. The bylaws governing residence and transfer shall allow  
111 the student to be immediately eligible in the school in which he  
112 or she first enrolls each school year or the school in which the  
113 student makes himself or herself a candidate for an athletic  
114 team by engaging in a practice before ~~prior to~~ enrolling in the  
115 school. The bylaws shall also allow the student to be  
116 immediately eligible in the school to which the student has  
117 transferred. The student shall be eligible in that school so  
118 long as he or she remains enrolled in that school. Subsequent  
119 eligibility shall be determined and enforced through the  
120 association's ~~FHSAA's~~ bylaws. Requirements governing eligibility  
121 and transfer between member schools shall be applied similarly  
122 to public school students and private school students.

123 (b) Each approved athletic association ~~the FHSAA~~ shall  
124 adopt bylaws that specifically prohibit the recruiting of  
125 students for athletic purposes. The bylaws shall prescribe

126 penalties and an appeals process for athletic recruiting  
127 violations.

128 1. If it is determined that a school has recruited a  
129 student in violation of association ~~FHSAA~~ bylaws, the  
130 association ~~FHSAA~~ may require the school to participate in a  
131 higher classification for the sport in which the recruited  
132 student competes for a minimum of one classification cycle, in  
133 addition to the penalties in subparagraphs 2. and 3. and any  
134 other appropriate fine or sanction imposed on the school, its  
135 coaches, or adult representatives who violate recruiting rules.

136 2. Any recruitment by a school district employee or  
137 contractor in violation of association ~~FHSAA~~ bylaws results in  
138 escalating punishments as follows:

139 a. For a first offense, a \$5,000 forfeiture of pay for the  
140 school district employee or contractor who committed the  
141 violation.

142 b. For a second offense, suspension without pay for 12  
143 months from coaching, directing, or advertising an  
144 extracurricular activity and a \$5,000 forfeiture of pay for the  
145 school district employee or contractor who committed the  
146 violation.

147 c. For a third offense, a \$5,000 forfeiture of pay for the  
148 school district employee or contractor who committed the  
149 violation. If the individual who committed the violation holds  
150 an educator certificate, the association ~~FHSAA~~ shall also refer

151 the violation to the department for review pursuant to s.  
152 1012.796 to determine whether probable cause exists, and, if  
153 there is a finding of probable cause, the commissioner shall  
154 file a formal complaint against the individual. If the complaint  
155 is upheld, the individual's educator certificate shall be  
156 revoked for 3 years, in addition to any penalties available  
157 under s. 1012.796. Additionally, the department shall revoke any  
158 adjunct teaching certificates issued pursuant to s. 1012.57 and  
159 all permissions under ss. 1012.39 and 1012.43, and the educator  
160 is ineligible for such certificates or permissions for a period  
161 of time equal to the period of revocation of his or her state-  
162 issued certificate.

163 3. Notwithstanding any other provision of law, a school,  
164 team, or activity shall forfeit all competitions, including  
165 honors resulting from such competitions, in which a student who  
166 participated in any fashion was recruited in a manner prohibited  
167 pursuant to state law or the association ~~FHSAA~~ bylaws.

168 4. A student may not be declared ineligible based on  
169 violation of recruiting rules unless the student or parent has  
170 falsified any enrollment or eligibility document or accepted any  
171 benefit if such benefit is not generally available to the  
172 school's students or family members or is based in any way on  
173 athletic interest, potential, or performance.

174 5. A student's eligibility to participate in any  
175 interscholastic or intrascholastic extracurricular activity, as

176 determined by a district school board pursuant to s.  
177 1006.195(1)(a)3., may not be affected by any alleged recruiting  
178 violation until final disposition of the allegation.

179 (c) Each approved athletic association ~~the FHSAA~~ shall  
180 adopt bylaws that require all students participating in  
181 interscholastic athletic competition or who are candidates for  
182 an interscholastic athletic team to satisfactorily pass a  
183 medical evaluation each year before participating in  
184 interscholastic athletic competition or engaging in any  
185 practice, tryout, workout, conditioning, or other physical  
186 activity associated with the student's candidacy for an  
187 interscholastic athletic team, including activities that occur  
188 outside of the school year. Such medical evaluation may be  
189 administered only by a practitioner licensed under chapter 458,  
190 chapter 459, chapter 460, or s. 464.012 or registered under s.  
191 464.0123 and in good standing with the practitioner's regulatory  
192 board. The bylaws shall establish requirements for eliciting a  
193 student's medical history and performing the medical evaluation  
194 required under this paragraph, which shall include a physical  
195 assessment of the student's physical capabilities to participate  
196 in interscholastic athletic competition as contained in a  
197 uniform preparticipation physical evaluation and history form.  
198 The evaluation form shall incorporate the recommendations of the  
199 American Heart Association for participation cardiovascular  
200 screening and shall provide a place for the signature of the



201 practitioner performing the evaluation with an attestation that  
202 each examination procedure listed on the form was performed by  
203 the practitioner or by someone under the direct supervision of  
204 the practitioner. The form shall also contain a place for the  
205 practitioner to indicate if a referral to another practitioner  
206 was made in lieu of completion of a certain examination  
207 procedure. The form shall provide a place for the practitioner  
208 to whom the student was referred to complete the remaining  
209 sections and attest to that portion of the examination. The  
210 preparticipation physical evaluation form shall advise students  
211 to complete a cardiovascular assessment and shall include  
212 information concerning alternative cardiovascular evaluation and  
213 diagnostic tests. Results of such medical evaluation must be  
214 provided to the school. A student is not eligible to  
215 participate, as provided in s. 1006.15(3), in any  
216 interscholastic athletic competition or engage in any practice,  
217 tryout, workout, or other physical activity associated with the  
218 student's candidacy for an interscholastic athletic team until  
219 the results of the medical evaluation have been received and  
220 approved by the school.

221 (d) Notwithstanding ~~the provisions of~~ paragraph (c), a  
222 student may participate in interscholastic athletic competition  
223 or be a candidate for an interscholastic athletic team if the  
224 parent of the student objects in writing to the student  
225 undergoing a medical evaluation because such evaluation is

226 | contrary to his or her religious tenets or practices. However,  
227 | in such case, there shall be no liability on the part of any  
228 | person or entity in a position to otherwise rely on the results  
229 | of such medical evaluation for any damages resulting from the  
230 | student's injury or death arising directly from the student's  
231 | participation in interscholastic athletics where an undisclosed  
232 | medical condition that would have been revealed in the medical  
233 | evaluation is a proximate cause of the injury or death.

234 |       (e) Each approved athletic association ~~the FHSAA~~ shall  
235 | adopt bylaws that regulate persons who conduct investigations on  
236 | behalf of the association ~~FHSAA~~. The bylaws shall include  
237 | provisions that require an investigator to:

238 |       1. Undergo level 2 background screening under s. 435.04,  
239 | establishing that the investigator has not committed any  
240 | disqualifying offense listed in s. 435.04, unless the  
241 | investigator can provide proof of compliance with level 2  
242 | screening standards submitted within the previous 5 years to  
243 | meet any professional licensure requirements, provided:

244 |       a. The investigator has not had a break in service from a  
245 | position that requires level 2 screening for more than 90 days;  
246 | and

247 |       b. The investigator submits, under penalty of perjury, an  
248 | affidavit verifying that the investigator has not committed any  
249 | disqualifying offense listed in s. 435.04 and is in full  
250 | compliance with this paragraph.

- 251           2. Be appointed as an investigator by the executive  
252 director.
- 253           3. Carry a photo identification card that shows the  
254 association's FHSAA name and logo and the investigator's  
255 official title.
- 256           4. Adhere to the following guidelines:
- 257           a. Investigate only those alleged violations assigned by  
258 the executive director or the board of directors.
- 259           b. Conduct interviews on Monday through Friday between the  
260 hours of 9 a.m. and 7 p.m. only, unless previously agreed to by  
261 the interviewee.
- 262           c. Allow the parent of any student being interviewed to be  
263 present during the interview.
- 264           d. Search residences or other private areas only with the  
265 permission of the executive director and the written consent of  
266 the student's parent and only with a parent or a representative  
267 of the parent present.
- 268           (f) Each approved athletic association ~~the FHSAA~~ shall  
269 adopt bylaws that establish sanctions for coaches who have  
270 committed major violations of the association's FHSAA's bylaws  
271 and policies.
- 272           1. Major violations include, but are not limited to,  
273 knowingly allowing an ineligible student to participate in a  
274 contest representing a member school in an interscholastic  
275 contest or committing a violation of the association's FHSAA's

276 recruiting or sportsmanship policies.

277       2. Sanctions placed upon an individual coach may include,  
278 but are not limited to, prohibiting or suspending the coach from  
279 coaching, participating in, or attending any athletic activity  
280 sponsored, recognized, or sanctioned by the association ~~FHSAA~~  
281 and the member school for which the coach committed the  
282 violation. If a coach is sanctioned by the association ~~FHSAA~~ and  
283 the coach transfers to another member school, those sanctions  
284 remain in full force and effect during the term of the sanction.

285       3. If a member school is assessed a financial penalty as a  
286 result of a coach committing a major violation, the coach shall  
287 reimburse the member school before being allowed to coach,  
288 participate in, or attend any athletic activity sponsored,  
289 recognized, or sanctioned by the association ~~FHSAA~~ and a member  
290 school.

291       4. The association ~~FHSAA~~ shall establish a due process  
292 procedure for coaches sanctioned under this paragraph,  
293 consistent with the appeals procedures set forth in subsection  
294 (8) ~~(7)~~.

295       (g) Each approved athletic association ~~the FHSAA~~ shall  
296 adopt bylaws establishing the process and standards by which the  
297 association's ~~FHSAA~~ determinations of eligibility are made. Such  
298 bylaws shall provide that:

299       1. Ineligibility must be established by a preponderance of  
300 the evidence;

301           2. Student athletes, parents, and schools must have notice  
302 of the initiation of any investigation or other inquiry into  
303 eligibility and may present, to the investigator and to the  
304 individual making the eligibility determination, any information  
305 or evidence that is credible, persuasive, and of a kind  
306 reasonably prudent persons rely upon in the conduct of serious  
307 affairs;

308           3. An investigator may not determine matters of  
309 eligibility but must submit information and evidence to the  
310 executive director or a person designated by the executive  
311 director or by the board of directors for an unbiased and  
312 objective determination of eligibility; and

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

316           (h) In lieu of bylaws adopted under paragraph (g), an  
317 approved athletic association ~~the FHSAA~~ may adopt bylaws  
318 providing as a minimum the procedural safeguards of ss. 120.569  
319 and 120.57, making appropriate provision for appointment of  
320 unbiased and qualified hearing officers.

321           (i) An approved athletic association's ~~the FHSAA~~ bylaws  
322 may not limit the competition of student athletes prospectively  
323 for rule violations of their school or its coaches or their  
324 adult representatives. The association ~~FHSAA~~ bylaws may not  
325 unfairly punish student athletes for eligibility or recruiting

326 | violations perpetrated by a teammate, coach, or administrator.  
327 | Contests may not be forfeited for inadvertent eligibility  
328 | violations unless the coach or a school administrator should  
329 | have known of the violation. Contests may not be forfeited for  
330 | other eligibility violations or recruiting violations in excess  
331 | of the number of contests that the coaches and adult  
332 | representatives responsible for the violations are prospectively  
333 | suspended.

334 |       (j) Each approved athletic association ~~the FHSAA~~ shall  
335 | adopt guidelines to educate athletic coaches, officials,  
336 | administrators, and student athletes and their parents of the  
337 | nature and risk of concussion and head injury.

338 |       (k) Each approved athletic association ~~the FHSAA~~ shall  
339 | adopt bylaws or policies that require the parent of a student  
340 | who is participating in interscholastic athletic competition or  
341 | who is a candidate for an interscholastic athletic team to sign  
342 | and return an informed consent that explains the nature and risk  
343 | of concussion and head injury, including the risk of continuing  
344 | to play after concussion or head injury, each year before  
345 | participating in interscholastic athletic competition or  
346 | engaging in any practice, tryout, workout, or other physical  
347 | activity associated with the student's candidacy for an  
348 | interscholastic athletic team.

349 |       (l) Each approved athletic association ~~the FHSAA~~ shall  
350 | adopt bylaws or policies that require each student athlete who

351 is suspected of sustaining a concussion or head injury in a  
352 practice or competition to be immediately removed from the  
353 activity. A student athlete who has been removed from an  
354 activity may not return to practice or competition until the  
355 student submits to the school a written medical clearance to  
356 return stating that the student athlete no longer exhibits  
357 signs, symptoms, or behaviors consistent with a concussion or  
358 other head injury. Medical clearance must be authorized by the  
359 appropriate health care practitioner trained in the diagnosis,  
360 evaluation, and management of concussions as defined by a the  
361 sports medicine advisory committee established pursuant to  
362 paragraph (m) of the Florida High School Athletic Association.

363 (m) 1. The FHSAA shall adopt bylaws for the establishment  
364 and duties of a sports medicine advisory committee composed of  
365 the following members:

366 a.1. Eight physicians licensed under chapter 458 or  
367 chapter 459 with at least one member licensed under chapter 459.

368 b.2. One chiropractor licensed under chapter 460.

369 c.3. One podiatrist licensed under chapter 461.

370 d.4. One dentist licensed under chapter 466.

371 e.5. Three athletic trainers licensed under part XIII of  
372 chapter 468.

373 f.6. One member who is a current or retired head coach of  
374 a high school in the state.

375 2. An approved athletic association that does not rely on

376 the recommendations of the sports medicine advisory committee of  
377 the FHSAA shall establish a sports medicine advisory committee  
378 whose membership satisfies the requirements of subparagraph 1.

379 (4)~~(3)~~ GOVERNING STRUCTURE OF THE FHSAA.—

380 (a) The FHSAA shall operate as a representative democracy  
381 in which the sovereign authority is within its member schools.  
382 Except as provided in this section, the FHSAA shall govern its  
383 affairs through its bylaws.

384 (b) Each member school, on its annual application for  
385 membership, shall name its official representative to the FHSAA.  
386 This representative must be either the school principal or his  
387 or her designee. That designee must either be an assistant  
388 principal or athletic director housed within that same school.

389 (c) The FHSAA's membership shall be divided along existing  
390 county lines into four contiguous and compact administrative  
391 regions, each containing an equal or nearly equal number of  
392 member schools to ensure equitable representation on the FHSAA's  
393 board of directors, representative assembly, and appeals  
394 committees.

395 (5)~~(4)~~ FHSAA BOARD OF DIRECTORS.—

396 (a) The executive authority of the FHSAA shall be vested  
397 in its board of directors. Any entity that appoints members to  
398 the board of directors shall examine the ethnic and demographic  
399 composition of the board when selecting candidates for  
400 appointment and shall, to the greatest extent possible, make



401 appointments that reflect state demographic and population  
402 trends. The board of directors shall be composed of 16 persons,  
403 as follows:

404 1. Four public member school representatives, one elected  
405 from among its public school representative members within each  
406 of the four administrative regions.

407 2. Four nonpublic member school representatives, one  
408 elected from among its nonpublic school representative members  
409 within each of the four administrative regions.

410 3. Three representatives appointed by the commissioner,  
411 one appointed from the two northernmost administrative regions  
412 and one appointed from the two southernmost administrative  
413 regions. The third representative shall be appointed to balance  
414 the board for diversity or state population trends, or both.

415 4. Two district school superintendents, one elected from  
416 the two northernmost administrative regions by the members in  
417 those regions and one elected from the two southernmost  
418 administrative regions by the members in those regions.

419 5. Two district school board members, one elected from the  
420 two northernmost administrative regions by the members in those  
421 regions and one elected from the two southernmost administrative  
422 regions by the members in those regions.

423 6. The commissioner or his or her designee from the  
424 department executive staff.

425 (b) A quorum of the board of directors shall consist of

426 | nine members.

427 |       (c) The board of directors shall elect a president and a  
428 | vice president from among its members. These officers shall also  
429 | serve as officers of the FHSAA.

430 |       (d) Members of the board of directors shall serve terms of  
431 | 3 years and are eligible to succeed themselves only once. A  
432 | member of the board of directors, other than the commissioner or  
433 | his or her designee, may serve a maximum of 6 consecutive years.  
434 | The FHSAA's bylaws shall establish a rotation of terms to ensure  
435 | that a majority of the members' terms do not expire  
436 | concurrently.

437 |       (e) The authority and duties of the board of directors,  
438 | acting as a body and in accordance with the FHSAA's bylaws, are  
439 | as follows:

440 |           1. To act as the incorporated FHSAA's board of directors  
441 | and to fulfill its obligations as required by the FHSAA's  
442 | charter and articles of incorporation.

443 |           2. To establish such guidelines, regulations, policies,  
444 | and procedures as are authorized by the bylaws.

445 |           3. To employ an FHSAA executive director, who shall have  
446 | the authority to waive the bylaws of the FHSAA in order to  
447 | comply with statutory changes.

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

450 |           5. To approve the budget of the FHSAA.

451           6. To organize and conduct statewide interscholastic  
 452 competitions, which may or may not lead to state championships,  
 453 and to establish the terms and conditions for these  
 454 competitions.

455           7. To act as an administrative board in the interpretation  
 456 of, and final decision on, all questions and appeals arising  
 457 from the directing of interscholastic athletics of member  
 458 schools.

459           ~~(6)~~~~(5)~~ FHSAA REPRESENTATIVE ASSEMBLY.—

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

462           (b) The representative assembly shall be composed of the  
 463 following:

464           1. An equal number of member school representatives from  
 465 each of the four administrative regions.

466           2. Four district school superintendents, one elected from  
 467 each of the four administrative regions by the district school  
 468 superintendents in their respective administrative regions.

469           3. Four district school board members, one elected from  
 470 each of the four administrative regions by the district school  
 471 board members in their respective administrative regions.

472           4. The commissioner or his or her designee from the  
 473 department executive staff.

474           (c) The FHSAA's bylaws shall establish the number of  
 475 member school representatives to serve in the representative

476 assembly from each of the four administrative regions and shall  
477 establish the method for their selection.

478 (d) No member of the board of directors other than the  
479 commissioner or his or her designee can serve in the  
480 representative assembly.

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

483 (f) Elected members of the representative assembly shall  
484 serve terms of 2 years and are eligible to succeed themselves  
485 for two additional terms. An elected member, other than the  
486 commissioner or his or her designee, may serve a maximum of 6  
487 consecutive years in the representative assembly.

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

490 (h) The authority of the representative assembly is  
491 limited to its sole duty, which is to consider, adopt, or reject  
492 any proposed amendments to the FHSAA's bylaws.

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

496 ~~(7)-(6)~~ FHSAA PUBLIC LIAISON ADVISORY COMMITTEE.—

497 (a) The FHSAA shall establish, sustain, fund, and provide  
498 staff support to a public liaison advisory committee composed of  
499 the following:

500 1. The commissioner or his or her designee.

- 501           2. A member public school principal.
- 502           3. A member private school principal.
- 503           4. A member school principal who is a member of a racial
- 504 minority.
- 505           5. An active athletic director.
- 506           6. An active coach, who is employed full time by a member
- 507 school.
- 508           7. A student athlete.
- 509           8. A district school superintendent.
- 510           9. A district school board member.
- 511           10. A member of the Florida House of Representatives.
- 512           11. A member of the Florida Senate.
- 513           12. A parent of a high school student.
- 514           13. A member of a home education association.
- 515           14. A representative of the business community.
- 516           15. A representative of the news media.
- 517           (b) No member of the board of directors, committee on
- 518 appeals, or representative assembly is eligible to serve on the
- 519 public liaison advisory committee.
- 520           (c) The public liaison advisory committee shall elect a
- 521 chairperson and vice chairperson from among its members.
- 522           (d) The authority and duties of the public liaison
- 523 advisory committee are as follows:
- 524           1. To act as a conduit through which the general public
- 525 may have input into the decisionmaking process of the FHSAA and

526 to assist the FHSAA in the development of procedures regarding  
527 the receipt of public input and disposition of complaints  
528 related to high school athletic and competition programs.

529 2. To conduct public hearings annually in each of the four  
530 administrative regions during which interested parties may  
531 address issues regarding the effectiveness of the rules,  
532 operation, and management of the FHSAA.

533 3. To conduct an annual evaluation of the FHSAA as a whole  
534 and present a report of its findings, conclusion, and  
535 recommendations to the board of directors, to the commissioner,  
536 and to the respective education committees of the Florida Senate  
537 and the Florida House of Representatives. The recommendations  
538 must delineate policies and procedures that will improve the  
539 implementation and oversight of high school athletic programs by  
540 the FHSAA.

541 (e) The public liaison advisory committee shall meet four  
542 times annually. Additional meetings may be called by the  
543 committee chairperson, the FHSAA president, or the FHSAA  
544 executive director.

545 (8)~~(7)~~ APPEALS.—

546 (a) Each approved athletic association ~~the FHSAA~~ shall  
547 establish a procedure of due process which ensures each student  
548 the opportunity to appeal an unfavorable ruling with regard to  
549 his or her eligibility to compete. The initial appeal shall be  
550 made to a committee on appeals within the administrative region

551 in which the student lives. The approved athletic association's  
552 ~~FHSAA's~~ bylaws shall establish the number, size, and composition  
553 of each committee on appeals.

554 (b) No member of the board of directors is eligible to  
555 serve on a committee on appeals.

556 (c) Members of a committee on appeals shall serve terms of  
557 3 years and are eligible to succeed themselves only once. A  
558 member of a committee on appeals may serve a maximum of 6  
559 consecutive years. The approved athletic association's ~~FHSAA's~~  
560 bylaws shall establish a rotation of terms to ensure that a  
561 majority of the members' terms do not expire concurrently.

562 (d) The authority and duties of a committee on appeals  
563 shall be to consider requests by member schools seeking  
564 exceptions to bylaws and regulations, to hear undue hardship  
565 eligibility cases filed by member schools on behalf of student  
566 athletes, and to hear appeals filed by member schools or student  
567 athletes.

568 (e) A student athlete or member school that receives an  
569 unfavorable ruling from a committee on appeals shall be entitled  
570 to appeal that decision to the board of directors at its next  
571 regularly scheduled meeting or called meeting. The board of  
572 directors shall have the authority to uphold, reverse, or amend  
573 the decision of the committee on appeals. In all such cases, the  
574 decision of the board of directors shall be final.

575 (f) The approved athletic association ~~FHSAA~~ shall expedite

576 the appeals process on determinations of ineligibility so that  
577 disposition of the appeal can be made before the end of the  
578 applicable sports season, if possible.

579 (g) In any appeal from a decision on eligibility made by  
580 the executive director or a designee, a school or student  
581 athlete filing the appeal must be permitted to present  
582 information and evidence that was not available at the time of  
583 the initial determination or if the determination was not made  
584 by an unbiased, objective individual using a process allowing  
585 full due process rights to be heard and to present evidence. If  
586 evidence is presented on appeal, a de novo decision must be made  
587 by the committee or board hearing the appeal, or the  
588 determination may be suspended and the matter remanded for a new  
589 determination based on all the evidence. If a de novo decision  
590 is made on appeal, the decision must be made in writing, setting  
591 forth the findings of fact and specific violation upon which the  
592 decision is based. If a de novo decision is not required, the  
593 decision appealed must be set aside if the decision on  
594 ineligibility was not based on clear and convincing evidence.  
595 Any further appeal shall be considered on a record that includes  
596 all evidence presented.

597 (9)~~(8)~~ AMENDMENT OF FHSAA BYLAWS.—Each member school  
598 representative, the board of directors acting as a whole or as  
599 members acting individually, any advisory committee acting as a  
600 whole to be established by the FHSAA, and the FHSAA's executive



601 director are empowered to propose amendments to the bylaws. Any  
 602 other individual may propose an amendment by securing the  
 603 sponsorship of any of the aforementioned individuals or bodies.  
 604 All proposed amendments must be submitted directly to the  
 605 representative assembly for its consideration. The  
 606 representative assembly, while empowered to adopt, reject, or  
 607 revise proposed amendments, may not, in and of itself, as a body  
 608 be allowed to propose any amendment for its own consideration.

609 Section 2. Paragraphs (c) and (e) of subsection (3),  
 610 subsection (8), and paragraph (a) of subsection (9) of section  
 611 1006.15, Florida Statutes, are amended, and subsection (10) is  
 612 added to that section, to read:

613 1006.15 Student standards for participation in  
 614 interscholastic and intrascholastic extracurricular student  
 615 activities; regulation.—

616 (3)(c) An individual home education student is eligible to  
 617 participate at any the public school in the school district in  
 618 which the student resides ~~to which the student would be assigned~~  
 619 ~~according to district school board attendance area policies~~ or  
 620 which the student could choose to attend pursuant to s. 1002.31,  
 621 or may develop an agreement to participate at a private school,  
 622 in the interscholastic extracurricular activities of that  
 623 school, provided the following conditions are met:

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

626           2. During the period of participation at a school, the  
627 home education student must demonstrate educational progress as  
628 required in paragraph (b) in all subjects taken in the home  
629 education program by a method of evaluation agreed upon by the  
630 parent and the school principal which may include: review of the  
631 student's work by a certified teacher chosen by the parent;  
632 grades earned through correspondence; grades earned in courses  
633 taken at a Florida College System institution, university, or  
634 trade school; standardized test scores above the 35th  
635 percentile; or any other method designated in s. 1002.41.

636           3. The home education student must meet the same residency  
637 requirements as other students in the school at which he or she  
638 participates.

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

642           5. The student must register with the school his or her  
643 intent to participate in interscholastic extracurricular  
644 activities as a representative of the school before  
645 participation. A home education student must be able to  
646 participate in curricular activities if that is a requirement  
647 for an extracurricular activity.

648           6. A student who transfers from a home education program  
649 to a public school before or during the first grading period of  
650 the school year is academically eligible to participate in

651 interscholastic extracurricular activities during the first  
652 grading period provided the student has a successful evaluation  
653 from the previous school year, pursuant to subparagraph 2.

654 7. Any public school or private school student who has  
655 been unable to maintain academic eligibility for participation  
656 in interscholastic extracurricular activities is ineligible to  
657 participate in such activities as a home education student until  
658 the student has successfully completed one grading period in  
659 home education pursuant to subparagraph 2. to become eligible to  
660 participate as a home education student.

661 8. The roster for the specific interscholastic activity in  
662 which the home education student would like to participate has  
663 not reached the activity's identified maximum size and the coach  
664 or sponsor for the activity determines that the home education  
665 student has the requisite skill and ability to participate.

666 (e) A student of the Florida Virtual School full-time  
667 program may participate in any interscholastic extracurricular  
668 activity at any the public school in the school district in  
669 which the student resides ~~to which the student would be assigned~~  
670 ~~according to district school board attendance area policies~~ or  
671 which the student could choose to attend pursuant to s. 1002.31  
672 if ~~the student~~:

673 1. During the period of participation in the  
674 interscholastic extracurricular activity, the student meets the  
675 requirements in paragraph (a).

676           2. The student meets any additional requirements as  
 677 determined by the board of trustees of the Florida Virtual  
 678 School.

679           3. The student meets the same residency requirements as  
 680 other students in the school at which he or she participates.

681           4. The student meets the same standards of acceptance,  
 682 behavior, and performance that are required of other students in  
 683 extracurricular activities.

684           5. The student registers his or her intent to participate  
 685 in interscholastic extracurricular activities with the school  
 686 before participation. A Florida Virtual school student must be  
 687 able to participate in curricular activities if that is a  
 688 requirement for an extracurricular activity.

689           6. The roster for the specific interscholastic activity in  
 690 which the student would like to participate has not reached the  
 691 activity's identified maximum size and the coach or sponsor for  
 692 the activity determines that the student has the requisite skill  
 693 and ability to participate.

694           (8) (a) Each approved athletic association under s. 1006.20  
 695 ~~the Florida High School Athletic Association (FHSAA),~~ in  
 696 cooperation with each district school board and member private  
 697 school, shall facilitate a program in which a middle school or  
 698 high school student who attends a private school shall be  
 699 eligible to participate in an interscholastic or intrascholastic  
 700 sport at a member public high school, a member public middle

701 school, ~~or a member~~ 6-12 public school, or a member private  
702 school, as appropriate for the private school student's grade  
703 level to which the student would be assigned according to  
704 district school board attendance area policies and procedures or  
705 which the student could choose to attend pursuant to s. 1002.31,  
706 provided the public school has not reached capacity as  
707 determined by the district school board, if:

708 1. The private school in which the student is enrolled is  
709 not a member of the association ~~FHSAA~~.

710 2. The private school student meets the guidelines for the  
711 conduct of the program established by the association's ~~FHSAA's~~  
712 board of directors and the district school board or member  
713 private school. At a minimum, such guidelines shall provide:

714 a. a deadline for each sport by which the private school  
715 student's parents must register with the member ~~public~~ school in  
716 writing their intent for their child to participate at that  
717 school in the sport.

718 3. The roster for the specific interscholastic or  
719 intrascholastic sport in which the private school student would  
720 like to participate has not reached the sport's identified  
721 maximum size and the coach for the sport determines that the  
722 private school student has the requisite skill and ability to  
723 participate.

724 b. ~~Requirements for a private school student to~~  
725 ~~participate, including, but not limited to, meeting the same~~

726 ~~standards of eligibility, acceptance, behavior, educational~~  
727 ~~progress, and performance which apply to other students~~  
728 ~~participating in interscholastic or intrascholastic sports at a~~  
729 ~~public school or FHSAA member private school.~~

730 (b) The parents of a private school student participating  
731 in a member ~~public~~ school sport under this subsection are  
732 responsible for transporting their child to and from the member  
733 ~~public~~ school at which the student participates. The private  
734 school the student attends, the member ~~public~~ school at which  
735 the student participates in a sport, the district school board,  
736 and the association ~~FHSAA~~ are exempt from civil liability  
737 arising from any injury that occurs to the student during such  
738 transportation.

739 (c) For each academic year, a private school student may  
740 only participate at the member ~~public~~ school in which the  
741 student is first registered under subparagraph (a)2. ~~sub-~~  
742 ~~subparagraph (a)2.a.~~ or makes himself or herself a candidate for  
743 an athletic team by engaging in a practice.

744 (d) The athletic director of each participating  
745 association ~~FHSAA member~~ ~~public~~ school shall maintain the  
746 student records necessary for eligibility, compliance, and  
747 participation in the program.

748 (e) Any nonmember ~~non-FHSAA member~~ private school that has  
749 a student who wishes to participate in this program must make  
750 all student records, including, but not limited to, academic,

751 financial, disciplinary, and attendance records, available upon  
752 request of the association ~~FHSAA~~.

753 (f) A student must apply to participate in this program  
754 through the association's ~~FHSAA~~ program application process.

755 (g) Only students who are enrolled in ~~non-FHSAA member~~  
756 private schools consisting of 125 students or fewer are eligible  
757 to participate in the program in any given academic year.

758 (9)(a) A student who transfers to a school during the  
759 school year may seek to immediately join an existing team if the  
760 roster for the specific interscholastic or intrascholastic  
761 extracurricular activity has not reached the activity's  
762 identified maximum size and if the coach for the activity  
763 determines that the student has the requisite skill and ability  
764 to participate. The approved athletic association under s.  
765 1006.20 ~~FHSAA~~ and school district or charter school may not  
766 declare such a student ineligible because the student did not  
767 have the opportunity to comply with qualifying requirements.

768 (10) A student who is participating in an interscholastic  
769 or intrascholastic activity at a public school and who transfers  
770 from the school during the school year must be permitted to  
771 continue to participate in the activity at the school from which  
772 he or she transferred for the remainder of the school year if:

773 (a) During the period of participation in the activity,  
774 the student continues to meet the requirements in paragraph  
775 (3)(a).

776 (b) The student continues to meet the same standards of  
777 acceptance, behavior, and performance that are required of other  
778 students participating in the activity, except for enrollment  
779 requirements at the school at which the student participates.

780 (c) The parents of the student participating in the  
781 activity provide for the transportation of the student to and  
782 from the school at which the student participates. The school  
783 the student attends, the school at which the student  
784 participates in the activity, and the district school board are  
785 exempt from civil liability arising from any injury that occurs  
786 to the student during such transportation.

787 Section 3. Section 1006.185, Florida Statutes, is created  
788 to read:

789 1006.185 Opening remarks at high school athletic  
790 contests.—Each approved athletic association under s. 1006.20  
791 whose membership includes public schools shall adopt bylaws,  
792 policies, or procedures that provide each school participating  
793 in a high school championship contest, or series of contests,  
794 under the direction and supervision of the association, the  
795 opportunity to make brief opening remarks, if requested by the  
796 school, using the public address system at the event. Such  
797 remarks may not be longer than 2 minutes per school. The  
798 athletic association may not control, monitor, or review the  
799 content of the opening remarks and may not control the school's  
800 choice of speaker. Before the opening remarks, an announcement



801 must be made that the content of any opening remarks by a  
 802 participating school are not endorsed by and do not reflect the  
 803 views and opinions of the athletic association. The decision to  
 804 allow opening remarks before regular season contests is at the  
 805 discretion of each school.

806 Section 4. Subsection (3) of section 768.135, Florida  
 807 Statutes, is amended to read:

808 768.135 Volunteer team physicians; immunity.—

809 (3) A practitioner licensed under chapter 458, chapter  
 810 459, chapter 460, or s. 464.012 or registered under s. 464.0123  
 811 who gratuitously and in good faith conducts an evaluation  
 812 pursuant to s. 1006.20 (3) (c) ~~s. 1006.20(2)(e)~~ is not liable for  
 813 any civil damages arising from that evaluation unless the  
 814 evaluation was conducted in a wrongful manner.

815 Section 5. Subsection (17) of section 1002.20, Florida  
 816 Statutes, is amended to read:

817 1002.20 K-12 student and parent rights.—Parents of public  
 818 school students must receive accurate and timely information  
 819 regarding their child's academic progress and must be informed  
 820 of ways they can help their child to succeed in school. K-12  
 821 students and their parents are afforded numerous statutory  
 822 rights including, but not limited to, the following:

823 (17) ATHLETICS; PUBLIC HIGH SCHOOL.—

824 (a) Eligibility.—Eligibility requirements for all students  
 825 participating in high school athletic competition must allow a

826 student to be immediately eligible in the school in which he or  
827 she first enrolls each school year, the school in which the  
828 student makes himself or herself a candidate for an athletic  
829 team by engaging in practice before enrolling, or the school to  
830 which the student has transferred, in accordance with s.  
831 1006.20(3)(a) ~~s. 1006.20(2)(a)~~.

832 (b) Medical evaluation.—Students must satisfactorily pass  
833 a medical evaluation each year before participating in  
834 athletics, unless the parent objects in writing based on  
835 religious tenets or practices, in accordance with s.  
836 1006.20(3)(d) ~~the provisions of s. 1006.20(2)(d)~~.

837 Section 6. Subsection (8) of section 1002.42, Florida  
838 Statutes, is amended to read:

839 1002.42 Private schools.—

840 (8) ATHLETIC COMPETITION.—A private school may participate  
841 in athletic competition with a public high school by joining any  
842 approved athletic association in accordance with s. 1006.20 ~~the~~  
843 ~~provisions of s. 1006.20(1)~~.

844 Section 7. Paragraph (a) of subsection (1) and paragraph  
845 (a) of subsection (2) of section 1006.165, Florida Statutes, are  
846 amended to read:

847 1006.165 Well-being of students participating in  
848 extracurricular activities; training.—

849 (1)(a) Each public school that is a member of any approved  
850 athletic association under s. 1006.20 ~~the Florida High School~~

851 ~~Athletic Association (FHSAA)~~ must have an operational automated  
852 external defibrillator on the school grounds. The defibrillator  
853 must be available in a clearly marked and publicized location  
854 for each athletic contest, practice, workout, or conditioning  
855 session, including those conducted outside of the school year.  
856 Public and private partnerships are encouraged to cover the cost  
857 associated with the purchase and placement of the defibrillator  
858 and training in the use of the defibrillator.

859 (2)(a) In order to better protect student athletes  
860 participating in athletics during hot weather and avoid  
861 preventable injury or death, each approved athletic association  
862 under s. 1006.20 ~~the FHSAA~~ shall:

863 1. Make training and resources available to each member  
864 school for the effective monitoring of heat stress.

865 2. Establish guidelines for monitoring heat stress and  
866 identify heat stress levels at which a school must make a  
867 cooling zone available for each outdoor athletic contest,  
868 practice, workout, or conditioning session. Heat stress must be  
869 determined by measuring the ambient temperature, humidity, wind  
870 speed, sun angle, and cloud cover at the site of the athletic  
871 activity.

872 3. Require member schools to monitor heat stress and  
873 modify athletic activities, including suspending or moving  
874 activities, based on the heat stress guidelines.

875 4. Establish hydration guidelines, including appropriate

876 introduction of electrolytes after extended activities or when a  
 877 student participates in multiple activities in a day.

878 5. Establish requirements for cooling zones, including, at  
 879 a minimum, the immediate availability of cold-water immersion  
 880 tubs or equivalent means to rapidly cool internal body  
 881 temperature when a student exhibits symptoms of exertional heat  
 882 stroke and the presence of an employee or volunteer trained to  
 883 implement cold-water immersion.

884 6. Require each school's emergency action plan, as  
 885 required by the association FHSAA, to include a procedure for  
 886 onsite cooling using cold-water immersion or equivalent means  
 887 before a student is transported to a hospital for exertional  
 888 heat stroke.

889  
 890 The requirements of this paragraph apply year-round.

891 Section 8. Section 1006.18, Florida Statutes, is amended  
 892 to read:

893 1006.18 Cheerleader safety standards.—Each approved  
 894 athletic association under s. 1006.20 ~~the Florida High School~~  
 895 ~~Athletic Association or successor organization~~ shall adopt  
 896 statewide uniform safety standards for student cheerleaders and  
 897 spirit groups that participate in any school activity or  
 898 extracurricular student activity, if applicable. Such approved  
 899 athletic association ~~the Florida High School Athletic~~  
 900 ~~Association or successor organization~~ shall adopt the "Official

901 High School Spirit Rules," published by the National Federation  
 902 of State High School Associations, as the statewide uniform  
 903 safety standards.

904 Section 9. Paragraph (a) of subsection (1) and subsection  
 905 (2) of section 1006.195, Florida Statutes, are amended to read:

906 1006.195 District school board, charter school authority  
 907 and responsibility to establish student eligibility regarding  
 908 participation in interscholastic and intrascholastic  
 909 extracurricular activities.—Notwithstanding any provision to the  
 910 contrary in ss. 1006.15, 1006.18, and 1006.20, regarding student  
 911 eligibility to participate in interscholastic and  
 912 intrascholastic extracurricular activities:

913 (1)(a) A district school board must establish, through its  
 914 code of student conduct, student eligibility standards and  
 915 related student disciplinary actions regarding student  
 916 participation in interscholastic and intrascholastic  
 917 extracurricular activities. The code of student conduct must  
 918 provide that:

919 1. A student not currently suspended from interscholastic  
 920 or intrascholastic extracurricular activities, or suspended or  
 921 expelled from school, pursuant to a district school board's  
 922 suspension or expulsion powers provided in law, including ss.  
 923 1006.07, 1006.08, and 1006.09, is eligible to participate in  
 924 interscholastic and intrascholastic extracurricular activities.

925 2. A student may not participate in a sport if the student

926 participated in that same sport at another school during that  
 927 school year, unless the student meets the criteria in s.  
 928 1006.15(3)(h).

929 3. A student's eligibility to participate in any  
 930 interscholastic or intrascholastic extracurricular activity may  
 931 not be affected by any alleged recruiting violation until final  
 932 disposition of the allegation pursuant to s. 1006.20(3)(b) ~~s.~~  
 933 ~~1006.20(2)(b)~~.

934 (2)(a) Each approved athletic association ~~the Florida High~~  
 935 ~~School Athletic Association (FHSAA)~~ continues to retain  
 936 jurisdiction over the following provisions in s. 1006.20, which  
 937 may not be implemented in a manner contrary to this section:  
 938 membership in the association ~~FHSAA~~; recruiting prohibitions and  
 939 violations; student medical evaluations; investigations;  
 940 sanctions for coaches; school eligibility and forfeiture of  
 941 contests; student concussions or head injuries; ~~the sports~~  
 942 ~~medical advisory committee~~; and the general operational  
 943 provisions of the association ~~FHSAA~~.

944 (b) Each approved athletic association under s. 1006.20  
 945 ~~the FHSAA~~ must adopt, and prominently publish, the text of this  
 946 section on its website and in its bylaws, rules, procedures,  
 947 training and education materials, and all other governing  
 948 authority documents ~~by August 1, 2016~~.

949 Section 10. Paragraph (g) of subsection (2) of section  
 950 1012.468, Florida Statutes, is amended to read:

951 1012.468 Exceptions to certain fingerprinting and criminal  
 952 history checks.—

953 (2) A district school board shall exempt from the  
 954 screening requirements set forth in ss. 1012.465 and 1012.467  
 955 the following noninstructional contractors:

956 (g) An investigator for any approved athletic association  
 957 ~~the Florida High School Athletic Association (FHSAA)~~ who meets  
 958 the requirements under s. 1006.20(3)(e) ~~s. 1006.20(2)(e)~~.

959 Section 11. Paragraph (o) of subsection (1) of section  
 960 1012.795, Florida Statutes, is amended to read:

961 1012.795 Education Practices Commission; authority to  
 962 discipline.—

963 (1) The Education Practices Commission may suspend the  
 964 educator certificate of any instructional personnel or school  
 965 administrator, as defined in s. 1012.01(2) or (3), for up to 5  
 966 years, thereby denying that person the right to teach or  
 967 otherwise be employed by a district school board or public  
 968 school in any capacity requiring direct contact with students  
 969 for that period of time, after which the person may return to  
 970 teaching as provided in subsection (4); may revoke the educator  
 971 certificate of any person, thereby denying that person the right  
 972 to teach or otherwise be employed by a district school board or  
 973 public school in any capacity requiring direct contact with  
 974 students for up to 10 years, with reinstatement subject to  
 975 subsection (4); may permanently revoke the educator certificate

976 of any person thereby denying that person the right to teach or  
 977 otherwise be employed by a district school board or public  
 978 school in any capacity requiring direct contact with students;  
 979 may suspend a person's educator certificate, upon an order of  
 980 the court or notice by the Department of Revenue relating to the  
 981 payment of child support; may direct the department to place a  
 982 certificateholder employed by a public school, charter school,  
 983 charter school governing board, or private school that  
 984 participates in a state scholarship program under chapter 1002  
 985 on the disqualification list maintained by the department  
 986 pursuant to s. 1001.10(4)(b) for misconduct that would render  
 987 the person ineligible pursuant to s. 1012.315 or sexual  
 988 misconduct with a student; or may impose any other penalty  
 989 provided by law, if the person:

990 (o) Has committed a third recruiting offense as determined  
 991 by an approved athletic association ~~the Florida High School~~  
 992 ~~Athletic Association (FHSAA)~~ pursuant to s. 1006.20(3)(b) ~~s.~~  
 993 ~~1006.20(2)(b)~~.

994 Section 12. Subsections (3) and (7) of section 1012.796,  
 995 Florida Statutes, are amended to read:

996 1012.796 Complaints against teachers and administrators;  
 997 procedure; penalties.—

998 (3) The department staff shall advise the commissioner  
 999 concerning the findings of the investigation and of all  
 1000 referrals by an approved athletic association ~~the Florida High~~



1001 ~~School Athletic Association (FHSAA)~~ pursuant to ss.  
 1002 1006.20 (3) (b) ~~ss. 1006.20 (2) (b)~~ and 1012.795. The department  
 1003 general counsel or members of that staff shall review the  
 1004 investigation or the referral and advise the commissioner  
 1005 concerning probable cause or lack thereof. The determination of  
 1006 probable cause shall be made by the commissioner. The  
 1007 commissioner shall provide an opportunity for a conference, if  
 1008 requested, before ~~prior to~~ determining probable cause. The  
 1009 commissioner may enter into deferred prosecution agreements in  
 1010 lieu of finding probable cause if, in his or her judgment, such  
 1011 agreements are in the best interests of the department, the  
 1012 certificateholder, and the public. Such deferred prosecution  
 1013 agreements shall become effective when filed with the clerk of  
 1014 the Education Practices Commission. However, a deferred  
 1015 prosecution agreement may not be entered into if there is  
 1016 probable cause to believe that a felony or an act of moral  
 1017 turpitude, as defined by rule of the State Board of Education,  
 1018 has occurred, or for referrals by any approved athletic  
 1019 association ~~the FHSAA~~. Upon finding no probable cause, the  
 1020 commissioner shall dismiss the complaint and may issue a letter  
 1021 of guidance to the certificateholder.

1022 (7) A panel of the commission shall enter a final order  
 1023 either dismissing the complaint or imposing one or more of the  
 1024 following penalties:

1025 (a) Denial of an application for a certificate or for an

1026 administrative or supervisory endorsement on a teaching  
 1027 certificate. The denial may provide that the applicant may not  
 1028 reapply for certification, and that the department may refuse to  
 1029 consider that applicant's application, for a specified period of  
 1030 time or permanently.

1031 (b) Revocation or suspension of a certificate.

1032 (c) Imposition of an administrative fine not to exceed  
 1033 \$2,000 for each count or separate offense.

1034 (d) Placement of the teacher, administrator, or supervisor  
 1035 on probation for a period of time and subject to such conditions  
 1036 as the commission may specify, including requiring the certified  
 1037 teacher, administrator, or supervisor to complete additional  
 1038 appropriate college courses or work with another certified  
 1039 educator, with the administrative costs of monitoring the  
 1040 probation assessed to the educator placed on probation. An  
 1041 educator who has been placed on probation shall, at a minimum:

1042 1. Immediately notify the investigative office in the  
 1043 Department of Education upon employment or separation from  
 1044 employment in any public or private position requiring a Florida  
 1045 educator's certificate.

1046 2. Have his or her immediate supervisor submit annual  
 1047 performance reports to the investigative office in the  
 1048 Department of Education.

1049 3. Pay to the commission within the first 6 months of each  
 1050 probation year the administrative costs of monitoring probation

1051 assessed to the educator.

1052 4. Violate no law and fully comply with all district  
1053 school board policies, school rules, and State Board of  
1054 Education rules.

1055 5. Satisfactorily perform his or her assigned duties in a  
1056 competent, professional manner.

1057 6. Bear all costs of complying with the terms of a final  
1058 order entered by the commission.

1059 (e) Restriction of the authorized scope of practice of the  
1060 teacher, administrator, or supervisor.

1061 (f) Reprimand of the teacher, administrator, or supervisor  
1062 in writing, with a copy to be placed in the certification file  
1063 of such person.

1064 (g) Imposition of an administrative sanction, upon a  
1065 person whose teaching certificate has expired, for an act or  
1066 acts committed while that person possessed a teaching  
1067 certificate or an expired certificate subject to late renewal,  
1068 which sanction bars that person from applying for a new  
1069 certificate for a period of 10 years or less, or permanently.

1070 (h) Refer the teacher, administrator, or supervisor to the  
1071 recovery network program provided in s. 1012.798 under such  
1072 terms and conditions as the commission may specify.

1073 (i) Direct the department to place instructional personnel  
1074 or school administrators on the disqualification list maintained  
1075 by the department pursuant to s. 1001.10(4)(b) for conduct that

HB 225

2023

1076 | would render the person ineligible pursuant to s. 1012.315 or  
1077 | sexual misconduct with a student.

1078

1079 | The penalties imposed under this subsection are in addition to,  
1080 | and not in lieu of, the penalties required for a third  
1081 | recruiting offense pursuant to s. 1006.20(3)(b) ~~s.~~  
1082 | ~~1006.20(2)(b)~~.

1083 |       Section 13. This act shall take effect July 1, 2023.