

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Education Pre-K -12

BILL: CS/SB 1070

INTRODUCER: Education Pre-K - 12 Committee and Senator Simon

SUBJECT: Electrocardiograms for Student Athletes

DATE: March 17, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Sabitsch</u>	<u>Bouck</u>	<u>ED</u>	<u>Fav/CS</u>
2.	<u>Brown</u>	<u>Brown</u>	<u>HP</u>	<u>Pre-meeting</u>
3.	_____	_____	<u>RC</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1070 amends the Education Code to require electrocardiogram (EKG) assessments for student athletes participating in interscholastic athletic competitions at Florida public and private schools. Specifically, the bill:

- Provides that, once enacted, it may be cited as the “Second Chance Act.”
- Amends s. 1002.20, F.S., to add an EKG, when applicable under s. 1006.20, F.S., to the annual medical evaluation that is required for participation in interscholastic athletic competition but creates an exception to the EKG requirement based on a written statement from a physician.
- Amends s. 1006.20, F.S., to provide that the bylaws adopted by the Florida High School Athletic Association (FHSAA) must require that, beginning with the 2026-2027 school year, students identified by the FHSAA must receive an electrocardiogram as part of the student’s medical evaluation.
- Requires the FHSAA to adopt a schedule in its bylaws to require that, by the 2028-2029 school year, each student who participates in interscholastic athletic competitions or is a candidate for an interscholastic athletic team must have received at least one EKG prior to participation.
- Requires that FHSAA bylaws must specify those students who must receive an EKG in the 2029-2030 school year and thereafter.
- Requires the FHSAA to develop a standard form for exceptions to the bill’s EKG requirement and the existing requirement for a medical evaluation.

- Provides requirements for parents who object to an EKG on religious grounds regarding legal documentation that must be provided in order to trigger an exception to the EKG requirement on that basis.
- Provides requirements for parents seeking an exception to the EKG requirement based on the documentation of a medical opinion.

The bill provides an effective date of July 1, 2025.

II. Present Situation:

About Electrocardiograms

An electrocardiogram (EKG) is a recording of the heart's electrical activity. An EKG is an integral part of the initial evaluation of a patient suspected of having a cardiac-related problem.¹

The inventor of the EKG in 1902, William Einthoven, was named the "father of electrocardiography" and was awarded the Nobel Prize in Medicine in 1924 for his work that laid the foundation of the most fundamental technique for investigating heart disorders. The EKG was soon recognized as a robust screening and clinical diagnostic tool, and today it is used globally in almost every health care setting.²

The EKG is a non-invasive diagnostic modality that has a substantial clinical impact on investigating the severity of cardiovascular diseases. The use of an electrocardiogram has expanded from simple heart rate and essential rhythm monitoring to interpreting complex arrhythmias, myocardial infarction, and other abnormalities. The EKG is increasingly being used for monitoring patients who are taking antiarrhythmics or other drugs, as an integral part of preoperative assessment of patients undergoing non-cardiac surgery, and for screening individuals in high-risk occupations and those participating in sports. Also, the EKG serves as a research tool for surveillance and experimental trials of drugs with recognized cardiac effects.³

Electrocardiograms for High School Student Athletes

In 2021 the Office of Program Policy Analysis and Governmental Accountability (OPPAGA) published a report that collected information on the following topics:⁴

- Benefits and challenges of requiring EKG assessments for student athletes.
- Cost of EKG assessments.
- Accuracy of EKG assessments.
- Current school district practices related to requiring or recommending EKGs for student athletes.

¹ National Library of Medicine, National Center for Biotechnology Information, *Electrocardiogram*, <https://www.ncbi.nlm.nih.gov/books/NBK549803/> (last visited Mar. 17, 2025).

² *Id.*

³ *Id.*

⁴ OPPAGA Report, Office of Program Policy Analysis and Governmental Accountability, *Electrocardiograms for High School Student Athletes*, (Dec. 2021), available at <https://oppaga.fl.gov/Documents/Presentations/OPPAGA%20Dec%201%202021%20Presentation%20Slides--EKG--Sec%20Ed%20and%20Career%20Dev.pdf>, at slide 2. (last visited Mar. 17, 2025).

- Nationally recognized or accepted criteria to identify athletes who should receive an EKG assessment.

The report stated that sudden cardiac death, while rare, is the leading cause of non-traumatic deaths among young athletes and provided the following:

- The incidence of sudden cardiac death among high school athletes ranges from 1 in 23,000 to 1 in 300,000.
- Intense athletic activity can trigger sudden cardiac death.
- Athletes often have no symptoms of obvious injury prior to sudden cardiac death.
- Hypertrophic cardiomyopathy is the leading cause of sudden cardiac death in athletes and its prevalence among athletes ranges from 1-in-1,426 to 1-in-1,667. (The prevalence in the general population is 1-in-500.)⁵

The OPPAGA report stated that EKG assessments may detect certain heart abnormalities by recording the heart's electrical signals and providing information on strength, speed, rhythm, and number of heart beats. The EKG may help identify 60 percent of diagnoses related to sudden cardiac death.⁶ The EKG is non-invasive, only takes a few minutes, and if abnormal results are found, the individual is recommended to seek follow-up with a cardiologist who is trained in diagnosing and treating conditions of the heart and blood vessels.

The OPPAGA report contained information from a study conducted by the Brevard County School District that showed that fewer than one percent of student athletes who received an EKG assessment in 2019-2020 had a heart condition that put them at risk for sudden cardiac arrest. Of 5,877 students who received an EKG assessment, 199 (3.4 percent) of those students had abnormal EKG assessment results, but only eight (one-tenth of one percent) reported a diagnosis that put them at risk of sudden cardiac arrest.⁷ The Brevard County School District began requiring EKG assessments in the 2019-2020 school year for grades 7-12 but authorized parents to opt-out for any reason. In the 2020-2021 school year, 35 percent of student athletes opted-out of receiving an EKG assessment.⁸

The OPPAGA report provided information from two other states, Texas and Pennsylvania, that at that time had passed recent legislation to address the use of EKG assessments. Neither state has mandated EKG assessments but have stressed providing information to students and parents about sudden cardiac arrests and EKGs.⁹

The American Heart Association (AHA) asserts that annual prescreening of competitive athletes can improve detection of cardiac abnormalities and minimize the risks associated with athletic participation. However, the AHA does not recommend the use of tests such as a standard 12-lead EKG¹⁰ or echocardiogram¹¹ in mandatory pre-participation screening programs. Instead, the

⁵ *Id.* at slide 4.

⁶ *Id.* at slide 5.

⁷ *Id.* at slide 19.

⁸ *Id.* at slide 18.

⁹ *Id.* at slide 11.

¹⁰ The standard EKG provides a comprehensive view of the heart's electrical activity from 12 different angles using 10 electrodes. Simplified versions use six leads or only one lead under certain circumstances.

¹¹ An echocardiogram uses sound waves to show how blood flows through the heart and heart valves.

AHA claims these tests are best used as follow-up if an initial screening raises suspicions about the presence of a cardiovascular disease. Reasons given include the strain on the health care system, access to testing, and the rate of false-positive results.¹²

Regulation of Florida High School Athletics

The Florida High School Athletic Association (FHSAA) is designated in Florida law as a governing nonprofit organization of athletics in Florida public schools.¹³ Any high school in Florida, including charter schools, virtual schools, and home education cooperatives, may become a member of the FHSAA and participate in the activities of the FHSAA. Membership in the FHSAA is not mandatory for any school. A private school that wishes to engage in high school athletic competition with a public high school can become a member of the FHSAA. Florida middle schools may also become members of the FHSAA.

The FHSAA is required to adopt bylaws that, unless specifically provided otherwise by statute, establish eligibility requirements for all students who participate in high school athletic competition in its member schools.

The FHSAA is specifically required to adopt bylaws that require all students participating in interscholastic athletic competition or who are candidates for an interscholastic athletic team to satisfactorily pass a medical evaluation each year before participating in interscholastic athletic competition. Such participation includes engaging in any practice, tryout, workout, conditioning, or other physical activity, during or outside the school year, associated with the student's candidacy for an interscholastic athletic team. The medical evaluation must be conducted by a practitioner licensed under chs. 458 or 459, F.S.,¹⁴ a practitioner licensed under ch. 460, F.S.,¹⁵ or an advanced practice registered nurse licensed under s. 464.012, F.S., and such practitioner must be in good standing with his or her regulatory board.¹⁶

The FHSAA conducts an annual Sports Participation Survey. The most recent survey found that for the 2023-2024 school year, there were 299,383 student athletes among 19 different sports from an overall student enrollment population of 873,804 from member schools (grades 9-12).¹⁷

¹² American Heart Association, *Pre-participation Cardiovascular Screening of Young Competitive Athletes: Policy Guidance*, available at <https://www.heart.org/-/media/Files/About-Us/Policy-Research/Policy-Positions/Healthy-Children-and-Schools/Athlete-Screening.pdf> (last visited Mar. 16, 2025)

¹³ Section 1006.20(1), F.S.

¹⁴ Chapter 458, F.S., is the Medical Practice Act, and chapter 459, F.S., is the Osteopathic Medicine Practice Act. Allopathic physicians, osteopathic physicians, physician assistants, anesthesiologist assistants, and medical assistants are all practitioners who are licensed under those two chapters.

¹⁵ Chapter 460, F.S., is the Chiropractic Medicine Practice Act. Chiropractic physicians and certified chiropractic physician's assistants are practitioners licensed under that chapter.

¹⁶ Section 1006.20(2)(c), F.S.

¹⁷ Florida High School Athletic Association, *Sports Participation Survey (2023-2024)*, available at https://fhsaa.com/documents/2024/7/11//2023_24_Total_Participation_Study_for_website.pdf?id=5591 (last visited Mar. 16, 2025)

III. Effect of Proposed Changes:

CS/SB 1070, the “Second Chance Act,”¹⁸ amends s. 1002.20, F.S., requiring that students receive an electrocardiogram (EKG) before participating in athletics, as applicable under s. 1006.20, F.S. The bill makes the EKG requirement subject to the current-law exception that applies to the requirement for a medical evaluation when a student’s parent objects in writing based on religious tenets or practices. The bill also creates an exception to the EKG requirement if a student’s parent provides a written statement from a physician stating that the student does not require an EKG, in accordance with s. 1006.20(2)(d), F.S.

The bill also amends s. 1006.20, F.S., to provide that the bylaws adopted by the Florida High School Athletic Association (FHSAA) must require that, beginning with the 2026-2027 school year, students identified by the FHSAA must receive an electrocardiogram as part of the student’s medical evaluation to be conducted prior to participation in interscholastic athletic competition.

The bill requires the FHSAA to adopt a schedule to require that, by the 2028-2029 school year, each student who participates in or is a candidate for interscholastic athletic competition has received at least one EKG as part of the required medical evaluation prior to participation.

The bill requires the FHSAA to adopt bylaws that specify those students who must receive an EKG in the 2029-2030 school year and thereafter.

The bill also specifies, in s. 1006.20(2)(d), F.S., that if a parent objects to the student receiving an EKG on the grounds of the parent’s or student’s religious tenets or practices, the parent must provide a written release of liability that has been prepared by an attorney in good standing with The Florida Bar. Alternately, the bill provides that the parent may provide a written statement from a practitioner licensed under chs. 458 or 459, F.S.,¹⁹ and who is in good standing with the practitioner’s regulatory board, indicating that the student does not require the EKG. Under those circumstances, the student would be allowed to participate in interscholastic athletics or be a candidate for an interscholastic athletic team without having an EKG.

The FHSAA is required by the bill to develop a standard form for exceptions to the bill’s EKG requirement and the existing requirement for a medical evaluation.

The bill provides an effective date of July 1, 2025.

¹⁸ The bill provides this citation in honor of Chance Gainer, an 18-year old senior and Port St. Joe High School football player who died after collapsing during a football game on September 6, 2024.

¹⁹ *Supra*, note 14.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill requires an EKG as part of the medical evaluation requirement for student athletes, which could be a cost to the student's parent or health insurance, unless the EKG is provided free of charge or one of the bill's exceptions applies. If a parent seeks an exception to the EKG requirement based on religious tenets or practices, the bill requires the parent to engage an attorney in good standing with The Florida Bar and incur legal fees, unless the attorney provides his or her services pro bono.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The term "physician" appears 29 times in ch. 1002, F.S., but is not defined in that chapter. In some instances, the chapter's statutory language specifies "physician licensed under chs. 458 or 459, F.S." (an allopathic physician, i.e. medical doctor, or osteopathic physician,

respectively), but that specificity is often omitted throughout the chapter. In the latter instances, it is not always clear which type or types of physicians are intended to be referenced, and the bill creates another similar instance. To wit:

- The Department of Health licenses and regulates allopathic, osteopathic, chiropractic, and podiatric physicians, each in different chapters of statute.
- Current law in s. 1006.20, F.S., specifies the types of practitioners who may conduct the required medical evaluation relating to a student’s participation in athletics, and allopathic, osteopathic, and chiropractic physicians are so authorized.²⁰
- By contrast, the bill, on line 41, creates a new instance of the use of “physician” in ch. 1002, F.S., without specifying the type of physician the bill intends to reference.

Similarly, on lines 40-43, the bill amends s. 1002.20(17), F.S., to provide that a student is not required to receive an EKG if the student’s parent provides a written statement from a physician that the student does not require an EKG, in accordance with s. 1006.20(2)(d), F.S. However:

- The bill then amends the latter statute, on lines 123-127, to provide that a parent may provide a written statement from a “practitioner licensed under chs. 458 or 459, F.S., and in good standing with the practitioner’s regulatory board” in order to satisfy the former statute’s exception.
- Several different types of health care practitioners are licensed under chs. 458 and 459, F.S., including allopathic physicians, osteopathic physicians, physician assistants, anesthesiologist assistants, and medical assistants.
- By providing for a “physician” in one instance and then providing for a “practitioner licensed under chs. 458 or 459, F.S.” in the other, in reference to the same purpose, it is unclear whether the bill seeks to include only physicians or to also include the other types of licensed practitioners in order to trigger an exception to the EKG requirement.

On lines 100-102, the bill provides that “The FHSAA bylaws must specify those students who must receive an electrocardiogram in the 2029-2030 school year and thereafter.” The intent of this provision is unclear. A plain reading of the text could indicate that the bylaws must list (i.e. specify) each student, by name, who must receive an EKG. Such a requirement could easily encounter issues relating to impracticality and privacy. The bill may benefit from an amendment to clarify this provision’s intent.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 1002.20 and 1006.20.

IX. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Education Pre-K – 12 Committee on March 11, 2025:

The committee substitute establishes the bill as the “Second Chance Act” and requires that, beginning with the 2026-2027 school year, participating and prospective student

²⁰ The standing text for this statute appears on lines 58-61 of the bill.

athletes identified by the Florida High School Athletic Association (FHSAA) must receive an EKG as part of the student athlete's medical evaluation, unless one of the underlying bill's exceptions applies. The bill requires the FHSAA to develop a schedule to require that, by the 2028-2029 school year, each participating and prospective student athlete has received at least one EKG prior to participation. The bill also requires the FHSAA bylaws to specify those students who must receive an EKG in the 2029-2030 school year and thereafter.

B. Amendments:

None.