

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

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

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

71 (3) ~~(2)~~ ADOPTION OF BYLAWS, POLICIES, OR GUIDELINES.—

72 (a) An approved athletic association ~~the FHSAA~~ shall adopt
73 bylaws that, unless specifically provided by statute, establish
74 eligibility requirements for all students who participate in
75 high school athletic competition in its member schools. The

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

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

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

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

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

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

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

126 | of time equal to the period of revocation of his or her state-
 127 | issued certificate.

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

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

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

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

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

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

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

199 (e) An approved athletic association ~~the FHSAA~~ shall adopt
200 bylaws that regulate persons who conduct investigations on

201 | behalf of the association ~~FHSAA~~. The bylaws shall include
 202 | provisions that require an investigator to:

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

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

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

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

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

221 | 4. Adhere to the following guidelines:

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

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

226 the interviewee.

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

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

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

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

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

250 3. If a member school is assessed a financial penalty as a

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

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

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

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

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

273 3. An investigator may not determine matters of
274 eligibility but must submit information and evidence to the
275 executive director or a person designated by the executive

276 | director or by the board of directors for an unbiased and
277 | objective determination of eligibility; and

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

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

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

299 | (j) An approved athletic association ~~the FHSAA~~ shall adopt
300 | guidelines to educate athletic coaches, officials,

301 administrators, and student athletes and their parents of the
302 nature and risk of concussion and head injury.

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

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

326 Sports Medicine Advisory Committee of the Florida High School
 327 Athletic Association.

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

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

333 2. One chiropractor licensed under chapter 460.

334 3. One podiatrist licensed under chapter 461.

335 4. One dentist licensed under chapter 466.

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

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

340 (8)~~(7)~~ APPEALS.—

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

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

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

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

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

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

374 (g) In any appeal from a decision on eligibility made by
375 the executive director or a designee, a school or student

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

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

394 768.135 Volunteer team physicians; immunity.—

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

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

403 1002.20 K-12 student and parent rights.—Parents of public
 404 school students must receive accurate and timely information
 405 regarding their child's academic progress and must be informed
 406 of ways they can help their child to succeed in school. K-12
 407 students and their parents are afforded numerous statutory
 408 rights including, but not limited to, the following:

409 (17) ATHLETICS; PUBLIC HIGH SCHOOL.—

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

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

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

425 1002.42 Private schools.—

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

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

432 1006.15 Student standards for participation in
 433 interscholastic and intrascholastic extracurricular student
 434 activities; regulation.—

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

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

449 2. The private school student meets the guidelines for the
 450 conduct of the program established by the association's ~~FHSAA's~~

451 board of directors and the district school board. At a minimum,
452 such guidelines shall provide:

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

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

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

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

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

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

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

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

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

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

504 1006.165 Well-being of students participating in
 505 extracurricular activities; training.-

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

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

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

522 2. Establish guidelines for monitoring heat stress and
 523 identify heat stress levels at which a school must make a
 524 cooling zone available for each outdoor athletic contest,
 525 practice, workout, or conditioning session. Heat stress must be

526 determined by measuring the ambient temperature, humidity, wind
527 speed, sun angle, and cloud cover at the site of the athletic
528 activity.

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

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

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

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

546

547 The requirements of this paragraph apply year-round.

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

550 1006.18 Cheerleader safety standards. -An approved athletic

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

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

563 1006.195 District school board, charter school authority
564 and responsibility to establish student eligibility regarding
565 participation in interscholastic and intrascholastic
566 extracurricular activities.—Notwithstanding any provision to the
567 contrary in ss. 1006.15, 1006.18, and 1006.20, regarding student
568 eligibility to participate in interscholastic and
569 intrascholastic extracurricular activities:

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

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

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

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

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

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

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

608 1012.468 Exceptions to certain fingerprinting and criminal
609 history checks.—

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

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

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

618 1012.795 Education Practices Commission; authority to
619 discipline.—

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

626 for that period of time, after which the person may return to
 627 teaching as provided in subsection (4); may revoke the educator
 628 certificate of any person, thereby denying that person the right
 629 to teach or otherwise be employed by a district school board or
 630 public school in any capacity requiring direct contact with
 631 students for up to 10 years, with reinstatement subject to
 632 subsection (4); may permanently revoke the educator certificate
 633 of any person thereby denying that person the right to teach or
 634 otherwise be employed by a district school board or public
 635 school in any capacity requiring direct contact with students;
 636 may suspend a person's educator certificate, upon an order of
 637 the court or notice by the Department of Revenue relating to the
 638 payment of child support; or may impose any other penalty
 639 provided by law, if the person:

640 (o) Has committed a third recruiting offense as determined
 641 by an approved athletic association ~~the Florida High School~~
 642 ~~Athletic Association (FHSAA)~~ pursuant to s. 1006.20(3)(b) ~~s.~~
 643 ~~1006.20(2)(b)~~.

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

646 1012.796 Complaints against teachers and administrators;
 647 procedure; penalties.—

648 (3) The department staff shall advise the commissioner
 649 concerning the findings of the investigation and of all
 650 referrals by an approved athletic association ~~the Florida High~~

651 ~~School Athletic Association (FHSAA)~~ pursuant to ss.
652 1006.20(3)(b) ~~1006.20(2)(b)~~ and 1012.795. The department general
653 counsel or members of that staff shall review the investigation
654 or the referral and advise the commissioner concerning probable
655 cause or lack thereof. The determination of probable cause shall
656 be made by the commissioner. The commissioner shall provide an
657 opportunity for a conference, if requested, before ~~prior to~~
658 determining probable cause. The commissioner may enter into
659 deferred prosecution agreements in lieu of finding probable
660 cause if, in his or her judgment, such agreements are in the
661 best interests of the department, the certificateholder, and the
662 public. Such deferred prosecution agreements shall become
663 effective when filed with the clerk of the Education Practices
664 Commission. However, a deferred prosecution agreement may not be
665 entered into if there is probable cause to believe that a felony
666 or an act of moral turpitude, as defined by rule of the State
667 Board of Education, has occurred, or for referrals by an
668 approved athletic association ~~the FHSAA~~. Upon finding no
669 probable cause, the commissioner shall dismiss the complaint and
670 may issue a letter of guidance to the certificateholder.

671 (7) A panel of the commission shall enter a final order
672 either dismissing the complaint or imposing one or more of the
673 following penalties:

674 (a) Denial of an application for a certificate or for an
675 administrative or supervisory endorsement on a teaching

676 certificate. The denial may provide that the applicant may not
677 reapply for certification, and that the department may refuse to
678 consider that applicant's application, for a specified period of
679 time or permanently.

680 (b) Revocation or suspension of a certificate.

681 (c) Imposition of an administrative fine not to exceed
682 \$2,000 for each count or separate offense.

683 (d) Placement of the teacher, administrator, or supervisor
684 on probation for a period of time and subject to such conditions
685 as the commission may specify, including requiring the certified
686 teacher, administrator, or supervisor to complete additional
687 appropriate college courses or work with another certified
688 educator, with the administrative costs of monitoring the
689 probation assessed to the educator placed on probation. An
690 educator who has been placed on probation shall, at a minimum:

691 1. Immediately notify the investigative office in the
692 Department of Education upon employment or separation from
693 employment in any public or private position requiring a Florida
694 educator's certificate.

695 2. Have his or her immediate supervisor submit annual
696 performance reports to the investigative office in the
697 Department of Education.

698 3. Pay to the commission within the first 6 months of each
699 probation year the administrative costs of monitoring probation
700 assessed to the educator.

701 4. Violate no law and fully comply with all district
 702 school board policies, school rules, and State Board of
 703 Education rules.

704 5. Satisfactorily perform his or her assigned duties in a
 705 competent, professional manner.

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

708 (e) Restriction of the authorized scope of practice of the
 709 teacher, administrator, or supervisor.

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

713 (g) Imposition of an administrative sanction, upon a
 714 person whose teaching certificate has expired, for an act or
 715 acts committed while that person possessed a teaching
 716 certificate or an expired certificate subject to late renewal,
 717 which sanction bars that person from applying for a new
 718 certificate for a period of 10 years or less, or permanently.

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

722
 723 The penalties imposed under this subsection are in addition to,
 724 and not in lieu of, the penalties required for a third
 725 recruiting offense pursuant to s. 1006.20(3)(b) ~~s.~~

CS/HB 355

2021

726 | ~~1006.20(2)(b).~~

727 | Section 12. This act shall take effect July 1, 2021.