

By the Committee on Education Pre-K - 12; and Senators Gaetz and Stargel

581-02157-16

2016684c1

1 A bill to be entitled

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

581-02157-16

2016684c1

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

56
57 Be It Enacted by the Legislature of the State of Florida:
58

59 Section 1. Paragraphs (a) and (b) of subsection (6),
60 paragraph (a) of subsection (17), and paragraph (a) of

581-02157-16

2016684c1

61 subsection (22) of section 1002.20, Florida Statutes, are
62 amended to read:

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

69 (6) EDUCATIONAL CHOICE.—

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

88 (b) *Private educational ~~school~~ choices.*—Parents of public
89 school students may seek private educational ~~school~~ choice

581-02157-16

2016684c1

90 options under certain programs.

91 1. Under the McKay Scholarships for Students with
92 Disabilities Program, the parent of a public school student with
93 a disability may request and receive a McKay Scholarship for the
94 student to attend a private school in accordance with s.
95 1002.39.

96 2. Under the Florida Tax Credit Scholarship Program, the
97 parent of a student who qualifies for free or reduced-price
98 school lunch or who is currently placed, or during the previous
99 state fiscal year was placed, in foster care as defined in s.
100 39.01 may seek a scholarship from an eligible nonprofit
101 scholarship-funding organization in accordance with s. 1002.395.

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

106 (17) ATHLETICS; PUBLIC HIGH SCHOOL.—

107 (a) *Eligibility.*—Eligibility requirements for all students
108 participating in high school athletic competition must allow a
109 student to be immediately eligible in the school in which he or
110 she first enrolls each school year, the school in which the
111 student makes himself or herself a candidate for an athletic
112 team by engaging in practice before enrolling, or the school to
113 which the student has transferred ~~with approval of the district~~
114 ~~school board~~, in accordance with ~~the provisions of~~ s.
115 1006.20(2)(a).

116 (22) TRANSPORTATION.—

117 (a) *Transportation to school.*—Public school students shall
118 be provided transportation to school, in accordance with ~~the~~

581-02157-16

2016684c1

119 ~~provisions of s. 1006.21(3)(a).~~ Public school students may be
120 provided transportation to school in accordance with the
121 controlled open enrollment provisions of s. 1002.31(2).

122 Section 2. Section 1002.31, Florida Statutes, is amended to
123 read:

124 1002.31 Controlled open enrollment; public school parental
125 choice.—

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

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

145 (b) Each charter school governing board shall allow a
146 parent whose child is not subject to a current expulsion order
147 to enroll his or her child in and transport his or her child to

581-02157-16

2016684c1

148 the charter school if the school has not reached capacity,
149 subject to the maximum class size pursuant to s. 1003.03 and s.
150 1, Art. IX of the State Constitution, and the enrollment
151 limitations pursuant to s. 1002.33(10)(e)1., 2., 5., 6., and 7.
152 A charter school may provide transportation to students
153 described under this subsection at the discretion of the charter
154 school's governing board.

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

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

167 (a) Adhere to federal desegregation requirements.

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

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

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

176 (e) Maintain socioeconomic, demographic, and racial

581-02157-16

2016684c1

177 balance.

178 (f) Address the availability of transportation.

179 (g) Maintain existing academic eligibility criteria for
180 public school choice programs pursuant to s. 1002.20(6)(a).

181 (h) Identify schools that have not reached capacity, as
182 determined by the school district. In determining the capacity
183 of each school, the district school board shall incorporate the
184 specifications, plans, elements, and commitments contained in
185 the school district educational facilities plan and the long-
186 term work programs required under s. 1013.35.

187 (i) Ensure that each district school board adopts a policy
188 to provide preferential treatment to all of the following:

189 1. Dependent children of active duty military personnel
190 whose move resulted from military orders.

191 2. Children who have been relocated due to a foster care
192 placement in a different school zone.

193 3. Children who move due to a change in custody due to
194 separation, divorce, the serious illness of a custodial parent,
195 the death of a parent, or a court order.

196 4. Students residing in the school district.

197 (4) In accordance with the reporting requirements of s.
198 1011.62, each district school board shall annually report the
199 number of students exercising public school choice, by type
200 ~~attending the various types of public schools of choice in the~~
201 ~~district, in accordance with including schools such as virtual~~
202 ~~instruction programs, magnet schools, and public charter~~
203 ~~schools, according to~~ rules adopted by the State Board of
204 Education.

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

581-02157-16

2016684c1

206 choice under this section, the calculation for compliance with
207 maximum class size pursuant to s. 1003.03 is the average number
208 of students at the school level.

209 (6) A school district may not delay eligibility or
210 otherwise prevent a student participating in controlled open
211 enrollment or a choice program from being immediately eligible
212 to participate in interscholastic and intrascholastic
213 extracurricular activities.

214 Section 3. Subsection (3) and paragraph (a) of subsection
215 (8) of section 1006.15, Florida Statutes, are amended, and
216 subsection (9) is added to that section, to read:

217 1006.15 Student standards for participation in
218 interscholastic and intrascholastic extracurricular student
219 activities; regulation.-

220 (3) (a) As used in this section and s. 1006.20, the term
221 "eligible to participate" includes, but is not limited to, a
222 student participating in tryouts, off-season conditioning,
223 summer workouts, preseason conditioning, in-season practice, or
224 contests. The term does not mean that a student must be placed
225 on any specific team for interscholastic or intrascholastic
226 extracurricular activities. To be eligible to participate in
227 interscholastic extracurricular student activities, a student
228 must:

229 1. Maintain a grade point average of 2.0 or above on a 4.0
230 scale, or its equivalent, in the previous semester or a
231 cumulative grade point average of 2.0 or above on a 4.0 scale,
232 or its equivalent, in the courses required by s. 1002.3105(5) or
233 s. 1003.4282.

234 2. Execute and fulfill the requirements of an academic

581-02157-16

2016684c1

235 performance contract between the student, the district school
236 board, the appropriate governing association, and the student's
237 parents, if the student's cumulative grade point average falls
238 below 2.0, or its equivalent, on a 4.0 scale in the courses
239 required by s. 1002.3105(5) or s. 1003.4282. At a minimum, the
240 contract must require that the student attend summer school, or
241 its graded equivalent, between grades 9 and 10 or grades 10 and
242 11, as necessary.

243 3. Have a cumulative grade point average of 2.0 or above on
244 a 4.0 scale, or its equivalent, in the courses required by s.
245 1002.3105(5) or s. 1003.4282 during his or her junior or senior
246 year.

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

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

261 (c) An individual home education student is eligible to
262 participate at the public school to which the student would be
263 assigned according to district school board attendance area

581-02157-16

2016684c1

264 policies or which the student could ~~choose to attend pursuant to~~
265 ~~district or interdistrict controlled open enrollment provisions,~~
266 or may develop an agreement to participate at a private school,
267 in the interscholastic extracurricular activities of that
268 school, provided the following conditions are met:

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

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

281 3. The home education student must meet the same residency
282 requirements as other students in the school at which he or she
283 participates.

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

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

581-02157-16

2016684c1

293 for an extracurricular activity.

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

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

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

315 1. The charter school student must meet the requirements of
316 the charter school education program as determined by the
317 charter school governing board.

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

321 3. The charter school student must meet the same residency

581-02157-16

2016684c1

322 requirements as other students in the school at which he or she
323 participates.

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

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

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

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

348 (e) A student of the Florida Virtual School full-time
349 program may participate in any interscholastic extracurricular
350 activity at the public school to which the student would be

581-02157-16

2016684c1

351 assigned according to district school board attendance area
352 policies or which the student could ~~choose to attend, pursuant~~
353 ~~to district or interdistrict controlled open enrollment~~
354 ~~policies,~~ if the student:

355 1. During the period of participation in the
356 interscholastic extracurricular activity, meets the requirements
357 in paragraph (a).

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

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

362 4. Meets the same standards of acceptance, behavior, and
363 performance that are required of other students in
364 extracurricular activities.

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

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

378 (g) A public school or private school student who has been
379 unable to maintain academic eligibility for participation in

581-02157-16

2016684c1

380 interscholastic extracurricular activities is ineligible to
381 participate in such activities as a Florida Virtual School
382 student until the student successfully completes one grading
383 period in the Florida Virtual School pursuant to paragraph (a).

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

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

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

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

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

408 b. Requirements for a private school student to

581-02157-16

2016684c1

409 participate, including, but not limited to, meeting the same
410 standards of eligibility, acceptance, behavior, educational
411 progress, and performance which apply to other students
412 participating in interscholastic or intrascholastic sports at a
413 public school or FHSAA member private school.

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

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

426 1006.20 Athletics in public K-12 schools.—

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

581-02157-16

2016684c1

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

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

464 (a) The FHSAA shall adopt bylaws that, unless specifically
465 provided by statute, establish eligibility requirements for all
466 students who participate in high school athletic competition in

581-02157-16

2016684c1

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

486 (b) The FHSAA shall adopt bylaws that specifically prohibit
487 the recruiting of students for athletic purposes. The bylaws
488 shall prescribe penalties and an appeals process for athletic
489 recruiting violations.

490 1. If it is determined that a school has recruited a
491 student in violation of FHSAA bylaws, the FHSAA may require the
492 school to participate in a higher classification for the sport
493 in which the recruited student competes for a minimum of one
494 classification cycle, in addition to the penalties in
495 subparagraphs 2. and 3., and any other appropriate fine or ~~and~~

581-02157-16

2016684c1

496 sanction imposed on the school, its coaches, or adult
497 representatives who violate recruiting rules.

498 2. Any recruitment by a school district employee or
499 contractor in violation of FHSAA bylaws results in escalating
500 punishments as follows:

501 a. For a first offense, a \$5,000 forfeiture of pay for the
502 school district employee or contractor who committed the
503 violation.

504 b. For a second offense, suspension without pay for 12
505 months from coaching, directing, or advertising an
506 extracurricular activity and a \$5,000 forfeiture of pay for the
507 school district employee or contractor who committed the
508 violation.

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

581-02157-16

2016684c1

525 3. Notwithstanding any other provision of law, a school
526 shall forfeit every competition in which a student participated
527 who was recruited by an adult who is not a school district
528 employee or contractor in violation of FHSAA bylaws.

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

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

581-02157-16

2016684c1

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

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

579 1. Ineligibility must be established by a preponderance of
580 the clear and convincing evidence;

581 2. Student athletes, parents, and schools must have notice
582 of the initiation of any investigation or other inquiry into

581-02157-16

2016684c1

583 eligibility and may present, to the investigator and to the
584 individual making the eligibility determination, any information
585 or evidence that is credible, persuasive, and of a kind
586 reasonably prudent persons rely upon in the conduct of serious
587 affairs;

588 3. An investigator may not determine matters of eligibility
589 but must submit information and evidence to the executive
590 director or a person designated by the executive director or by
591 the board of directors for an unbiased and objective
592 determination of eligibility; and

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

596 Section 5. Paragraph (o) is added to subsection (1) of
597 section 1012.795, Florida Statutes, and subsection (5) of that
598 section is amended, to read:

599 1012.795 Education Practices Commission; authority to
600 discipline.—

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

581-02157-16

2016684c1

612 the provisions of subsection (4); may revoke permanently the
613 educator certificate of any person thereby denying that person
614 the right to teach or otherwise be employed by a district school
615 board or public school in any capacity requiring direct contact
616 with students; may suspend the educator certificate, upon an
617 order of the court or notice by the Department of Revenue
618 relating to the payment of child support; or may impose any
619 other penalty provided by law, if the person:

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

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

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

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

634 (c) Who has been dismissed or severed from employment
635 because of conduct involving any immoral, unnatural, or
636 lascivious act.

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

639 1012.796 Complaints against teachers and administrators;
640 procedure; penalties.-

581-02157-16

2016684c1

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

662 (7) A panel of the commission shall enter a final order
663 either dismissing the complaint or imposing one or more of the
664 following penalties:

665 (a) Denial of an application for a teaching certificate or
666 for an administrative or supervisory endorsement on a teaching
667 certificate. The denial may provide that the applicant may not
668 reapply for certification, and that the department may refuse to
669 consider that applicant's application, for a specified period of

581-02157-16

2016684c1

670 time or permanently.

671 (b) Revocation or suspension of a certificate.

672 (c) Imposition of an administrative fine not to exceed
673 \$2,000 for each count or separate offense.

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

682 1. Immediately notify the investigative office in the
683 Department of Education upon employment or termination of
684 employment in the state in any public or private position
685 requiring a Florida educator's certificate.

686 2. Have his or her immediate supervisor submit annual
687 performance reports to the investigative office in the
688 Department of Education.

689 3. Pay to the commission within the first 6 months of each
690 probation year the administrative costs of monitoring probation
691 assessed to the educator.

692 4. Violate no law and shall fully comply with all district
693 school board policies, school rules, and State Board of
694 Education rules.

695 5. Satisfactorily perform his or her assigned duties in a
696 competent, professional manner.

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

581-02157-16

2016684c1

699 (e) Restriction of the authorized scope of practice of the
700 teacher, administrator, or supervisor.

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

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

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

713

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

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