

By Senator Collins

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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; requiring 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

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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 to  
 48 read:

49 1006.20 Athletics in public K-12 schools.—

50 (1) GOVERNING NONPROFIT ATHLETIC ASSOCIATION ~~ORGANIZATION~~.—

51 The Florida High School Athletic Association (FHSAA) is  
 52 designated as the governing nonprofit athletic association  
 53 ~~organization of athletics~~ in Florida public schools. ~~If the~~  
 54 ~~FHSAA fails to meet the provisions of this section,~~ The State  
 55 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

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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 this ~~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 athletic~~  
85 ~~association. Approved athletic associations ~~The FHSAA~~ may allow~~  
86 ~~a public school ~~the option to apply for consideration to join~~~~  
87 ~~another athletic association. ~~the FHSAA~~ may not deny or~~

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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 must ~~shall~~  
111 allow the student to be immediately eligible in the school in  
112 which he or she first enrolls each school year or the school in  
113 which the student makes himself or herself a candidate for an  
114 athletic team by engaging in a practice before ~~prior to~~  
115 enrolling in the school. The bylaws must ~~shall~~ also allow the  
116 student to be immediately eligible in the school to which the

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117 student has transferred. The student shall be eligible in that  
118 school so long as he or she remains enrolled in that school.  
119 Subsequent eligibility shall be determined and enforced through  
120 the association's ~~FHSAA's~~ bylaws. Requirements governing  
121 eligibility and transfer between member schools shall be applied  
122 similarly 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

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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

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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

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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

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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.

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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.

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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 eligibility  
309 but must submit information and evidence to the executive  
310 director or a person designated by the executive director or by  
311 the board of directors for an unbiased and objective  
312 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

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320 unbiased and qualified hearing officers.

321 (i) An approved athletic association's ~~the FHSAA~~ bylaws may  
322 not limit the competition of student athletes prospectively for  
323 rule violations of their school or its coaches or their adult  
324 representatives. The association ~~FHSAA~~ bylaws may not unfairly  
325 punish student athletes for eligibility or recruiting violations  
326 perpetrated by a teammate, coach, or administrator. Contests may  
327 not be forfeited for inadvertent eligibility violations unless  
328 the coach or a school administrator should have known of the  
329 violation. Contests may not be forfeited for other eligibility  
330 violations or recruiting violations in excess of the number of  
331 contests that the coaches and adult representatives responsible  
332 for the violations are prospectively suspended.

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

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

348 (l) Each approved athletic association ~~the FHSAA~~ shall

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

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

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

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

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

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

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

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

374 2. An approved athletic association that does not rely on  
375 the recommendations of the sports medicine advisory committee of  
376 the FHSAA shall establish a sports medicine advisory committee  
377 whose membership satisfies the requirements of subparagraph 1.

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378        (4)~~(3)~~ GOVERNING STRUCTURE OF THE FHSAA.—

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

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

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

394        (5)~~(4)~~ FHSAA BOARD OF DIRECTORS.—

395            (a) The executive authority of the FHSAA shall be vested in  
396 its board of directors. Any entity that appoints members to the  
397 board of directors shall examine the ethnic and demographic  
398 composition of the board when selecting candidates for  
399 appointment and shall, to the greatest extent possible, make  
400 appointments that reflect state demographic and population  
401 trends. The board of directors shall be composed of 16 persons,  
402 as follows:

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

406            2. Four nonpublic member school representatives, one

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407 elected from among its nonpublic school representative members  
408 within each of the four administrative regions.

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

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

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

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

424 (b) A quorum of the board of directors shall consist of  
425 nine members.

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

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

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

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

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

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

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

449 5. To approve the budget of the FHSAA.

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

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

458 (6) ~~(5)~~ FHSAA REPRESENTATIVE ASSEMBLY.—

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

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

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

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

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

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

473           (c) The FHSAA's bylaws shall establish the number of member  
474 school representatives to serve in the representative assembly  
475 from each of the four administrative regions and shall establish  
476 the method for their selection.

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

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

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

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

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

492           (i) The representative assembly shall meet as a body  
493 annually. A two-thirds majority of the votes cast by members

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494 present is required for passage of any proposal.

495 (7)~~(6)~~ FHSAA PUBLIC LIAISON ADVISORY COMMITTEE.-

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

499 1. The commissioner or his or her designee.

500 2. A member public school principal.

501 3. A member private school principal.

502 4. A member school principal who is a member of a racial  
503 minority.

504 5. An active athletic director.

505 6. An active coach, who is employed full time by a member  
506 school.

507 7. A student athlete.

508 8. A district school superintendent.

509 9. A district school board member.

510 10. A member of the Florida House of Representatives.

511 11. A member of the Florida Senate.

512 12. A parent of a high school student.

513 13. A member of a home education association.

514 14. A representative of the business community.

515 15. A representative of the news media.

516 (b) No member of the board of directors, committee on  
517 appeals, or representative assembly is eligible to serve on the  
518 public liaison advisory committee.

519 (c) The public liaison advisory committee shall elect a  
520 chairperson and vice chairperson from among its members.

521 (d) The authority and duties of the public liaison advisory  
522 committee are as follows:

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523 1. To act as a conduit through which the general public may  
524 have input into the decisionmaking process of the FHSAA and to  
525 assist the FHSAA in the development of procedures regarding the  
526 receipt of public input and disposition of complaints related to  
527 high school athletic and competition programs.

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

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

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

544 (8) ~~(7)~~ APPEALS.—

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

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552 of each committee on appeals.

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

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

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

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

574 (f) The approved athletic association ~~FHSAA~~ shall expedite  
575 the appeals process on determinations of ineligibility so that  
576 disposition of the appeal can be made before the end of the  
577 applicable sports season, if possible.

578 (g) In any appeal from a decision on eligibility made by  
579 the executive director or a designee, a school or student  
580 athlete filing the appeal must be permitted to present

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

596 (9)~~(8)~~ AMENDMENT OF FHSAA BYLAWS.—Each member school  
 597 representative, the board of directors acting as a whole or as  
 598 members acting individually, any advisory committee acting as a  
 599 whole to be established by the FHSAA, and the FHSAA's executive  
 600 director are empowered to propose amendments to the bylaws. Any  
 601 other individual may propose an amendment by securing the  
 602 sponsorship of any of the aforementioned individuals or bodies.  
 603 All proposed amendments must be submitted directly to the  
 604 representative assembly for its consideration. The  
 605 representative assembly, while empowered to adopt, reject, or  
 606 revise proposed amendments, may not, in and of itself, as a body  
 607 be allowed to propose any amendment for its own consideration.

608 Section 2. Present paragraphs (d) through (h) of  
 609 subsection (3) of section 1006.15, Florida Statutes, are

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610 redesignated as paragraphs (e) through (i), respectively, a new  
611 paragraph (d) is added to that subsection, subsection (10) is  
612 added to that section, and paragraph (c) and present paragraph  
613 (e) of subsection (3), subsection (8), and paragraph (a) of  
614 subsection (9) are amended, to read:

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

618 (3) (c) An individual home education student, private school  
619 student, or virtual school student is eligible to participate at  
620 any the public school in the school district in which the  
621 student resides to which the student would be assigned according  
622 to district school board attendance area policies or which the  
623 student could choose to attend pursuant to s. 1002.31.

624 (d) An individual home education student, ~~or~~ may develop an  
625 agreement to participate at a private school, in the  
626 interscholastic extracurricular activities of that school. If an  
627 individual home education student wishes to develop such an  
628 agreement with a private school, or participate at a public  
629 school pursuant to paragraph (c), the following conditions must  
630 be met ~~provided the following conditions are met:~~

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

633 2. During the period of participation at a school, the home  
634 education student must demonstrate educational progress as  
635 required in paragraph (b) in all subjects taken in the home  
636 education program by a method of evaluation agreed upon by the  
637 parent and the school principal which may include: review of the  
638 student's work by a certified teacher chosen by the parent;

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639 grades earned through correspondence; grades earned in courses  
640 taken at a Florida College System institution, university, or  
641 trade school; standardized test scores above the 35th  
642 percentile; or any other method designated in s. 1002.41.

643 3. The home education student must meet the same residency  
644 requirements as other students in the school at which he or she  
645 participates.

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

649 5. The student must register with the school his or her  
650 intent to participate in interscholastic extracurricular  
651 activities as a representative of the school before  
652 participation. A home education student must be able to  
653 participate in curricular activities if that is a requirement  
654 for an extracurricular activity.

655 6. A student who transfers from a home education program to  
656 a public school before or during the first grading period of the  
657 school year is academically eligible to participate in  
658 interscholastic extracurricular activities during the first  
659 grading period provided the student has a successful evaluation  
660 from the previous school year, pursuant to subparagraph 2.

661 7. Any public school or private school student who has been  
662 unable to maintain academic eligibility for participation in  
663 interscholastic extracurricular activities is ineligible to  
664 participate in such activities as a home education student until  
665 the student has successfully completed one grading period in  
666 home education pursuant to subparagraph 2. to become eligible to  
667 participate as a home education student.

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668       8. The roster for the specific interscholastic activity in  
669 which the home education student would like to participate has  
670 not reached the activity's identified maximum size, and the  
671 coach or sponsor for the activity determines that the home  
672 education student has the requisite skill and ability to  
673 participate.

674       (f)~~(e)~~ A student of the Florida Virtual School full-time  
675 program may participate in any interscholastic extracurricular  
676 activity at any the public school in the school district in  
677 which the student resides ~~to which the student would be assigned~~  
678 ~~according to district school board attendance area policies~~ or  
679 which the student could choose to attend pursuant to s. 1002.31  
680 if ~~the student~~:

681           1. During the period of participation in the  
682 interscholastic extracurricular activity, the student meets the  
683 requirements in paragraph (a).

684           2. The student meets any additional requirements as  
685 determined by the board of trustees of the Florida Virtual  
686 School.

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

689           4. The student meets the same standards of acceptance,  
690 behavior, and performance that are required of other students in  
691 extracurricular activities.

692           5. The student registers his or her intent to participate  
693 in interscholastic extracurricular activities with the school  
694 before participation. A Florida Virtual school student must be  
695 able to participate in curricular activities if that is a  
696 requirement for an extracurricular activity.

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697       6. The roster for the specific interscholastic activity in  
698 which the student would like to participate has not reached the  
699 activity's identified maximum size, and the coach or sponsor for  
700 the activity determines that the student has the requisite skill  
701 and ability to participate.

702       (8) (a) Each approved athletic association under s. 1006.20  
703 the Florida High School Athletic Association (FHSAA), in  
704 cooperation with each district school board and member private  
705 school, shall facilitate a program in which a middle school or  
706 high school student who attends a private school shall be  
707 eligible to participate in an interscholastic or intrascholastic  
708 sport at a member public high school, a member public middle  
709 school, or a member 6-12 public school, or a member private  
710 school, as appropriate for the private school student's grade  
711 level to which the student would be assigned according to  
712 district school board attendance area policies and procedures or  
713 which the student could choose to attend pursuant to s. 1002.31,  
714 provided the public school has not reached capacity as  
715 determined by the district school board, if:

716           1. The private school in which the student is enrolled is  
717 not a member of the association FHSAA.

718           2. The private school student meets the guidelines for the  
719 conduct of the program established by the association's FHSAA's  
720 board of directors and the district school board or member  
721 private school. At a minimum, such guidelines shall provide:

722           ~~a.~~ a deadline for each sport by which the private school  
723 student's parents must register with the member ~~public~~ school in  
724 writing their intent for their child to participate at that  
725 school in the sport.

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726           3. The roster for the specific interscholastic or  
727 intrascholastic sport in which the private school student would  
728 like to participate has not reached the sport's identified  
729 maximum size, and the coach for the sport determines that the  
730 private school student has the requisite skill and ability to  
731 participate.

732           ~~b. Requirements for a private school student to~~  
733 ~~participate, including, but not limited to, meeting the same~~  
734 ~~standards of eligibility, acceptance, behavior, educational~~  
735 ~~progress, and performance which apply to other students~~  
736 ~~participating in interscholastic or intrascholastic sports at a~~  
737 ~~public school or FHSAA member private school.~~

738           (b) The parents of a private school student participating  
739 in a member ~~public~~ school sport under this subsection are  
740 responsible for transporting their child to and from the member  
741 ~~public~~ school at which the student participates. The private  
742 school the student attends, the member ~~public~~ school at which  
743 the student participates in a sport, the district school board,  
744 and the association ~~FHSAA~~ are exempt from civil liability  
745 arising from any injury that occurs to the student during such  
746 transportation.

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

752           (d) The athletic director of each participating association  
753 ~~FHSAA member public~~ school shall maintain the student records  
754 necessary for eligibility, compliance, and participation in the

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755 program.

756 (e) Any nonmember ~~non-FHSAA member~~ private school that has  
757 a student who wishes to participate in this program must make  
758 all student records, including, but not limited to, academic,  
759 financial, disciplinary, and attendance records, available upon  
760 request of the association ~~FHSAA~~.

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

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

766 (9) (a) A student who transfers to a school during the  
767 school year may seek to immediately join an existing team if the  
768 roster for the specific interscholastic or intrascholastic  
769 extracurricular activity has not reached the activity's  
770 identified maximum size and if the coach for the activity  
771 determines that the student has the requisite skill and ability  
772 to participate. The approved athletic association under s.  
773 1006.20 ~~FHSAA~~ and school district or charter school may not  
774 declare such a student ineligible because the student did not  
775 have the opportunity to comply with qualifying requirements.

776 (10) A student who is participating in an interscholastic  
777 or intrascholastic activity at a public school and who transfers  
778 from the school during the school year must be permitted to  
779 continue to participate in the activity at the school from which  
780 he or she transferred for the remainder of the school year if:

781 (a) During the period of participation in the activity, the  
782 student continues to meet the requirements in paragraph (3) (a).

783 (b) The student continues to meet the same standards of

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784 acceptance, behavior, and performance required of other students  
785 participating in the activity, except for enrollment  
786 requirements at the school at which the student participates.

787 (c) The parents of the student participating in the  
788 activity provide for the transportation of the student to and  
789 from the school at which the student participates. The school  
790 the student attends, the school at which the student  
791 participates in the activity, and the district school board are  
792 exempt from civil liability arising from any injury that occurs  
793 to the student during such transportation.

794 Section 3. Section 1006.185, Florida Statutes, is created  
795 to read:

796 1006.185 Opening remarks at high school athletic contests.—  
797 Each approved athletic association under s. 1006.20 whose  
798 membership includes public schools shall adopt bylaws, policies,  
799 or procedures that provide each school participating in a high  
800 school championship contest, or series of contests, under the  
801 direction and supervision of the association, the opportunity to  
802 make brief opening remarks, if requested by the school, using  
803 the public address system at the event. Such remarks may not be  
804 longer than 2 minutes per school. The athletic association may  
805 not control, monitor, or review the content of the opening  
806 remarks and may not control the school's choice of speaker.  
807 Before the opening remarks, an announcement must be made that  
808 the content of any opening remarks by a participating school are  
809 not endorsed by and do not reflect the views and opinions of the  
810 athletic association. The decision to allow opening remarks  
811 before regular season contests is at the discretion of each  
812 school.

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

815 768.135 Volunteer team physicians; immunity.—

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

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

824 1002.20 K-12 student and parent rights.—Parents of public  
825 school students must receive accurate and timely information  
826 regarding their child's academic progress and must be informed  
827 of ways they can help their child to succeed in school. K-12  
828 students and their parents are afforded numerous statutory  
829 rights including, but not limited to, the following:

830 (17) ATHLETICS; PUBLIC HIGH SCHOOL.—

831 (a) *Eligibility*.—Eligibility requirements for all students  
832 participating in high school athletic competition must allow a  
833 student to be immediately eligible in the school in which he or  
834 she first enrolls each school year, the school in which the  
835 student makes himself or herself a candidate for an athletic  
836 team by engaging in practice before enrolling, or the school to  
837 which the student has transferred, in accordance with s.  
838 1006.20(3)(a) ~~s. 1006.20(2)(a)~~.

839 (b) *Medical evaluation*.—Students must satisfactorily pass a  
840 medical evaluation each year before participating in athletics,  
841 unless the parent objects in writing based on religious tenets

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842 or practices, in accordance with s. 1006.20(3)(d) ~~the provisions~~  
843 ~~of s. 1006.20(2)(d)~~.

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

846 1002.42 Private schools.—

847 (8) ATHLETIC COMPETITION.—A private school may participate  
848 in athletic competition with a public high school in accordance  
849 with s. 1006.20(2) ~~the provisions of s. 1006.20(1)~~.

850 Section 7. Paragraph (a) of subsection (1) and paragraph  
851 (a) of subsection (2) of section 1006.165, Florida Statutes, are  
852 amended to read:

853 1006.165 Well-being of students participating in  
854 extracurricular activities; training.—

855 (1)(a) Each public school that is a member of any approved  
856 athletic association under s. 1006.20 ~~the Florida High School~~  
857 ~~Athletic Association (FHSAA)~~ must have an operational automated  
858 external defibrillator on the school grounds. The defibrillator  
859 must be available in a clearly marked and publicized location  
860 for each athletic contest, practice, workout, or conditioning  
861 session, including those conducted outside of the school year.  
862 Public and private partnerships are encouraged to cover the cost  
863 associated with the purchase and placement of the defibrillator  
864 and training in the use of the defibrillator.

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

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

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

878           3. Require member schools to monitor heat stress and modify  
879 athletic activities, including suspending or moving activities,  
880 based on the heat stress guidelines.

881           4. Establish hydration guidelines, including appropriate  
882 introduction of electrolytes after extended activities or when a  
883 student participates in multiple activities in a day.

884           5. Establish requirements for cooling zones, including, at  
885 a minimum, the immediate availability of cold-water immersion  
886 tubs or equivalent means to rapidly cool internal body  
887 temperature when a student exhibits symptoms of exertional heat  
888 stroke and the presence of an employee or volunteer trained to  
889 implement cold-water immersion.

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

894  
895 The requirements of this paragraph apply year-round.

896           Section 8. Section 1006.18, Florida Statutes, is amended to  
897 read:

898           1006.18 Cheerleader safety standards.—Each approved  
899 athletic association under s. 1006.20 ~~the Florida High School~~

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900 ~~Athletic Association or successor organization~~ shall adopt  
901 statewide uniform safety standards for student cheerleaders and  
902 spirit groups that participate in any school activity or  
903 extracurricular student activity, if applicable. Such approved  
904 athletic association ~~the Florida High School Athletic~~  
905 ~~Association or successor organization~~ shall adopt the "Official  
906 High School Spirit Rules," published by the National Federation  
907 of State High School Associations, as the statewide uniform  
908 safety standards.

909 Section 9. Paragraphs (a) and (b) of subsection (1) and  
910 subsection (2) of section 1006.195, Florida Statutes, are  
911 amended to read:

912 1006.195 District school board, charter school authority  
913 and responsibility to establish student eligibility regarding  
914 participation in interscholastic and intrascholastic  
915 extracurricular activities.—Notwithstanding any provision to the  
916 contrary in ss. 1006.15, 1006.18, and 1006.20, regarding student  
917 eligibility to participate in interscholastic and  
918 intrascholastic extracurricular activities:

919 (1) (a) A district school board must establish, through its  
920 code of student conduct, student eligibility standards and  
921 related student disciplinary actions regarding student  
922 participation in interscholastic and intrascholastic  
923 extracurricular activities. The code of student conduct must  
924 provide that:

925 1. A student not currently suspended from interscholastic  
926 or intrascholastic extracurricular activities, or suspended or  
927 expelled from school, pursuant to a district school board's  
928 suspension or expulsion powers provided in law, including ss.

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929 1006.07, 1006.08, and 1006.09, is eligible to participate in  
930 interscholastic and intrascholastic extracurricular activities.

931 2. A student may not participate in a sport if the student  
932 participated in that same sport at another school during that  
933 school year, unless the student meets the criteria in s.  
934 1006.15(3)(h).

935 3. A student's eligibility to participate in any  
936 interscholastic or intrascholastic extracurricular activity may  
937 not be affected by any alleged recruiting violation until final  
938 disposition of the allegation pursuant to s. 1006.20(3)(b) ~~s.~~  
939 ~~1006.20(2)(b)~~.

940 (b) Students who participate in interscholastic and  
941 intrascholastic extracurricular activities for, but are not  
942 enrolled in, a public school pursuant to s. 1006.15(3)(c)-(f)  
943 and (8) ~~s. 1006.15(3)(c)-(c) and (8)~~, are subject to the  
944 district school board's code of student conduct for the limited  
945 purpose of establishing and maintaining the student's  
946 eligibility to participate at the school.

947 (2)(a) Each approved athletic association ~~the Florida High~~  
948 ~~School Athletic Association (FHSAA)~~ continues to retain  
949 jurisdiction over the following provisions in s. 1006.20, which  
950 may not be implemented in a manner contrary to this section:  
951 membership in the association ~~FHSAA~~; recruiting prohibitions and  
952 violations; student medical evaluations; investigations;  
953 sanctions for coaches; school eligibility and forfeiture of  
954 contests; student concussions or head injuries; ~~the sports~~  
955 ~~medical advisory committee~~; and the general operational  
956 provisions of the association ~~FHSAA~~.

957 (b) Each approved athletic association under s. 1006.20 ~~the~~

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958 ~~FHSAA~~ must adopt, and prominently publish, the text of this  
 959 section on its website and in its bylaws, rules, procedures,  
 960 training and education materials, and all other governing  
 961 authority documents ~~by August 1, 2016.~~

962 Section 10. Paragraph (g) of subsection (2) of section  
 963 1012.468, Florida Statutes, is amended to read:

964 1012.468 Exceptions to certain fingerprinting and criminal  
 965 history checks.—

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

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

972 Section 11. Paragraph (o) of subsection (1) of section  
 973 1012.795, Florida Statutes, is amended to read:

974 1012.795 Education Practices Commission; authority to  
 975 discipline.—

976 (1) The Education Practices Commission may suspend the  
 977 educator certificate of any instructional personnel or school  
 978 administrator, as defined in s. 1012.01(2) or (3), for up to 5  
 979 years, thereby denying that person the right to teach or  
 980 otherwise be employed by a district school board or public  
 981 school in any capacity requiring direct contact with students  
 982 for that period of time, after which the person may return to  
 983 teaching as provided in subsection (4); may revoke the educator  
 984 certificate of any person, thereby denying that person the right  
 985 to teach or otherwise be employed by a district school board or  
 986 public school in any capacity requiring direct contact with

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987 students for up to 10 years, with reinstatement subject to  
988 subsection (4); may permanently revoke the educator certificate  
989 of any person thereby denying that person the right to teach or  
990 otherwise be employed by a district school board or public  
991 school in any capacity requiring direct contact with students;  
992 may suspend a person's educator certificate, upon an order of  
993 the court or notice by the Department of Revenue relating to the  
994 payment of child support; may direct the department to place a  
995 certificateholder employed by a public school, charter school,  
996 charter school governing board, or private school that  
997 participates in a state scholarship program under chapter 1002  
998 on the disqualification list maintained by the department  
999 pursuant to s. 1001.10(4)(b) for misconduct that would render  
1000 the person ineligible pursuant to s. 1012.315 or sexual  
1001 misconduct with a student; or may impose any other penalty  
1002 provided by law, if the person:

1003 (o) Has committed a third recruiting offense as determined  
1004 by an approved athletic association ~~the Florida High School~~  
1005 ~~Athletic Association (FHSAA)~~ pursuant to s. 1006.20(3)(b) ~~s.~~  
1006 ~~1006.20(2)(b)~~.

1007 Section 12. Subsections (3) and (7) of section 1012.796,  
1008 Florida Statutes, are amended to read:

1009 1012.796 Complaints against teachers and administrators;  
1010 procedure; penalties.—

1011 (3) The department staff shall advise the commissioner  
1012 concerning the findings of the investigation and of all  
1013 referrals by an approved athletic association ~~the Florida High~~  
1014 ~~School Athletic Association (FHSAA)~~ pursuant to ss.  
1015 1006.20(3)(b) ~~ss. 1006.20(2)(b)~~ and 1012.795. The department

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1016 general counsel or members of that staff shall review the  
1017 investigation or the referral and advise the commissioner  
1018 concerning probable cause or lack thereof. The determination of  
1019 probable cause shall be made by the commissioner. The  
1020 commissioner shall provide an opportunity for a conference, if  
1021 requested, before ~~prior to~~ determining probable cause. The  
1022 commissioner may enter into deferred prosecution agreements in  
1023 lieu of finding probable cause if, in his or her judgment, such  
1024 agreements are in the best interests of the department, the  
1025 certificateholder, and the public. Such deferred prosecution  
1026 agreements shall become effective when filed with the clerk of  
1027 the Education Practices Commission. However, a deferred  
1028 prosecution agreement may not be entered into if there is  
1029 probable cause to believe that a felony or an act of moral  
1030 turpitude, as defined by rule of the State Board of Education,  
1031 has occurred, or for referrals by any approved athletic  
1032 association ~~the FHSAA~~. Upon finding no probable cause, the  
1033 commissioner shall dismiss the complaint and may issue a letter  
1034 of guidance to the certificateholder.

1035 (7) A panel of the commission shall enter a final order  
1036 either dismissing the complaint or imposing one or more of the  
1037 following penalties:

1038 (a) Denial of an application for a certificate or for an  
1039 administrative or supervisory endorsement on a teaching  
1040 certificate. The denial may provide that the applicant may not  
1041 reapply for certification, and that the department may refuse to  
1042 consider that applicant's application, for a specified period of  
1043 time or permanently.

1044 (b) Revocation or suspension of a certificate.

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1045 (c) Imposition of an administrative fine not to exceed  
1046 \$2,000 for each count or separate offense.

1047 (d) Placement of the teacher, administrator, or supervisor  
1048 on probation for a period of time and subject to such conditions  
1049 as the commission may specify, including requiring the certified  
1050 teacher, administrator, or supervisor to complete additional  
1051 appropriate college courses or work with another certified  
1052 educator, with the administrative costs of monitoring the  
1053 probation assessed to the educator placed on probation. An  
1054 educator who has been placed on probation shall, at a minimum:

1055 1. Immediately notify the investigative office in the  
1056 Department of Education upon employment or separation from  
1057 employment in any public or private position requiring a Florida  
1058 educator's certificate.

1059 2. Have his or her immediate supervisor submit annual  
1060 performance reports to the investigative office in the  
1061 Department of Education.

1062 3. Pay to the commission within the first 6 months of each  
1063 probation year the administrative costs of monitoring probation  
1064 assessed to the educator.

1065 4. Violate no law and fully comply with all district school  
1066 board policies, school rules, and State Board of Education  
1067 rules.

1068 5. Satisfactorily perform his or her assigned duties in a  
1069 competent, professional manner.

1070 6. Bear all costs of complying with the terms of a final  
1071 order entered by the commission.

1072 (e) Restriction of the authorized scope of practice of the  
1073 teacher, administrator, or supervisor.

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1074 (f) Reprimand of the teacher, administrator, or supervisor  
1075 in writing, with a copy to be placed in the certification file  
1076 of such person.

1077 (g) Imposition of an administrative sanction, upon a person  
1078 whose teaching certificate has expired, for an act or acts  
1079 committed while that person possessed a teaching certificate or  
1080 an expired certificate subject to late renewal, which sanction  
1081 bars that person from applying for a new certificate for a  
1082 period of 10 years or less, or permanently.

1083 (h) Refer the teacher, administrator, or supervisor to the  
1084 recovery network program provided in s. 1012.798 under such  
1085 terms and conditions as the commission may specify.

1086 (i) Direct the department to place instructional personnel  
1087 or school administrators on the disqualification list maintained  
1088 by the department pursuant to s. 1001.10(4)(b) for conduct that  
1089 would render the person ineligible pursuant to s. 1012.315 or  
1090 sexual misconduct with a student.

1091  
1092 The penalties imposed under this subsection are in addition to,  
1093 and not in lieu of, the penalties required for a third  
1094 recruiting offense pursuant to s. 1006.20(3)(b) ~~s.~~  
1095 ~~1006.20(2)(b)~~.

1096 Section 13. This act shall take effect July 1, 2023.