

By Senator Rich

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1 A bill to be entitled

2 An act relating to public schools; creating s. 1006.205,  
3 F.S.; designating the Florida School Music Association as  
4 the governing nonprofit organization of music and music-  
5 related activities in the public schools; providing  
6 requirements for the organization; authorizing a private  
7 school or home education association to be a member of the  
8 organization; providing for bylaws; providing for a board  
9 of directors and composition of the board; providing  
10 authority and duties of the board; amending s. 1012.55,  
11 F.S.; revising certification requirements for athletic  
12 coaches; providing an effective date.

13  
14 Be It Enacted by the Legislature of the State of Florida:

15  
16 Section 1. Section 1006.205, Florida Statutes, is created  
17 to read:

18 1006.205 Music-related activities in public K-12 schools.--  
19 (1) The Florida School Music Association is designated as  
20 the governing nonprofit organization of music and music-related  
21 activities in Florida public schools. If the Florida School Music  
22 Association fails to meet the provisions of this section, the  
23 Commissioner of Education, with the approval of the State Board  
24 of Education, shall designate a nonprofit organization to govern  
25 music and music-related activities. The organization is not a  
26 state agency as defined in s. 120.52. The organization shall be  
27 subject to the provisions of s. 1006.19. A private school or home  
28 education association that wishes to engage in high school music

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29 or music-related activities with a public school may become a  
30 member of the organization.

31 (2) The bylaws of the organization shall be the rules that  
32 govern high school and middle school music, music activities and  
33 events, and associated programs in the organization's member  
34 schools, and the students who participate in them, unless  
35 otherwise specifically provided by law. For the purposes of this  
36 section, high school and middle school include grades 6 through  
37 12.

38 (3) (a) The executive authority of the organization shall be  
39 vested in its board of directors. Any entity that appoints  
40 members to the board of directors shall examine the ethnic and  
41 demographic composition of the board when selecting candidates  
42 for appointment and shall, to the greatest extent possible, make  
43 appointments that reflect state demographic and population  
44 trends. The board of directors shall be composed of 19 persons as  
45 follows:

46 1. Six public school principals appointed by the Florida  
47 Association of School Administrators, three each from the  
48 northern and the southern administrative regions, who equally  
49 represent high schools and middle schools.

50 2. One private school representative appointed by the  
51 Department of Education.

52 3. One home education representative elected from member  
53 home education associations.

54 4. Two school board members appointed by the Florida School  
55 Boards Association.

56 5. Two district school superintendents appointed by the  
57 Florida Association of District School Superintendents.

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58       6. Six representatives of the interests of bands,  
59 orchestras, choruses, or other music-related school organizations  
60 appointed or elected by the Florida Music Educators' Association.

61       7. The Commissioner of Education or his or her designee.

62       (b) A quorum shall be 10 members.

63       (c) The board of directors shall elect officers from among  
64 its members. The officers shall consist of the president,  
65 president elect, and immediate past president.

66       (d) Members of the board of directors shall be appointed to  
67 terms of 3 years and are eligible to succeed themselves only  
68 once.

69       (4) The authority and duties of the board of directors,  
70 acting as a body and in accordance with the organization's  
71 bylaws, are as follows:

72       (a) To fulfill its obligations as required by the  
73 organization's articles of incorporation.

74       (b) To establish guidelines, regulations, policies, and  
75 procedures as are authorized by the bylaws.

76       (c) To appoint an organization director who shall have the  
77 authority to waive the bylaws of the organization in order to  
78 comply with changes in law.

79       (d) To levy annual dues and other fees and to set the  
80 percentage of event receipts to be collected by the organization.

81       (e) To approve the budget of the organization.

82       (f) To organize and conduct statewide interscholastic music  
83 events, which may or may not lead to state-level events, and to  
84 establish the terms and conditions for those events or the  
85 organizations that are recognized to conduct such events.

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86        (g) To act as the administrative board in the  
87 interpretation of, and final decision on, all questions and  
88 appeals arising from directing interscholastic music and music-  
89 related activities of member schools.

90        Section 2. Subsection (2) of section 1012.55, Florida  
91 Statutes, is amended to read:

92        1012.55 Positions for which certificates required.--

93        (2) Each person who is employed and renders service as an  
94 athletic coach in any public school in any district of this state  
95 shall hold a valid ~~temporary or professional certificate or an~~  
96 athletic coaching certificate. The athletic coaching certificate  
97 may be used for either part-time or full-time positions. The  
98 provisions of this subsection do not apply to any athletic coach  
99 who voluntarily renders service and who is not employed by any  
100 public school district of this state.

101        Section 3. This act shall take effect July 1, 2008.