

1                                   A bill to be entitled  
2           An act relating to interscholastic and intrascholastic  
3           activities; amending s. 1006.20, F.S.; providing for  
4           the approval of athletic associations that meet  
5           certain requirements; providing a definition;  
6           requiring certain athletic associations to operate  
7           under a contract with the State Board of Education;  
8           requiring the State Board of Education to annually  
9           review specified information relating to such athletic  
10          associations; providing that private schools and  
11          traditional public schools are considered high schools  
12          for specified purposes; prohibiting public schools  
13          from maintaining memberships in or paying dues or fees  
14          to certain athletic associations; providing that  
15          approved athletic associations are subject to certain  
16          requirements; requiring approved athletic associations  
17          to afford the same benefits to all member schools;  
18          requiring approved athletic associations to adopt  
19          certain bylaws; requiring approved athletic  
20          associations to establish a certain appeals process;  
21          authorizing certain sports medicine advisory  
22          committees to establish specified definitions related  
23          to concussions; authorizing certain approved athletic  
24          associations to establish sports medicine advisory  
25          committees that meet certain membership requirements;

26 providing that the FHSAA's board of directors has the  
27 legislative authority of the association and must  
28 approve, reject, or amend any legislative  
29 recommendations; revising the membership requirements  
30 of the FHSAA's board of directors; requiring the  
31 FHSAA's executive director and budget to be approved  
32 by the State Board of Education; revising the duties  
33 of the FHSAA's representative assembly; authorizing  
34 members of the FHSAA's representative assembly to  
35 serve on a specified committee; revising requirements  
36 for amending the FHSAA's bylaws; authorizing the  
37 Commissioner of Education to direct the FHSAA's board  
38 of directors to amend its bylaws; requiring the State  
39 Board of Education to approve any amendment to such  
40 bylaws; amending s. 1006.15, F.S.; authorizing home  
41 education students, Florida Virtual School students,  
42 and private school students to participate in  
43 interscholastic and intrascholastic activities at  
44 certain schools; revising the requirements for such  
45 students to participate in such activities; providing  
46 for the continued participation in such activities by  
47 certain students who transfer from a public school;  
48 conforming cross-references and provisions to changes  
49 made by the act; creating s. 1006.185, F.S.; requiring  
50 certain athletic associations to adopt bylaws,

51 policies, or procedures allowing opening remarks at  
 52 specified events; providing requirements for such  
 53 remarks; requiring certain announcements before such  
 54 remarks; providing that opening remarks at specified  
 55 events are at the discretion of each school; amending  
 56 ss. 768.135, 1002.20, 1002.42, 1006.165, 1006.18,  
 57 1006.195, 1012.468, 1012.795, and 1012.796, F.S.;  
 58 conforming cross-references and provisions to changes  
 59 made by the act; providing an effective date.

60

61 Be It Enacted by the Legislature of the State of Florida:

62

63 Section 1. Section 1006.20, Florida Statutes, is amended  
 64 to read:

65 1006.20 Athletics in public K-12 schools.—

66 (1) GOVERNING NONPROFIT ATHLETIC ASSOCIATION

67 ~~ORGANIZATION.~~—The Florida High School Athletic Association  
 68 (FHSAA) is designated as the governing nonprofit athletic  
 69 association ~~organization of athletics~~ in Florida public schools.

70 ~~If the FHSAA fails to meet the provisions of this section,~~ The  
 71 State Board of Education may approve other ~~commissioner shall~~  
 72 ~~designate a nonprofit~~ athletic associations. As used in this  
 73 section, the term "approved athletic association" means the  
 74 FHSAA and other nonprofit athletic associations approved by  
 75 ~~organization to govern athletics with the approval of the State~~

76 | Board of Education. Each nonprofit athletic association subject  
 77 | to the requirements of this section shall operate under a  
 78 | contract with the State Board of Education. Before entering into  
 79 | a contract with an association, the State Board of Education  
 80 | shall annually review, at a minimum, the bylaws, policies, and  
 81 | dues and fees of the association for compliance with subpart D.  
 82 | of this part. Any approved athletic association ~~The FHSAA is not~~  
 83 | ~~a state agency as defined in s. 120.52 but is.~~ ~~The FHSAA shall~~  
 84 | ~~be subject to ss. 1006.15-1006.19 the provisions of s. 1006.19.~~  
 85 |       (2) MEMBERSHIP. ~~A private school that wishes to engage in~~  
 86 | ~~high school athletic competition with a public high school may~~  
 87 | ~~become a member of the FHSAA.~~ Any high school in the state,  
 88 | including private schools, traditional public schools, charter  
 89 | schools, virtual schools, and home education cooperatives, may  
 90 | become a member of any approved athletic association. However, a  
 91 | public school may not maintain membership in or pay dues or fees  
 92 | to any athletic association that is not operated under a  
 93 | contract with the State Board of Education ~~the FHSAA and~~  
 94 | ~~participate in the activities of the FHSAA.~~ ~~However,~~ Membership  
 95 | in an association ~~the FHSAA~~ is not mandatory for any school.  
 96 | Approved athletic associations ~~The FHSAA~~ must allow any a  
 97 | ~~private school or cooperative~~ the option of maintaining full  
 98 | membership in the association or joining by sport and may not  
 99 | discourage any a private school or cooperative from  
 100 | simultaneously maintaining membership in another approved

101 athletic association. Any approved athletic association must  
102 afford the same benefits to schools joining by sport as schools  
103 that maintain full membership in the association. Approved  
104 athletic associations ~~The FHSAA may allow a public school the~~  
105 ~~option to apply for consideration to join another athletic~~  
106 ~~association. the FHSAA~~ may not deny or discourage  
107 interscholastic competition between its member schools and  
108 nonmember non-FHSAA member Florida schools, including members of  
109 another approved athletic association ~~governing organization,~~  
110 and may not take any retributory or discriminatory action  
111 against any of its member schools that participate in  
112 interscholastic competition with nonmember non-FHSAA member  
113 Florida schools. The FHSAA may not ~~unreasonably~~ withhold its  
114 approval of an application to become an affiliate member of the  
115 National Federation of State High School Associations submitted  
116 by any other approved athletic association ~~organization~~ that  
117 governs interscholastic athletic competition in this state. The  
118 bylaws of each approved athletic association ~~the FHSAA~~ are the  
119 rules by which high school athletic programs in its member  
120 schools, and the students who participate in them, are governed,  
121 unless otherwise specifically provided by statute. For the  
122 purposes of this section, the term "high school" includes grades  
123 6 through 12.

124 ~~(3)(2)~~ ADOPTION OF BYLAWS, POLICIES, OR GUIDELINES.—

125 (a) Each approved athletic association ~~the FHSAA~~ shall

126 adopt bylaws that, unless specifically provided by statute,  
 127 establish eligibility requirements for all students who  
 128 participate in high school athletic competition in its member  
 129 schools. The bylaws governing residence and transfer shall allow  
 130 the student to be immediately eligible in the school in which he  
 131 or she first enrolls each school year or the school in which the  
 132 student makes himself or herself a candidate for an athletic  
 133 team by engaging in a practice before ~~prior to~~ enrolling in the  
 134 school. The bylaws shall also allow the student to be  
 135 immediately eligible in the school to which the student has  
 136 transferred. The student shall be eligible in that school so  
 137 long as he or she remains enrolled in that school. Subsequent  
 138 eligibility shall be determined and enforced through the  
 139 association's ~~FHSAA's~~ bylaws. Requirements governing eligibility  
 140 and transfer between member schools shall be applied similarly  
 141 to public school students and private school students.

142 (b) Each approved athletic association ~~the FHSAA~~ shall  
 143 adopt bylaws that specifically prohibit the recruiting of  
 144 students for athletic purposes. The bylaws shall prescribe  
 145 penalties and an appeals process for athletic recruiting  
 146 violations.

147 1. If it is determined that a school has recruited a  
 148 student in violation of association ~~FHSAA~~ bylaws, the  
 149 association ~~FHSAA~~ may require the school to participate in a  
 150 higher classification for the sport in which the recruited

151 student competes for a minimum of one classification cycle, in  
152 addition to the penalties in subparagraphs 2. and 3. and any  
153 other appropriate fine or sanction imposed on the school, its  
154 coaches, or adult representatives who violate recruiting rules.

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

158 a. For a first offense, a \$5,000 forfeiture of pay for the  
159 school district employee or contractor who committed the  
160 violation.

161 b. For a second offense, suspension without pay for 12  
162 months from coaching, directing, or advertising an  
163 extracurricular activity and a \$5,000 forfeiture of pay for the  
164 school district employee or contractor who committed the  
165 violation.

166 c. For a third offense, a \$5,000 forfeiture of pay for the  
167 school district employee or contractor who committed the  
168 violation. If the individual who committed the violation holds  
169 an educator certificate, the association ~~FHSAA~~ shall also refer  
170 the violation to the department for review pursuant to s.  
171 1012.796 to determine whether probable cause exists, and, if  
172 there is a finding of probable cause, the commissioner shall  
173 file a formal complaint against the individual. If the complaint  
174 is upheld, the individual's educator certificate shall be  
175 revoked for 3 years, in addition to any penalties available

176 | under s. 1012.796. Additionally, the department shall revoke any  
177 | adjunct teaching certificates issued pursuant to s. 1012.57 and  
178 | all permissions under ss. 1012.39 and 1012.43, and the educator  
179 | is ineligible for such certificates or permissions for a period  
180 | of time equal to the period of revocation of his or her state-  
181 | issued certificate.

182 |         3. Notwithstanding any other provision of law, a school,  
183 | team, or activity shall forfeit all competitions, including  
184 | honors resulting from such competitions, in which a student who  
185 | participated in any fashion was recruited in a manner prohibited  
186 | pursuant to state law or the association ~~FHSAA~~ bylaws.

187 |         4. A student may not be declared ineligible based on  
188 | violation of recruiting rules unless the student or parent has  
189 | falsified any enrollment or eligibility document or accepted any  
190 | benefit if such benefit is not generally available to the  
191 | school's students or family members or is based in any way on  
192 | athletic interest, potential, or performance.

193 |         5. A student's eligibility to participate in any  
194 | interscholastic or intrascholastic extracurricular activity, as  
195 | determined by a district school board pursuant to s.  
196 | 1006.195(1)(a)3., may not be affected by any alleged recruiting  
197 | violation until final disposition of the allegation.

198 |         (c) Each approved athletic association ~~the FHSAA~~ shall  
199 | adopt bylaws that require all students participating in  
200 | interscholastic athletic competition or who are candidates for



201 an interscholastic athletic team to satisfactorily pass a  
202 medical evaluation each year before participating in  
203 interscholastic athletic competition or engaging in any  
204 practice, tryout, workout, conditioning, or other physical  
205 activity associated with the student's candidacy for an  
206 interscholastic athletic team, including activities that occur  
207 outside of the school year. Such medical evaluation may be  
208 administered only by a practitioner licensed under chapter 458,  
209 chapter 459, chapter 460, or s. 464.012 or registered under s.  
210 464.0123 and in good standing with the practitioner's regulatory  
211 board. The bylaws shall establish requirements for eliciting a  
212 student's medical history and performing the medical evaluation  
213 required under this paragraph, which shall include a physical  
214 assessment of the student's physical capabilities to participate  
215 in interscholastic athletic competition as contained in a  
216 uniform preparticipation physical evaluation and history form.  
217 The evaluation form shall incorporate the recommendations of the  
218 American Heart Association for participation cardiovascular  
219 screening and shall provide a place for the signature of the  
220 practitioner performing the evaluation with an attestation that  
221 each examination procedure listed on the form was performed by  
222 the practitioner or by someone under the direct supervision of  
223 the practitioner. The form shall also contain a place for the  
224 practitioner to indicate if a referral to another practitioner  
225 was made in lieu of completion of a certain examination

226 procedure. The form shall provide a place for the practitioner  
227 to whom the student was referred to complete the remaining  
228 sections and attest to that portion of the examination. The  
229 preparticipation physical evaluation form shall advise students  
230 to complete a cardiovascular assessment and shall include  
231 information concerning alternative cardiovascular evaluation and  
232 diagnostic tests. Results of such medical evaluation must be  
233 provided to the school. A student is not eligible to  
234 participate, as provided in s. 1006.15(3), in any  
235 interscholastic athletic competition or engage in any practice,  
236 tryout, workout, or other physical activity associated with the  
237 student's candidacy for an interscholastic athletic team until  
238 the results of the medical evaluation have been received and  
239 approved by the school.

240 (d) Notwithstanding ~~the provisions of~~ paragraph (c), a  
241 student may participate in interscholastic athletic competition  
242 or be a candidate for an interscholastic athletic team if the  
243 parent of the student objects in writing to the student  
244 undergoing a medical evaluation because such evaluation is  
245 contrary to his or her religious tenets or practices. However,  
246 in such case, there shall be no liability on the part of any  
247 person or entity in a position to otherwise rely on the results  
248 of such medical evaluation for any damages resulting from the  
249 student's injury or death arising directly from the student's  
250 participation in interscholastic athletics where an undisclosed

251 medical condition that would have been revealed in the medical  
252 evaluation is a proximate cause of the injury or death.

253 (e) Each approved athletic association ~~the FHSAA~~ shall  
254 adopt bylaws that regulate persons who conduct investigations on  
255 behalf of the association ~~FHSAA~~. The bylaws shall include  
256 provisions that require an investigator to:

257 1. Undergo level 2 background screening under s. 435.04,  
258 establishing that the investigator has not committed any  
259 disqualifying offense listed in s. 435.04, unless the  
260 investigator can provide proof of compliance with level 2  
261 screening standards submitted within the previous 5 years to  
262 meet any professional licensure requirements, provided:

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

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

270 2. Be appointed as an investigator by the executive  
271 director.

272 3. Carry a photo identification card that shows the  
273 association's ~~FHSAA~~ name and ~~logo~~, and the investigator's  
274 official title.

275 4. Adhere to the following guidelines:

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

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

281 c. Allow the parent of any student being interviewed to be  
282 present during the interview.

283 d. Search residences or other private areas only with the  
284 permission of the executive director and the written consent of  
285 the student's parent and only with a parent or a representative  
286 of the parent present.

287 (f) Each approved athletic association ~~the FHSAA~~ shall  
288 adopt bylaws that establish sanctions for coaches who have  
289 committed major violations of the association's ~~FHSAA's~~ bylaws  
290 and policies.

291 1. Major violations include, but are not limited to,  
292 knowingly allowing an ineligible student to participate in a  
293 contest representing a member school in an interscholastic  
294 contest or committing a violation of the association's ~~FHSAA's~~  
295 recruiting or sportsmanship policies.

296 2. Sanctions placed upon an individual coach may include,  
297 but are not limited to, prohibiting or suspending the coach from  
298 coaching, participating in, or attending any athletic activity  
299 sponsored, recognized, or sanctioned by the association ~~FHSAA~~  
300 and the member school for which the coach committed the

301 violation. If a coach is sanctioned by the association ~~FHSAA~~ and  
 302 the coach transfers to another member school, those sanctions  
 303 remain in full force and effect during the term of the sanction.

304 3. If a member school is assessed a financial penalty as a  
 305 result of a coach committing a major violation, the coach shall  
 306 reimburse the member school before being allowed to coach,  
 307 participate in, or attend any athletic activity sponsored,  
 308 recognized, or sanctioned by the association ~~FHSAA~~ and a member  
 309 school.

310 4. The association ~~FHSAA~~ shall establish a due process  
 311 procedure for coaches sanctioned under this paragraph,  
 312 consistent with the appeals procedures set forth in subsection  
 313 (8) ~~(7)~~.

314 (g) Each approved athletic association ~~the FHSAA~~ shall  
 315 adopt bylaws establishing the process and standards by which the  
 316 association's ~~FHSAA~~ determinations of eligibility are made. Such  
 317 bylaws shall provide that:

318 1. Ineligibility must be established by a preponderance of  
 319 the evidence;

320 2. Student athletes, parents, and schools must have notice  
 321 of the initiation of any investigation or other inquiry into  
 322 eligibility and may present, to the investigator and to the  
 323 individual making the eligibility determination, any information  
 324 or evidence that is credible, persuasive, and of a kind  
 325 reasonably prudent persons rely upon in the conduct of serious

326 | affairs;

327 |       3. An investigator may not determine matters of  
328 | eligibility but must submit information and evidence to the  
329 | executive director or a person designated by the executive  
330 | director or by the board of directors for an unbiased and  
331 | objective determination of eligibility; and

332 |       4. A determination of ineligibility must be made in  
333 | writing, setting forth the findings of fact and specific  
334 | violation upon which the decision is based.

335 |       (h) In lieu of bylaws adopted under paragraph (g), an  
336 | approved athletic association ~~the FHSAA~~ may adopt bylaws  
337 | providing as a minimum the procedural safeguards of ss. 120.569  
338 | and 120.57, making appropriate provision for appointment of  
339 | unbiased and qualified hearing officers.

340 |       (i) An approved athletic association's ~~the FHSAA~~ bylaws  
341 | may not limit the competition of student athletes prospectively  
342 | for rule violations of their school or its coaches or their  
343 | adult representatives. The association ~~FHSAA~~ bylaws may not  
344 | unfairly punish student athletes for eligibility or recruiting  
345 | violations perpetrated by a teammate, coach, or administrator.  
346 | Contests may not be forfeited for inadvertent eligibility  
347 | violations unless the coach or a school administrator should  
348 | have known of the violation. Contests may not be forfeited for  
349 | other eligibility violations or recruiting violations in excess  
350 | of the number of contests that the coaches and adult

351 representatives responsible for the violations are prospectively  
352 suspended.

353       (j) Each approved athletic association ~~the FHSAA~~ shall  
354 adopt guidelines to educate athletic coaches, officials,  
355 administrators, and student athletes and their parents of the  
356 nature and risk of concussion and head injury.

357       (k) Each approved athletic association ~~the FHSAA~~ shall  
358 adopt bylaws or policies that require the parent of a student  
359 who is participating in interscholastic athletic competition or  
360 who is a candidate for an interscholastic athletic team to sign  
361 and return an informed consent that explains the nature and risk  
362 of concussion and head injury, including the risk of continuing  
363 to play after concussion or head injury, each year before  
364 participating in interscholastic athletic competition or  
365 engaging in any practice, tryout, workout, or other physical  
366 activity associated with the student's candidacy for an  
367 interscholastic athletic team.

368       (l) Each approved athletic association ~~the FHSAA~~ shall  
369 adopt bylaws or policies that require each student athlete who  
370 is suspected of sustaining a concussion or head injury in a  
371 practice or competition to be immediately removed from the  
372 activity. A student athlete who has been removed from an  
373 activity may not return to practice or competition until the  
374 student submits to the school a written medical clearance to  
375 return stating that the student athlete no longer exhibits

376 signs, symptoms, or behaviors consistent with a concussion or  
 377 other head injury. Medical clearance must be authorized by the  
 378 appropriate health care practitioner trained in the diagnosis,  
 379 evaluation, and management of concussions as defined by a the  
 380 sports medicine advisory committee established pursuant to  
 381 paragraph (m) of the Florida High School Athletic Association.

382 (m)1. The FHSAA shall adopt bylaws for the establishment  
 383 and duties of a sports medicine advisory committee composed of  
 384 the following members:

385 a.1. Eight physicians licensed under chapter 458 or  
 386 chapter 459 with at least one member licensed under chapter 459.

387 b.2. One chiropractor licensed under chapter 460.

388 c.3. One podiatrist licensed under chapter 461.

389 d.4. One dentist licensed under chapter 466.

390 e.5. Three athletic trainers licensed under part XIII of  
 391 chapter 468.

392 f.6. One member who is a current or retired head coach of  
 393 a high school in the state.

394 2. An approved athletic association that does not rely on  
 395 the recommendations of the sports medicine advisory committee of  
 396 the FHSAA shall establish a sports medicine advisory committee  
 397 whose membership satisfies the requirements of subparagraph 1.

398 (4)(3) GOVERNING STRUCTURE OF THE FHSAA.-

399 (a) The FHSAA shall operate as a representative democracy  
 400 in which the sovereign authority is within its member schools.



401 Except as provided in this section, the FHSAA shall govern its  
 402 affairs through its bylaws.

403 (b) Each member school, on its annual application for  
 404 membership, shall name its official representative to the FHSAA.  
 405 This representative must be either the school principal or his  
 406 or her designee. That designee must either be an assistant  
 407 principal or athletic director housed within that same school.

408 (c) The FHSAA's membership shall be divided along existing  
 409 county lines into four contiguous and compact administrative  
 410 regions, each containing an equal or nearly equal number of  
 411 member schools to ensure equitable representation on the FHSAA's  
 412 board of directors, representative assembly, and appeals  
 413 committees.

414 (5)~~(4)~~ FHSAA BOARD OF DIRECTORS.—

415 (a) The executive and legislative authority of the FHSAA  
 416 shall be vested in its board of directors. ~~Any entity that~~  
 417 ~~appoints members to the board of directors shall examine the~~  
 418 ~~ethnic and demographic composition of the board when selecting~~  
 419 ~~candidates for appointment and shall, to the greatest extent~~  
 420 ~~possible, make appointments that reflect state demographic and~~  
 421 ~~population trends.~~ The board of directors shall be composed of  
 422 nine members ~~16 persons~~, as follows:

- 423 1. Two ~~Four~~ public member school representatives appointed  
 424 by the Governor, ~~one elected from~~ different ~~among its public~~  
 425 ~~school representative members within each of the four~~

426 administrative regions.

427       2. Two ~~Four~~ nonpublic member school representatives  
428 appointed by the Governor, ~~one elected from different among its~~  
429 ~~nonpublic school representative members within each of the four~~  
430 administrative regions as well as different administrative  
431 regions from which representatives were appointed under  
432 subparagraph 1.

433       3. Two ~~Three~~ representatives appointed by the Governor  
434 ~~commissioner,~~ one appointed from the two northernmost  
435 administrative regions and one appointed from the two  
436 southernmost administrative regions. ~~The third representative~~  
437 ~~shall be appointed to balance the board for diversity or state~~  
438 ~~population trends, or both.~~

439       4. One ~~Two~~ district school superintendent appointed by the  
440 Governor superintendents, ~~one elected from one of the two~~  
441 ~~northernmost administrative regions by the members in those~~  
442 ~~regions and one elected from the two southernmost administrative~~  
443 ~~regions by the members in those regions.~~

444       5. One ~~Two~~ district school board member appointed by the  
445 Governor members, ~~one elected from one of the two northernmost~~  
446 ~~administrative regions by the members in those regions and one~~  
447 ~~elected from the two southernmost administrative regions by the~~  
448 ~~members in those regions.~~

449       6. The commissioner or his or her designee from the  
450 department executive staff.

451 (b) A quorum of the board of directors shall consist of  
452 five ~~nine~~ members.

453 (c) The board of directors shall elect a president and a  
454 vice president from among its members. These officers shall also  
455 serve as officers of the FHSAA.

456 (d) Members of the board of directors shall serve terms of  
457 3 years and are eligible to succeed themselves only once. A  
458 member of the board of directors, other than the commissioner or  
459 his or her designee, may serve a maximum of 6 consecutive years.  
460 The FHSAA's bylaws shall establish a rotation of terms to ensure  
461 that a majority of the members' terms do not expire  
462 concurrently.

463 (e) The authority and duties of the board of directors,  
464 acting as a body and in accordance with the FHSAA's bylaws, are  
465 as follows:

466 1. To act as the incorporated FHSAA's board of directors  
467 and to fulfill its obligations as required by the FHSAA's  
468 charter and articles of incorporation.

469 2. To establish such guidelines, regulations, policies,  
470 and procedures as are authorized by the bylaws.

471 3. To employ an FHSAA executive director, who shall have  
472 the authority to waive the bylaws of the FHSAA in order to  
473 comply with statutory changes. The executive director must be  
474 approved by the State Board of Education.

475 4. To levy annual dues and other fees and to set the

476 percentage of contest receipts to be collected by the FHSAA.

477 5. To approve the budget of the FHSAA. The FHSAA's budget  
 478 must also be approved by the State Board of Education.

479 6. To organize and conduct statewide interscholastic  
 480 competitions, which may or may not lead to state championships,  
 481 and to establish the terms and conditions for these  
 482 competitions.

483 7. To act as an administrative board in the interpretation  
 484 of, and final decision on, all questions and appeals arising  
 485 from the directing of interscholastic athletics of member  
 486 schools.

487 8. To approve, reject, or amend any legislative  
 488 recommendations from the representative assembly. Approval of a  
 489 recommendation from the representative assembly requires a  
 490 majority vote of the board of directors.

491 (6) (5) FHSAA REPRESENTATIVE ASSEMBLY.—

492 (a) ~~The legislative authority of the FHSAA is vested in~~  
 493 ~~its~~ representative assembly may provide legislative  
 494 recommendations to the board of directors.

495 (b) The representative assembly shall be composed of the  
 496 following:

497 1. An equal number of member school representatives from  
 498 each of the four administrative regions.

499 2. Four district school superintendents, one elected from  
 500 each of the four administrative regions by the district school

501 superintendents in their respective administrative regions.

502 3. Four district school board members, one elected from  
 503 each of the four administrative regions by the district school  
 504 board members in their respective administrative regions.

505 4. The commissioner or his or her designee from the  
 506 department executive staff.

507 (c) The FHSAA's bylaws shall establish the number of  
 508 member school representatives to serve in the representative  
 509 assembly from each of the four administrative regions and shall  
 510 establish the method for their selection.

511 (d) No member of the board of directors other than the  
 512 commissioner or his or her designee can serve in the  
 513 representative assembly.

514 (e) The representative assembly shall elect a chairperson  
 515 and a vice chairperson from among its members.

516 (f) Elected members of the representative assembly shall  
 517 serve terms of 2 years and are eligible to succeed themselves  
 518 for two additional terms. An elected member, other than the  
 519 commissioner or his or her designee, may serve a maximum of 6  
 520 consecutive years in the representative assembly.

521 (g) A quorum of the representative assembly consists of  
 522 one more than half of its members.

523 (h) The authority of the representative assembly is  
 524 limited to its sole duty, which is to consider, adopt, or reject  
 525 any recommended ~~proposed~~ amendments to the FHSAA's bylaws and

526 | provide such amendments to the board of directors for approval.

527 | (i) The representative assembly shall meet as a body  
 528 | annually. A two-thirds majority of the votes cast by members  
 529 | present is required for passage of any proposal.

530 | ~~(7)-(6)~~ FHSAA PUBLIC LIAISON ADVISORY COMMITTEE.—

531 | (a) The FHSAA shall establish, sustain, fund, and provide  
 532 | staff support to a public liaison advisory committee composed of  
 533 | the following:

- 534 | 1. The commissioner or his or her designee.
- 535 | 2. A member public school principal.
- 536 | 3. A member private school principal.
- 537 | 4. A member school principal who is a member of a racial  
 538 | minority.
- 539 | 5. An active athletic director.
- 540 | 6. An active coach, who is employed full time by a member  
 541 | school.
- 542 | 7. A student athlete.
- 543 | 8. A district school superintendent.
- 544 | 9. A district school board member.
- 545 | 10. A member of the Florida House of Representatives.
- 546 | 11. A member of the Florida Senate.
- 547 | 12. A parent of a high school student.
- 548 | 13. A member of a home education association.
- 549 | 14. A representative of the business community.
- 550 | 15. A representative of the news media.

551 (b) A ~~No~~ member of the board of directors or the  
552 committee on appeals, ~~or representative assembly~~ is not eligible  
553 to serve on the public liaison advisory committee.

554 (c) The public liaison advisory committee shall elect a  
555 chairperson and vice chairperson from among its members.

556 (d) The authority and duties of the public liaison  
557 advisory committee are as follows:

558 1. To act as a conduit through which the general public  
559 may have input into the decisionmaking process of the FHSAA and  
560 to assist the FHSAA in the development of procedures regarding  
561 the receipt of public input and disposition of complaints  
562 related to high school athletic and competition programs.

563 2. To conduct public hearings annually in each of the four  
564 administrative regions during which interested parties may  
565 address issues regarding the effectiveness of the rules,  
566 operation, and management of the FHSAA.

567 3. To conduct an annual evaluation of the FHSAA as a whole  
568 and present a report of its findings, conclusion, and  
569 recommendations to the board of directors, to the commissioner,  
570 and to the respective education committees of the Florida Senate  
571 and the Florida House of Representatives. The recommendations  
572 must delineate policies and procedures that will improve the  
573 implementation and oversight of high school athletic programs by  
574 the FHSAA.

575 (e) The public liaison advisory committee shall meet four

576 times annually. Additional meetings may be called by the  
577 committee chairperson, the FHSAA president, or the FHSAA  
578 executive director.

579 (8)~~(7)~~ APPEALS.—

580 (a) Each approved athletic association ~~the FHSAA~~ shall  
581 establish a procedure of due process which ensures each student  
582 the opportunity to appeal an unfavorable ruling with regard to  
583 his or her eligibility to compete. The initial appeal shall be  
584 made to a committee on appeals within the administrative region  
585 in which the student lives. The approved athletic association's  
586 ~~FHSAA's~~ bylaws shall establish the number, size, and composition  
587 of each committee on appeals.

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

590 (c) Members of a committee on appeals shall serve terms of  
591 3 years and are eligible to succeed themselves only once. A  
592 member of a committee on appeals may serve a maximum of 6  
593 consecutive years. The approved athletic association's ~~FHSAA's~~  
594 bylaws shall establish a rotation of terms to ensure that a  
595 majority of the members' terms do not expire concurrently.

596 (d) The authority and duties of a committee on appeals  
597 shall be to consider requests by member schools seeking  
598 exceptions to bylaws and regulations, to hear undue hardship  
599 eligibility cases filed by member schools on behalf of student  
600 athletes, and to hear appeals filed by member schools or student



601 athletes.

602 (e) A student athlete or member school that receives an  
603 unfavorable ruling from a committee on appeals shall be entitled  
604 to appeal that decision to the board of directors at its next  
605 regularly scheduled meeting or called meeting. The board of  
606 directors shall have the authority to uphold, reverse, or amend  
607 the decision of the committee on appeals. In all such cases, the  
608 decision of the board of directors shall be final.

609 (f) The approved athletic association ~~FHSAA~~ shall expedite  
610 the appeals process on determinations of ineligibility so that  
611 disposition of the appeal can be made before the end of the  
612 applicable sports season, if possible.

613 (g) In any appeal from a decision on eligibility made by  
614 the executive director or a designee, a school or student  
615 athlete filing the appeal must be permitted to present  
616 information and evidence that was not available at the time of  
617 the initial determination or if the determination was not made  
618 by an unbiased, objective individual using a process allowing  
619 full due process rights to be heard and to present evidence. If  
620 evidence is presented on appeal, a de novo decision must be made  
621 by the committee or board hearing the appeal, or the  
622 determination may be suspended and the matter remanded for a new  
623 determination based on all the evidence. If a de novo decision  
624 is made on appeal, the decision must be made in writing, setting  
625 forth the findings of fact and specific violation upon which the

626 decision is based. If a de novo decision is not required, the  
627 decision appealed must be set aside if the decision on  
628 ineligibility was not based on clear and convincing evidence.  
629 Any further appeal shall be considered on a record that includes  
630 all evidence presented.

631 (9)~~(8)~~ APPROVAL AND AMENDMENT OF FHSAA BYLAWS.—

632 (a)1. The commissioner may, at any time, direct the board  
633 of directors to amend the FHSAA's bylaws.

634 2. The State Board of Education must approve any amendment  
635 to the FHSAA's bylaws. A bylaw adopted by the board of directors  
636 may not take effect until the state board approves such bylaw.

637 (b) Each member school representative, the board of  
638 directors acting as a whole or as members acting individually,  
639 any advisory committee acting as a whole to be established by  
640 the FHSAA, the commissioner, and the FHSAA's executive director  
641 are empowered to propose amendments to the bylaws. Any other  
642 individual may propose an amendment by securing the sponsorship  
643 of any of the aforementioned individuals or bodies. All proposed  
644 amendments must be submitted directly to the representative  
645 assembly for its consideration. The representative assembly must  
646 provide a recommendation to the board of directors who shall,  
647 while empowered to adopt, reject, or revise proposed amendments.  
648 Any amendment to the bylaws must be approved by the State Board  
649 of Education, may not, in and of itself, as a body be allowed to  
650 propose any amendment for its own consideration.

651 Section 2. Paragraphs (c) and (e) of subsection (3),  
652 subsection (8), and paragraph (a) of subsection (9) of section  
653 1006.15, Florida Statutes, are amended, and subsection (10) is  
654 added to that section, to read:

655 1006.15 Student standards for participation in  
656 interscholastic and intrascholastic extracurricular student  
657 activities; regulation.—

658 (3)(c) An individual home education student is eligible to  
659 participate at any the public school in the school district in  
660 which the student resides ~~to which the student would be assigned~~  
661 ~~according to district school board attendance area policies~~ or  
662 which the student could choose to attend pursuant to s. 1002.31,  
663 or may develop an agreement to participate at a private school,  
664 in the interscholastic extracurricular activities of that  
665 school, provided the following conditions are met:

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

668 2. During the period of participation at a school, the  
669 home education student must demonstrate educational progress as  
670 required in paragraph (b) in all subjects taken in the home  
671 education program by a method of evaluation agreed upon by the  
672 parent and the school principal which may include: review of the  
673 student's work by a certified teacher chosen by the parent;  
674 grades earned through correspondence; grades earned in courses  
675 taken at a Florida College System institution, university, or

676 trade school; standardized test scores above the 35th  
677 percentile; or any other method designated in s. 1002.41.

678 3. The home education student must meet the same residency  
679 requirements as other students in the school at which he or she  
680 participates.

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

684 5. The student must register with the school his or her  
685 intent to participate in interscholastic extracurricular  
686 activities as a representative of the school before  
687 participation. A home education student must be able to  
688 participate in curricular activities if that is a requirement  
689 for an extracurricular activity.

690 6. A student who transfers from a home education program  
691 to a public school before or during the first grading period of  
692 the school year is academically eligible to participate in  
693 interscholastic extracurricular activities during the first  
694 grading period provided the student has a successful evaluation  
695 from the previous school year, pursuant to subparagraph 2.

696 7. Any public school or private school student who has  
697 been unable to maintain academic eligibility for participation  
698 in interscholastic extracurricular activities is ineligible to  
699 participate in such activities as a home education student until  
700 the student has successfully completed one grading period in

701 home education pursuant to subparagraph 2. to become eligible to  
702 participate as a home education student.

703 8. The roster for the specific interscholastic activity in  
704 which the home education student would like to participate has  
705 not reached the activity's identified maximum size and the coach  
706 or sponsor for the activity determines that the home education  
707 student has the requisite skill and ability to participate.

708 (e) A student of the Florida Virtual School full-time  
709 program may participate in any interscholastic extracurricular  
710 activity at any the public school in the school district in  
711 which the student resides ~~to which the student would be assigned~~  
712 ~~according to district school board attendance area policies~~ or  
713 which the student could choose to attend pursuant to s. 1002.31  
714 if ~~the student~~:

715 1. During the period of participation in the  
716 interscholastic extracurricular activity, the student meets the  
717 requirements in paragraph (a).

718 2. The student meets any additional requirements as  
719 determined by the board of trustees of the Florida Virtual  
720 School.

721 3. The student meets the same residency requirements as  
722 other students in the school at which he or she participates.

723 4. The student meets the same standards of acceptance,  
724 behavior, and performance that are required of other students in  
725 extracurricular activities.

726           5. The student registers his or her intent to participate  
727 in interscholastic extracurricular activities with the school  
728 before participation. A Florida Virtual school student must be  
729 able to participate in curricular activities if that is a  
730 requirement for an extracurricular activity.

731           6. The roster for the specific interscholastic activity in  
732 which the student would like to participate has not reached the  
733 activity's identified maximum size and the coach or sponsor for  
734 the activity determines that the student has the requisite skill  
735 and ability to participate.

736           (8) (a) Each approved athletic association under s. 1006.20  
737 ~~the Florida High School Athletic Association (FHSAA), in~~  
738 cooperation with each district school board and member private  
739 school, shall facilitate a program in which a middle school or  
740 high school student who attends a private school shall be  
741 eligible to participate in an interscholastic or intrascholastic  
742 sport at a member public high school, a member public middle  
743 school, ~~or a member 6-12 public school, or a member private~~  
744 school, as appropriate for the private school student's grade  
745 level to which the student would be assigned according to  
746 ~~district school board attendance area policies and procedures or~~  
747 ~~which the student could choose to attend pursuant to s. 1002.31,~~  
748 ~~provided the public school has not reached capacity as~~  
749 ~~determined by the district school board, if:~~

750           1. The private school in which the student is enrolled is

751 not a member of the association ~~FHSAA~~.

752 2. The private school student meets the guidelines for the  
753 conduct of the program established by the association's ~~FHSAA's~~  
754 board of directors and the district school board or member  
755 private school. At a minimum, such guidelines shall provide:

756 a. a deadline for each sport by which the private school  
757 student's parents must register with the member ~~public~~ school in  
758 writing their intent for their child to participate at that  
759 school in the sport.

760 3. The roster for the specific interscholastic or  
761 intrascholastic sport in which the private school student would  
762 like to participate has not reached the sport's identified  
763 maximum size and the coach for the sport determines that the  
764 private school student has the requisite skill and ability to  
765 participate.

766 b. ~~Requirements for a private school student to~~  
767 ~~participate, including, but not limited to, meeting the same~~  
768 ~~standards of eligibility, acceptance, behavior, educational~~  
769 ~~progress, and performance which apply to other students~~  
770 ~~participating in interscholastic or intrascholastic sports at a~~  
771 ~~public school or FHSAA member private school.~~

772 (b) The parents of a private school student participating  
773 in a member ~~public~~ school sport under this subsection are  
774 responsible for transporting their child to and from the member  
775 ~~public~~ school at which the student participates. The private

776 school the student attends, the member ~~public~~ school at which  
 777 the student participates in a sport, the district school board,  
 778 and the association ~~FHSAA~~ are exempt from civil liability  
 779 arising from any injury that occurs to the student during such  
 780 transportation.

781 (c) For each academic year, a private school student may  
 782 only participate at the member ~~public~~ school in which the  
 783 student is first registered under subparagraph (a)2. ~~sub-~~  
 784 ~~subparagraph (a)2.a.~~ or makes himself or herself a candidate for  
 785 an athletic team by engaging in a practice.

786 (d) The athletic director of each participating  
 787 association ~~FHSAA~~ member ~~public~~ school shall maintain the  
 788 student records necessary for eligibility, compliance, and  
 789 participation in the program.

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

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

797 (g) Only students who are enrolled in ~~non-FHSAA member~~  
 798 private schools consisting of 125 students or fewer are eligible  
 799 to participate in the program in any given academic year.

800 (9) (a) A student who transfers to a school during the



801 school year may seek to immediately join an existing team if the  
802 roster for the specific interscholastic or intrascholastic  
803 extracurricular activity has not reached the activity's  
804 identified maximum size and if the coach for the activity  
805 determines that the student has the requisite skill and ability  
806 to participate. The approved athletic association under s.  
807 1006.20 FHSAA and school district or charter school may not  
808 declare such a student ineligible because the student did not  
809 have the opportunity to comply with qualifying requirements.

810 (10) A student who is participating in an interscholastic  
811 or intrascholastic activity at a public school and who transfers  
812 from the school during the school year must be permitted to  
813 continue to participate in the activity at the school from which  
814 he or she transferred for the remainder of the school year if:

815 (a) During the period of participation in the activity,  
816 the student continues to meet the requirements in paragraph  
817 (3)(a).

818 (b) The student continues to meet the same standards of  
819 acceptance, behavior, and performance that are required of other  
820 students participating in the activity, except for enrollment  
821 requirements at the school at which the student participates.

822 (c) The parents of the student participating in the  
823 activity provide for the transportation of the student to and  
824 from the school at which the student participates. The school  
825 the student attends, the school at which the student

826 participates in the activity, and the district school board are  
827 exempt from civil liability arising from any injury that occurs  
828 to the student during such transportation.

829 Section 3. Section 1006.185, Florida Statutes, is created  
830 to read:

831 1006.185 Opening remarks at high school athletic  
832 contests.—Each approved athletic association under s. 1006.20  
833 whose membership includes public schools shall adopt bylaws,  
834 policies, or procedures that provide each school participating  
835 in a high school championship contest, or series of contests,  
836 under the direction and supervision of the association, the  
837 opportunity to make brief opening remarks, if requested by the  
838 school, using the public address system at the event. Such  
839 remarks may not be longer than 2 minutes per school. The  
840 athletic association may not control, monitor, or review the  
841 content of the opening remarks and may not control the school's  
842 choice of speaker. Before the opening remarks, an announcement  
843 must be made that the content of any opening remarks by a  
844 participating school are not endorsed by and do not reflect the  
845 views and opinions of the athletic association. The decision to  
846 allow opening remarks before regular season contests is at the  
847 discretion of each school.

848 Section 4. Subsection (3) of section 768.135, Florida  
849 Statutes, is amended to read:

850 768.135 Volunteer team physicians; immunity.—

851 (3) A practitioner licensed under chapter 458, chapter  
852 459, chapter 460, or s. 464.012 or registered under s. 464.0123  
853 who gratuitously and in good faith conducts an evaluation  
854 pursuant to s. 1006.20(3)(c) ~~s. 1006.20(2)(e)~~ is not liable for  
855 any civil damages arising from that evaluation unless the  
856 evaluation was conducted in a wrongful manner.

857 Section 5. Subsection (17) of section 1002.20, Florida  
858 Statutes, is amended to read:

859 1002.20 K-12 student and parent rights.—Parents of public  
860 school students must receive accurate and timely information  
861 regarding their child's academic progress and must be informed  
862 of ways they can help their child to succeed in school. K-12  
863 students and their parents are afforded numerous statutory  
864 rights including, but not limited to, the following:

865 (17) ATHLETICS; PUBLIC HIGH SCHOOL.—

866 (a) Eligibility.—Eligibility requirements for all students  
867 participating in high school athletic competition must allow a  
868 student to be immediately eligible in the school in which he or  
869 she first enrolls each school year, the school in which the  
870 student makes himself or herself a candidate for an athletic  
871 team by engaging in practice before enrolling, or the school to  
872 which the student has transferred, in accordance with s.  
873 1006.20(3)(a) ~~s. 1006.20(2)(a)~~.

874 (b) Medical evaluation.—Students must satisfactorily pass  
875 a medical evaluation each year before participating in

876 athletics, unless the parent objects in writing based on  
 877 religious tenets or practices, in accordance with s.  
 878 1006.20(3)(d) ~~the provisions of s. 1006.20(2)(d)~~.

879 Section 6. Subsection (8) of section 1002.42, Florida  
 880 Statutes, is amended to read:

881 1002.42 Private schools.—

882 (8) ATHLETIC COMPETITION.—A private school may participate  
 883 in athletic competition with a public high school by joining any  
 884 approved athletic association in accordance with s. 1006.20 ~~the~~  
 885 ~~provisions of s. 1006.20(1)~~.

886 Section 7. Paragraph (a) of subsection (1) and paragraph  
 887 (a) of subsection (2) of section 1006.165, Florida Statutes, are  
 888 amended to read:

889 1006.165 Well-being of students participating in  
 890 extracurricular activities; training.—

891 (1)(a) Each public school that is a member of any approved  
 892 athletic association under s. 1006.20 ~~the Florida High School~~  
 893 ~~Athletic Association (FHSAA)~~ must have an operational automated  
 894 external defibrillator on the school grounds. The defibrillator  
 895 must be available in a clearly marked and publicized location  
 896 for each athletic contest, practice, workout, or conditioning  
 897 session, including those conducted outside of the school year.  
 898 Public and private partnerships are encouraged to cover the cost  
 899 associated with the purchase and placement of the defibrillator  
 900 and training in the use of the defibrillator.

901 (2)(a) In order to better protect student athletes  
 902 participating in athletics during hot weather and avoid  
 903 preventable injury or death, each approved athletic association  
 904 under s. 1006.20 ~~the FHSAA~~ shall:

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

907 2. Establish guidelines for monitoring heat stress and  
 908 identify heat stress levels at which a school must make a  
 909 cooling zone available for each outdoor athletic contest,  
 910 practice, workout, or conditioning session. Heat stress must be  
 911 determined by measuring the ambient temperature, humidity, wind  
 912 speed, sun angle, and cloud cover at the site of the athletic  
 913 activity.

914 3. Require member schools to monitor heat stress and  
 915 modify athletic activities, including suspending or moving  
 916 activities, based on the heat stress guidelines.

917 4. Establish hydration guidelines, including appropriate  
 918 introduction of electrolytes after extended activities or when a  
 919 student participates in multiple activities in a day.

920 5. Establish requirements for cooling zones, including, at  
 921 a minimum, the immediate availability of cold-water immersion  
 922 tubs or equivalent means to rapidly cool internal body  
 923 temperature when a student exhibits symptoms of exertional heat  
 924 stroke and the presence of an employee or volunteer trained to  
 925 implement cold-water immersion.

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

931  
 932 The requirements of this paragraph apply year-round.

933           Section 8. Section 1006.18, Florida Statutes, is amended  
 934 to read:

935           1006.18 Cheerleader safety standards. Each approved  
 936 athletic association under s. 1006.20 ~~the Florida High School~~  
 937 ~~Athletic Association or successor organization~~ shall adopt  
 938 statewide uniform safety standards for student cheerleaders and  
 939 spirit groups that participate in any school activity or  
 940 extracurricular student activity, if applicable. Such approved  
 941 athletic association ~~the Florida High School Athletic~~  
 942 ~~Association or successor organization~~ shall adopt the "Official  
 943 High School Spirit Rules," published by the National Federation  
 944 of State High School Associations, as the statewide uniform  
 945 safety standards.

946           Section 9. Paragraph (a) of subsection (1) and subsection  
 947 (2) of section 1006.195, Florida Statutes, are amended to read:

948           1006.195 District school board, charter school authority  
 949 and responsibility to establish student eligibility regarding  
 950 participation in interscholastic and intrascholastic

951 extracurricular activities.—Notwithstanding any provision to the  
 952 contrary in ss. 1006.15, 1006.18, and 1006.20, regarding student  
 953 eligibility to participate in interscholastic and  
 954 intrascholastic extracurricular activities:

955 (1) (a) A district school board must establish, through its  
 956 code of student conduct, student eligibility standards and  
 957 related student disciplinary actions regarding student  
 958 participation in interscholastic and intrascholastic  
 959 extracurricular activities. The code of student conduct must  
 960 provide that:

961 1. A student not currently suspended from interscholastic  
 962 or intrascholastic extracurricular activities, or suspended or  
 963 expelled from school, pursuant to a district school board's  
 964 suspension or expulsion powers provided in law, including ss.  
 965 1006.07, 1006.08, and 1006.09, is eligible to participate in  
 966 interscholastic and intrascholastic extracurricular activities.

967 2. A student may not participate in a sport if the student  
 968 participated in that same sport at another school during that  
 969 school year, unless the student meets the criteria in s.  
 970 1006.15 (3) (h).

971 3. A student's eligibility to participate in any  
 972 interscholastic or intrascholastic extracurricular activity may  
 973 not be affected by any alleged recruiting violation until final  
 974 disposition of the allegation pursuant to s. 1006.20(3)(b) ~~s.~~  
 975 ~~1006.20(2)(b)~~.

976           (2) (a) Each approved athletic association ~~the Florida High~~  
 977 ~~School Athletic Association (FHSAA)~~ continues to retain  
 978 jurisdiction over the following provisions in s. 1006.20, which  
 979 may not be implemented in a manner contrary to this section:  
 980 membership in the association ~~FHSAA~~; recruiting prohibitions and  
 981 violations; student medical evaluations; investigations;  
 982 sanctions for coaches; school eligibility and forfeiture of  
 983 contests; student concussions or head injuries; ~~the sports~~  
 984 ~~medical advisory committee~~; and the general operational  
 985 provisions of the association ~~FHSAA~~.

986           (b) Each approved athletic association under s. 1006.20  
 987 ~~the FHSAA~~ must adopt, and prominently publish, the text of this  
 988 section on its website and in its bylaws, rules, procedures,  
 989 training and education materials, and all other governing  
 990 authority documents ~~by August 1, 2016~~.

991           Section 10. Paragraph (g) of subsection (2) of section  
 992 1012.468, Florida Statutes, is amended to read:

993           1012.468 Exceptions to certain fingerprinting and criminal  
 994 history checks.—

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

998           (g) An investigator for any approved athletic association  
 999 ~~the Florida High School Athletic Association (FHSAA)~~ who meets  
 1000 the requirements under s. 1006.20(3)(e) ~~s. 1006.20(2)(e)~~.



1001 Section 11. Paragraph (o) of subsection (1) of section  
1002 1012.795, Florida Statutes, is amended to read:

1003 1012.795 Education Practices Commission; authority to  
1004 discipline.—

1005 (1) The Education Practices Commission may suspend the  
1006 educator certificate of any instructional personnel or school  
1007 administrator, as defined in s. 1012.01(2) or (3), for up to 5  
1008 years, thereby denying that person the right to teach or  
1009 otherwise be employed by a district school board or public  
1010 school in any capacity requiring direct contact with students  
1011 for that period of time, after which the person may return to  
1012 teaching as provided in subsection (4); may revoke the educator  
1013 certificate of any person, thereby denying that person the right  
1014 to teach or otherwise be employed by a district school board or  
1015 public school in any capacity requiring direct contact with  
1016 students for up to 10 years, with reinstatement subject to  
1017 subsection (4); may permanently revoke the educator certificate  
1018 of any person thereby denying that person the right to teach or  
1019 otherwise be employed by a district school board or public  
1020 school in any capacity requiring direct contact with students;  
1021 may suspend a person's educator certificate, upon an order of  
1022 the court or notice by the Department of Revenue relating to the  
1023 payment of child support; may direct the department to place a  
1024 certificateholder employed by a public school, charter school,  
1025 charter school governing board, or private school that

1026 participates in a state scholarship program under chapter 1002  
 1027 on the disqualification list maintained by the department  
 1028 pursuant to s. 1001.10(4)(b) for misconduct that would render  
 1029 the person ineligible pursuant to s. 1012.315 or sexual  
 1030 misconduct with a student; or may impose any other penalty  
 1031 provided by law, if the person:

1032 (o) Has committed a third recruiting offense as determined  
 1033 by an approved athletic association ~~the Florida High School~~  
 1034 ~~Athletic Association (FHSAA)~~ pursuant to s. 1006.20(3)(b) ~~s.~~  
 1035 ~~1006.20(2)(b)~~.

1036 Section 12. Subsections (3) and (7) of section 1012.796,  
 1037 Florida Statutes, are amended to read:

1038 1012.796 Complaints against teachers and administrators;  
 1039 procedure; penalties.—

1040 (3) The department staff shall advise the commissioner  
 1041 concerning the findings of the investigation and of all  
 1042 referrals by an approved athletic association ~~the Florida High~~  
 1043 ~~School Athletic Association (FHSAA)~~ pursuant to ss.  
 1044 1006.20(3)(b) ~~ss. 1006.20(2)(b)~~ and 1012.795. The department  
 1045 general counsel or members of that staff shall review the  
 1046 investigation or the referral and advise the commissioner  
 1047 concerning probable cause or lack thereof. The determination of  
 1048 probable cause shall be made by the commissioner. The  
 1049 commissioner shall provide an opportunity for a conference, if  
 1050 requested, before ~~prior to~~ determining probable cause. The

1051 commissioner may enter into deferred prosecution agreements in  
1052 lieu of finding probable cause if, in his or her judgment, such  
1053 agreements are in the best interests of the department, the  
1054 certificateholder, and the public. Such deferred prosecution  
1055 agreements shall become effective when filed with the clerk of  
1056 the Education Practices Commission. However, a deferred  
1057 prosecution agreement may not be entered into if there is  
1058 probable cause to believe that a felony or an act of moral  
1059 turpitude, as defined by rule of the State Board of Education,  
1060 has occurred, or for referrals by any approved athletic  
1061 association ~~the FHSAA~~. Upon finding no probable cause, the  
1062 commissioner shall dismiss the complaint and may issue a letter  
1063 of guidance to the certificateholder.

1064 (7) A panel of the commission shall enter a final order  
1065 either dismissing the complaint or imposing one or more of the  
1066 following penalties:

1067 (a) Denial of an application for a certificate or for an  
1068 administrative or supervisory endorsement on a teaching  
1069 certificate. The denial may provide that the applicant may not  
1070 reapply for certification, and that the department may refuse to  
1071 consider that applicant's application, for a specified period of  
1072 time or permanently.

1073 (b) Revocation or suspension of a certificate.

1074 (c) Imposition of an administrative fine not to exceed  
1075 \$2,000 for each count or separate offense.

1076 (d) Placement of the teacher, administrator, or supervisor  
 1077 on probation for a period of time and subject to such conditions  
 1078 as the commission may specify, including requiring the certified  
 1079 teacher, administrator, or supervisor to complete additional  
 1080 appropriate college courses or work with another certified  
 1081 educator, with the administrative costs of monitoring the  
 1082 probation assessed to the educator placed on probation. An  
 1083 educator who has been placed on probation shall, at a minimum:

1084 1. Immediately notify the investigative office in the  
 1085 Department of Education upon employment or separation from  
 1086 employment in any public or private position requiring a Florida  
 1087 educator's certificate.

1088 2. Have his or her immediate supervisor submit annual  
 1089 performance reports to the investigative office in the  
 1090 Department of Education.

1091 3. Pay to the commission within the first 6 months of each  
 1092 probation year the administrative costs of monitoring probation  
 1093 assessed to the educator.

1094 4. Violate no law and fully comply with all district  
 1095 school board policies, school rules, and State Board of  
 1096 Education rules.

1097 5. Satisfactorily perform his or her assigned duties in a  
 1098 competent, professional manner.

1099 6. Bear all costs of complying with the terms of a final  
 1100 order entered by the commission.

1101 (e) Restriction of the authorized scope of practice of the  
 1102 teacher, administrator, or supervisor.

1103 (f) Reprimand of the teacher, administrator, or supervisor  
 1104 in writing, with a copy to be placed in the certification file  
 1105 of such person.

1106 (g) Imposition of an administrative sanction, upon a  
 1107 person whose teaching certificate has expired, for an act or  
 1108 acts committed while that person possessed a teaching  
 1109 certificate or an expired certificate subject to late renewal,  
 1110 which sanction bars that person from applying for a new  
 1111 certificate for a period of 10 years or less, or permanently.

1112 (h) Refer the teacher, administrator, or supervisor to the  
 1113 recovery network program provided in s. 1012.798 under such  
 1114 terms and conditions as the commission may specify.

1115 (i) Direct the department to place instructional personnel  
 1116 or school administrators on the disqualification list maintained  
 1117 by the department pursuant to s. 1001.10(4)(b) for conduct that  
 1118 would render the person ineligible pursuant to s. 1012.315 or  
 1119 sexual misconduct with a student.

1120  
 1121 The penalties imposed under this subsection are in addition to,  
 1122 and not in lieu of, the penalties required for a third  
 1123 recruiting offense pursuant to s. 1006.20(3)(b) ~~s.~~  
 1124 ~~1006.20(2)(b)~~.

1125 Section 13. This act shall take effect July 1, 2023.