

By Senator Hutson

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1 A bill to be entitled
 2 An act relating to athletic associations; amending s.
 3 1006.20, F.S.; authorizing the Commissioner of
 4 Education, with the approval of the State Board of
 5 Education, to approve nonprofit athletic associations
 6 that meet certain requirements; defining the term
 7 "approved athletic association" and including the
 8 Florida High School Athletic Association within the
 9 meaning of that term; specifying that both private
 10 high schools and traditional public high schools are
 11 authorized to become members of an approved athletic
 12 association; providing that approved athletic
 13 associations are subject to certain requirements;
 14 requiring approved athletic associations to adopt
 15 certain bylaws; conforming provisions to changes made
 16 by the act; amending ss. 768.135, 1002.20, 1002.42,
 17 1006.15, 1006.165, 1006.18, 1006.195, 1012.468,
 18 1012.795, and 1012.796, F.S.; conforming cross-
 19 references and provisions to changes made by the act;
 20 providing an effective date.

21
 22 Be It Enacted by the Legislature of the State of Florida:

23
 24 Section 1. Present subsections (2) through (8) of section
 25 1006.20, Florida Statutes, are redesignated as subsections (3)
 26 through (9), respectively, and subsection (1) and present
 27 subsection (2) and (7) of that section are amended, to read:

28 1006.20 Athletics in public K-12 schools.—
 29 (1) GOVERNING NONPROFIT ASSOCIATION ~~ORGANIZATION~~.—The

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

43 (2) MEMBERSHIP. ~~A private school that wishes to engage in~~
44 ~~high school athletic competition with a public high school may~~
45 ~~become a member of the FHSAA.~~ Any high school in this the state,
46 including private schools, traditional public schools, charter
47 schools, virtual schools, and home education cooperatives, may
48 become a member of an approved athletic association ~~the FHSAA~~
49 ~~and participate in the activities of the FHSAA.~~ However,
50 membership in an association ~~the FHSAA~~ is not mandatory for any
51 school. An approved athletic association ~~The FHSAA~~ must allow
52 any a private school or cooperative the option of maintaining
53 full membership in the association or joining by sport and may
54 not discourage any a private school or cooperative from
55 simultaneously maintaining membership in another approved
56 athletic association. An approved athletic association ~~The FHSAA~~
57 ~~may allow a public school the option to apply for consideration~~
58 ~~to join another athletic association.~~ ~~The FHSAA~~ may not deny or

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59 discourage interscholastic competition between its member
60 schools and nonmember ~~non-FHSAA member~~ Florida schools,
61 including members of another approved athletic association
62 ~~governing organization~~, and may not take any retributory or
63 discriminatory action against any of its member schools that
64 participate in interscholastic competition with nonmember ~~non-~~
65 ~~FHSAA member~~ Florida schools. The FHSAA may not unreasonably
66 withhold its approval of an application to become an affiliate
67 member of the National Federation of State High School
68 Associations submitted by any other approved athletic
69 association ~~organization~~ that governs interscholastic athletic
70 competition in this state. The respective bylaws of each
71 approved athletic association ~~the FHSAA~~ are the rules by which
72 high school athletic programs in its member schools, and the
73 students who participate in them, are governed, unless otherwise
74 specifically provided by statute. For the purposes of this
75 section, the term "high school" includes grades 6 through 12.

76 (3) ~~(2)~~ ADOPTION OF BYLAWS, POLICIES, OR GUIDELINES.—

77 (a) An approved athletic association ~~the FHSAA~~ shall adopt
78 bylaws that, unless specifically provided by statute, establish
79 eligibility requirements for all students who participate in
80 high school athletic competition in its member schools. The
81 bylaws governing residence and transfer must ~~shall~~ allow the
82 student to be immediately eligible in the school in which he or
83 she first enrolls each school year or the school in which the
84 student makes himself or herself a candidate for an athletic
85 team by engaging in a practice before ~~prior to~~ enrolling in the
86 school. The bylaws also must ~~shall also~~ allow the student to be
87 immediately eligible in the school to which the student has

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88 transferred. The student is ~~shall be~~ eligible in that school so
89 long as he or she remains enrolled in that school. Subsequent
90 eligibility must ~~shall~~ be determined and enforced as provided in
91 ~~through~~ the association's ~~FHSAA's~~ bylaws. Requirements governing
92 eligibility and transfer between member schools must ~~shall~~ be
93 applied similarly to public school students and private school
94 students.

95 (b) An approved athletic association ~~the FHSAA~~ shall adopt
96 bylaws that specifically prohibit the recruiting of students for
97 athletic purposes. The bylaws must ~~shall~~ prescribe penalties and
98 an appeals process for athletic recruiting violations.

99 1. If it is determined that a school has recruited a
100 student in violation of association ~~FHSAA~~ bylaws, the
101 association ~~FHSAA~~ may require the school to participate in a
102 higher classification for the sport in which the recruited
103 student competes for a minimum of one classification cycle, in
104 addition to the penalties in subparagraphs 2. and 3. and any
105 other appropriate fine or sanction imposed on the school, its
106 coaches, or adult representatives who violate recruiting rules.

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

110 a. For a first offense, a \$5,000 forfeiture of pay for the
111 school district employee or contractor who committed the
112 violation.

113 b. For a second offense, suspension without pay for 12
114 months from coaching, directing, or advertising an
115 extracurricular activity and a \$5,000 forfeiture of pay for the
116 school district employee or contractor who committed the

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117 violation.

118 c. For a third offense, a \$5,000 forfeiture of pay for the
119 school district employee or contractor who committed the
120 violation. If the individual who committed the violation holds
121 an educator certificate, the association must ~~FHSAA shall~~ also
122 refer the violation to the department for review pursuant to s.
123 1012.796 to determine whether probable cause exists, and, if
124 there is a finding of probable cause, the commissioner must
125 ~~shall~~ file a formal complaint against the individual. If the
126 complaint is upheld, the individual's educator certificate must
127 ~~shall~~ be revoked for 3 years, in addition to any penalties
128 available under s. 1012.796. Additionally, the department shall
129 revoke any adjunct teaching certificates issued pursuant to s.
130 1012.57 and all permissions under ss. 1012.39 and 1012.43, and
131 the educator is ineligible for such certificates or permissions
132 for a period of time equal to the period of revocation of his or
133 her state-issued certificate.

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

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

145 5. A student's eligibility to participate in any

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146 interscholastic or intrascholastic extracurricular activity, as
147 determined by a district school board pursuant to s.
148 1006.195(1)(a)3., may not be affected by any alleged recruiting
149 violation until final disposition of the allegation.

150 (c) An approved athletic association ~~the FHSA~~ shall adopt
151 bylaws that require all students participating in
152 interscholastic athletic competition or who are candidates for
153 an interscholastic athletic team to satisfactorily pass a
154 medical evaluation each year before participating in
155 interscholastic athletic competition or engaging in any
156 practice, tryout, workout, conditioning, or other physical
157 activity associated with the student's candidacy for an
158 interscholastic athletic team, including activities that occur
159 outside of the school year. Such medical evaluation may be
160 administered only by a practitioner licensed under chapter 458,
161 chapter 459, chapter 460, or s. 464.012 or registered under s.
162 464.0123 and in good standing with the practitioner's regulatory
163 board. The bylaws must ~~shall~~ establish requirements for
164 eliciting a student's medical history and performing the medical
165 evaluation required under this paragraph, which shall include a
166 physical assessment of the student's physical capabilities to
167 participate in interscholastic athletic competition as contained
168 in a uniform preparticipation physical evaluation and history
169 form. The evaluation form must ~~shall~~ incorporate the
170 recommendations of the American Heart Association for
171 participation cardiovascular screening and shall provide a place
172 for the signature of the practitioner performing the evaluation
173 with an attestation that each examination procedure listed on
174 the form was performed by the practitioner or by someone under

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175 the direct supervision of the practitioner. The form must ~~shall~~
176 also contain a place for the practitioner to indicate if a
177 referral to another practitioner was made in lieu of completion
178 of a certain examination procedure. The form must ~~shall~~ provide
179 a place for the practitioner to whom the student was referred to
180 complete the remaining sections and attest to that portion of
181 the examination. The preparticipation physical evaluation form
182 must ~~shall~~ advise students to complete a cardiovascular
183 assessment and must ~~shall~~ include information concerning
184 alternative cardiovascular evaluation and diagnostic tests.
185 Results of such medical evaluation must be provided to the
186 school. A student is not eligible to participate, as provided in
187 s. 1006.15(3), in any interscholastic athletic competition or
188 engage in any practice, tryout, workout, or other physical
189 activity associated with the student's candidacy for an
190 interscholastic athletic team until the results of the medical
191 evaluation have been received and approved by the school.

192 (d) Notwithstanding ~~the provisions of~~ paragraph (c), a
193 student may participate in interscholastic athletic competition
194 or be a candidate for an interscholastic athletic team if the
195 parent of the student objects in writing to the student
196 undergoing a medical evaluation because such evaluation is
197 contrary to his or her religious tenets or practices. However,
198 in such case, there may not ~~shall~~ be ~~no~~ liability on the part of
199 any person or entity in a position to otherwise rely on the
200 results of such medical evaluation for any damages resulting
201 from the student's injury or death arising directly from the
202 student's participation in interscholastic athletics where an
203 undisclosed medical condition that would have been revealed in

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204 the medical evaluation is a proximate cause of the injury or
205 death.

206 (e) An approved athletic association ~~the FHSAA~~ shall adopt
207 bylaws that regulate persons who conduct investigations on
208 behalf of the association ~~FHSAA~~. The bylaws must ~~shall~~ include
209 provisions that require an investigator to:

210 1. Undergo level 2 background screening under s. 435.04,
211 establishing that the investigator has not committed any
212 disqualifying offense listed in s. 435.04, unless the
213 investigator can provide proof of compliance with level 2
214 screening standards submitted within the previous 5 years to
215 meet any professional licensure requirements, provided:

216 a. The investigator has not had a break in service from a
217 position that requires level 2 screening for more than 90 days;
218 and

219 b. The investigator submits, under penalty of perjury, an
220 affidavit verifying that the investigator has not committed any
221 disqualifying offense listed in s. 435.04 and is in full
222 compliance with this paragraph.

223 2. Be appointed as an investigator by the executive
224 director.

225 3. Carry a photo identification card that shows the
226 association's ~~FHSAA~~ name and ~~logo~~ and the investigator's
227 official title.

228 4. Adhere to the following guidelines:

229 a. Investigate only those alleged violations assigned by
230 the executive director or the board of directors.

231 b. Conduct interviews on Monday through Friday between the
232 hours of 9 a.m. and 7 p.m. only, unless previously agreed to by

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233 the interviewee.

234 c. Allow the parent of any student being interviewed to be
235 present during the interview.

236 d. Search residences or other private areas only with the
237 permission of the executive director and the written consent of
238 the student's parent and only with a parent or a representative
239 of the parent present.

240 (f) An approved athletic association ~~the FHSAA~~ shall adopt
241 bylaws that establish sanctions for coaches who have committed
242 major violations of the association's ~~FHSAA's~~ bylaws and
243 policies.

244 1. Major violations include, but are not limited to,
245 knowingly allowing an ineligible student to participate in a
246 contest representing a member school in an interscholastic
247 contest or committing a violation of the association's ~~FHSAA's~~
248 recruiting or sportsmanship policies.

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

257 3. If a member school is assessed a financial penalty as a
258 result of a coach committing a major violation, the coach must
259 ~~shall~~ reimburse the member school before being allowed to coach,
260 participate in, or attend any athletic activity sponsored,
261 recognized, or sanctioned by the association ~~FHSAA~~ and a member

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262 school.

263 4. The association ~~FHSAA~~ shall establish a due process
264 procedure for coaches sanctioned under this paragraph,
265 consistent with the appeals procedures set forth in subsection
266 (8) ~~(7)~~.

267 (g) An approved athletic association ~~the FHSAA~~ shall adopt
268 bylaws establishing the process and standards by which the
269 association's ~~FHSAA~~ determinations of eligibility are made. Such
270 bylaws must ~~shall~~ provide that:

271 1. Ineligibility must be established by a preponderance of
272 the evidence;

273 2. Student athletes, parents, and schools must have notice
274 of the initiation of any investigation or other inquiry into
275 eligibility and may present, to the investigator and to the
276 individual making the eligibility determination, any information
277 or evidence that is credible, persuasive, and of a kind
278 reasonably prudent persons rely upon in the conduct of serious
279 affairs;

280 3. An investigator may not determine matters of eligibility
281 but must submit information and evidence to the executive
282 director or a person designated by the executive director or by
283 the board of directors for an unbiased and objective
284 determination of eligibility; and

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

288 (h) In lieu of bylaws adopted under paragraph (g), an
289 approved athletic association ~~the FHSAA~~ may adopt bylaws
290 providing as a minimum the procedural safeguards of ss. 120.569

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291 and 120.57, making appropriate provision for appointment of
292 unbiased and qualified hearing officers.

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

305 (j) An approved athletic association ~~the FHSAA~~ shall adopt
306 guidelines to educate athletic coaches, officials,
307 administrators, and student athletes and their parents of the
308 nature and risk of concussion and head injury.

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

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320 (1) An approved athletic association ~~the FHSAA~~ shall adopt
321 bylaws or policies that require each student athlete who is
322 suspected of sustaining a concussion or head injury in a
323 practice or competition to be immediately removed from the
324 activity. A student athlete who has been removed from an
325 activity may not return to practice or competition until the
326 student submits to the school a written medical clearance to
327 return stating that the student athlete no longer exhibits
328 signs, symptoms, or behaviors consistent with a concussion or
329 other head injury. Medical clearance must be authorized by the
330 appropriate health care practitioner trained in the diagnosis,
331 evaluation, and management of concussions as defined by the
332 Sports Medicine Advisory Committee of the Florida High School
333 Athletic Association.

334 (m) An approved athletic association ~~The FHSAA~~ shall adopt
335 bylaws for the establishment and duties of a sports medicine
336 advisory committee composed of the following members:

- 337 1. Eight physicians licensed under chapter 458 or chapter
338 459 with at least one member licensed under chapter 459.
- 339 2. One chiropractor licensed under chapter 460.
- 340 3. One podiatrist licensed under chapter 461.
- 341 4. One dentist licensed under chapter 466.
- 342 5. Three athletic trainers licensed under part XIII of
343 chapter 468.
- 344 6. One member who is a current or retired head coach of a
345 high school in the state.

346 (8) ~~(7)~~ APPEALS.—

347 (a) An approved athletic association ~~the FHSAA~~ shall
348 establish a procedure of due process which ensures each student

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349 the opportunity to appeal an unfavorable ruling with regard to
350 his or her eligibility to compete. The initial appeal shall be
351 made to a committee on appeals within the administrative region
352 in which the student lives. The approved athletic association's
353 ~~FHSAA's~~ bylaws must ~~shall~~ establish the number, size, and
354 composition of each committee on appeals.

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

357 (c) Members of a committee on appeals shall serve terms of
358 3 years and are eligible to succeed themselves only once. A
359 member of a committee on appeals may serve a maximum of 6
360 consecutive years. The approved athletic association's ~~FHSAA's~~
361 bylaws must ~~shall~~ establish a rotation of terms to ensure that a
362 majority of the members' terms do not expire concurrently.

363 (d) The authority and duties of a committee on appeals
364 shall be to consider requests by member schools seeking
365 exceptions to bylaws and regulations, to hear undue hardship
366 eligibility cases filed by member schools on behalf of student
367 athletes, and to hear appeals filed by member schools or student
368 athletes.

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

376 (f) The approved athletic association ~~FHSAA~~ shall expedite
377 the appeals process on determinations of ineligibility so that

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378 disposition of the appeal can be made before the end of the
379 applicable sports season, if possible.

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

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

400 768.135 Volunteer team physicians; immunity.—

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

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

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

415 (17) ATHLETICS; PUBLIC HIGH SCHOOL.—

416 (a) *Eligibility*.—Eligibility requirements for all students
417 participating in high school athletic competition must allow a
418 student to be immediately eligible in the school in which he or
419 she first enrolls each school year, the school in which the
420 student makes himself or herself a candidate for an athletic
421 team by engaging in practice before enrolling, or the school to
422 which the student has transferred, in accordance with s.
423 1006.20(3)(a) ~~s. 1006.20(2)(a)~~.

424 (b) *Medical evaluation*.—Students must satisfactorily pass a
425 medical evaluation each year before participating in athletics,
426 unless the parent objects in writing based on religious tenets
427 or practices, in accordance with s. 1006.20(3)(d) ~~the provisions~~
428 ~~of s. 1006.20(2)(d)~~.

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

431 1002.42 Private schools.—

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

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

438 1006.15 Student standards for participation in
439 interscholastic and intrascholastic extracurricular student
440 activities; regulation.—

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

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

455 2. The private school student meets the guidelines for the
456 conduct of the program established by the association's ~~FHSAA's~~
457 board of directors and the district school board. At a minimum,
458 such guidelines must ~~shall~~ provide:

459 ~~a.~~ a deadline for each sport by which the private school
460 student's parents must register with the public school in
461 writing their intent for their child to participate at that
462 school in the sport.

463 ~~b. Requirements for a private school student to~~
464 ~~participate, including, but not limited to, meeting the same~~

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465 ~~standards of eligibility, acceptance, behavior, educational~~
466 ~~progress, and performance which apply to other students~~
467 ~~participating in interscholastic or intrascholastic sports at a~~
468 ~~public school or FHSAA member private school.~~

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

477 (c) For each academic year, a private school student may
478 only participate at the public school in which the student is
479 first registered under subparagraph (a)2. ~~sub-subparagraph~~
480 ~~(a)2.a.~~ or makes himself or herself a candidate for an athletic
481 team by engaging in a practice.

482 (d) The athletic director of each participating association
483 ~~FHSAA~~ member public school shall maintain the student records
484 necessary for eligibility, compliance, and participation in the
485 program.

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

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

493 (g) Only students who are enrolled in nonmember ~~non-FHSAA~~

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494 ~~member~~ private schools consisting of 125 students or fewer are
495 eligible to participate in the program in any given academic
496 year.

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

507 Section 6. Paragraph (a) of subsection (1) and paragraph
508 (a) of subsection (2) of section 1006.165, Florida Statutes, are
509 amended to read:

510 1006.165 Well-being of students participating in
511 extracurricular activities; training.—

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

522 (2) (a) In order to better protect student athletes

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523 participating in athletics during hot weather and avoid
524 preventable injury or death, an approved athletic association
525 under s. 1006.20 ~~the FHSAA~~ shall:

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

528 2. Establish guidelines for monitoring heat stress and
529 identify heat stress levels at which a school must make a
530 cooling zone available for each outdoor athletic contest,
531 practice, workout, or conditioning session. Heat stress must be
532 determined by measuring the ambient temperature, humidity, wind
533 speed, sun angle, and cloud cover at the site of the athletic
534 activity.

535 3. Require member schools to monitor heat stress and modify
536 athletic activities, including suspending or moving activities,
537 based on the heat stress guidelines.

538 4. Establish hydration guidelines, including appropriate
539 introduction of electrolytes after extended activities or when a
540 student participates in multiple activities in a day.

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

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

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552 The requirements of this paragraph apply year-round.

553 Section 7. Section 1006.18, Florida Statutes, is amended to
554 read:

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

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

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

575 (1) (a) A district school board must establish, through its
576 code of student conduct, student eligibility standards and
577 related student disciplinary actions regarding student
578 participation in interscholastic and intrascholastic
579 extracurricular activities. The code of student conduct must
580 provide that:

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581 1. A student not currently suspended from interscholastic
582 or intrascholastic extracurricular activities, or suspended or
583 expelled from school, pursuant to a district school board's
584 suspension or expulsion powers provided in law, including ss.
585 1006.07, 1006.08, and 1006.09, is eligible to participate in
586 interscholastic and intrascholastic extracurricular activities.

587 2. A student may not participate in a sport if the student
588 participated in that same sport at another school during that
589 school year, unless the student meets the criteria in s.
590 1006.15(3)(h).

591 3. A student's eligibility to participate in any
592 interscholastic or intrascholastic extracurricular activity may
593 not be affected by any alleged recruiting violation until final
594 disposition of the allegation pursuant to s. 1006.20(3)(b) ~~s.~~
595 ~~1006.20(2)(b)~~.

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

606 (b) An approved athletic association under s. 1006.20 ~~the~~
607 ~~FHSAA~~ must adopt, and prominently publish, the text of this
608 section on its website and in its bylaws, rules, procedures,
609 training and education materials, and all other governing

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610 authority documents ~~by August 1, 2016.~~

611 Section 9. Paragraph (g) of subsection (2) of section
612 1012.468, Florida Statutes, is amended to read:

613 1012.468 Exceptions to certain fingerprinting and criminal
614 history checks.—

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

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

621 Section 10. Paragraph (o) of subsection (1) of section
622 1012.795, Florida Statutes, is amended to read:

623 1012.795 Education Practices Commission; authority to
624 discipline.—

625 (1) The Education Practices Commission may suspend the
626 educator certificate of any instructional personnel or school
627 administrator, as defined in s. 1012.01(2) or (3), for up to 5
628 years, thereby denying that person the right to teach or
629 otherwise be employed by a district school board or public
630 school in any capacity requiring direct contact with students
631 for that period of time, after which the person may return to
632 teaching as provided in subsection (4); may revoke the educator
633 certificate of any person, thereby denying that person the right
634 to teach or otherwise be employed by a district school board or
635 public school in any capacity requiring direct contact with
636 students for up to 10 years, with reinstatement subject to
637 subsection (4); may permanently revoke the educator certificate
638 of any person thereby denying that person the right to teach or

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639 otherwise be employed by a district school board or public
640 school in any capacity requiring direct contact with students;
641 may suspend a person's educator certificate, upon an order of
642 the court or notice by the Department of Revenue relating to the
643 payment of child support; may direct the department to place a
644 certificateholder employed by a public school, charter school,
645 charter school governing board, or private school that
646 participates in a state scholarship program under chapter 1002
647 on the disqualification list maintained by the department
648 pursuant to s. 1001.10(4)(b) for misconduct that would render
649 the person ineligible pursuant to s. 1012.315 or sexual
650 misconduct with a student; or may impose any other penalty
651 provided by law, if the person:

652 (o) Has committed a third recruiting offense as determined
653 by an approved athletic association ~~the Florida High School~~
654 ~~Athletic Association (FHSAA)~~ pursuant to s. 1006.20(3)(b) ~~s.~~
655 ~~1006.20(2)(b)~~.

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

658 1012.796 Complaints against teachers and administrators;
659 procedure; penalties.—

660 (3) The department staff shall advise the commissioner
661 concerning the findings of the investigation and of all
662 referrals by an approved athletic association ~~the Florida High~~
663 ~~School Athletic Association (FHSAA)~~ pursuant to ss.
664 1006.20(3)(b) ~~1006.20(2)(b)~~ and 1012.795. The department general
665 counsel or members of that staff shall review the investigation
666 or the referral and advise the commissioner concerning probable
667 cause or lack thereof. The determination of probable cause shall

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668 be made by the commissioner. The commissioner shall provide an
669 opportunity for a conference, if requested, before ~~prior to~~
670 determining probable cause. The commissioner may enter into
671 deferred prosecution agreements in lieu of finding probable
672 cause if, in his or her judgment, such agreements are in the
673 best interests of the department, the certificateholder, and the
674 public. Such deferred prosecution agreements shall become
675 effective when filed with the clerk of the Education Practices
676 Commission. However, a deferred prosecution agreement may not be
677 entered into if there is probable cause to believe that a felony
678 or an act of moral turpitude, as defined by rule of the State
679 Board of Education, has occurred, or for referrals by an
680 approved athletic association ~~the FHSAA~~. Upon finding no
681 probable cause, the commissioner shall dismiss the complaint and
682 may issue a letter of guidance to the certificateholder.

683 (7) A panel of the commission shall enter a final order
684 either dismissing the complaint or imposing one or more of the
685 following penalties:

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

692 (b) Revocation or suspension of a certificate.

693 (c) Imposition of an administrative fine not to exceed
694 \$2,000 for each count or separate offense.

695 (d) Placement of the teacher, administrator, or supervisor
696 on probation for a period of time and subject to such conditions

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697 as the commission may specify, including requiring the certified
698 teacher, administrator, or supervisor to complete additional
699 appropriate college courses or work with another certified
700 educator, with the administrative costs of monitoring the
701 probation assessed to the educator placed on probation. An
702 educator who has been placed on probation shall, at a minimum:

703 1. Immediately notify the investigative office in the
704 Department of Education upon employment or separation from
705 employment in any public or private position requiring a Florida
706 educator's certificate.

707 2. Have his or her immediate supervisor submit annual
708 performance reports to the investigative office in the
709 Department of Education.

710 3. Pay to the commission within the first 6 months of each
711 probation year the administrative costs of monitoring probation
712 assessed to the educator.

713 4. Violate no law and fully comply with all district school
714 board policies, school rules, and State Board of Education
715 rules.

716 5. Satisfactorily perform his or her assigned duties in a
717 competent, professional manner.

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

720 (e) Restriction of the authorized scope of practice of the
721 teacher, administrator, or supervisor.

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

725 (g) Imposition of an administrative sanction, upon a person

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726 whose teaching certificate has expired, for an act or acts
727 committed while that person possessed a teaching certificate or
728 an expired certificate subject to late renewal, which sanction
729 bars that person from applying for a new certificate for a
730 period of 10 years or less, or permanently.

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

734

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

738 ~~1006.20(2)(b)~~.

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