

**By** the Committees on Appropriations; and Education Pre-K - 12;  
and Senators Gaetz and Stargel

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

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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

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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

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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~~

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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 or suspension  
135 order to enroll his or her child in and transport his or her  
136 child to any public school that has not reached capacity in the  
137 district, subject to the maximum class size pursuant to s.  
138 1003.03 and s. 1, Art. IX of the State Constitution. The school  
139 district shall accept the student, pursuant to that school  
140 district's controlled open enrollment participation process, and  
141 report the student for purposes of the school district's funding  
142 pursuant to the Florida Education Finance Program. A school  
143 district may provide transportation to students described under  
144 this 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 or  
147 suspension order to enroll his or her child in and transport his

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

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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

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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



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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

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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

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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

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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

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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

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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

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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

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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



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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~~

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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.

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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

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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

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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

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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.-

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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

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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.



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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.