

1 A bill to be entitled
2 An act relating to athletic associations; amending s.
3 1006.20, F.S.; authorizing specified parties to
4 approve athletic associations that meet certain
5 requirements; providing a definition; providing that
6 private schools and traditional public schools are
7 considered high schools; providing that approved
8 athletic associations are subject to certain
9 requirements; requiring approved athletic associations
10 to adopt certain bylaws; requiring approved athletic
11 associations to establish certain appeals process;
12 amending ss. 768.135, 1002.20, 1002.42, 1006.15,
13 1006.165, 1006.18, 1006.195, 1012.468, 1012.795, and
14 1012.796, F.S.; conforming cross-references and
15 provisions to changes made by the act; providing an
16 effective date.

17
18 Be It Enacted by the Legislature of the State of Florida:

19
20 Section 1. Subsections (2) through (8) of section 1006.20,
21 Florida Statutes, are renumbered as subsections (3) through (9),
22 respectively, and present subsections (1), (2), and (7) of that
23 section are amended to read:

24 1006.20 Athletics in public K-12 schools.—

25 (1) GOVERNING NONPROFIT ASSOCIATION ~~ORGANIZATION~~.—The

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26 Florida High School Athletic Association (FHSAA) is designated
27 as the governing nonprofit athletic association ~~organization of~~
28 ~~athletics~~ in Florida public schools. ~~If the FHSAA fails to meet~~
29 ~~the provisions of this section,~~ The commissioner, with the
30 approval of the State Board of Education, may approve other
31 ~~shall designate a nonprofit~~ athletic associations. As used in
32 this section, the term "approved athletic association" means the
33 FHSAA or a nonprofit athletic association approved by the
34 commissioner and ~~organization to govern athletics with the~~
35 ~~approval of~~ the State Board of Education. An approved athletic
36 association ~~The FHSAA~~ is not a state agency as defined in s.
37 120.52 but is. ~~The FHSAA shall be subject to~~ ss. 1006.15-1006.19
38 ~~the provisions of s. 1006.19.~~

39 (2) MEMBERSHIP. ~~A private school that wishes to engage in~~
40 ~~high school athletic competition with a public high school may~~
41 ~~become a member of the FHSAA.~~ Any high school in the state,
42 including private schools, traditional public schools, charter
43 schools, virtual schools, and home education cooperatives, may
44 become a member of an approved athletic association ~~the FHSAA~~
45 ~~and participate in the activities of the FHSAA.~~ However,
46 membership in an association ~~the FHSAA~~ is not mandatory for any
47 school. An approved athletic association ~~The FHSAA~~ must allow
48 any a private school or cooperative the option of maintaining
49 full membership in the association or joining by sport and may
50 not discourage any a private school or cooperative from

51 simultaneously maintaining membership in another approved
52 athletic association. An approved athletic association ~~The FHSAA~~
53 ~~may allow a public school the option to apply for consideration~~
54 ~~to join another athletic association.~~ ~~the FHSAA~~ may not deny or
55 discourage interscholastic competition between its member
56 schools and nonmember ~~non-FHSAA member~~ Florida schools,
57 including members of another approved athletic association
58 ~~governing organization~~, and may not take any retributory or
59 discriminatory action against any of its member schools that
60 participate in interscholastic competition with nonmember ~~non-~~
61 ~~FHSAA member~~ Florida schools. The FHSAA may not unreasonably
62 withhold its approval of an application to become an affiliate
63 member of the National Federation of State High School
64 Associations submitted by any other approved athletic
65 association ~~organization~~ that governs interscholastic athletic
66 competition in this state. The bylaws of each approved athletic
67 association ~~the FHSAA~~ are the rules by which high school
68 athletic programs in its member schools, and the students who
69 participate in them, are governed, unless otherwise specifically
70 provided by statute. For the purposes of this section, the term
71 "high school" includes grades 6 through 12.

72 (3) ~~(2)~~ ADOPTION OF BYLAWS, POLICIES, OR GUIDELINES.—

73 (a) An approved athletic association ~~the FHSAA~~ shall adopt
74 bylaws that, unless specifically provided by statute, establish
75 eligibility requirements for all students who participate in

76 high school athletic competition in its member schools. The
77 bylaws governing residence and transfer shall allow the student
78 to be immediately eligible in the school in which he or she
79 first enrolls each school year or the school in which the
80 student makes himself or herself a candidate for an athletic
81 team by engaging in a practice before ~~prior to~~ enrolling in the
82 school. The bylaws shall also allow the student to be
83 immediately eligible in the school to which the student has
84 transferred. The student shall be eligible in that school so
85 long as he or she remains enrolled in that school. Subsequent
86 eligibility shall be determined and enforced through the
87 association's ~~FHSAA's~~ bylaws. Requirements governing eligibility
88 and transfer between member schools shall be applied similarly
89 to public school students and private school students.

90 (b) An approved athletic association ~~the FHSAA~~ shall adopt
91 bylaws that specifically prohibit the recruiting of students for
92 athletic purposes. The bylaws shall prescribe penalties and an
93 appeals process for athletic recruiting violations.

94 1. If it is determined that a school has recruited a
95 student in violation of association ~~FHSAA~~ bylaws, the
96 association ~~FHSAA~~ may require the school to participate in a
97 higher classification for the sport in which the recruited
98 student competes for a minimum of one classification cycle, in
99 addition to the penalties in subparagraphs 2. and 3. and any
100 other appropriate fine or sanction imposed on the school, its

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101 coaches, or adult representatives who violate recruiting rules.

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

105 a. For a first offense, a \$5,000 forfeiture of pay for the
106 school district employee or contractor who committed the
107 violation.

108 b. For a second offense, suspension without pay for 12
109 months from coaching, directing, or advertising an
110 extracurricular activity and a \$5,000 forfeiture of pay for the
111 school district employee or contractor who committed the
112 violation.

113 c. For a third offense, a \$5,000 forfeiture of pay for the
114 school district employee or contractor who committed the
115 violation. If the individual who committed the violation holds
116 an educator certificate, the association ~~FHSAA~~ shall also refer
117 the violation to the department for review pursuant to s.
118 1012.796 to determine whether probable cause exists, and, if
119 there is a finding of probable cause, the commissioner shall
120 file a formal complaint against the individual. If the complaint
121 is upheld, the individual's educator certificate shall be
122 revoked for 3 years, in addition to any penalties available
123 under s. 1012.796. Additionally, the department shall revoke any
124 adjunct teaching certificates issued pursuant to s. 1012.57 and
125 all permissions under ss. 1012.39 and 1012.43, and the educator

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126 is ineligible for such certificates or permissions for a period
127 of time equal to the period of revocation of his or her state-
128 issued certificate.

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

134 4. A student may not be declared ineligible based on
135 violation of recruiting rules unless the student or parent has
136 falsified any enrollment or eligibility document or accepted any
137 benefit if such benefit is not generally available to the
138 school's students or family members or is based in any way on
139 athletic interest, potential, or performance.

140 5. A student's eligibility to participate in any
141 interscholastic or intrascholastic extracurricular activity, as
142 determined by a district school board pursuant to s.
143 1006.195(1)(a)3., may not be affected by any alleged recruiting
144 violation until final disposition of the allegation.

145 (c) An approved athletic association ~~the FHSAA~~ shall adopt
146 bylaws that require all students participating in
147 interscholastic athletic competition or who are candidates for
148 an interscholastic athletic team to satisfactorily pass a
149 medical evaluation each year before participating in
150 interscholastic athletic competition or engaging in any

151 practice, tryout, workout, conditioning, or other physical
152 activity associated with the student's candidacy for an
153 interscholastic athletic team, including activities that occur
154 outside of the school year. Such medical evaluation may be
155 administered only by a practitioner licensed under chapter 458,
156 chapter 459, chapter 460, or s. 464.012 or registered under s.
157 464.0123 and in good standing with the practitioner's regulatory
158 board. The bylaws shall establish requirements for eliciting a
159 student's medical history and performing the medical evaluation
160 required under this paragraph, which shall include a physical
161 assessment of the student's physical capabilities to participate
162 in interscholastic athletic competition as contained in a
163 uniform preparticipation physical evaluation and history form.
164 The evaluation form shall incorporate the recommendations of the
165 American Heart Association for participation cardiovascular
166 screening and shall provide a place for the signature of the
167 practitioner performing the evaluation with an attestation that
168 each examination procedure listed on the form was performed by
169 the practitioner or by someone under the direct supervision of
170 the practitioner. The form shall also contain a place for the
171 practitioner to indicate if a referral to another practitioner
172 was made in lieu of completion of a certain examination
173 procedure. The form shall provide a place for the practitioner
174 to whom the student was referred to complete the remaining
175 sections and attest to that portion of the examination. The

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176 | preparticipation physical evaluation form shall advise students
177 | to complete a cardiovascular assessment and shall include
178 | information concerning alternative cardiovascular evaluation and
179 | diagnostic tests. Results of such medical evaluation must be
180 | provided to the school. A student is not eligible to
181 | participate, as provided in s. 1006.15(3), in any
182 | interscholastic athletic competition or engage in any practice,
183 | tryout, workout, or other physical activity associated with the
184 | student's candidacy for an interscholastic athletic team until
185 | the results of the medical evaluation have been received and
186 | approved by the school.

187 | (d) Notwithstanding ~~the provisions of~~ paragraph (c), a
188 | student may participate in interscholastic athletic competition
189 | or be a candidate for an interscholastic athletic team if the
190 | parent of the student objects in writing to the student
191 | undergoing a medical evaluation because such evaluation is
192 | contrary to his or her religious tenets or practices. However,
193 | in such case, there shall be no liability on the part of any
194 | person or entity in a position to otherwise rely on the results
195 | of such medical evaluation for any damages resulting from the
196 | student's injury or death arising directly from the student's
197 | participation in interscholastic athletics where an undisclosed
198 | medical condition that would have been revealed in the medical
199 | evaluation is a proximate cause of the injury or death.

200 | (e) An approved athletic association ~~the FHSAA~~ shall adopt

201 | bylaws that regulate persons who conduct investigations on
 202 | behalf of the association ~~FHSAA~~. The bylaws shall include
 203 | provisions that require an investigator to:

204 | 1. Undergo level 2 background screening under s. 435.04,
 205 | establishing that the investigator has not committed any
 206 | disqualifying offense listed in s. 435.04, unless the
 207 | investigator can provide proof of compliance with level 2
 208 | screening standards submitted within the previous 5 years to
 209 | meet any professional licensure requirements, provided:

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

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

217 | 2. Be appointed as an investigator by the executive
 218 | director.

219 | 3. Carry a photo identification card that shows the
 220 | association's ~~FHSAA~~ name and~~7~~ logo~~7~~ and the investigator's
 221 | official title.

222 | 4. Adhere to the following guidelines:

223 | a. Investigate only those alleged violations assigned by
 224 | the executive director or the board of directors.

225 | b. Conduct interviews on Monday through Friday between the

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226 | hours of 9 a.m. and 7 p.m. only, unless previously agreed to by
227 | the interviewee.

228 | c. Allow the parent of any student being interviewed to be
229 | present during the interview.

230 | d. Search residences or other private areas only with the
231 | permission of the executive director and the written consent of
232 | the student's parent and only with a parent or a representative
233 | of the parent present.

234 | (f) An approved athletic association ~~the FHSAA~~ shall adopt
235 | bylaws that establish sanctions for coaches who have committed
236 | major violations of the association's ~~FHSAA's~~ bylaws and
237 | policies.

238 | 1. Major violations include, but are not limited to,
239 | knowingly allowing an ineligible student to participate in a
240 | contest representing a member school in an interscholastic
241 | contest or committing a violation of the association's ~~FHSAA's~~
242 | recruiting or sportsmanship policies.

243 | 2. Sanctions placed upon an individual coach may include,
244 | but are not limited to, prohibiting or suspending the coach from
245 | coaching, participating in, or attending any athletic activity
246 | sponsored, recognized, or sanctioned by the association ~~FHSAA~~
247 | and the member school for which the coach committed the
248 | violation. If a coach is sanctioned by the association ~~FHSAA~~ and
249 | the coach transfers to another member school, those sanctions
250 | remain in full force and effect during the term of the sanction.

251 3. If a member school is assessed a financial penalty as a
 252 result of a coach committing a major violation, the coach shall
 253 reimburse the member school before being allowed to coach,
 254 participate in, or attend any athletic activity sponsored,
 255 recognized, or sanctioned by the association ~~FHSAA~~ and a member
 256 school.

257 4. The association ~~FHSAA~~ shall establish a due process
 258 procedure for coaches sanctioned under this paragraph,
 259 consistent with the appeals procedures set forth in subsection
 260 (8) ~~(7)~~.

261 (g) An approved athletic association ~~the FHSAA~~ shall adopt
 262 bylaws establishing the process and standards by which the
 263 association's ~~FHSAA~~ determinations of eligibility are made. Such
 264 bylaws shall provide that:

265 1. Ineligibility must be established by a preponderance of
 266 the evidence;

267 2. Student athletes, parents, and schools must have notice
 268 of the initiation of any investigation or other inquiry into
 269 eligibility and may present, to the investigator and to the
 270 individual making the eligibility determination, any information
 271 or evidence that is credible, persuasive, and of a kind
 272 reasonably prudent persons rely upon in the conduct of serious
 273 affairs;

274 3. An investigator may not determine matters of
 275 eligibility but must submit information and evidence to the

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276 executive director or a person designated by the executive
277 director or by the board of directors for an unbiased and
278 objective determination of eligibility; and

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

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

287 (i) An approved athletic association's ~~the FHSAA~~ bylaws
288 may not limit the competition of student athletes prospectively
289 for rule violations of their school or its coaches or their
290 adult representatives. The association ~~FHSAA~~ bylaws may not
291 unfairly punish student athletes for eligibility or recruiting
292 violations perpetrated by a teammate, coach, or administrator.
293 Contests may not be forfeited for inadvertent eligibility
294 violations unless the coach or a school administrator should
295 have known of the violation. Contests may not be forfeited for
296 other eligibility violations or recruiting violations in excess
297 of the number of contests that the coaches and adult
298 representatives responsible for the violations are prospectively
299 suspended.

300 (j) An approved athletic association ~~the FHSAA~~ shall adopt

301 guidelines to educate athletic coaches, officials,
 302 administrators, and student athletes and their parents of the
 303 nature and risk of concussion and head injury.

304 (k) An approved athletic association ~~the FHSAA~~ shall adopt
 305 bylaws or policies that require the parent of a student who is
 306 participating in interscholastic athletic competition or who is
 307 a candidate for an interscholastic athletic team to sign and
 308 return an informed consent that explains the nature and risk of
 309 concussion and head injury, including the risk of continuing to
 310 play after concussion or head injury, each year before
 311 participating in interscholastic athletic competition or
 312 engaging in any practice, tryout, workout, or other physical
 313 activity associated with the student's candidacy for an
 314 interscholastic athletic team.

315 (l) An approved athletic association ~~the FHSAA~~ shall adopt
 316 bylaws or policies that require each student athlete who is
 317 suspected of sustaining a concussion or head injury in a
 318 practice or competition to be immediately removed from the
 319 activity. A student athlete who has been removed from an
 320 activity may not return to practice or competition until the
 321 student submits to the school a written medical clearance to
 322 return stating that the student athlete no longer exhibits
 323 signs, symptoms, or behaviors consistent with a concussion or
 324 other head injury. Medical clearance must be authorized by the
 325 appropriate health care practitioner trained in the diagnosis,

326 | evaluation, and management of concussions as defined by the
 327 | Sports Medicine Advisory Committee of the Florida High School
 328 | Athletic Association.

329 | (m) The FHSAA shall adopt bylaws for the establishment and
 330 | duties of a sports medicine advisory committee composed of the
 331 | following members:

332 | 1. Eight physicians licensed under chapter 458 or chapter
 333 | 459 with at least one member licensed under chapter 459.

334 | 2. One chiropractor licensed under chapter 460.

335 | 3. One podiatrist licensed under chapter 461.

336 | 4. One dentist licensed under chapter 466.

337 | 5. Three athletic trainers licensed under part XIII of
 338 | chapter 468.

339 | 6. One member who is a current or retired head coach of a
 340 | high school in the state.

341 | (8)~~(7)~~ APPEALS.—

342 | (a) An approved athletic association ~~the FHSAA~~ shall
 343 | establish a procedure of due process which ensures each student
 344 | the opportunity to appeal an unfavorable ruling with regard to
 345 | his or her eligibility to compete. The initial appeal shall be
 346 | made to a committee on appeals within the administrative region
 347 | in which the student lives. The approved athletic association's
 348 | ~~FHSAA's~~ bylaws shall establish the number, size, and composition
 349 | of each committee on appeals.

350 | (b) No member of the board of directors is eligible to

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351 | serve on a committee on appeals.

352 | (c) Members of a committee on appeals shall serve terms of
353 | 3 years and are eligible to succeed themselves only once. A
354 | member of a committee on appeals may serve a maximum of 6
355 | consecutive years. The approved athletic association's ~~FHSAA's~~
356 | bylaws shall establish a rotation of terms to ensure that a
357 | majority of the members' terms do not expire concurrently.

358 | (d) The authority and duties of a committee on appeals
359 | shall be to consider requests by member schools seeking
360 | exceptions to bylaws and regulations, to hear undue hardship
361 | eligibility cases filed by member schools on behalf of student
362 | athletes, and to hear appeals filed by member schools or student
363 | athletes.

364 | (e) A student athlete or member school that receives an
365 | unfavorable ruling from a committee on appeals shall be entitled
366 | to appeal that decision to the board of directors at its next
367 | regularly scheduled meeting or called meeting. The board of
368 | directors shall have the authority to uphold, reverse, or amend
369 | the decision of the committee on appeals. In all such cases, the
370 | decision of the board of directors shall be final.

371 | (f) The approved athletic association ~~FHSAA~~ shall expedite
372 | the appeals process on determinations of ineligibility so that
373 | disposition of the appeal can be made before the end of the
374 | applicable sports season, if possible.

375 | (g) In any appeal from a decision on eligibility made by

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376 the executive director or a designee, a school or student
377 athlete filing the appeal must be permitted to present
378 information and evidence that was not available at the time of
379 the initial determination or if the determination was not made
380 by an unbiased, objective individual using a process allowing
381 full due process rights to be heard and to present evidence. If
382 evidence is presented on appeal, a de novo decision must be made
383 by the committee or board hearing the appeal, or the
384 determination may be suspended and the matter remanded for a new
385 determination based on all the evidence. If a de novo decision
386 is made on appeal, the decision must be made in writing, setting
387 forth the findings of fact and specific violation upon which the
388 decision is based. If a de novo decision is not required, the
389 decision appealed must be set aside if the decision on
390 ineligibility was not based on clear and convincing evidence.
391 Any further appeal shall be considered on a record that includes
392 all evidence presented.

393 Section 2. Subsection (3) of section 768.135, Florida
394 Statutes, is amended to read:

395 768.135 Volunteer team physicians; immunity.—

396 (3) A practitioner licensed under chapter 458, chapter
397 459, chapter 460, or s. 464.012 or registered under s. 464.0123
398 who gratuitously and in good faith conducts an evaluation
399 pursuant to s. 1006.20(3)(c) ~~s. 1006.20(2)(e)~~ is not liable for
400 any civil damages arising from that evaluation unless the

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401 evaluation was conducted in a wrongful manner.

402 Section 3. Subsection (17) of section 1002.20, Florida
403 Statutes, is amended to read:

404 1002.20 K-12 student and parent rights.—Parents of public
405 school students must receive accurate and timely information
406 regarding their child's academic progress and must be informed
407 of ways they can help their child to succeed in school. K-12
408 students and their parents are afforded numerous statutory
409 rights including, but not limited to, the following:

410 (17) ATHLETICS; PUBLIC HIGH SCHOOL.—

411 (a) Eligibility.—Eligibility requirements for all students
412 participating in high school athletic competition must allow a
413 student to be immediately eligible in the school in which he or
414 she first enrolls each school year, the school in which the
415 student makes himself or herself a candidate for an athletic
416 team by engaging in practice before enrolling, or the school to
417 which the student has transferred, in accordance with s.
418 1006.20 (3) (a) ~~s. 1006.20(2)(a)~~.

419 (b) Medical evaluation.—Students must satisfactorily pass
420 a medical evaluation each year before participating in
421 athletics, unless the parent objects in writing based on
422 religious tenets or practices, in accordance with s.
423 1006.20 (3) (d) ~~the provisions of s. 1006.20(2)(d)~~.

424 Section 4. Subsection (8) of section 1002.42, Florida
425 Statutes, is amended to read:

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426 1002.42 Private schools.—

427 (8) ATHLETIC COMPETITION.—A private school may participate
428 in athletic competition with a public high school by joining an
429 approved athletic association in accordance with s. 1006.20 ~~the~~
430 ~~provisions of s. 1006.20(1)~~.

431 Section 5. Subsection (8) and paragraph (a) of subsection
432 (9) of section 1006.15, Florida Statutes, are amended to read:

433 1006.15 Student standards for participation in
434 interscholastic and intrascholastic extracurricular student
435 activities; regulation.—

436 (8) (a) An approved athletic association under s. 1006.20
437 ~~the Florida High School Athletic Association (FHSAA)~~, in
438 cooperation with each district school board, shall facilitate a
439 program in which a middle school or high school student who
440 attends a private school shall be eligible to participate in an
441 interscholastic or intrascholastic sport at a public high
442 school, a public middle school, or a 6-12 public school to which
443 the student would be assigned according to district school board
444 attendance area policies and procedures or which the student
445 could choose to attend pursuant to s. 1002.31, provided the
446 public school has not reached capacity as determined by the
447 district school board, if:

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

450 2. The private school student meets the guidelines for the

451 | conduct of the program established by the association's ~~FHSAA's~~
 452 | board of directors and the district school board. At a minimum,
 453 | such guidelines shall provide:

454 | ~~a.~~ a deadline for each sport by which the private school
 455 | student's parents must register with the public school in
 456 | writing their intent for their child to participate at that
 457 | school in the sport.

458 | ~~b. Requirements for a private school student to~~
 459 | ~~participate, including, but not limited to, meeting the same~~
 460 | ~~standards of eligibility, acceptance, behavior, educational~~
 461 | ~~progress, and performance which apply to other students~~
 462 | ~~participating in interscholastic or intrascholastic sports at a~~
 463 | ~~public school or FHSAA member private school.~~

464 | (b) The parents of a private school student participating
 465 | in a public school sport under this subsection are responsible
 466 | for transporting their child to and from the public school at
 467 | which the student participates. The private school the student
 468 | attends, the public school at which the student participates in
 469 | a sport, the district school board, and the association ~~FHSAA~~
 470 | are exempt from civil liability arising from any injury that
 471 | occurs to the student during such transportation.

472 | (c) For each academic year, a private school student may
 473 | only participate at the public school in which the student is
 474 | first registered under subparagraph (a)2. ~~sub-subparagraph~~
 475 | ~~(a)2.a.~~ or makes himself or herself a candidate for an athletic

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476 team by engaging in a practice.

477 (d) The athletic director of each participating
478 association ~~FHSAA~~ member public school shall maintain the
479 student records necessary for eligibility, compliance, and
480 participation in the program.

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

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

488 (g) Only students who are enrolled in nonmember ~~non-FHSAA~~
489 ~~member~~ private schools consisting of 125 students or fewer are
490 eligible to participate in the program in any given academic
491 year.

492 (9)(a) A student who transfers to a school during the
493 school year may seek to immediately join an existing team if the
494 roster for the specific interscholastic or intrascholastic
495 extracurricular activity has not reached the activity's
496 identified maximum size and if the coach for the activity
497 determines that the student has the requisite skill and ability
498 to participate. The association ~~FHSAA~~ and school district or
499 charter school may not declare such a student ineligible because
500 the student did not have the opportunity to comply with

501 | qualifying requirements.

502 | Section 6. Paragraph (a) of subsection (1) and paragraph
503 | (a) of subsection (2) of section 1006.165, Florida Statutes, are
504 | amended to read:

505 | 1006.165 Well-being of students participating in
506 | extracurricular activities; training.—

507 | (1)(a) Each public school that is a member of an approved
508 | athletic association under s. 1006.20 ~~the Florida High School~~
509 | ~~Athletic Association (FHSAA)~~ must have an operational automated
510 | external defibrillator on the school grounds. The defibrillator
511 | must be available in a clearly marked and publicized location
512 | for each athletic contest, practice, workout, or conditioning
513 | session, including those conducted outside of the school year.
514 | Public and private partnerships are encouraged to cover the cost
515 | associated with the purchase and placement of the defibrillator
516 | and training in the use of the defibrillator.

517 | (2)(a) In order to better protect student athletes
518 | participating in athletics during hot weather and avoid
519 | preventable injury or death, an approved athletic association
520 | under s. 1006.20 ~~the FHSAA~~ shall:

521 | 1. Make training and resources available to each member
522 | school for the effective monitoring of heat stress.

523 | 2. Establish guidelines for monitoring heat stress and
524 | identify heat stress levels at which a school must make a
525 | cooling zone available for each outdoor athletic contest,

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526 practice, workout, or conditioning session. Heat stress must be
527 determined by measuring the ambient temperature, humidity, wind
528 speed, sun angle, and cloud cover at the site of the athletic
529 activity.

530 3. Require member schools to monitor heat stress and
531 modify athletic activities, including suspending or moving
532 activities, based on the heat stress guidelines.

533 4. Establish hydration guidelines, including appropriate
534 introduction of electrolytes after extended activities or when a
535 student participates in multiple activities in a day.

536 5. Establish requirements for cooling zones, including, at
537 a minimum, the immediate availability of cold-water immersion
538 tubs or equivalent means to rapidly cool internal body
539 temperature when a student exhibits symptoms of exertional heat
540 stroke and the presence of an employee or volunteer trained to
541 implement cold-water immersion.

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

547

548 The requirements of this paragraph apply year-round.

549 Section 7. Section 1006.18, Florida Statutes, is amended
550 to read:

551 1006.18 Cheerleader safety standards.—An approved athletic
 552 association under s. 1006.20 ~~the Florida High School Athletic~~
 553 ~~Association or successor organization~~ shall adopt statewide
 554 uniform safety standards for student cheerleaders and spirit
 555 groups that participate in any school activity or
 556 extracurricular student activity, if applicable. Such approved
 557 athletic association ~~the Florida High School Athletic~~
 558 ~~Association or successor organization~~ shall adopt the "Official
 559 High School Spirit Rules," published by the National Federation
 560 of State High School Associations, as the statewide uniform
 561 safety standards.

562 Section 8. Paragraph (a) of subsection (1) and subsection
 563 (2) of section 1006.195, Florida Statutes, are amended to read:

564 1006.195 District school board, charter school authority
 565 and responsibility to establish student eligibility regarding
 566 participation in interscholastic and intrascholastic
 567 extracurricular activities.—Notwithstanding any provision to the
 568 contrary in ss. 1006.15, 1006.18, and 1006.20, regarding student
 569 eligibility to participate in interscholastic and
 570 intrascholastic extracurricular activities:

571 (1)(a) A district school board must establish, through its
 572 code of student conduct, student eligibility standards and
 573 related student disciplinary actions regarding student
 574 participation in interscholastic and intrascholastic
 575 extracurricular activities. The code of student conduct must

576 provide that:

577 1. A student not currently suspended from interscholastic
 578 or intrascholastic extracurricular activities, or suspended or
 579 expelled from school, pursuant to a district school board's
 580 suspension or expulsion powers provided in law, including ss.
 581 1006.07, 1006.08, and 1006.09, is eligible to participate in
 582 interscholastic and intrascholastic extracurricular activities.

583 2. A student may not participate in a sport if the student
 584 participated in that same sport at another school during that
 585 school year, unless the student meets the criteria in s.
 586 1006.15(3)(h).

587 3. A student's eligibility to participate in any
 588 interscholastic or intrascholastic extracurricular activity may
 589 not be affected by any alleged recruiting violation until final
 590 disposition of the allegation pursuant to s. 1006.20(3)(b) ~~s.~~
 591 ~~1006.20(2)(b)~~.

592 (2)(a) An approved athletic association ~~the Florida High~~
 593 ~~School Athletic Association (FHSAA)~~ continues to retain
 594 jurisdiction over the following provisions in s. 1006.20, which
 595 may not be implemented in a manner contrary to this section:
 596 membership in the association ~~FHSAA~~; recruiting prohibitions and
 597 violations; student medical evaluations; investigations;
 598 sanctions for coaches; school eligibility and forfeiture of
 599 contests; student concussions or head injuries; the sports
 600 medical advisory committee; and the general operational

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601 provisions of the association ~~FHSAA~~.

602 (b) An approved athletic association under s. 1006.20 ~~the~~
603 ~~FHSAA~~ must adopt, and prominently publish, the text of this
604 section on its website and in its bylaws, rules, procedures,
605 training and education materials, and all other governing
606 authority documents ~~by August 1, 2016~~.

607 Section 9. Paragraph (g) of subsection (2) of section
608 1012.468, Florida Statutes, is amended to read:

609 1012.468 Exceptions to certain fingerprinting and criminal
610 history checks.—

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

614 (g) An investigator for an approved athletic association
615 ~~the Florida High School Athletic Association (FHSAA)~~ who meets
616 the requirements under s. 1006.20(3)(e) ~~s. 1006.20(2)(e)~~.

617 Section 10. Paragraph (o) of subsection (1) of section
618 1012.795, Florida Statutes, is amended to read:

619 1012.795 Education Practices Commission; authority to
620 discipline.—

621 (1) The Education Practices Commission may suspend the
622 educator certificate of any instructional personnel or school
623 administrator, as defined in s. 1012.01(2) or (3), for up to 5
624 years, thereby denying that person the right to teach or
625 otherwise be employed by a district school board or public

626 school in any capacity requiring direct contact with students
 627 for that period of time, after which the person may return to
 628 teaching as provided in subsection (4); may revoke the educator
 629 certificate of any person, thereby denying that person the right
 630 to teach or otherwise be employed by a district school board or
 631 public school in any capacity requiring direct contact with
 632 students for up to 10 years, with reinstatement subject to
 633 subsection (4); may permanently revoke the educator certificate
 634 of any person thereby denying that person the right to teach or
 635 otherwise be employed by a district school board or public
 636 school in any capacity requiring direct contact with students;
 637 may suspend a person's educator certificate, upon an order of
 638 the court or notice by the Department of Revenue relating to the
 639 payment of child support; may direct the department to place a
 640 certificateholder employed by a public school, charter school,
 641 charter school governing board, or private school that
 642 participates in a state scholarship program under chapter 1002
 643 on the disqualification list maintained by the department
 644 pursuant to s. 1001.10(4)(b) for misconduct that would render
 645 the person ineligible pursuant to s. 1012.315 or sexual
 646 misconduct with a student; or may impose any other penalty
 647 provided by law, if the person:

648 (o) Has committed a third recruiting offense as determined
 649 by an approved athletic association ~~the Florida High School~~
 650 ~~Athletic Association (FHSAA)~~ pursuant to s. 1006.20(3)(b) ~~s.~~

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651 ~~1006.20(2)(b).~~

652 Section 11. Subsections (3) and (7) of section 1012.796,
653 Florida Statutes, are amended to read:

654 1012.796 Complaints against teachers and administrators;
655 procedure; penalties.—

656 (3) The department staff shall advise the commissioner
657 concerning the findings of the investigation and of all
658 referrals by an approved athletic association ~~the Florida High~~
659 ~~School Athletic Association (FHSAA)~~ pursuant to ss.

660 1006.20(3)(b) ~~1006.20(2)(b)~~ and 1012.795. The department general
661 counsel or members of that staff shall review the investigation
662 or the referral and advise the commissioner concerning probable
663 cause or lack thereof. The determination of probable cause shall
664 be made by the commissioner. The commissioner shall provide an
665 opportunity for a conference, if requested, before ~~prior to~~
666 determining probable cause. The commissioner may enter into
667 deferred prosecution agreements in lieu of finding probable
668 cause if, in his or her judgment, such agreements are in the
669 best interests of the department, the certificateholder, and the
670 public. Such deferred prosecution agreements shall become
671 effective when filed with the clerk of the Education Practices
672 Commission. However, a deferred prosecution agreement may not be
673 entered into if there is probable cause to believe that a felony
674 or an act of moral turpitude, as defined by rule of the State
675 Board of Education, has occurred, or for referrals by an

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676 approved athletic association ~~the FHSAA~~. Upon finding no
677 probable cause, the commissioner shall dismiss the complaint and
678 may issue a letter of guidance to the certificateholder.

679 (7) A panel of the commission shall enter a final order
680 either dismissing the complaint or imposing one or more of the
681 following penalties:

682 (a) Denial of an application for a certificate or for an
683 administrative or supervisory endorsement on a teaching
684 certificate. The denial may provide that the applicant may not
685 reapply for certification, and that the department may refuse to
686 consider that applicant's application, for a specified period of
687 time or permanently.

688 (b) Revocation or suspension of a certificate.

689 (c) Imposition of an administrative fine not to exceed
690 \$2,000 for each count or separate offense.

691 (d) Placement of the teacher, administrator, or supervisor
692 on probation for a period of time and subject to such conditions
693 as the commission may specify, including requiring the certified
694 teacher, administrator, or supervisor to complete additional
695 appropriate college courses or work with another certified
696 educator, with the administrative costs of monitoring the
697 probation assessed to the educator placed on probation. An
698 educator who has been placed on probation shall, at a minimum:

699 1. Immediately notify the investigative office in the
700 Department of Education upon employment or separation from

701 employment in any public or private position requiring a Florida
702 educator's certificate.

703 2. Have his or her immediate supervisor submit annual
704 performance reports to the investigative office in the
705 Department of Education.

706 3. Pay to the commission within the first 6 months of each
707 probation year the administrative costs of monitoring probation
708 assessed to the educator.

709 4. Violate no law and fully comply with all district
710 school board policies, school rules, and State Board of
711 Education rules.

712 5. Satisfactorily perform his or her assigned duties in a
713 competent, professional manner.

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

716 (e) Restriction of the authorized scope of practice of the
717 teacher, administrator, or supervisor.

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

721 (g) Imposition of an administrative sanction, upon a
722 person whose teaching certificate has expired, for an act or
723 acts committed while that person possessed a teaching
724 certificate or an expired certificate subject to late renewal,
725 which sanction bars that person from applying for a new

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726 certificate for a period of 10 years or less, or permanently.

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

730 (i) Direct the department to place instructional personnel
731 or school administrators on the disqualification list maintained
732 by the department pursuant to s. 1001.10(4)(b) for conduct that
733 would render the person ineligible pursuant to s. 1012.315 or
734 sexual misconduct with a student.

735

736 The penalties imposed under this subsection are in addition to,
737 and not in lieu of, the penalties required for a third
738 recruiting offense pursuant to s. 1006.20(3)(b) ~~s.~~
739 ~~1006.20(2)(b)~~.

740 Section 12. This act shall take effect July 1, 2022.