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# Education Committee

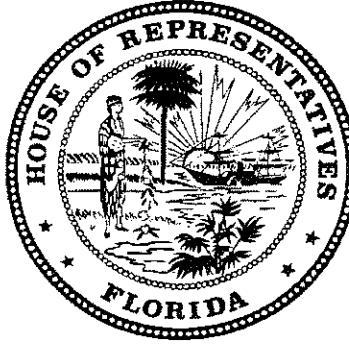
Thursday, March 26, 2015  
9:00 a.m. – 11:00 a.m.

102 HOB

Meeting Packet

Steve Crisafulli  
Speaker

H. Marlene O'Toole  
Chair



## AGENDA

*“Our number one priority in education is to ensure that our schools are focused on student success”*

Education Committee  
Thursday, March 26, 2015  
9:00 a.m. – 11:00 a.m.  
102 HOB

- I. Call to Order and Roll Call
- II. Opening Remarks
- III. Consideration of the following proposed committee bill:
  - PCB EDC 15-02 -- Extracurricular Activities
- IV. Consideration of the following bill(s):
  - HB 461 Independent Nonprofit Higher Educational Facilities Financing by Sullivan, Moraitis
  - HB 477 Background Screening by Sprowls
  - CS/HB 747 Florida Bright Futures Scholarship Program by Higher Education & Workforce Subcommittee, Rooney
  - CS/HB 759 Florida College System Boards of Trustees by Higher Education & Workforce Subcommittee, Hutson
- V. Closing Remarks and Adjournment



1                                   A bill to be entitled  
 2           An act relating to extracurricular activities;  
 3           amending s. 1006.20, F.S.; providing requirements  
 4           regarding fees and admission prices; revising  
 5           provisions regarding eligibility and transfer;  
 6           providing procedures for resolving student eligibility  
 7           disputes; revising the governance structure of the  
 8           Florida High School Athletic Association (FHSAA);  
 9           deleting provisions relating to the FHSAA's board of  
 10          directors, representative assembly, public liaison  
 11          advisory committee, and appeals committees; deleting  
 12          requirements with respect to amendments to the FHSAA's  
 13          bylaws; amending s. 1006.15, F.S.; establishing  
 14          guiding principles for extracurricular activities;  
 15          providing definitions; revising academic eligibility  
 16          requirements; specifying grounds for student  
 17          ineligibility for participation in interscholastic  
 18          athletics; specifying criteria for reinstatement of  
 19          eligibility of certain students; specifying conditions  
 20          under which students who are enrolled in public  
 21          schools, certain private schools, or home education  
 22          programs may participate in the extracurricular  
 23          activities of a public school; deleting obsolete  
 24          provisions; amending s. 1006.16, F.S.; revising  
 25          insurance requirements to include students who  
 26          participate in nonathletic extracurricular activities;

27 requiring that insurance coverage provided by district  
 28 school boards for participants in extracurricular  
 29 activities include certain students; amending s.  
 30 1006.19, F.S.; providing a period within which an  
 31 audit of a nonprofit association's records must be  
 32 provided to the Auditor General; requiring the Auditor  
 33 General to conduct operational audits of the nonprofit  
 34 association's accounts and records; amending ss.  
 35 768.135 and 943.0438, F.S.; conforming provisions to  
 36 changes made by the act; amending s. 1002.20, F.S.;  
 37 conforming cross-references; revising provisions  
 38 related to participation in extracurricular  
 39 activities; amending ss. 1002.33, 1002.42, 1006.165,  
 40 1006.18, 1012.467, 1012.468, and 1012.55, F.S.;  
 41 conforming provisions; requiring the Commissioner of  
 42 Education, with the approval of the State Board of  
 43 Education, to designate a nonprofit association to  
 44 govern interscholastic athletic competition; providing  
 45 for periodic review of the nonprofit association's  
 46 performance of duties; amending s. 1006.20, F.S.;  
 47 providing for contingent effect; deleting references  
 48 to the FHSAA as the sole governing authority of  
 49 interscholastic athletic competition; providing that  
 50 the nonprofit association designated by the  
 51 Commissioner of Education is the governing body for  
 52 purposes of membership in the National Federation of

53 State High School Associations; conforming provisions  
 54 to changes made by the act; providing effective dates.  
 55

56 Be It Enacted by the Legislature of the State of Florida:  
 57

58 Section 1. Section 1006.20, Florida Statutes, is amended  
 59 to read:

60 1006.20 Athletics in public K-12 schools.—

61 (1) GOVERNING NONPROFIT ASSOCIATION ORGANIZATION.—The  
 62 Florida High School Athletic Association (FHSAA) is designated  
 63 as the governing nonprofit association for purposes of  
 64 membership in the National Federation of State High School  
 65 Associations organization of athletics in Florida public  
 66 schools. If the FHSAA fails to meet the provisions of this  
 67 section, the Commissioner of Education, with the approval of the  
 68 State Board of Education, shall designate a nonprofit  
 69 association organization to govern interscholastic athletic  
 70 competition in this state athletics with the approval of the  
 71 State Board of Education. The FHSAA is not a state agency as  
 72 defined in s. 120.52 but is. ~~The FHSAA shall be subject to ss.~~  
 73 1006.15-1006.19. Any special event fees, sanctioning fees,  
 74 including third party sanctioning fees, or contest receipts  
 75 collected annually by the FHSAA may not exceed its actual costs  
 76 to perform the function or duty that is the subject of or  
 77 justification for the fee the provisions of s. 1006.19. The  
 78 FHSAA shall offer spectators seeking admission to athletic

79 competitions the option of purchasing a single-day or multi-day  
 80 pass at a cost below that which one would pay on a per event  
 81 basis for the same number of contests. A private school that  
 82 wishes to engage in high school athletic competition with a  
 83 public high school may become a member of the FHSAA, by sport.  
 84 Any high school in the state, including charter schools, virtual  
 85 schools, and home education cooperatives, may become a member of  
 86 the FHSAA, by sport, and participate in the activities of the  
 87 FHSAA. ~~However,~~ Membership in the FHSAA is not mandatory for any  
 88 school, and any member school may join other athletic  
 89 associations, by sport. The FHSAA may not deny or discourage  
 90 interscholastic competition between its member schools and  
 91 nonmember ~~non-FHSAA member Florida~~ schools, including members of  
 92 another athletic governing association ~~organization,~~ and may not  
 93 take any retributory or discriminatory action against any of its  
 94 member schools that participate in interscholastic competition  
 95 with nonmember ~~non-FHSAA member Florida~~ schools. The FHSAA may  
 96 not unreasonably withhold its approval of an application to  
 97 become an affiliate member of the National Federation of State  
 98 High School Associations submitted by any other association  
 99 ~~organization~~ that governs interscholastic athletic competition  
 100 in this state that meets the requirements of this section. The  
 101 commissioner may identify other associations that govern  
 102 interscholastic athletic competition in compliance with this  
 103 section. ~~The bylaws of the FHSAA are the rules by which high~~  
 104 ~~school athletic programs in its member schools, and the students~~

105 ~~who participate in them, are governed, unless otherwise~~  
 106 ~~specifically provided by statute.~~ For the purposes of this  
 107 section, "high school" includes grades 6 through 12.

108 (2) STUDENT ELIGIBILITY REQUIREMENTS; RECRUITING ADOPTION  
 109 ~~OF BYLAWS, POLICIES; ELIGIBILITY DISPUTE RESOLUTION, OR~~  
 110 GUIDELINES.—The FHSAA shall:

111 (a) ~~The FHSAA shall adopt bylaws that, unless specifically~~  
 112 ~~provided by statute,~~ Establish eligibility requirements for all  
 113 students who participate in high school athletic competition in  
 114 its member schools. A ~~The bylaws governing residence and~~  
 115 ~~transfer shall allow the student~~ is ~~to be~~ eligible in the school  
 116 in which he or she first enrolls each school year or the school  
 117 in which the student makes himself or herself a candidate for an  
 118 athletic team by engaging in a practice before ~~prior to~~  
 119 enrolling in the school. A student who transfers ~~The bylaws~~  
 120 ~~shall also allow the student to be eligible in the school to~~  
 121 ~~which the student has transferred during the school year~~ is  
 122 eligible in the school to which he or she transfers if the  
 123 transfer is made by a deadline established by the FHSAA, which  
 124 may not be before ~~prior to~~ the date authorized for the beginning  
 125 of practice for the sport. If the date authorized for the  
 126 beginning of practice is before the first day of the grading  
 127 period in which the regular season games begin, the transfer  
 128 deadline may not be before the first day of such grading period.  
 129 ~~These transfers shall be allowed pursuant to the district school~~  
 130 ~~board policies in the case of transfer to a public school or~~



131 ~~pursuant to the private school policies in the case of transfer~~  
 132 ~~to a private school.~~ The student shall be eligible in that  
 133 school so long as he or she remains enrolled in that school.  
 134 Subsequent eligibility shall be determined and enforced through  
 135 the FHSAA's requirements ~~bylaws~~. Requirements governing  
 136 eligibility and transfer between member schools shall be applied  
 137 similarly to all ~~public school~~ students and ~~private school~~  
 138 ~~students.~~

139 (b) ~~The FHSAA shall adopt bylaws that specifically~~  
 140 Prohibit the recruiting of students for athletic purposes and.  
 141 ~~The bylaws shall~~ prescribe penalties and an appeals process for  
 142 athletic recruiting violations. If it is determined that a  
 143 school has recruited a student ~~in violation of FHSAA bylaws~~, the  
 144 FHSAA may require the school to participate in a higher  
 145 classification for the sport in which the recruited student  
 146 competes for a minimum of one classification cycle, in addition  
 147 to any other appropriate fine and sanction imposed on the  
 148 school, its coaches, or adult representatives who commit ~~violate~~  
 149 recruiting violations ~~rules~~. A student may only ~~not~~ be declared  
 150 ineligible based on a recruiting violation ~~if of recruiting~~  
 151 ~~rules unless~~ the student or parent has committed an act  
 152 specified in s. 1006.15(4)(b)2. or the FHSAA has imposed  
 153 sanctions against the individuals or member school engaging in  
 154 recruiting and the student or the parent has committed an act  
 155 specified in s. 1006.15(4)(b)3. The FHSAA may not limit the  
 156 competition of a student athlete prospectively for a rule

157 violation by his or her school, the school's coach, or the  
 158 student athlete's adult representative. The FHSAA may not punish  
 159 a student athlete for an eligibility or recruiting violation  
 160 perpetrated by a teammate, coach, or administrator. A contest  
 161 may not be forfeited for an inadvertent eligibility violation  
 162 unless the coach or a school administrator should have known of  
 163 the violation. Contests may not be forfeited for other  
 164 eligibility violations or recruiting violations in excess of the  
 165 number of contests from which the coaches and adult  
 166 representatives responsible for the violations are prospectively  
 167 suspended ~~falsified any enrollment or eligibility document or~~  
 168 ~~accepted any benefit or any promise of benefit if such benefit~~  
 169 ~~is not generally available to the school's students or family~~  
 170 ~~members or is based in any way on athletic interest, potential,~~  
 171 ~~or performance.~~

172 (c) ~~The FHSAA shall adopt bylaws that~~ Require all students  
 173 participating in interscholastic athletic competition or who are  
 174 candidates for an interscholastic athletic team to  
 175 satisfactorily pass a medical evaluation each year before ~~prior~~  
 176 ~~to~~ participating in interscholastic athletic competition or  
 177 engaging in any practice, tryout, workout, or other physical  
 178 activity associated with the student's candidacy for an  
 179 interscholastic athletic team. Such medical evaluation may be  
 180 administered only by a practitioner licensed under chapter 458,  
 181 chapter 459, chapter 460, or s. 464.012, and in good standing  
 182 with the practitioner's regulatory board. The FHSAA ~~bylaws~~ shall

183 | establish requirements for eliciting a student's medical history  
 184 | and performing the medical evaluation required under this  
 185 | paragraph, which shall include a physical assessment of the  
 186 | student's physical capabilities to participate in  
 187 | interscholastic athletic competition as contained in a uniform  
 188 | preparticipation physical evaluation and history form. The  
 189 | evaluation form shall incorporate the recommendations of the  
 190 | American Heart Association for participation in cardiovascular  
 191 | screening and shall provide a place for the signature of the  
 192 | practitioner performing the evaluation with an attestation that  
 193 | each examination procedure listed on the form was performed by  
 194 | the practitioner or by someone under the direct supervision of  
 195 | the practitioner. The form shall also contain a place for the  
 196 | practitioner to indicate if a referral to another practitioner  
 197 | was made in lieu of completion of a certain examination  
 198 | procedure. The form shall provide a place for the practitioner  
 199 | to whom the student was referred to complete the remaining  
 200 | sections and attest to that portion of the examination. The  
 201 | preparticipation physical evaluation form shall advise students  
 202 | to complete a cardiovascular assessment and shall include  
 203 | information concerning alternative cardiovascular evaluation and  
 204 | diagnostic tests. Results of such medical evaluation must be  
 205 | provided to the school. A ~~No~~ student is not ~~shall be~~ eligible to  
 206 | participate in any interscholastic athletic competition or  
 207 | engage in any practice, tryout, workout, or other physical  
 208 | activity associated with the student's candidacy for an

209 interscholastic athletic team until the results of the medical  
 210 evaluation are ~~have been~~ received and approved by the school.

211 (d) Notwithstanding ~~the provisions of~~ paragraph (c), allow  
 212 a student to ~~may~~ participate in interscholastic athletic  
 213 competition or be a candidate for an interscholastic athletic  
 214 team if the parent of the student objects in writing to the  
 215 student undergoing a medical evaluation because such evaluation  
 216 is contrary to his or her religious tenets or practices.  
 217 However, in such case, there shall be no liability on the part  
 218 of any person or entity in a position to otherwise rely on the  
 219 results of such medical evaluation for any damages resulting  
 220 from the student's injury or death arising directly from the  
 221 student's participation in interscholastic athletics where an  
 222 undisclosed medical condition that would have been revealed in  
 223 the medical evaluation is a proximate cause of the injury or  
 224 death.

225 (e) ~~The FHSAA shall adopt bylaws that~~ Regulate persons who  
 226 conduct investigations on behalf of the FHSAA. ~~The bylaws shall~~  
 227 ~~include provisions that require~~ An investigator must ~~to~~:

228 1. Undergo level 2 background screening under s. 435.04,  
 229 establishing that the investigator has not committed any  
 230 disqualifying offense listed in s. 435.04, unless the  
 231 investigator can provide proof of compliance with level 2  
 232 screening standards submitted within the previous 5 years to  
 233 meet any professional licensure requirements, provided:

234 a. The investigator has not had a break in service from a

235 position that requires level 2 screening for more than 90 days;  
 236 and

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

241 2. Be appointed as an investigator by the FHSAA executive  
 242 director.

243 3. Carry a photo identification card that shows the FHSAA  
 244 name and, logo, and the investigator's official title.

245 4. Adhere to the following guidelines:

246 a. Investigate only those alleged violations assigned by  
 247 the FHSAA executive director ~~or the board of directors~~.

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

251 c. Allow the parent of any student being interviewed to be  
 252 present during the interview.

253 d. Search residences or other private areas only with the  
 254 permission of the FHSAA executive director and the written  
 255 consent of the student's parent and only with a parent or a  
 256 representative of the parent present.

257 (f) ~~The FHSAA shall adopt bylaws that~~ Establish sanctions  
 258 for coaches who have committed major violations ~~of the FHSAA's~~  
 259 ~~bylaws and policies~~.

260 1. Major violations include, but are not limited to,

261 knowingly allowing an ineligible student to participate in a  
 262 contest representing a member school in an interscholastic  
 263 contest or committing a violation of the FHSAA's recruiting or  
 264 sportsmanship policies.

265 2. Sanctions placed upon an individual coach may include,  
 266 but are not limited to, prohibiting or suspending the coach from  
 267 coaching, participating in, or attending any athletic activity  
 268 sponsored, recognized, or sanctioned by the FHSAA and the member  
 269 school for which the coach committed the violation. If a coach  
 270 is sanctioned by the FHSAA and the coach transfers to another  
 271 member school, those sanctions remain in full force and effect  
 272 during the term of the sanction.

273 3. If a member school is assessed a financial penalty as a  
 274 result of a coach committing a major violation, the coach shall  
 275 reimburse the member school before being allowed to coach,  
 276 participate in, or attend any athletic activity sponsored,  
 277 recognized, or sanctioned by the FHSAA and a member school.

278 4. The FHSAA shall establish a due process procedure for  
 279 coaches sanctioned under this paragraph, ~~consistent with the~~  
 280 ~~appeals procedures set forth in subsection (7).~~

281 (g) Provide a process for resolution of student  
 282 eligibility disputes. The FHSAA shall provide an opportunity to  
 283 resolve eligibility issues through an informal conference  
 284 procedure. The FHSAA must provide written notice to the student  
 285 athlete, parent, and member school stating specific findings of  
 286 fact that support a determination of ineligibility. The student

287 athlete must request an informal conference if he or she intends  
 288 to contest the charges. The informal conference must be held  
 289 within 10 days of receiving the student athlete's request. If  
 290 the eligibility dispute is not resolved at the informal  
 291 conference, the FHSAA shall provide a process for the timely and  
 292 cost-effective resolution of disputes utilizing a neutral third-  
 293 party, including use of retired or former judges, mediation, or  
 294 arbitration. The neutral third party shall be selected by the  
 295 parent of the student athlete from a list maintained by the  
 296 FHSAA. A final determination regarding the eligibility dispute  
 297 must be issued no more than 30 days after an informal  
 298 conference. The FHSAA shall adopt bylaws establishing the  
 299 process for resolving eligibility disputes must and standards by  
 300 which FHSAA determinations of eligibility are made. Such bylaws  
 301 shall provide that:

- 302 1. Ineligibility must be established by clear and  
 303 convincing evidence.†
- 304 2. Student athletes, parents, and schools must have notice  
 305 of the initiation of any investigation or other inquiry into  
 306 eligibility and may present, to the investigator and to the  
 307 individual making the eligibility determination, any information  
 308 or evidence that is credible, persuasive, and of a kind  
 309 reasonably prudent persons rely upon in the conduct of serious  
 310 affairs.†
- 311 3. An investigator may not determine matters of  
 312 eligibility but must submit information and evidence to the

313 individual or body designated by the FHSAA executive director or  
 314 a person designated by the executive director or by the board of  
 315 directors for an unbiased and objective determination of  
 316 eligibility. ~~and~~

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

320 5. Any proceedings concerning student eligibility must be  
 321 held in the county in which the student resides and may be  
 322 conducted by telephone, videoconference, or other electronic  
 323 means.

324 6. A student athlete may not be declared ineligible to  
 325 participate in athletic competition until a final decision is  
 326 issued by the neutral third-party, unless the determination of  
 327 ineligibility is based upon s. 1006.15(4)(b)1., 5., or 6. It is  
 328 the responsibility of the member school to assess the facts  
 329 underlying the eligibility dispute and any potential penalties  
 330 that may result from a determination of ineligibility in  
 331 deciding whether to allow the student athlete to continue to  
 332 participate prior to a final eligibility determination.

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

338 ~~(i) The FHSAA bylaws may not limit the competition of~~



339 ~~student athletes prospectively for rule violations of their~~  
 340 ~~school or its coaches or their adult representatives. The FHSAA~~  
 341 ~~bylaws may not unfairly punish student athletes for eligibility~~  
 342 ~~or recruiting violations perpetrated by a teammate, coach, or~~  
 343 ~~administrator. Contests may not be forfeited for inadvertent~~  
 344 ~~eligibility violations unless the coach or a school~~  
 345 ~~administrator should have known of the violation. Contests may~~  
 346 ~~not be forfeited for other eligibility violations or recruiting~~  
 347 ~~violations in excess of the number of contests that the coaches~~  
 348 ~~and adult representatives responsible for the violations are~~  
 349 ~~prospectively suspended.~~

350 (h) ~~(j)~~ ~~The FHSAA shall~~ Adopt guidelines to educate  
 351 athletic coaches, officials, administrators, and student  
 352 athletes and their parents about ~~of~~ the nature and risk of  
 353 concussion and head injury.

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

365        (j) ~~(1)~~ ~~The FHSAA shall adopt bylaws or policies that~~  
 366        Require each student athlete who is suspected of sustaining a  
 367        concussion or head injury in a practice or competition to be  
 368        immediately removed from the activity. A student athlete who has  
 369        been removed from an activity may not return to practice or  
 370        competition until the student submits to the school a written  
 371        medical clearance to return stating that the student athlete no  
 372        longer exhibits signs, symptoms, or behaviors consistent with a  
 373        concussion or other head injury. Medical clearance must be  
 374        authorized by the appropriate health care practitioner trained  
 375        in the diagnosis, evaluation, and management of concussions as  
 376        defined by the Sports Medicine Advisory Committee of the Florida  
 377        High School Athletic Association.

378        (k) ~~(m)~~ Establish ~~The FHSAA shall adopt bylaws for the~~  
 379        ~~establishment and~~ duties of a sports medicine advisory committee  
 380        composed of the following members:

- 381            1. Eight physicians licensed under chapter 458 or chapter
- 382            459, with at least one member licensed under chapter 459.
- 383            2. One chiropractor licensed under chapter 460.
- 384            3. One podiatrist licensed under chapter 461.
- 385            4. One dentist licensed under chapter 466.
- 386            5. Three athletic trainers licensed under part XIII of
- 387            chapter 468.
- 388            6. One member who is a current or retired head coach of a
- 389            high school in the state.

390        (l) Adopt guidelines, provide resources, and develop a

391 training course to promote sportsmanship and ethical conduct in  
 392 interscholastic athletics and require each member school to:

393 1. Establish policies that promote sportsmanship and  
 394 ethical conduct in its interscholastic athletic programs.

395 2. Educate, on a continuing basis, student athletes,  
 396 athletic coaches, and administrators regarding these policies.

397 3. Annually administer the training course developed by  
 398 the FHSAA to student athletes, athletic coaches, and  
 399 administrators.

400 4. Annually certify compliance with this paragraph by a  
 401 deadline established by the FHSAA.

402  
 403 In developing the sportsmanship and ethical conduct training,  
 404 the FHSAA may provide for multiple modes of delivery, including  
 405 in-person seminars or videoconferencing, webinars, or other  
 406 electronic means.

407 (3) GOVERNING STRUCTURE OF THE FHSAA.—

408 (a) The FHSAA shall operate as a representative democracy  
 409 in which the sovereign authority is within its member schools  
 410 and the parents of students participating in interscholastic  
 411 athletics within those schools. ~~Except as provided in this~~  
 412 ~~section, the FHSAA shall govern its affairs through its bylaws.~~

413 (b) Each member school, on its annual application for  
 414 membership, shall name its official representative to the FHSAA.  
 415 This representative must be either the school principal or his  
 416 or her designee. That designee must either be an assistant

417 principal or athletic director housed within that same school.

418       (c) The governing board of the FHSAA shall consist of 16  
 419 members comprised proportionately of representatives from  
 420 traditional public schools, public schools of choice, private  
 421 schools, home education cooperatives, and parents of student  
 422 athletes who are enrolled in such schools or programs ~~FHSAA's~~  
 423 ~~membership shall be divided along existing county lines into~~  
 424 ~~four contiguous and compact administrative regions, each~~  
 425 ~~containing an equal or nearly equal number of member schools to~~  
 426 ~~ensure equitable representation on the FHSAA's board of~~  
 427 ~~directors, representative assembly, and appeals committees.~~ The  
 428 governing board must also be constituted in a manner that  
 429 provides for equitable representation among the various regions  
 430 of the state where the association's member schools are located.  
 431 Any additional policy making body established by the FHSAA must  
 432 provide for proportionate representation of schools, programs,  
 433 parents, and regions of the state as described in this  
 434 paragraph.

435       (d) The FHSAA shall annually require each member of the  
 436 governing board or other policy making body to attend nonprofit  
 437 governance training, which must include government in the  
 438 sunshine, conflicts of interest, ethics, and student athlete-  
 439 centered decision making consistent with the guiding principles  
 440 for participation in extracurricular activities under s.  
 441 1006.15.

442       ~~(4) BOARD OF DIRECTORS.~~

443 ~~(a) The executive authority of the FHSAA shall be vested~~  
 444 ~~in its board of directors. Any entity that appoints members to~~  
 445 ~~the board of directors shall examine the ethnic and demographic~~  
 446 ~~composition of the board when selecting candidates for~~  
 447 ~~appointment and shall, to the greatest extent possible, make~~  
 448 ~~appointments that reflect state demographic and population~~  
 449 ~~trends. The board of directors shall be composed of 16 persons,~~  
 450 ~~as follows:~~

451 ~~1. Four public member school representatives, one elected~~  
 452 ~~from among its public school representative members within each~~  
 453 ~~of the four administrative regions.~~

454 ~~2. Four nonpublic member school representatives, one~~  
 455 ~~elected from among its nonpublic school representative members~~  
 456 ~~within each of the four administrative regions.~~

457 ~~3. Three representatives appointed by the commissioner,~~  
 458 ~~one appointed from the two northernmost administrative regions~~  
 459 ~~and one appointed from the two southernmost administrative~~  
 460 ~~regions. The third representative shall be appointed to balance~~  
 461 ~~the board for diversity or state population trends, or both.~~

462 ~~4. Two district school superintendents, one elected from~~  
 463 ~~the two northernmost administrative regions by the members in~~  
 464 ~~those regions and one elected from the two southernmost~~  
 465 ~~administrative regions by the members in those regions.~~

466 ~~5. Two district school board members, one elected from the~~  
 467 ~~two northernmost administrative regions by the members in those~~  
 468 ~~regions and one elected from the two southernmost administrative~~

469 ~~regions by the members in those regions.~~

470 ~~6. The commissioner or his or her designee from the~~  
 471 ~~department executive staff.~~

472 ~~(b) A quorum of the board of directors shall consist of~~  
 473 ~~nine members.~~

474 ~~(c) The board of directors shall elect a president and a~~  
 475 ~~vice president from among its members. These officers shall also~~  
 476 ~~serve as officers of the FHSAA.~~

477 ~~(d) Members of the board of directors shall serve terms of~~  
 478 ~~3 years and are eligible to succeed themselves only once. A~~  
 479 ~~member of the board of directors, other than the commissioner or~~  
 480 ~~his or her designee, may serve a maximum of 6 consecutive years.~~  
 481 ~~The FHSAA's bylaws shall establish a rotation of terms to ensure~~  
 482 ~~that a majority of the members' terms do not expire~~  
 483 ~~concurrently.~~

484 ~~(e) The authority and duties of the board of directors,~~  
 485 ~~acting as a body and in accordance with the FHSAA's bylaws, are~~  
 486 ~~as follows:~~

487 ~~1. To act as the incorporated FHSAA's board of directors~~  
 488 ~~and to fulfill its obligations as required by the FHSAA's~~  
 489 ~~charter and articles of incorporation.~~

490 ~~2. To establish such guidelines, regulations, policies,~~  
 491 ~~and procedures as are authorized by the bylaws.~~

492 ~~3. To employ an FHSAA executive director, who shall have~~  
 493 ~~the authority to waive the bylaws of the FHSAA in order to~~  
 494 ~~comply with statutory changes.~~

495 ~~4. To levy annual dues and other fees and to set the~~  
 496 ~~percentage of contest receipts to be collected by the FHSAA.~~

497 ~~5. To approve the budget of the FHSAA.~~

498 ~~6. To organize and conduct statewide interscholastic~~  
 499 ~~competitions, which may or may not lead to state championships,~~  
 500 ~~and to establish the terms and conditions for these~~  
 501 ~~competitions.~~

502 ~~7. To act as an administrative board in the interpretation~~  
 503 ~~of, and final decision on, all questions and appeals arising~~  
 504 ~~from the directing of interscholastic athletics of member~~  
 505 ~~schools.~~

506 ~~(5) REPRESENTATIVE ASSEMBLY.~~

507 ~~(a) The legislative authority of the FHSAA is vested in~~  
 508 ~~its representative assembly.~~

509 ~~(b) The representative assembly shall be composed of the~~  
 510 ~~following:~~

511 ~~1. An equal number of member school representatives from~~  
 512 ~~each of the four administrative regions.~~

513 ~~2. Four district school superintendents, one elected from~~  
 514 ~~each of the four administrative regions by the district school~~  
 515 ~~superintendents in their respective administrative regions.~~

516 ~~3. Four district school board members, one elected from~~  
 517 ~~each of the four administrative regions by the district school~~  
 518 ~~board members in their respective administrative regions.~~

519 ~~4. The commissioner or his or her designee from the~~  
 520 ~~department executive staff.~~

521 ~~(c) The FHSAA's bylaws shall establish the number of~~  
 522 ~~member school representatives to serve in the representative~~  
 523 ~~assembly from each of the four administrative regions and shall~~  
 524 ~~establish the method for their selection.~~

525 ~~(d) No member of the board of directors other than the~~  
 526 ~~commissioner or his or her designee can serve in the~~  
 527 ~~representative assembly.~~

528 ~~(e) The representative assembly shall elect a chairperson~~  
 529 ~~and a vice chairperson from among its members.~~

530 ~~(f) Elected members of the representative assembly shall~~  
 531 ~~serve terms of 2 years and are eligible to succeed themselves~~  
 532 ~~for two additional terms. An elected member, other than the~~  
 533 ~~commissioner or his or her designee, may serve a maximum of 6~~  
 534 ~~consecutive years in the representative assembly.~~

535 ~~(g) A quorum of the representative assembly consists of~~  
 536 ~~one more than half of its members.~~

537 ~~(h) The authority of the representative assembly is~~  
 538 ~~limited to its sole duty, which is to consider, adopt, or reject~~  
 539 ~~any proposed amendments to the FHSAA's bylaws.~~

540 ~~(i) The representative assembly shall meet as a body~~  
 541 ~~annually. A two thirds majority of the votes cast by members~~  
 542 ~~present is required for passage of any proposal.~~

543 ~~(6) PUBLIC LIAISON ADVISORY COMMITTEE.—~~

544 ~~(a) The FHSAA shall establish, sustain, fund, and provide~~  
 545 ~~staff support to a public liaison advisory committee composed of~~  
 546 ~~the following:~~



- 547        ~~1. The commissioner or his or her designee.~~
- 548        ~~2. A member public school principal.~~
- 549        ~~3. A member private school principal.~~
- 550        ~~4. A member school principal who is a member of a racial~~
- 551 ~~minority.~~
- 552        ~~5. An active athletic director.~~
- 553        ~~6. An active coach, who is employed full time by a member~~
- 554 ~~school.~~
- 555        ~~7. A student athlete.~~
- 556        ~~8. A district school superintendent.~~
- 557        ~~9. A district school board member.~~
- 558        ~~10. A member of the Florida House of Representatives.~~
- 559        ~~11. A member of the Florida Senate.~~
- 560        ~~12. A parent of a high school student.~~
- 561        ~~13. A member of a home education association.~~
- 562        ~~14. A representative of the business community.~~
- 563        ~~15. A representative of the news media.~~
- 564        ~~(b) No member of the board of directors, committee on~~
- 565 ~~appeals, or representative assembly is eligible to serve on the~~
- 566 ~~public liaison advisory committee.~~
- 567        ~~(c) The public liaison advisory committee shall elect a~~
- 568 ~~chairperson and vice chairperson from among its members.~~
- 569        ~~(d) The authority and duties of the public liaison~~
- 570 ~~advisory committee are as follows:~~
- 571        ~~1. To act as a conduit through which the general public~~
- 572 ~~may have input into the decisionmaking process of the FHSAA and~~

573 ~~to assist the FHSAA in the development of procedures regarding~~  
 574 ~~the receipt of public input and disposition of complaints~~  
 575 ~~related to high school athletic and competition programs.~~

576 ~~2. To conduct public hearings annually in each of the four~~  
 577 ~~administrative regions during which interested parties may~~  
 578 ~~address issues regarding the effectiveness of the rules,~~  
 579 ~~operation, and management of the FHSAA.~~

580 ~~3. To conduct an annual evaluation of the FHSAA as a whole~~  
 581 ~~and present a report of its findings, conclusion, and~~  
 582 ~~recommendations to the board of directors, to the commissioner,~~  
 583 ~~and to the respective education committees of the Florida Senate~~  
 584 ~~and the Florida House of Representatives. The recommendations~~  
 585 ~~must delineate policies and procedures that will improve the~~  
 586 ~~implementation and oversight of high school athletic programs by~~  
 587 ~~the FHSAA.~~

588 ~~(e) The public liaison advisory committee shall meet four~~  
 589 ~~times annually. Additional meetings may be called by the~~  
 590 ~~committee chairperson, the FHSAA president, or the FHSAA~~  
 591 ~~executive director.~~

592 ~~(7) APPEALS.~~

593 ~~(a) The FHSAA shall establish a procedure of due process~~  
 594 ~~which ensures each student the opportunity to appeal an~~  
 595 ~~unfavorable ruling with regard to his or her eligibility to~~  
 596 ~~compete. The initial appeal shall be made to a committee on~~  
 597 ~~appeals within the administrative region in which the student~~  
 598 ~~lives. The FHSAA's bylaws shall establish the number, size, and~~

599 ~~composition of each committee on appeals.~~

600 ~~(b) No member of the board of directors is eligible to~~  
 601 ~~serve on a committee on appeals.~~

602 ~~(c) Members of a committee on appeals shall serve terms of~~  
 603 ~~3 years and are eligible to succeed themselves only once. A~~  
 604 ~~member of a committee on appeals may serve a maximum of 6~~  
 605 ~~consecutive years. The FHSAA's bylaws shall establish a rotation~~  
 606 ~~of terms to ensure that a majority of the members' terms do not~~  
 607 ~~expire concurrently.~~

608 ~~(d) The authority and duties of a committee on appeals~~  
 609 ~~shall be to consider requests by member schools seeking~~  
 610 ~~exceptions to bylaws and regulations, to hear undue hardship~~  
 611 ~~eligibility cases filed by member schools on behalf of student~~  
 612 ~~athletes, and to hear appeals filed by member schools or student~~  
 613 ~~athletes.~~

614 ~~(e) A student athlete or member school that receives an~~  
 615 ~~unfavorable ruling from a committee on appeals shall be entitled~~  
 616 ~~to appeal that decision to the board of directors at its next~~  
 617 ~~regularly scheduled meeting or called meeting. The board of~~  
 618 ~~directors shall have the authority to uphold, reverse, or amend~~  
 619 ~~the decision of the committee on appeals. In all such cases, the~~  
 620 ~~decision of the board of directors shall be final.~~

621 ~~(f) The FHSAA shall expedite the appeals process on~~  
 622 ~~determinations of ineligibility so that disposition of the~~  
 623 ~~appeal can be made before the end of the applicable sports~~  
 624 ~~season, if possible.~~

625 ~~(g) In any appeal from a decision on eligibility made by~~  
 626 ~~the executive director or a designee, a school or student~~  
 627 ~~athlete filing the appeal must be permitted to present~~  
 628 ~~information and evidence that was not available at the time of~~  
 629 ~~the initial determination or if the determination was not made~~  
 630 ~~by an unbiased, objective individual using a process allowing~~  
 631 ~~full due process rights to be heard and to present evidence. If~~  
 632 ~~evidence is presented on appeal, a de novo decision must be made~~  
 633 ~~by the committee or board hearing the appeal, or the~~  
 634 ~~determination may be suspended and the matter remanded for a new~~  
 635 ~~determination based on all the evidence. If a de novo decision~~  
 636 ~~is made on appeal, the decision must be made in writing, setting~~  
 637 ~~forth the findings of fact and specific violation upon which the~~  
 638 ~~decision is based. If a de novo decision is not required, the~~  
 639 ~~decision appealed must be set aside if the decision on~~  
 640 ~~ineligibility was not based on clear and convincing evidence.~~  
 641 ~~Any further appeal shall be considered on a record that includes~~  
 642 ~~all evidence presented.~~

643 ~~(8) AMENDMENT OF BYLAWS. Each member school~~  
 644 ~~representative, the board of directors acting as a whole or as~~  
 645 ~~members acting individually, any advisory committee acting as a~~  
 646 ~~whole to be established by the FHSAA, and the FHSAA's executive~~  
 647 ~~director are empowered to propose amendments to the bylaws. Any~~  
 648 ~~other individual may propose an amendment by securing the~~  
 649 ~~sponsorship of any of the aforementioned individuals or bodies.~~  
 650 ~~All proposed amendments must be submitted directly to the~~

651 ~~representative assembly for its consideration. The~~  
 652 ~~representative assembly, while empowered to adopt, reject, or~~  
 653 ~~revise proposed amendments, may not, in and of itself, as a body~~  
 654 ~~be allowed to propose any amendment for its own consideration.~~

655 Section 2. Subsections (2) through (8) of section 1006.15,  
 656 Florida Statutes, are amended to read:

657 1006.15 Student standards for eligibility to participate  
 658 participation in interseholastic and intraseholastic  
 659 extracurricular student activities; regulation.-

660 (2) District school board and nonprofit association  
 661 policies governing student eligibility for extracurricular  
 662 activities shall be guided by the following principles:

663 (a) Interseholastic Extracurricular student activities are  
 664 an important complement to the academic curriculum and provide  
 665 students with incentives to succeed academically.

666 (b) Participation in a comprehensive extracurricular and  
 667 academic program contributes to student development of the  
 668 social and intellectual skills necessary to become a well-  
 669 rounded adult.

670 (c) Extracurricular activities promote teamwork and  
 671 collaboration, expose students to individuals from diverse  
 672 backgrounds, and enhance parental engagement in the school.

673 (d) Policies governing student eligibility for  
 674 extracurricular activities should not impede parental school  
 675 choice.

676 (e) A student's school attendance zone or choice of

677 educational program should not be a barrier to participation in  
 678 extracurricular activities that are not offered by the student's  
 679 school or program.

680 (3) As used in this part section, the term:

681 (a) "Extracurricular activity" means a any school-  
 682 authorized or education-related activity occurring during or  
 683 outside the regular instructional school day.

684 (b) "Home education cooperative" means a parent-directed  
 685 group of individual home education students that provides  
 686 opportunities for interscholastic competition to those students.

687 (c) "Impermissible benefit" means a benefit or promise of  
 688 benefit that is based in any way on athletic interest,  
 689 potential, or performance and is a benefit not generally  
 690 available to the school's students or family members that  
 691 induces a student athlete to participate in the athletic  
 692 programs of a member school. The term does not include  
 693 transportation arrangements.

694 (d)1. "Nonprofit association" means the association  
 695 designated by the Commissioner of Education pursuant to s.  
 696 1006.20 to govern interscholastic athletic competition in this  
 697 state.

698 2. The term means the Florida High School Athletic  
 699 Association until the State Board of Education approves the  
 700 commissioner's designation of a nonprofit association to govern  
 701 interscholastic athletic competition in this state pursuant to  
 702 s. 1006.20. This subparagraph expires July 1, 2017.

703           (e) "Public school student" means a student who is  
 704 attending a traditional public school, charter school, magnet  
 705 school, alternative school, developmental research laboratory  
 706 school, other public school of choice, or public virtual school.

707           (f) "Recruiting" means an effort by a school employee or  
 708 athletic department staff member to pressure, urge, or entice a  
 709 student to attend that school for the purpose of participating  
 710 in interscholastic athletics.

711           (g) "Unaffiliated private school" means a private school  
 712 that has an enrollment of 125 or fewer students in grades 6  
 713 through 12 and that is not a member of the nonprofit  
 714 association.

715           (4)-(3)(a) A student is ~~To be~~ eligible to participate in  
 716 interscholastic extracurricular ~~student~~ activities if the, a  
 717 student ~~must~~:

718           1. Maintains ~~Maintain~~ a grade point average of 2.0 or  
 719 above on a 4.0 scale, or its equivalent, in the previous  
 720 semester ~~or a cumulative grade point average of 2.0 or above on~~  
 721 ~~a 4.0 scale, or its equivalent, in the courses required by s.~~  
 722 ~~1002.3105(5) or s. 1003.4282.~~

723           2. Executes ~~Execute~~ and fulfills ~~fulfill~~ the requirements  
 724 of an academic performance contract between the student, the  
 725 district school board or private school, the appropriate  
 726 governing association, and the student's parents, ~~if the~~  
 727 student's cumulative grade point average falls below 2.0, or its  
 728 equivalent, on a 4.0 scale ~~in the courses required by s.~~

729 ~~1002.3105(5) or s. 1003.4282~~. At a minimum, the contract must  
 730 require that the student attend summer school, or its graded  
 731 equivalent, between grades 9 and 10 or grades 10 and 11, as  
 732 necessary.

733 3. Has Have a cumulative grade point average of 2.0 or  
 734 above on a 4.0 scale, or its equivalent, ~~in the courses required~~  
 735 ~~by s. 1002.3105(5) or s. 1003.4282~~ during his or her junior or  
 736 senior year.

737 4. Maintains ~~Maintain~~ satisfactory conduct as prescribed  
 738 by the district school board's or private school's code,  
 739 ~~including adherence to appropriate dress and other codes of~~  
 740 ~~student conduct policies described in s. 1006.07(2)~~. If a  
 741 student is convicted of, or is found to have committed, a felony  
 742 or a delinquent act that would have been a felony if committed  
 743 by an adult, regardless of whether adjudication is withheld, the  
 744 student's participation in ~~interscholastic~~ extracurricular  
 745 activities is contingent upon established and published district  
 746 school board or private school policy.

747 5. Is a home education student who meets the requirements  
 748 of the home education program pursuant to s. 1002.41, including  
 749 annual educational evaluations. The evaluation processes or  
 750 requirements placed on home education student participants may  
 751 not exceed those that apply under s. 1002.41 to home education  
 752 students generally.

753 (b) A student may only be declared ineligible to  
 754 participate in interscholastic athletics if:



- 755        1. The student fails to achieve compliance with paragraph  
 756 (a);
- 757        2. The student or parent falsifies an enrollment or  
 758 eligibility document;
- 759        3. The student or parent accepts an impermissible benefit;
- 760        4. The student commits a flagrant act of unsportsmanlike  
 761 conduct towards a contest official, opponent, or other person  
 762 attending an athletic contest or violates substance abuse  
 763 policies established by the nonprofit association;
- 764        5. The student has exhausted 4 years of athletic  
 765 eligibility, graduated from high school, or attained the maximum  
 766 age established by the nonprofit association, whichever occurs  
 767 first;
- 768        6. The student does not pass a medical evaluation pursuant  
 769 to 1006.20(2)(c), except as otherwise provided in s.  
 770 1006.20(2)(d);
- 771        7. The student forfeits his or her amateur status, as  
 772 defined by the nonprofit association; or
- 773        8. The student transfers to another school after the  
 774 transfer deadline established under s. 1006.20 and the student  
 775 does not meet qualifications for transfer eligibility  
 776 established by the nonprofit association.
- 777        (c)1.~~(b)~~ A ~~Any~~ student who is exempt from attending a full  
 778 school day based on rules adopted by the district school board  
 779 for double session schools or programs, experimental schools, or  
 780 schools operating under emergency conditions must maintain the

781 grade point average required by this section and pass each class  
 782 for which he or she is enrolled.

783 2. A student who transfers from a home education program  
 784 to a public or private school before or during the first  
 785 semester of the school year is academically eligible to  
 786 participate in extracurricular activities during the first  
 787 semester if the student has a successful evaluation from the  
 788 previous school year pursuant to subparagraph (d)1.

789 3. A public school or private school student who transfers  
 790 into a home education program after being declared ineligible  
 791 for participation in extracurricular activities pursuant to  
 792 subparagraph (b)1. is ineligible to participate in such  
 793 activities as a home education student until the student has  
 794 successfully completed one semester in a home education program  
 795 pursuant to s. 1002.41.

796 4. A public school student who transfers to a private  
 797 school or another public school or a private school student who  
 798 transfers to a public school or another private school after  
 799 being declared ineligible to participate in extracurricular  
 800 activities pursuant to subparagraph (b)1. is ineligible to  
 801 participate in such activities until the student has  
 802 successfully completed one semester at the school to which he or  
 803 she transfers and meets the requirements of paragraph (a).

804 (d)-(e) A public school student, a student attending an  
 805 unaffiliated private school, or a ~~An individual~~ home education  
 806 student is eligible to participate in an extracurricular

807 activity that is not offered by the student's school or home  
 808 education program. Participation may occur at any the public  
 809 school in the school district in which the student resides to  
 810 ~~which the student would be assigned according to district school~~  
 811 ~~board attendance area policies or a public school in another~~  
 812 school district which the student could choose to attend  
 813 pursuant to an district or interdistrict controlled open  
 814 enrollment policy. provisions, or A home education student may  
 815 also develop an agreement to participate at a private school, in  
 816 the ~~interseholastic~~ extracurricular activities of that school, ~~r~~  
 817 ~~provided~~ In order to participate under this paragraph, a the  
 818 student must meet the following conditions are met:

819 1. ~~The home education student must meet the requirements~~  
 820 ~~of the home education program pursuant to s. 1002.41.~~

821 2. ~~During the period of participation at a school, the~~  
 822 ~~home education student must demonstrate educational progress as~~  
 823 ~~required in paragraph (b) in all subjects taken in the home~~  
 824 ~~education program by a method of evaluation agreed upon by the~~  
 825 ~~parent and the school principal which may include: review of the~~  
 826 ~~student's work by a certified teacher chosen by the parent;~~  
 827 ~~grades earned through correspondence; grades earned in courses~~  
 828 ~~taken at a Florida College System institution, university, or~~  
 829 ~~trade school; standardized test scores above the 35th~~  
 830 ~~percentile; or any other method designated in s. 1002.41.~~

831 3. ~~The home education student must meet the same residency~~  
 832 ~~requirements as other students in the school at which he or she~~

833 ~~participates.~~

834 1.4. A The home education student who participates  
 835 pursuant to this paragraph must meet the same standards of  
 836 acceptance, behavior, and performance as required of other  
 837 students in extracurricular activities.

838 2.5. A The student who participates pursuant to this  
 839 paragraph must register with the school his or her intent to  
 840 participate in ~~interscholastic~~ extracurricular activities as a  
 841 representative of the school before the beginning date of the  
 842 nonathletic activity or season for the athletic activity in  
 843 which he or she wishes to participate. A ~~home education~~ student  
 844 must be able to participate in curricular activities if that is  
 845 a requirement for an extracurricular activity.

846 3. A student who is enrolled in an unaffiliated private  
 847 school, home education program, a full-time public virtual  
 848 school, or any public school that does not offer any  
 849 interscholastic athletic programs may only participate in  
 850 interscholastic athletics at the public school in which the  
 851 student is first registered.

852 4. The parent of a student who participates pursuant to  
 853 this paragraph is responsible for transporting the student to  
 854 and from the school at which the student participates. The  
 855 school the student attends, the school at which the student  
 856 participates in the extracurricular activity, the district  
 857 school board, and the nonprofit association are exempt from  
 858 civil liability arising from any injury to the student which

859 occurs during such transportation.

860 ~~6. A student who transfers from a home education program~~  
 861 ~~to a public school before or during the first grading period of~~  
 862 ~~the school year is academically eligible to participate in~~  
 863 ~~interscholastic extracurricular activities during the first~~  
 864 ~~grading period provided the student has a successful evaluation~~  
 865 ~~from the previous school year, pursuant to subparagraph 2.~~

866 ~~7. Any public school or private school student who has~~  
 867 ~~been unable to maintain academic eligibility for participation~~  
 868 ~~in interscholastic extracurricular activities is ineligible to~~  
 869 ~~participate in such activities as a home education student until~~  
 870 ~~the student has successfully completed one grading period in~~  
 871 ~~home education pursuant to subparagraph 2. to become eligible to~~  
 872 ~~participate as a home education student.~~

873 ~~(d) An individual charter school student pursuant to s.~~  
 874 ~~1002.33 is eligible to participate at the public school to which~~  
 875 ~~the student would be assigned according to district school board~~  
 876 ~~attendance area policies or which the student could choose to~~  
 877 ~~attend, pursuant to district or interdistrict controlled open-~~  
 878 ~~enrollment provisions, in any interscholastic extracurricular~~  
 879 ~~activity of that school, unless such activity is provided by the~~  
 880 ~~student's charter school, if the following conditions are met:~~

881 ~~1. The charter school student must meet the requirements~~  
 882 ~~of the charter school education program as determined by the~~  
 883 ~~charter school governing board.~~

884 ~~2. During the period of participation at a school, the~~

885 ~~charter school student must demonstrate educational progress as~~  
 886 ~~required in paragraph (b).~~

887 ~~3. The charter school student must meet the same residency~~  
 888 ~~requirements as other students in the school at which he or she~~  
 889 ~~participates.~~

890 ~~4. The charter school student must meet the same standards~~  
 891 ~~of acceptance, behavior, and performance that are required of~~  
 892 ~~other students in extracurricular activities.~~

893 ~~5. The charter school student must register with the~~  
 894 ~~school his or her intent to participate in interscholastic~~  
 895 ~~extracurricular activities as a representative of the school~~  
 896 ~~before the beginning date of the season for the activity in~~  
 897 ~~which he or she wishes to participate. A charter school student~~  
 898 ~~must be able to participate in curricular activities if that is~~  
 899 ~~a requirement for an extracurricular activity.~~

900 ~~6. A student who transfers from a charter school program~~  
 901 ~~to a traditional public school before or during the first~~  
 902 ~~grading period of the school year is academically eligible to~~  
 903 ~~participate in interscholastic extracurricular activities during~~  
 904 ~~the first grading period if the student has a successful~~  
 905 ~~evaluation from the previous school year, pursuant to~~  
 906 ~~subparagraph 2.~~

907 ~~7. Any public school or private school student who has~~  
 908 ~~been unable to maintain academic eligibility for participation~~  
 909 ~~in interscholastic extracurricular activities is ineligible to~~  
 910 ~~participate in such activities as a charter school student until~~

911 ~~the student has successfully completed one grading period in a~~  
 912 ~~charter school pursuant to subparagraph 2. to become eligible to~~  
 913 ~~participate as a charter school student.~~

914 ~~(c) A student of the Florida Virtual School full time~~  
 915 ~~program may participate in any interscholastic extracurricular~~  
 916 ~~activity at the public school to which the student would be~~  
 917 ~~assigned according to district school board attendance area~~  
 918 ~~policies or which the student could choose to attend, pursuant~~  
 919 ~~to district or interdistrict controlled open enrollment~~  
 920 ~~policies, if the student:~~

921 ~~1. During the period of participation in the~~  
 922 ~~interscholastic extracurricular activity, meets the requirements~~  
 923 ~~in paragraph (a).~~

924 ~~2. Meets any additional requirements as determined by the~~  
 925 ~~board of trustees of the Florida Virtual School.~~

926 ~~3. Meets the same residency requirements as other students~~  
 927 ~~in the school at which he or she participates.~~

928 ~~4. Meets the same standards of acceptance, behavior, and~~  
 929 ~~performance that are required of other students in~~  
 930 ~~extracurricular activities.~~

931 ~~5. Registers his or her intent to participate in~~  
 932 ~~interscholastic extracurricular activities with the school~~  
 933 ~~before the beginning date of the season for the activity in~~  
 934 ~~which he or she wishes to participate. A Florida Virtual School~~  
 935 ~~student must be able to participate in curricular activities if~~  
 936 ~~that is a requirement for an extracurricular activity.~~

937 ~~(f) A student who transfers from the Florida Virtual~~  
 938 ~~School full time program to a traditional public school before~~  
 939 ~~or during the first grading period of the school year is~~  
 940 ~~academically eligible to participate in interscholastic~~  
 941 ~~extracurricular activities during the first grading period if~~  
 942 ~~the student has a successful evaluation from the previous school~~  
 943 ~~year pursuant to paragraph (a).~~

944 ~~(g) A public school or private school student who has been~~  
 945 ~~unable to maintain academic eligibility for participation in~~  
 946 ~~interscholastic extracurricular activities is ineligible to~~  
 947 ~~participate in such activities as a Florida Virtual School~~  
 948 ~~student until the student successfully completes one grading~~  
 949 ~~period in the Florida Virtual School pursuant to paragraph (a).~~

950 (5)(4) The student standards for participation in  
 951 interscholastic extracurricular activities must be applied  
 952 beginning with the student's first semester of the 9th grade.  
 953 Each student must meet such other requirements for participation  
 954 as may be established by the district school board; however,  
 955 such requirements must apply on an equal basis to all students  
 956 and a district school board may not make establish requirements  
 957 for participation in interscholastic extracurricular activities  
 958 which make participation in such activities less accessible to a  
 959 transfer student or a student enrolled in a public school of  
 960 choice, an unaffiliated private school, or a home education  
 961 program students than to other students. A district school board  
 962 or private school may not establish policies regarding transfer



963 student eligibility for extracurricular activities which are  
 964 more stringent than the policies established by the nonprofit  
 965 association ~~Except as set forth in paragraph (3)(c), evaluation~~  
 966 ~~processes or requirements that are placed on home education~~  
 967 ~~student participants may not go beyond those that apply under s.~~  
 968 ~~1002.41 to home education students generally.~~

969 (6)~~(5)~~ Any organization or entity that regulates or  
 970 governs interscholastic extracurricular activities of public  
 971 schools:

972 (a) Shall permit home education associations or home  
 973 education cooperatives to join as member schools.

974 (b) Shall not discriminate against any eligible student  
 975 based on an educational choice of public, private, or home  
 976 education.

977 (7)~~(6)~~ Public schools are prohibited from membership in  
 978 any organization or entity which regulates or governs  
 979 interscholastic extracurricular activities and discriminates  
 980 against eligible students in public, private, or home education.

981 ~~(7) Any insurance provided by district school boards for~~  
 982 ~~participants in extracurricular activities shall cover the~~  
 983 ~~participating home education student. If there is an additional~~  
 984 ~~premium for such coverage, the participating home education~~  
 985 ~~student shall pay the premium.~~

986 ~~(8)(a) The Florida High School Athletic Association~~  
 987 ~~(FHSAA), in cooperation with each district school board, shall~~  
 988 ~~facilitate a program in which a middle school or high school~~

989 ~~student who attends a private school shall be eligible to~~  
 990 ~~participate in an interscholastic or intrascholastic sport at a~~  
 991 ~~public high school, a public middle school, or a 6-12 public~~  
 992 ~~school that is zoned for the physical address at which the~~  
 993 ~~student resides if:~~

994 ~~1. The private school in which the student is enrolled is~~  
 995 ~~not a member of the FHSAA and does not offer an interscholastic~~  
 996 ~~or intrascholastic athletic program.~~

997 ~~2. The private school student meets the guidelines for the~~  
 998 ~~conduct of the program established by the FHSAA's board of~~  
 999 ~~directors and the district school board. At a minimum, such~~  
 1000 ~~guidelines shall provide:~~

1001 ~~a. A deadline for each sport by which the private school~~  
 1002 ~~student's parents must register with the public school in~~  
 1003 ~~writing their intent for their child to participate at that~~  
 1004 ~~school in the sport.~~

1005 ~~b. Requirements for a private school student to~~  
 1006 ~~participate, including, but not limited to, meeting the same~~  
 1007 ~~standards of eligibility, acceptance, behavior, educational~~  
 1008 ~~progress, and performance which apply to other students~~  
 1009 ~~participating in interscholastic or intrascholastic sports at a~~  
 1010 ~~public school or FHSAA member private school.~~

1011 ~~(b) The parents of a private school student participating~~  
 1012 ~~in a public school sport under this subsection are responsible~~  
 1013 ~~for transporting their child to and from the public school at~~  
 1014 ~~which the student participates. The private school the student~~

1015 ~~attends, the public school at which the student participates in~~  
 1016 ~~a sport, the district school board, and the FHSAA are exempt~~  
 1017 ~~from civil liability arising from any injury that occurs to the~~  
 1018 ~~student during such transportation.~~

1019 ~~(c) For each academic year, a private school student may~~  
 1020 ~~only participate at the public school in which the student is~~  
 1021 ~~first registered under sub-subparagraph (a)2.a. or makes himself~~  
 1022 ~~or herself a candidate for an athletic team by engaging in a~~  
 1023 ~~practice.~~

1024 ~~(d) The athletic director of each participating FHSAA~~  
 1025 ~~member public school shall maintain the student records~~  
 1026 ~~necessary for eligibility, compliance, and participation in the~~  
 1027 ~~program.~~

1028 ~~(e) Any non FHSAA member private school that has a student~~  
 1029 ~~who wishes to participate in this program must make all student~~  
 1030 ~~records, including, but not limited to, academic, financial,~~  
 1031 ~~disciplinary, and attendance records, available upon request of~~  
 1032 ~~the FHSAA.~~

1033 ~~(f) A student must apply to participate in this program~~  
 1034 ~~through the FHSAA program application process.~~

1035 ~~(g) Only students who are enrolled in non FHSAA member~~  
 1036 ~~private schools consisting of 125 students or fewer are eligible~~  
 1037 ~~to participate in the program in any given academic year.~~

1038 Section 3. Section 1006.16, Florida Statutes, is amended  
 1039 to read:

1040 1006.16 Insuring school students engaged in

1041 extracurricular athletic activities against injury.—~~A Any~~  
 1042 district school board, school athletic association, or school  
 1043 may formulate, conduct, and purchase a plan or method of  
 1044 insuring, or may self-insure, participants in extracurricular  
 1045 activities school students against injury sustained by reason of  
 1046 such participation students engaging and participating in the  
 1047 extracurricular athletic activities conducted or sponsored by  
 1048 the district school board, association, or school ~~in which such~~  
 1049 ~~students are enrolled~~. A district school board, school athletic  
 1050 association, or school may add a surcharge to the fee charged  
 1051 for admission to athletic events as a means of producing revenue  
 1052 to purchase such insurance or to provide self-insurance. ~~A Any~~  
 1053 district school board may pay for all or part of such plan or  
 1054 method of insurance or self-insurance from available district  
 1055 school board funds. Insurance provided by a district school  
 1056 board for participants in extracurricular activities must cover  
 1057 home education and unaffiliated private school students  
 1058 participating in extracurricular activities at a district public  
 1059 school pursuant to s. 1006.15 under the same terms and  
 1060 conditions that apply to students enrolled in a district public  
 1061 school.

1062 Section 4. Subsection (1) of section 1006.19, Florida  
 1063 Statutes, is amended to read:

1064 1006.19 Audit of records of nonprofit ~~corporations and~~  
 1065 associations handling interscholastic activities.—

1066 (1) Each nonprofit association ~~or corporation~~ that

1067 operates for the purpose of supervising and controlling  
 1068 interscholastic activities of public high schools and whose  
 1069 membership is composed of duly certified representatives of  
 1070 public high schools, ~~and whose rules and regulations are~~  
 1071 ~~established by members thereof,~~ shall have an annual financial  
 1072 audit of its accounts and records conducted by an independent  
 1073 certified public accountant retained by it and paid from its  
 1074 funds. The accountant shall furnish a copy of the audit report  
 1075 to the Auditor General within 30 days after completion of the  
 1076 audit. At least every 3 years, the Auditor General shall conduct  
 1077 an operational audit of the accounts and records of each  
 1078 nonprofit association.

1079 Section 5. Subsection (3) of section 768.135, Florida  
 1080 Statutes, is amended to read:

1081 768.135 Volunteer team physicians; immunity.—

1082 (3) A practitioner licensed under chapter 458, chapter  
 1083 459, chapter 460, or s. 464.012 who gratuitously and in good  
 1084 faith conducts an evaluation pursuant to s. 1006.20  
 1085 ~~1006.20(2)(e)~~ is not liable for any civil damages arising from  
 1086 that evaluation unless the evaluation was conducted in a  
 1087 wrongful manner.

1088 Section 6. Effective upon the approval of the State Board  
 1089 of Education of the designation by the Commissioner of Education  
 1090 of a nonprofit association to govern interscholastic athletic  
 1091 competition in this state pursuant to section 15 of this act,  
 1092 paragraph (g) of subsection (2) of section 943.0438, Florida

1093 Statutes, is amended to read:

1094 943.0438 Athletic coaches for independent sanctioning  
1095 authorities.—

1096 (2) An independent sanctioning authority shall:

1097 (g) Adopt bylaws or policies that require each youth  
1098 athlete who is suspected of sustaining a concussion or head  
1099 injury in a practice or competition to be immediately removed  
1100 from the activity. A youth athlete who has been removed from an  
1101 activity may not return to practice or competition until the  
1102 youth submits to the athletic coach a written medical clearance  
1103 to return stating that the youth athlete no longer exhibits  
1104 signs, symptoms, or behaviors consistent with a concussion or  
1105 other head injury. Medical clearance must be authorized by the  
1106 appropriate health care practitioner trained in the diagnosis,  
1107 evaluation, and management of concussions as defined by the  
1108 sports medicine advisory committee of a nonprofit ~~the Florida~~  
1109 ~~High School Athletic~~ association.

1110 Section 7. Subsections (17) and (18) of section 1002.20,  
1111 Florida Statutes, are amended to read:

1112 1002.20 K-12 student and parent rights.—Parents of public  
1113 school students must receive accurate and timely information  
1114 regarding their child's academic progress and must be informed  
1115 of ways they can help their child to succeed in school. K-12  
1116 students and their parents are afforded numerous statutory  
1117 rights including, but not limited to, the following:

1118 (17) ATHLETICS; PUBLIC HIGH SCHOOL.—

1119 (a) Eligibility.—Eligibility requirements for all students  
 1120 participating in high school athletic competition must allow a  
 1121 student to be eligible in the school in which he or she first  
 1122 enrolls each school year, the school in which the student makes  
 1123 himself or herself a candidate for an athletic team by engaging  
 1124 in practice before enrolling, or the school to which the student  
 1125 has transferred with approval of the district school board, in  
 1126 accordance with ~~the provisions of s. 1006.20 1006.20(2)(a).~~

1127 (b) Medical evaluation.—Students must satisfactorily pass  
 1128 a medical evaluation each year before participating in  
 1129 athletics, unless the parent objects in writing based on  
 1130 religious tenets or practices, in accordance with ~~the provisions~~  
 1131 ~~of s. 1006.20 1006.20(2)(d).~~

1132 (18) EXTRACURRICULAR ACTIVITIES.—In accordance with ~~the~~  
 1133 ~~provisions of s. 1006.15:~~

1134 (a) Eligibility.—Students who meet specified academic and  
 1135 conduct requirements are eligible to participate in  
 1136 extracurricular activities.

1137 (b) Participation Home education students.—All public  
 1138 school students, including those enrolled in public schools of  
 1139 choice and virtual education, all home education students, and  
 1140 certain private school students may participate in any  
 1141 extracurricular activity not offered by the student's school or  
 1142 home education program at any public school in the school  
 1143 district in which the student resides or a public school in  
 1144 another school district which the student could choose to attend

1145 pursuant to an interdistrict controlled open enrollment policy  
 1146 ~~who meet specified academic and conduct requirements are~~  
 1147 ~~eligible to participate in extracurricular activities at the~~  
 1148 ~~public school to which the student would be assigned or could~~  
 1149 ~~choose to attend according to district school board policies, or~~  
 1150 ~~may develop an agreement to participate at a private school.~~

1151 ~~(e) Charter school students. Charter school students who~~  
 1152 ~~meet specified academic and conduct requirements are eligible to~~  
 1153 ~~participate in extracurricular activities at the public school~~  
 1154 ~~to which the student would be assigned or could choose to attend~~  
 1155 ~~according to district school board policies, unless such~~  
 1156 ~~activity is provided by the student's charter school.~~

1157 ~~(d) Florida Virtual School full-time students. Florida~~  
 1158 ~~Virtual School full-time students who meet specified academic~~  
 1159 ~~and conduct requirements are eligible to participate in~~  
 1160 ~~extracurricular activities at the public school to which the~~  
 1161 ~~student would be assigned or could choose to attend according to~~  
 1162 ~~district school board policies.~~

1163 (c)(e) ~~Discrimination prohibited.~~—Organizations that  
 1164 regulate or govern extracurricular activities of public schools  
 1165 shall not discriminate against any eligible student based on an  
 1166 educational choice of public, private, or home education.

1167 Section 8. Subsection (11) of section 1002.33, Florida  
 1168 Statutes, is amended to read:

1169 1002.33 Charter schools.—

1170 (11) PARTICIPATION IN ~~INTERSCHOLASTIC~~ EXTRACURRICULAR



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1171 ACTIVITIES.—A charter school student is eligible to participate  
 1172 in an ~~interscholastic~~ extracurricular activity at the public  
 1173 school to which the student would be otherwise assigned to  
 1174 attend pursuant to s. 1006.15 ~~1006.15(3)(d)~~.

1175 Section 9. Subsection (8) of section 1002.42, Florida  
 1176 Statutes, is amended to read:

1177 1002.42 Private schools.—

1178 (8) ATHLETIC COMPETITION.—A private school may participate  
 1179 in athletic competition with a public high school in accordance  
 1180 with ~~the provisions of~~ s. 1006.20 ~~1006.20(1)~~.

1181 Section 10. Effective upon the approval of the State Board  
 1182 of Education of the designation by the Commissioner of Education  
 1183 of a nonprofit association to govern interscholastic athletic  
 1184 competition in this state pursuant to section 15 of this act,  
 1185 subsection (1) of section 1006.165, Florida Statutes, is amended  
 1186 to read:

1187 1006.165 Automated external defibrillator; user training.—

1188 (1) Each public school that is a member of the nonprofit  
 1189 ~~Florida High School Athletic~~ association must have an  
 1190 operational automated external defibrillator on the school  
 1191 grounds. Public and private partnerships are encouraged to cover  
 1192 the cost associated with the purchase and placement of the  
 1193 defibrillator and training in the use of the defibrillator.

1194 Section 11. Effective upon the approval of the State Board  
 1195 of Education of the designation by the Commissioner of Education  
 1196 of a nonprofit association to govern interscholastic athletic

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1197 competition in this state pursuant to section 15 of this act,  
 1198 section 1006.18, Florida Statutes, is amended to read:

1199       1006.18 Cheerleader safety standards.— The nonprofit  
 1200 ~~Florida High School Athletic~~ association or successor  
 1201 organization shall adopt statewide uniform safety standards for  
 1202 student cheerleaders and spirit groups that participate in any  
 1203 school activity or extracurricular student activity. The  
 1204 nonprofit ~~Florida High School Athletic~~ association or successor  
 1205 organization shall adopt the "Official High School Spirit  
 1206 Rules," published by the National Federation of State High  
 1207 School Associations, as the statewide uniform safety standards.

1208       Section 12. Effective upon the approval of the State Board  
 1209 of Education of the designation by the Commissioner of Education  
 1210 of a nonprofit association to govern interscholastic athletic  
 1211 competition in this state pursuant to section 15 of this act,  
 1212 paragraph (a) of subsection (7) of section 1012.467, Florida  
 1213 Statutes, is amended to read:

1214       1012.467 Noninstructional contractors who are permitted  
 1215 access to school grounds when students are present; background  
 1216 screening requirements.—

1217       (7) (a) The Department of Law Enforcement shall implement a  
 1218 system that allows for the results of a criminal history check  
 1219 provided to a school district to be shared with other school  
 1220 districts through a secure Internet website or other secure  
 1221 electronic means. School districts must accept reciprocity of  
 1222 level 2 screenings for the nonprofit association's ~~Florida High~~

1223 ~~School Athletic Association~~ officials.

1224 Section 13. Effective upon the approval of the State Board  
 1225 of Education of the designation by the Commissioner of Education  
 1226 of a nonprofit association to govern interscholastic athletic  
 1227 competition in this state pursuant to section 15 of this act,  
 1228 paragraph (g) of subsection (2) of section 1012.468, Florida  
 1229 Statutes, is amended to read:

1230 1012.468 Exceptions to certain fingerprinting and criminal  
 1231 history checks.—

1232 (2) A district school board shall exempt from the  
 1233 screening requirements set forth in ss. 1012.465 and 1012.467  
 1234 the following noninstructional contractors:

1235 (g) An investigator for the nonprofit ~~Florida High School~~  
 1236 ~~Athletic~~ association (~~FHSAA~~) who meets the requirements of ~~under~~  
 1237 s. 1006.20 ~~1006.20(2)(e)~~.

1238 Section 14. Effective upon the approval of the State Board  
 1239 of Education of the designation by the Commissioner of Education  
 1240 of a nonprofit association to govern interscholastic athletic  
 1241 competition in this state pursuant to section 15 of this act,  
 1242 paragraph (b) of subsection (2) of section 1012.55, Florida  
 1243 Statutes, is amended to read:

1244 1012.55 Positions for which certificates required.—

1245 (2)

1246 (b) Completion of a sports safety course shall count for 6  
 1247 hours of required school district inservice instruction for  
 1248 athletic coaching certification if the course is approved by the

1249 ~~nonprofit Florida High School Athletic association Board of~~  
 1250 ~~Directors~~ and meets the following requirements:

- 1251 1. The course consists of at least eight modules.
- 1252 2. The course immediately provides an individual with a  
 1253 "merit" certificate at the time of successful completion.
- 1254 3. The course is delivered through hands-on and online  
 1255 teaching methods.
- 1256 4. The course is a hands-on course taught by either a  
 1257 state-licensed athletic trainer who holds a current certificate  
 1258 from the Board of Certification or a member of the American  
 1259 Academy of Orthopaedic Surgeons.
- 1260 5. Hands-on course material is less than 120 pages.
- 1261 6. The course covers sports safety specifically, excluding  
 1262 coaching principles and procedures for cardiopulmonary  
 1263 resuscitation.
- 1264 7. The course is authored or approved by at least 10  
 1265 health care professionals, including doctors of medicine,  
 1266 doctors of osteopathy, registered nurses, physical therapists,  
 1267 and certified athletic trainers.
- 1268 8. The course is revised and reviewed for updates at least  
 1269 once every 30 months.
- 1270 9. The course is available to the general public for a  
 1271 retail price under \$50.
- 1272 10. Each course examination is automated and taken online  
 1273 with a score of 80 percent or better for successful completion.
- 1274 Section 15. By July 1, 2017, the Commissioner of

1275 Education, with the approval of the State Board of Education,  
 1276 shall designate a nonprofit association to govern  
 1277 interscholastic athletic competition in this state. Following  
 1278 completion of each operational audit under s. 1006.19, the  
 1279 commissioner shall review the nonprofit association's  
 1280 performance in governing interscholastic athletics and, if he or  
 1281 she finds that the nonprofit association has failed to perform  
 1282 its duties in compliance with the law and guiding principles for  
 1283 student eligibility for interscholastic athletics, may designate  
 1284 another governing nonprofit association to be Florida's voting  
 1285 member association of the National Federation of State High  
 1286 School Associations, with approval of the State Board of  
 1287 Education.

1288 Section 16. Effective upon the approval of the State Board  
 1289 of Education of the designation by the Commissioner of Education  
 1290 of a nonprofit association to govern interscholastic athletic  
 1291 competition in this state pursuant to section 15 of this act,  
 1292 subsections (1), (2), and (3) of section 1006.20, Florida  
 1293 Statutes, as amended by this act, are amended to read:

1294 1006.20 Athletics in public K-12 schools.-

1295 (1) GOVERNING NONPROFIT ASSOCIATION. ~~The Florida High~~  
 1296 ~~School Athletic Association (FHSAA) is designated the governing~~  
 1297 ~~nonprofit association for purposes of membership in the National~~  
 1298 ~~Federation of State High School Associations. If the FHSAA fails~~  
 1299 ~~to meet the provisions of this section,~~ The Commissioner of  
 1300 Education, with the approval of the State Board of Education,

1301 shall designate a nonprofit association to govern  
 1302 interscholastic athletic competition in this state. The  
 1303 nonprofit association designated by the commissioner shall be  
 1304 the governing body for purposes of the National Federation of  
 1305 State High School Associations. The nonprofit association FHSAA  
 1306 is not a state agency as defined in s. 120.52 but is subject to  
 1307 ss. 1006.15-1006.19. Any special event fees, sanctioning fees,  
 1308 including third party sanctioning fees, or contest receipts  
 1309 collected annually by the nonprofit association FHSAA may not  
 1310 exceed its actual costs to perform the function or duty that is  
 1311 the subject of or justification for the fee. The nonprofit  
 1312 association FHSAA shall offer spectators seeking admission to  
 1313 athletic competitions the option of purchasing a single-day or  
 1314 multi-day pass at a cost below that which one would pay on a per  
 1315 event basis for the same number of contests. A private school  
 1316 that wishes to engage in high school athletic competition with a  
 1317 public high school may become a member of the nonprofit  
 1318 association FHSAA, by sport. Any high school in the state,  
 1319 including charter schools, virtual schools, and home education  
 1320 cooperatives, may become a member of the nonprofit association  
 1321 FHSAA, by sport, and participate in the activities of the  
 1322 nonprofit association FHSAA. Membership in the nonprofit  
 1323 association FHSAA is not mandatory for any school, and any  
 1324 member school may join other athletic associations, by sport.  
 1325 The nonprofit association FHSAA may not deny or discourage  
 1326 interscholastic competition between its member schools and

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1327 nonmember schools, including members of another athletic  
 1328 governing association, and may not take any retributory or  
 1329 discriminatory action against any of its member schools that  
 1330 participate in interscholastic competition with nonmember  
 1331 schools. The nonprofit association FHSAA may not unreasonably  
 1332 withhold its approval of an application to become an affiliate  
 1333 member of the National Federation of State High School  
 1334 Associations submitted by any other association that governs  
 1335 interscholastic athletic competition in this state that meets  
 1336 the requirements of this section. The commissioner may identify  
 1337 other associations that govern interscholastic athletic  
 1338 competition in compliance with this section. For the purposes of  
 1339 this section, "high school" includes grades 6 through 12. The  
 1340 nonprofit association shall:

1341 ~~(2) STUDENT ELIGIBILITY REQUIREMENTS; RECRUITING POLICIES;~~  
 1342 ~~ELIGIBILITY DISPUTE RESOLUTION. The FHSAA shall:~~

1343 (a) Establish eligibility requirements for all students  
 1344 who participate in high school athletic competition in its  
 1345 member schools. A student is eligible in the school in which he  
 1346 or she first enrolls each school year or the school in which the  
 1347 student makes himself or herself a candidate for an athletic  
 1348 team by engaging in a practice before enrolling in the school. A  
 1349 student who transfers during the school year is eligible in the  
 1350 school to which he or she transfers if the transfer is made by a  
 1351 deadline established by the nonprofit association FHSAA, which  
 1352 may not be before the date authorized for the beginning of

1353 practice for the sport. If the date authorized for the beginning  
 1354 of practice is before the first day of the grading period in  
 1355 which the regular season games begin, the transfer deadline may  
 1356 not be before the first day of such grading period. The student  
 1357 shall be eligible in that school so long as he or she remains  
 1358 enrolled in that school. Subsequent eligibility shall be  
 1359 determined and enforced through the nonprofit association's  
 1360 ~~FHSAA's~~ requirements. Requirements governing eligibility and  
 1361 transfer between member schools shall be applied similarly to  
 1362 all students.

1363 (b) Prohibit the recruiting of students for athletic  
 1364 purposes and prescribe penalties and an appeals process for  
 1365 athletic recruiting violations. If it is determined that a  
 1366 school has recruited a student, the nonprofit association ~~FHSAA~~  
 1367 may require the school to participate in a higher classification  
 1368 for the sport in which the recruited student competes for a  
 1369 minimum of one classification cycle, in addition to any other  
 1370 appropriate fine and sanction imposed on the school, its  
 1371 coaches, or adult representatives who commit recruiting  
 1372 violations. A student may only be declared ineligible based on a  
 1373 recruiting violation if the student or parent has committed an  
 1374 act specified in s. 1006.15(4)(b)2. or the nonprofit association  
 1375 ~~FHSAA~~ has imposed sanctions against the individuals or member  
 1376 school engaging in recruiting and the student or the parent has  
 1377 committed an act specified in s. 1006.15(4)(b)3. The nonprofit  
 1378 association ~~FHSAA~~ may not limit the competition of a student



1379 athlete prospectively for a rule violation by his or her school,  
 1380 the school's coach, or the student athlete's adult  
 1381 representative. The nonprofit association ~~FHSAA~~ may not punish a  
 1382 student athlete for an eligibility or recruiting violation  
 1383 perpetrated by a teammate, coach, or administrator. A contest  
 1384 may not be forfeited for an inadvertent eligibility violation  
 1385 unless the coach or a school administrator should have known of  
 1386 the violation. Contests may not be forfeited for other  
 1387 eligibility violations or recruiting violations in excess of the  
 1388 number of contests from which the coaches and adult  
 1389 representatives responsible for the violations are prospectively  
 1390 suspended.

1391 (c) Require all students participating in interscholastic  
 1392 athletic competition or who are candidates for an  
 1393 interscholastic athletic team to satisfactorily pass a medical  
 1394 evaluation each year before participating in interscholastic  
 1395 athletic competition or engaging in any practice, tryout,  
 1396 workout, or other physical activity associated with the  
 1397 student's candidacy for an interscholastic athletic team. Such  
 1398 medical evaluation may be administered only by a practitioner  
 1399 licensed under chapter 458, chapter 459, chapter 460, or s.  
 1400 464.012, and in good standing with the practitioner's regulatory  
 1401 board. The nonprofit association ~~FHSAA~~ shall establish  
 1402 requirements for eliciting a student's medical history and  
 1403 performing the medical evaluation required under this paragraph,  
 1404 which shall include a physical assessment of the student's

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1405 physical capabilities to participate in interscholastic athletic  
1406 competition as contained in a uniform preparticipation physical  
1407 evaluation and history form. The evaluation form shall  
1408 incorporate the recommendations of the American Heart  
1409 Association for participation in cardiovascular screening and  
1410 shall provide a place for the signature of the practitioner  
1411 performing the evaluation with an attestation that each  
1412 examination procedure listed on the form was performed by the  
1413 practitioner or by someone under the direct supervision of the  
1414 practitioner. The form shall also contain a place for the  
1415 practitioner to indicate if a referral to another practitioner  
1416 was made in lieu of completion of a certain examination  
1417 procedure. The form shall provide a place for the practitioner  
1418 to whom the student was referred to complete the remaining  
1419 sections and attest to that portion of the examination. The  
1420 preparticipation physical evaluation form shall advise students  
1421 to complete a cardiovascular assessment and shall include  
1422 information concerning alternative cardiovascular evaluation and  
1423 diagnostic tests. Results of such medical evaluation must be  
1424 provided to the school. A student is not eligible to participate  
1425 in any interscholastic athletic competition or engage in any  
1426 practice, tryout, workout, or other physical activity associated  
1427 with the student's candidacy for an interscholastic athletic  
1428 team until the results of the medical evaluation are received  
1429 and approved by the school.

1430 (d) Notwithstanding paragraph (c), allow a student to

1431 participate in interscholastic athletic competition or be a  
 1432 candidate for an interscholastic athletic team if the parent of  
 1433 the student objects in writing to the student undergoing a  
 1434 medical evaluation because such evaluation is contrary to his or  
 1435 her religious tenets or practices. However, in such case, there  
 1436 shall be no liability on the part of any person or entity in a  
 1437 position to otherwise rely on the results of such medical  
 1438 evaluation for any damages resulting from the student's injury  
 1439 or death arising directly from the student's participation in  
 1440 interscholastic athletics where an undisclosed medical condition  
 1441 that would have been revealed in the medical evaluation is a  
 1442 proximate cause of the injury or death.

1443 (e) Regulate persons who conduct investigations on behalf  
 1444 of the nonprofit association FHSAA. An investigator must:

1445 1. Undergo level 2 background screening under s. 435.04,  
 1446 establishing that the investigator has not committed any  
 1447 disqualifying offense listed in s. 435.04, unless the  
 1448 investigator can provide proof of compliance with level 2  
 1449 screening standards submitted within the previous 5 years to  
 1450 meet any professional licensure requirements, provided:

1451 a. The investigator has not had a break in service from a  
 1452 position that requires level 2 screening for more than 90 days;  
 1453 and

1454 b. The investigator submits, under penalty of perjury, an  
 1455 affidavit verifying that the investigator has not committed any  
 1456 disqualifying offense listed in s. 435.04 and is in full

1457 compliance with this paragraph.

1458 2. Be appointed as an investigator by the nonprofit  
 1459 association ~~FHSAA~~.

1460 3. Carry a photo identification card that shows the  
 1461 nonprofit association's ~~FHSAA~~ name and logo and the  
 1462 investigator's official title.

1463 4. Adhere to the following guidelines:

1464 a. Investigate only those alleged violations assigned by  
 1465 the nonprofit association ~~FHSAA~~.

1466 b. Conduct interviews on Monday through Friday between the  
 1467 hours of 9 a.m. and 7 p.m. only, unless previously agreed to by  
 1468 the interviewee.

1469 c. Allow the parent of any student being interviewed to be  
 1470 present during the interview.

1471 d. Search residences or other private areas only with the  
 1472 permission of the nonprofit association ~~FHSAA~~ and the written  
 1473 consent of the student's parent and only with a parent or a  
 1474 representative of the parent present.

1475 (f) Establish sanctions for coaches who have committed  
 1476 major violations.

1477 1. Major violations include, but are not limited to,  
 1478 knowingly allowing an ineligible student to participate in a  
 1479 contest representing a member school in an interscholastic  
 1480 contest or committing a violation of the nonprofit association's  
 1481 ~~FHSAA's~~ recruiting or sportsmanship policies.

1482 2. Sanctions placed upon an individual coach may include,

1483 but are not limited to, prohibiting or suspending the coach from  
 1484 coaching, participating in, or attending any athletic activity  
 1485 sponsored, recognized, or sanctioned by the nonprofit  
 1486 association ~~FHSAA~~ and the member school for which the coach  
 1487 committed the violation. If a coach is sanctioned by the  
 1488 nonprofit association ~~FHSAA~~ and the coach transfers to another  
 1489 member school, those sanctions remain in full force and effect  
 1490 during the term of the sanction.

1491 3. If a member school is assessed a financial penalty as a  
 1492 result of a coach committing a major violation, the coach shall  
 1493 reimburse the member school before being allowed to coach,  
 1494 participate in, or attend any athletic activity sponsored,  
 1495 recognized, or sanctioned by the nonprofit association ~~FHSAA~~ and  
 1496 a member school.

1497 4. The nonprofit association ~~FHSAA~~ shall establish a due  
 1498 process procedure for coaches sanctioned under this paragraph.

1499 (g) Provide a process for resolution of student  
 1500 eligibility disputes. The nonprofit association ~~FHSAA~~ shall  
 1501 provide an opportunity to resolve eligibility issues through an  
 1502 informal conference procedure. The nonprofit association ~~FHSAA~~  
 1503 must provide written notice to the student athlete, parent, and  
 1504 member school stating specific findings of fact that support a  
 1505 determination of ineligibility. The student athlete must request  
 1506 an informal conference if he or she intends to contest the  
 1507 charges. The informal conference must be held within 10 days of  
 1508 receiving the student athlete's request. If the eligibility

1509 dispute is not resolved at the informal conference, the  
 1510 nonprofit association ~~FHSAA~~ shall provide a process for the  
 1511 timely and cost-effective resolution of disputes utilizing a  
 1512 neutral third-party, including use of retired or former judges,  
 1513 mediation, or arbitration. The neutral third party shall be  
 1514 selected by the parent of the student athlete from a list  
 1515 maintained by the nonprofit association ~~FHSAA~~. A final  
 1516 determination regarding the eligibility dispute must be issued  
 1517 no more than 30 days after an informal conference. The process  
 1518 for resolving eligibility disputes must provide that:

1519 1. Ineligibility must be established by clear and  
 1520 convincing evidence.

1521 2. Student athletes, parents, and schools must have notice  
 1522 of the initiation of any investigation or other inquiry into  
 1523 eligibility and may present, to the investigator and to the  
 1524 individual making the eligibility determination, any information  
 1525 or evidence that is credible, persuasive, and of a kind  
 1526 reasonably prudent persons rely upon in the conduct of serious  
 1527 affairs.

1528 3. An investigator may not determine matters of  
 1529 eligibility but must submit information and evidence to the  
 1530 individual or body designated by the nonprofit association ~~FHSAA~~  
 1531 for an unbiased and objective determination of eligibility.

1532 4. A determination of ineligibility must be made in  
 1533 writing, setting forth the findings of fact and specific  
 1534 violation upon which the decision is based.

1535 5. Any proceedings concerning student eligibility must be  
 1536 held in the county in which the student resides and may be  
 1537 conducted by telephone, videoconference, or other electronic  
 1538 means.

1539 6. A student athlete may not be declared ineligible to  
 1540 participate in athletic competition until a final decision is  
 1541 issued by the neutral third-party, unless the determination of  
 1542 ineligibility is based upon s. 1006.15(4)(b)1. and 5. It is the  
 1543 responsibility of the member school to assess the facts  
 1544 underlying the eligibility dispute and any potential penalties  
 1545 that may result from a determination of ineligibility in  
 1546 deciding whether to allow the student athlete to continue to  
 1547 participate prior to a final eligibility determination.

1548 (h) Adopt guidelines to educate athletic coaches,  
 1549 officials, administrators, and student athletes and their  
 1550 parents about the nature and risk of concussion and head injury.

1551 (i) Require the parent of a student who is participating  
 1552 in interscholastic athletic competition or who is a candidate  
 1553 for an interscholastic athletic team to sign and return an  
 1554 informed consent that explains the nature and risk of concussion  
 1555 and head injury, including the risk of continuing to play after  
 1556 concussion or head injury, each year before participating in  
 1557 interscholastic athletic competition or engaging in any  
 1558 practice, tryout, workout, or other physical activity associated  
 1559 with the student's candidacy for an interscholastic athletic  
 1560 team.

1561 (j) Require each student athlete who is suspected of  
 1562 sustaining a concussion or head injury in a practice or  
 1563 competition to be immediately removed from the activity. A  
 1564 student athlete who has been removed from an activity may not  
 1565 return to practice or competition until the student submits to  
 1566 the school a written medical clearance to return stating that  
 1567 the student athlete no longer exhibits signs, symptoms, or  
 1568 behaviors consistent with a concussion or other head injury.  
 1569 Medical clearance must be authorized by the appropriate health  
 1570 care practitioner trained in the diagnosis, evaluation, and  
 1571 management of concussions as defined by the sports medicine  
 1572 advisory committee of the nonprofit ~~Florida High School Athletic~~  
 1573 Association.

1574 (k) Establish duties of a sports medicine advisory  
 1575 committee composed of the following members:

- 1576 1. Eight physicians licensed under chapter 458 or chapter  
 1577 459, with at least one member licensed under chapter 459.
- 1578 2. One chiropractor licensed under chapter 460.
- 1579 3. One podiatrist licensed under chapter 461.
- 1580 4. One dentist licensed under chapter 466.
- 1581 5. Three athletic trainers licensed under part XIII of  
 1582 chapter 468.
- 1583 6. One member who is a current or retired head coach of a  
 1584 high school in the state.

1585 (l) Adopt guidelines, provide resources, and develop a  
 1586 training course to promote sportsmanship and ethical conduct in



1587 interscholastic athletics and require each member school to:

1588 1. Establish policies that promote sportsmanship and  
1589 ethical conduct in its interscholastic athletic programs.

1590 2. Educate, on a continuing basis, student athletes,  
1591 athletic coaches, and administrators regarding these policies.

1592 3. Annually administer the training course developed by  
1593 the nonprofit association FHSAA to student athletes, athletic  
1594 coaches, and administrators.

1595 4. Annually certify compliance with this paragraph by a  
1596 deadline established by the nonprofit association FHSAA.

1597  
1598 In developing the sportsmanship and ethical conduct training,  
1599 the nonprofit association FHSAA may provide for multiple modes  
1600 of delivery, including in-person seminars or videoconferencing,  
1601 webinars, or other electronic means.

1602 (2) ~~(3)~~ GOVERNING STRUCTURE OF THE FHSAA.—

1603 (a) The nonprofit association FHSAA shall operate as a  
1604 representative democracy in which the sovereign authority is  
1605 within its member schools and the parents of students  
1606 participating in interscholastic athletics within those schools.

1607 (b) Each member school, on its annual application for  
1608 membership, shall name its official representative to the  
1609 nonprofit association FHSAA. This representative must be either  
1610 the school principal or his or her designee. That designee must  
1611 either be an assistant principal or athletic director housed  
1612 within that same school.

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1613           (c) The governing board of the nonprofit association ~~FHSAA~~  
 1614 shall consist of 16 members comprised proportionately of  
 1615 representatives from traditional public schools, public schools  
 1616 of choice, private schools, home education cooperatives, and  
 1617 parents of student athletes who are enrolled in such schools or  
 1618 programs. The governing board must also be constituted in a  
 1619 manner that provides for equitable representation among the  
 1620 various regions of the state where the association's member  
 1621 schools are located. Any additional policy making body  
 1622 established by the nonprofit association ~~FHSAA~~ must provide for  
 1623 proportionate representation of schools, programs, parents, and  
 1624 regions of the state as described in this paragraph.

1625           (d) The nonprofit association ~~FHSAA~~ shall annually require  
 1626 each member of the governing board or other policy making body  
 1627 to attend nonprofit governance training, which must include  
 1628 government in the sunshine, conflicts of interest, ethics, and  
 1629 student athlete-centered decision making consistent with the  
 1630 guiding principles for participation in extracurricular  
 1631 activities under s. 1006.15.

1632           Section 17. Except as otherwise expressly provided in this  
 1633 act, this act shall take effect July 1, 2015.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCB EDC 15-02 Extracurricular Activities
SPONSOR(S): Education Committee
TIED BILLS: IDEN./SIM. BILLS: SB 1480

Table with 4 columns: REFERENCE, ACTION, ANALYST, STAFF DIRECTOR or BUDGET/POLICY CHIEF. Row 1: Orig. Comm.: Education Committee, Beagle GB, Mizereck YMM

SUMMARY ANALYSIS

The bill increases the accountability of the Florida High School Athletic Association (FHSAA) by:

- Providing that special event fees, sanctioning fees, and gate receipts annually collected by FHSAA must reflect its actual cost in performing the function that is the basis of the fee;
• Repealing provisions requiring FHSAA to have a board of directors, representative assembly, committees on appeals, and public liaison advisory committee;
• Requiring FHSAA to instead establish a 16 member governing board that proportionately represents public schools, schools of choice, private schools, home education, and parents of student athletes, as well as regions of the state. Any other policy-making bodies it establishes must be similarly constituted;
• Requiring members of policy-making bodies to annually complete governance training;
• Requiring FHSAA to provide for resolution of eligibility disputes through an informal conference procedure and neutral third party review;
• Prohibiting a student from being declared ineligible until the neutral third party review is completed;
• Requiring eligibility proceedings to be conducted in the county where the student resides;
• Allowing member schools to participate in FHSAA on a per sport basis;
• Requiring FHSAA to develop sportsmanship training which member schools must administer annually to coaches, administrators, and student athletes;
• Requiring operational audits by the Auditor General every three years;
• Requiring the Commissioner of Education, with approval of the State Board of Education, to designate a nonprofit association to regulate interscholastic athletics by July 1, 2017;
• Removing statutory references to FHSAA, effective upon the commissioner's designation of the nonprofit governing organization; and
• Thereafter requiring the commissioner to review the designated association's performance of duties in each year an operational audit is conducted, i.e., three-year intervals.

The bill authorizes any public school student; home education student; or student enrolled in an unaffiliated private school, e.g., a non-FHSAA member private school that has an enrollment of 125 or fewer students in grades 6 through 12, to participate in extracurricular activities offered by a public school if the activity is not offered by the student's school or program. All students participating under these provisions must meet established academic and conduct standards and register with the public school of participation before the beginning date of the activity. Regarding participation in interscholastic athletics, students enrolled in an unaffiliated private school, home education, full-time public virtual education, or any public school that does not offer any athletic programs may only participate at the public school in which the student is first registered. The parent of a student participating under these provisions is responsible for transporting the student to and from the public school.

Additionally, the bill establishes guiding principles for student participation in extracurricular activities; limits the reasons a student may be declared ineligible for interscholastic athletics; and prohibits school boards and private schools from establishing transfer eligibility policies that are more stringent than the policies established by FHSAA.

The bill does not have a fiscal impact on state or local governments.

Except as otherwise provided, the bill takes effect July 1, 2015.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### Present Situation

##### **Florida High School Athletic Association**

The Florida High School Athletic Association (FHSAA) is statutorily designated as the governing nonprofit organization for interscholastic athletics in Florida public schools in grades 6 through 12. The FHSAA is not a state agency, but is assigned quasi-governmental functions. If the FHSAA fails to meet its obligations and responsibilities, the Commissioner of Education (commissioner) is directed to designate a nonprofit organization to manage interscholastic athletics with the approval of the State Board of Education.<sup>1</sup>

##### Membership

Any high school, middle school, or combination school,<sup>2</sup> including charter schools, virtual schools, private schools and home education cooperatives,<sup>3</sup> may become a member of the FHSAA and participate in FHSAA activities. Membership is not mandatory for any school.<sup>4</sup> FHSAA may not deny or discourage interscholastic competition between member and nonmember Florida schools, including members of another athletic governing organization.<sup>5</sup> However, FHSAA member schools may not join other athletic governing associations or participate in FHSAA sanctioned activities on a per sport basis.<sup>6</sup>

Among other things, the FHSAA bylaws require each member school to adopt policies for sportsmanship and ethical conduct in its interscholastic athletic programs. A member school must provide on-going education regarding these policies to all individuals associated with the school's interscholastic athletic programs.<sup>7</sup>

##### Revenue and Fiscal Accountability

FHSAA receives revenue from a variety of sources, including membership dues, administrative fees, fines, corporate sponsorships, royalties, sanctioning fees, athletic event and ticket sales, and interest on investments. FHSAA has made efforts to reduce dues charged to member schools, in favor of other sources of revenue.<sup>8</sup> Among other things, FHSAA charges sanctioning fees for multi-team athletic events involving member schools held by a corporation or promoter. These fees range from \$2,300 per every two teams for football jamborees to \$50 per every four teams in sports like bowling or

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<sup>1</sup> Section 1006.20(1), F.S.

<sup>2</sup> A combination school is any school that serves both students in high school and the middle school grades; elementary, middle or high school grades combined; or elementary and middle grades combined, e.g., K-12, K-8, 6-12, or 7-12. Bylaw 3.2.2.3, FHSAA.

<sup>3</sup> A "home education cooperative" is a parent-directed group of individual home education students that provides opportunities for interscholastic athletic competition to those students and may include students in grades 6 through 12. Bylaw 3.2.2.4, FHSAA.

<sup>4</sup> Bylaws 3.2.2 (types of member schools) and 3.7, FHSAA (procedures for admittance).

<sup>5</sup> Section 1006.20(1), F.S. FHSAA has adopted bylaws that require non-FHSAA member Florida schools that compete with FHSAA member schools to verify, among other things, that the school holds liability insurance coverage and that their student athletes meet the same eligibility requirements as member school student athletes, undergo medical evaluations, have medical insurance coverage, and submit liability waivers. Bylaw 8.3.1, FHSAA.

<sup>6</sup> Bylaw 3.3.1, FHSAA. Member school must adopt the FHSAA bylaws annually as the rules governing its interscholastic athletic programs. *Id.*

<sup>7</sup> Bylaw 2.3, FHSAA.

<sup>8</sup> Understanding the Financial Structure of the FHSAA, *Hearing before the House Education Committee* (Feb. 18, 2015).

cheerleading. FHSAA plays little or no role in the conduct of these events, but often receives a large share of the revenue generated by the event.<sup>9</sup>

The law requires the FHSAA to have an annual financial audit<sup>10</sup> of its accounts and records by an independent certified public accountant retained by it and paid from its funds. The accountant must furnish a copy of the audit report to the Auditor General. Additionally, FHSAA must keep adequate and complete records of all revenue and expenditures, including salaries, fees, expenses, travel allowances, and other expenses. These records must be open for inspection by the Auditor General.<sup>11</sup>

## Governance

The FHSAA operates as a representative democracy in which the sovereign authority is within the member schools. FHSAA member schools are divided along existing county lines into four administrative regions. Each region contains approximately the same number of member schools. Each member school appoints an official representative to the organization who must be the principal, an assistant principal, or an in-house athletic director.<sup>12</sup>

FHSAA's governance structure consists of:

- **A board of directors that serves as FHSAA's executive branch:**
  - *Purpose:* Levy dues and fees, formulate administrative policies, and act as final decision-maker in disputes regarding student eligibility, member sanctions, and other FHSAA bylaws and policies, among other things.
  - *Membership:* The 16 member board is comprised of the commissioner or his or her designee, four public member school representatives elected from each of the four administrative regions, four nonpublic member school representatives elected from each of the four administrative regions, three representatives appointed by the commissioner, two district school superintendents, and two district school board members.<sup>13</sup>
- **A representative assembly that serves as FHSAA's legislative branch:**
  - *Purpose:* Consider, adopt, or reject new FHSAA bylaws or amendments to existing bylaws.
  - *Membership:* The 60 member assembly is comprised of 30 public high school delegates, 16 private high school delegates, five middle school delegates, four district school superintendents elected from each of the four administrative regions, four district school board members elected from each of the four administrative regions, and the commissioner or his or her designee.<sup>14</sup>
- **Committees on appeals that serve as FHSAA's judicial branch.**<sup>15</sup> There are two types of appeals committees:
  - *Sectional appeals committees:*
    - *Purpose:* The four sectional appeals committees are geographically-based and issue decisions on student eligibility cases and other requests for waivers of rules or appeals filed by member schools.

<sup>9</sup> FHSAA, *2014-15 Event Sanction Fees for Third Party Direct Contract with FHSAA* (2014-15), available at [http://www.fhsaa.org/sites/default/files/orig\\_uploads/forms/thirdpartyfees\\_2014.pdf](http://www.fhsaa.org/sites/default/files/orig_uploads/forms/thirdpartyfees_2014.pdf).

<sup>10</sup> "Financial audit" means an examination of financial statements in order to express an opinion on the fairness with which they are presented in conformity with generally accepted accounting principles and an examination to determine whether operations are properly conducted in accordance with legal and regulatory requirements. Section 11.45(1)(c), F.S.

<sup>11</sup> Section 1006.19, F.S.

<sup>12</sup> Section 1006.20(3), F.S.; Articles 3 and 4 of the bylaws, FHSAA. FHSAA annually publishes its bylaws and administrative policies and procedures in the FHSAA Handbook. See FHSAA, *2014-15 FHSAA Handbook*, (Jan. 2014), available at <http://www.fhsaa.org/rules/fhsaa-handbook>.

<sup>13</sup> Section 1006.20(4), F.S.

<sup>14</sup> Section 1006.20(5), F.S.; see also FHSAA, *2014 Representative Assembly Roster of Delegates*, (2014), available at [http://www.fhsaa.org/sites/default/files/orig\\_uploads/gov/assembly/2014/14\\_delegates.pdf](http://www.fhsaa.org/sites/default/files/orig_uploads/gov/assembly/2014/14_delegates.pdf).

<sup>15</sup> Section 1006.20(7), F.S.

- Membership: Each sectional appeals committee is comprised of two elected public school representatives, one elected nonpublic school representative, one elected member representing public school districts, one elected nonpublic school accrediting association representative, an at-large member from an under-represented gender or race appointed by the Board of Directors, and one attorney living within the section.<sup>16</sup>
- Infractions appeals committees:
  - Purpose: The infractions appeals committee is appointed by the Board of Directors to decide appeals of schools found to have committed major violations.
  - Membership: The infractions appeals committee is comprised of one public school school administrator; one public school member who is either a school administrator or district administrator; one private school administrator; one private school member, who is either a school administrator or a regional- or state-level administrator in a private school accrediting organization recognized by FHSAA; and one attorney.<sup>17</sup>

The law also requires FHSAA to establish a public liaison advisory committee to facilitate public input regarding FHSAA decision making processes. This committee annually conducts public meetings in each of the four administrative regions and annually evaluates the FHSAA and reports its findings, conclusions, and recommendations to the FHSAA Board of Directors, the commissioner, and to the respective education committees of the Florida Senate and the Florida House of Representatives. The 15 member public liaison advisory committee is comprised of the commissioner or his or her designee; a member public school principal; a member private school principal; a member school principal who is a member of a racial minority; an active athletic director; an active coach, who is employed full time by a member school; a student athlete; a district school superintendent; a district school board member; a member of the Florida House of Representatives; a member of the Florida Senate; a parent of a high school student; a member of a home education association; a representative of the business community; and a representative of the news media.<sup>18</sup>

The public liaison advisory committee, which does not formulate official association policy, is the only one of these bodies that includes parents of student athletes. The membership of all four bodies is weighted heavily in favor of traditional public schools because the majority of FHSAA's member schools are public schools.

### Appeals of Eligibility Violations

The FHSAA must adopt bylaws specifying the process and standards for eligibility determinations. The bylaws must provide that:

- Ineligibility must be established by clear and convincing evidence;
- Student athletes, parents, and schools must have notice of the initiation of any investigation or other eligibility inquiry and may present information or evidence to the investigator and to the individual making the eligibility determination;
- Eligibility determinations must be made by the executive director or designee for an unbiased and objective determination of eligibility; and
- A determination of ineligibility must be made in writing, setting forth the findings of fact and specific violation upon which the decision is based.<sup>19</sup>

The appeals process for eligibility violations is as follows:

- FHSAA's executive director makes the initial determination of ineligibility.

<sup>16</sup> Bylaw 4.5, FHSAA.

<sup>17</sup> Bylaws 10.5.7.1, FHSAA. Bylaw 10.5.7.1.2, FHSAA.

<sup>18</sup> Section 1006.20(6), F.S.

<sup>19</sup> Section 1006.20(2)(g), F.S. As an alternative, the law authorizes FHSAA to instead provide the procedural safeguards of ss. 120.569 and 120.57, F.S., making appropriate provision for appointment of unbiased and qualified hearing officers. Section 1006.20(2)(h), F.S.

- The member school principal may appeal the ruling if the principal takes issue with the ruling or the student requests an appeal.<sup>20</sup>
- Initial appeals of ineligibility determinations are heard by the Sectional Appeals Committee.
- An unfavorable decision on the initial appeal may be appealed to the Sectional Appeals Committee if the student athlete wishes to submit new evidence in his or her defense.
- An unfavorable decision on the initial appeal may be appealed to the FHSAA Board of Directors if the student athlete has no new evidence to submit in his or her defense.<sup>21</sup>
- A member school may request mediation in lieu of appealing to the Board of Directors. The mediator is selected by FHSAA from a panel of mediators established by the Board of Directors. If an agreement is not reached through mediation, the school may proceed with the appeal to the Board of Directors.<sup>22</sup>
- The decision of the Board of Directors is final.<sup>23</sup>

At no stage in the appeals process is the the determination regarding eligibility issued by a neutral third party.

### Participation in Extracurricular Activities

Research indicates that student participation in extracurricular activities:

- Increases student engagement in the classroom and parental involvement in the school.
- Increases opportunities to build relationships with peers and coaches, mentors, and other supervising adults.
- Provides a safe, structured, and supervised environment for students during non-school hours.
- Promotes healthy physical, psychological, emotional, and social health.<sup>24</sup>

Florida law defines interscholastic extracurricular activities as any school-authorized athletic or education-related student activity that occurs during or outside of the regular instructional school day.<sup>25</sup> Extracurricular activities include such activities as interscholastic and intramural athletics, drama, marching band, chorus, and academic and social clubs.

Florida law requires all students participating in extracurricular activities to meet basic academic and conduct requirements. It also provides opportunities for students enrolled in home education, certain public schools of choice, and certain private schools to participate in extracurricular activities at a traditional public school, because the extracurricular activities available to these students are limited due to their choice of school or program.<sup>26</sup> Outside these statutory requirements, nonathletic activities are largely governed by district school board or private school policies. Governance of interscholastic athletics is shared by the FHSAA and its member public and private schools. The law provides specific direction to FHSAA on such eligibility matters as residency, transfer, recruiting, and medical evaluations. FHSAA has discretion to adopt any other regulations on eligibility, provided they do not conflict with statutory requirements.<sup>27</sup> For example, FHSAA has adopted bylaws that provide for ineligibility if a student athlete reaches a maximum age for athletic participation,<sup>28</sup> commits

<sup>20</sup> Bylaw 10.4.1, FHSAA.

<sup>21</sup> Bylaws 10.5.5 and 10.5.6, FHSAA.

<sup>22</sup> Bylaw 10.6.5, FHSAA.

<sup>23</sup> Bylaw 10.602, FHSAA.

<sup>24</sup> See, e.g., Fredricks, J. & Eccles, J., *Is Extracurricular Participation Associated with Beneficial Outcomes*, *Developmental Psychology*, vol. 42, No. 4, 698-713 (2006); Lumpkin, A. & Favor, J. *Comparing the Academic Performance of High School Athletes and Non-Athletes in Kansas 2008-09*, *Journal of Sport Administration & Supervision*, vol. 4, No. 1 41-62 (May 2012).

<sup>25</sup> See s. 1006.15(2), F.S.

<sup>26</sup> Section 1006.15, F.S.

<sup>27</sup> Section 1006.20(1) and (2)(a)-(c), F.S.

<sup>28</sup> Bylaw 9.6.1, FHSAA.

unsportsmanlike conduct,<sup>29</sup> enrolls in a school coached by the same coach the student played for during a non-school sponsored activity,<sup>30</sup> follows a coach to another school,<sup>31</sup> or forfeits his or her amateur status.<sup>32</sup> FHSAA bylaws authorize member schools and school districts to adopt more stringent eligibility requirements for interscholastic athletics than FHSAA's requirements.<sup>33</sup>

### General Eligibility

Florida law specifies general academic and conduct requirements a student must meet in order to be eligible for participation in any extracurricular activity. To be eligible, a high school student<sup>34</sup> must:

- Maintain either a 2.0 grade point average (GPA) or above on a 4.0 scale in the semester preceding participation,<sup>35</sup>
- Execute and fulfill the requirements of an academic performance contract if the student's GPA falls below 2.0,<sup>36</sup>
- Have a cumulative GPA of 2.0 or above in his or her junior or senior year; and
- Maintain satisfactory conduct in accordance with the school's code of student conduct.<sup>37</sup>

The law authorizes a school district to set additional eligibility requirements, but the requirements must not make participation less accessible to home education students than to other students.<sup>38</sup>

### Eligibility and School Choice

Florida law authorizes students who are enrolled in a charter school, the Florida Virtual School (FLVS), or a home education program to participate in extracurricular activities at a traditional public school, if requirements are met.<sup>39</sup> Additionally, FHSAA has adopted a bylaw allowing a student enrolled in a magnet school, alternative school, or other public school of choice to participate in interscholastic athletics at a traditional public school.<sup>40</sup> Such eligibility is provided because these choice options offer limited or no extracurricular activities. Generally speaking, such students must:

- Demonstrate educational progress or meet GPA requirements;
- Meet the same residency requirements as other students in the school;
- Meet the same standards of acceptance, behavior, and performance required of other participating students; and
- Register their intent to participate in extracurricular activities before the beginning date of the activity with the public school where the student wishes to participate.<sup>41</sup>

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<sup>29</sup> Bylaw 7.2, FHSAA

<sup>30</sup> Bylaw 9.2.4, FHSAA.

<sup>31</sup> Bylaw 9.2.5, FHSAA.

<sup>32</sup> Bylaw 9.9, FHSAA.

<sup>33</sup> Bylaw 9.1.1.1, FHSAA.

<sup>34</sup> For purposes of athletics in public K-12 schools, high school includes grade six through 12. Section 1006.20(1), F.S.

<sup>35</sup> A home education student must submit form EL9, which requires the parent to list courses taken by the student and calculate a GPA. FHSAA, *Form EL9- Home Education Student Academic Progress Report* (June 2010), available at [http://www.fhsaa.org/sites/default/files/el09\\_home\\_rep.pdf](http://www.fhsaa.org/sites/default/files/el09_home_rep.pdf).

<sup>36</sup> An academic performance contract is an agreement between the student, the district school board, the appropriate governing association, and the student's parents, which at a minimum requires the student to attend summer school or its graded equivalent, between grades nine and 10 or grades 10 and 11, as necessary. Section 1006.15(3)(a), F.S.

<sup>37</sup> Section 1006.15(3)(a), F.S. The eligibility of a student who is convicted of, or found to have committed, a felony or delinquent act that would have been a felony if committed by an adult is governed by district school board policy. *Id.*

<sup>38</sup> Section 1006.15(4), F.S.

<sup>39</sup> Section 1006.15(3)(c), (d), and (e), F.S. (home education, charter schools, and FLVS).

<sup>40</sup> Bylaws 9.2.2.4 and 9.2.2.4.1, FHSAA (alternative schools and magnet schools).

<sup>41</sup> Section 1006.15(3)(c), (d), and (e), F.S.



The conditions placed upon participation vary. For example FLVS and home education students may participate in any extracurricular activity offered by the traditional public school. Charter school students may participate in any activity offered by the traditional public school that is not offered by the charter school. Fewer options are available to magnet school and alternative school students. They may only play a sport at a traditional public school if their school does not offer any sport programs at all.<sup>42</sup>

The law also authorizes a student attending a private middle school or high school to participate in interscholastic or intrascholastic sports at a public school that is zoned for the physical address at which the student resides if the private school where the student is enrolled is not a member of the FHSAA, has an enrollment of less than 125 students, and does not offer any interscholastic or intrascholastic athletic programs.<sup>43</sup>

The FHSAA and district school board must adopt guidelines that establish:

- Registration deadlines and procedures for each sport; and
- Student participation requirements that include, but are not limited to, the same standards of eligibility, acceptance, behavior, educational progress, and performance which apply to students attending FHSAA member public and private schools.<sup>44</sup>

A private school student may only participate at the public school in which the student first registers or is a candidate for participation by engaging in a practice. The parents of a participating private school student are responsible for transporting the student to and from the public school. The student's private school, the public school where the student participates in athletics, the district school board, and the FHSAA are exempt from liability arising from any injury that occurs during such transportation.<sup>45</sup>

<b>Extracurricular Eligibility by School Type<sup>46</sup></b>		
<b>Educational Choice Program</b>	<b>The district school at which the student may participate:</b>	<b>Activity the student may participate in:</b>
<b>FLVS</b>	Zoned school or any public school they could attend through controlled open enrollment	Any activity (because FLVS does not offer any extracurriculars)
<b>Homeschool</b>	Zoned school or any public school they could attend through controlled open enrollment	Any activity (because the student does not attend a school)
<b>Charter School</b>	Zoned school or any public school they could attend through controlled open enrollment	<ul style="list-style-type: none"> <li>• Any activity that is not offered by the charter school</li> <li>• May participate in that particular activity <u>even if the charter school offers other activities</u></li> </ul>
<b>Magnet School or Alternative School</b>	Zoned school or any public school they could attend through controlled open enrollment	Any <u>SPORT</u> , but <u>only if</u> their school does not offer any sports programs
<b>FHSAA Non-Member Private School</b>	Zoned school.	Any <u>SPORT</u> , but <u>only if</u> the school: <ul style="list-style-type: none"> <li>• Is not an FHSAA member;</li> <li>• Enrolls 125 students or less; and</li> <li>• Does not offer any sports programs</li> </ul>

<sup>42</sup> Section 1006.15(3)(c), (d), and (e), F.S.; bylaw 9.2.2.4, FHSAA.

<sup>43</sup> Section 1006.15(8), F.S.

<sup>44</sup> Section 1006.15(8), F.S.

<sup>45</sup> *Id.*

<sup>46</sup> Section 1006.15(3) and (8), F.S.; bylaw 9.2.2.4, FHSAA.

## Residency and Transfer

A student may participate in interscholastic athletics at the school in which he or she first enrolls each school year or, at the school in which the student becomes a candidate for an athletic team by engaging in a practice prior to enrolling in the school.<sup>47</sup>

A student may also be eligible to participate in interscholastic athletics in the school to which the student has transferred during the school year if the transfer is made by a deadline established by the FHSAA,<sup>48</sup> which may not be prior to the date authorized for the beginning of practice for the sport.<sup>49</sup>

Although the law requires FHSAA to allow transfer eligibility in its bylaws, it authorizes each district school board and private school to adopt policies regarding such transfers.<sup>50</sup> Consequently, some school districts have adopted policies that require transfer students to wait one calendar year before being eligible to compete in athletics, only allow transfer eligibility if the student makes a full and complete move with all members of his or her household, or require transfer students to compete at the junior varsity level for a period of one year.<sup>51</sup> Some courts have held that school district transfer policies that are more stringent than FHSAA's transfer policies conflict with state law.<sup>52</sup>

## Recruiting

Florida law requires the FHSAA to adopt bylaws prohibiting the recruitment of student athletes. Currently, the bylaws prohibit member schools from recruiting student athletes for athletic purposes. "Athletic recruiting" is "any effort by a school employee, athletic department staff member, or representative of a school's athletic interests to pressure, urge or entice a student to attend that school for the purpose of participating in interscholastic athletics." The bylaws set forth specific behaviors that constitute recruiting, as well as identify persons who are considered to represent a school's athletic interests.<sup>53</sup>

A student may only be declared ineligible based upon violation of recruiting rules if the student or parent has:

- Falsified any enrollment or eligibility document; or
- Accepted an impermissible benefit, i.e., any benefit or any promise of benefit not generally available to the school's students or family members or is based in any way on athletic interest, potential, or performance.<sup>54</sup>

The law places certain limitations on recruiting penalties. The bylaws may not prospectively limit the competition of student athletes for rule violations of their adult representatives, their school or its coaches. A student athlete may not be unfairly punished for eligibility or recruiting violations perpetrated by a teammate, coach, or administrator. Contests may not be forfeited for inadvertent eligibility

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<sup>47</sup> Section 1006.20(2)(a), F.S.

<sup>48</sup> The FHSAA is the designated governing nonprofit organization of athletics in Florida public schools. Section 1006.20(1), F.S.

<sup>49</sup> Section 2, ch. 2012-188, L.O.F.; 1006.20(2)(a), F.S.

<sup>50</sup> Section 1006.20(2)(a), F.S.

<sup>51</sup> See, e.g., Policy 4.43, Clay County School Board, Policy 8.801, Bay County School Board, and Policy 2431.01, Hillsborough County School Board. These types of residency and transfer policies are similar to the FHSAA residency and transfer bylaws that resulted in the creation of the Student Athlete Recruiting Task Force and recent legislative changes requiring the FHSAA to change its bylaws regarding recruiting.

<sup>52</sup> See, *School Board of Hillsborough County v. Kayla Jo Fernandez*, 151 So.3d 1251 (Fla. 2d DCA 2014)(Affirming circuit court order granting transfer student injunctive relief regarding school board determination of ineligibility).

<sup>53</sup> Section 1006.20(2)(b), F.S.; Policy 36, FHSAA.

<sup>54</sup> Section 1006.20(2)(b), F.S. If it is determined that a school has recruited a student in violation of FHSAA bylaws, the FHSAA may require the school to participate in a higher classification for the sport in which the recruited student competes for a minimum of one classification cycle, in addition to any other appropriate fine and sanction imposed on the school, its coaches, or adult representative.

*Id.*

violations unless the coach or a school administrator should have known of the violation. Contests may not be forfeited for other eligibility violations or recruiting violations in excess of the number of contests that the coaches and adult representatives responsible for the violations are prospectively suspended.<sup>55</sup>

### **Effect of Proposed Changes**

Among other things, the bill increases the accountability of the FHSAA by:

- Limiting its ability to collect certain fees;
- Revising its governance structure to allow parents of student athletes to participate in formulating FHSAA policy;
- Providing for neutral third party review of eligibility disputes; and
- Requiring operational audits by the Auditor General and review by the Commissioner of Education of its performance of duties in governing interscholastic athletics.

Additionally, the bill limits the reasons a student may be declared ineligible for interscholastic athletics and expands student opportunities to participate in extracurricular activities as a whole.

### **Florida High School Athletic Association**

#### **Governance**

The bill repeals statutory provisions requiring FHSAA to have a board of directors, representative assembly, committees on appeals, and a public liaison advisory committee and specifying their composition and duties. Instead, the bill establishes a 16 member governing board comprised proportionately of representatives from:

- Traditional public schools;
- Public schools of choice;
- Private schools;
- Home education cooperatives; and
- Parents of student athletes who are enrolled in such schools or programs.

The board's membership must also be equitably drawn from the various regions of the state where member schools are located. Any additional policy making bodies established by the FHSAA must provide for similar representation of schools, programs, parents, and regions of the state. Each member of the governing board or any other policy making body established by FHSAA must attend nonprofit governance training, which must include government in the sunshine, conflicts of interest, ethics, and student athlete-centered decision making consistent with the guiding principles for participation in extracurricular activities.

By July 1, 2017, the Commissioner of Education, with approval of the State Board of Education, must designate a nonprofit association to regulate interscholastic athletics. The Commissioner must review the association's performance of duties in each year an operational audit is conducted, i.e., three-year intervals. The nonprofit association designated by the commissioner will be the state's governing body for purposes of membership in the National Federation of State High School Associations.

Several sections of the bill take effect upon approval of a governing nonprofit association by the commissioner in 2017, for the purpose of removing references to the FHSAA from statute, i.e., ss. 943.0438, 1006.165, 1006.18, 1012.467, 1012.468, 1012.55, and 1006.20, F.S.

## Appeals of Eligibility Disputes

The bill requires FHSAA to provide an opportunity to resolve ineligibility determinations through an informal conference. The conference must be held within 10 days of the initial ineligibility determination. If the eligibility dispute is not resolved at the informal conference, FHSAA must provide for a cost-effective and timely neutral third party review, which may include use of retired or former judges, mediation, or arbitration. The neutral third party must be selected by the parent and the review must be completed within 30 days of the informal conference. A student athlete may not be declared ineligible until the neutral third party review is completed, unless the reason for ineligibility involves academic ineligibility, a student code of conduct violation, or the student has exceeded four years of eligibility, reached the maximum age for participation, or graduated from high school. All eligibility proceedings must be conducted in the county where the student resides. Informal conferences and neutral third party hearings may be conducted by telephone, videoconference, or other electronic means.

## Membership

The bill authorizes schools to join FHSAA on a per sport basis. Schools would also be allowed to join other organizations for some sports, while maintaining membership in FHSAA for others. Additionally, FHSAA must adopt guidelines, provide resources, and develop training to educate coaches, administrators and athletes about sportsmanship. Member schools must develop sportsmanship policies and administer FHSAA-developed sportsmanship training to coaches, administrators and athletes. Member schools must annually certify compliance with sportsmanship requirements by a deadline established by FHSAA.

## Fiscal Accountability

The bill provides that special event fees, sanctioning fees, and contest receipts collected annually by the FHSAA may not exceed its actual costs to perform the function or duty that is the subject of or justification for the fee. It also requires FHSAA to offer spectators seeking admission to athletic competitions the option of purchasing a single-day or multi-day pass at a cost below that which one would pay on a per event basis for the same number of contests.

Additionally, the bill requires the Auditor General to conduct an operational audit of FHSAA every three years. Among other things, an operational audit examines whether internal controls are in place to prevent and detect fraud, waste, and abuse, and whether an organization is administering assigned responsibilities in accordance with applicable laws, administrative rules, contracts, grant agreements, and other guidelines.<sup>56</sup>

## **Participation in Extracurricular Activities**

### Guiding Principles for Student Eligibility

The bill establishes the following guiding principles for student eligibility for extracurricular activities:

- Extracurricular activities are an important complement to the academic curriculum and provide students with incentives to succeed academically.
- Participation in a comprehensive extracurricular and academic program contributes to development of the social and intellectual skills necessary to become a well-rounded adult.
- Extracurricular activities promote teamwork and collaboration, expose students to individuals from diverse backgrounds, and enhance parental engagement in the school.
- Policies governing student eligibility for extracurricular activities should not impede parental school choice.

- A student's school attendance zone or choice of educational program should not be a barrier to participation in extracurricular activities that are not offered by the student's school or program.

### Eligibility and School Choice

Currently, the law only addresses eligibility for extracurricular activities for home education, charter school, FLVS, and certain non-FHSAA-member private school students. The bill repeals these provisions and consolidates them under one provision that accounts for all public school choice options, as well as home education and certain private schools. Accordingly, the bill defines:

- "Public school student" to mean a student who is attending a traditional public school, charter school, magnet school, alternative school, developmental research laboratory school, other public school of choice, or public virtual school.
- "Unaffiliated private school" to mean a private school that has an enrollment of 125 or fewer students in grades 6 through 12 and that is not a member of FHSAA.

Under the bill, a public school student, a student attending an unaffiliated private school, or a home education student is eligible to participate in an extracurricular activity that is not offered by the student's school or home education program. Participation may occur at any public school in the school district in which the student resides or a public school in another school district which the student could choose to attend pursuant to an interdistrict controlled open enrollment policy. A home education student may also develop an agreement to participate at a private school.

All students participating under these provisions must:

- Meet the same academic and conduct standards applicable to other students participating in the activity.
- Register with the public school his or her intent to participate in extracurricular activities before the beginning date of the activity.

In general, a student may only participate at another public school in extracurricular activities not offered by his or her home school. However, students enrolled in an unaffiliated private school, a home education program, a full-time public virtual school, or a public school that does not offer any interscholastic athletic programs may only participate in athletics at the public school in which the student is first registered. Thus, if such a student seeks participation in athletics, they must choose one school that offers all of the sports the student seeks to play. Students enrolled in a school that has athletic programs must play the sports offered by their school at that school, but may participate at another public school for sports not offered by their school.

The parent of a student who participates pursuant to these provisions is responsible for transporting the student to and from the school at which the student participates. The school the student attends, the school at which the student participates in the extracurricular activity, the district school board, and the nonprofit governing association are exempt from civil liability arising from any injury to the student which occurs during such transportation.

### Eligibility

The bill limits the grounds for declaring a student ineligible to participate in interscholastic athletics to:

- Failure to meet academic and conduct requirements;
- Falsification of an enrollment or eligibility document by the student or parent;
- Acceptance of an impermissible benefit by the student or parent;

- Commission of a flagrant act of unsportsmanlike conduct or violation of substance abuse policies established by a nonprofit association;<sup>57</sup>
- Exhaustion of four years of athletic eligibility, graduation from high school, or attainment of the maximum age established by a nonprofit association, whichever occurs first;
- Failure to pass a required medical examination;
- Forfeiture of amateur status;<sup>58</sup> or
- Failure to meet transfer eligibility requirements.

The bill defines "impermissible benefit" to mean a benefit or promise of benefit that is based in any way on athletic interest, potential, or performance and is a benefit not generally available to the school's students or family members that induces a student athlete to participate in the athletic programs of a member school.

The bill clarifies that a home education student is academically eligible to participate in extracurricular activities if he or she has a satisfactory evaluation of educational progress conducted in accordance with the home education law, rather than meeting GPA requirements. The bill prohibits district school boards or private schools from establishing policies regarding transfer student eligibility for extracurricular activities which are more stringent than the policies established by the governing nonprofit association. Any additional requirements placed on participation in extracurricular activities must be applied equally to all students, regardless of the type of activity, and may not make participation less accessible to a transfer student or a student enrolled in a public school of choice, an unaffiliated private school, or a home education program.

The bill makes several conforming changes to existing provisions of law, including relocating or consolidating provisions. This includes provisions:

- Prohibiting academically ineligible students from transferring schools to gain eligibility,
- Regarding insurance coverage provided to home education and unaffiliated private school students who participate in public school extracurricular activities; and
- Placing certain limitations on recruiting penalties.

## B. SECTION DIRECTORY:

**Section 1.** Amends s. 1006.20, F.S.; relating to Athletics in public K-12 schools; revises FHSAA governance structure, appeals process, and membership requirements.

**Section 2.** Amends s. 1006.15, F.S.; relating to Student Standards for participation in extracurricular activities; limits grounds for declaring a student ineligible; expands student opportunities to participate in public school extracurricular activities.

**Section 3.** Amends s. 1006.16, F.S.; relating to Insuring school students in athletic activities; conforms provisions.

<sup>57</sup> FHSAA bylaws define "unsportsmanlike conduct" as an act of malicious or hateful nature toward a contest official, opponent, or spectator, including without limitation profanity, striking or threatening a contest official, physical contact with an opponent, spitting on a contest official or opponent, gender, ethnic, or racial slurs, or other unacceptable conduct. Violations of FHSAA's recruiting and alcohol, tobacco, and performance enhancing drug policies are also classified as unsportsmanlike conduct. Coaches and student athletes who commit an unsportsmanlike act that results in ejection from a contest may be suspended, which range in duration from two games for a first violation to up to one-year for flagrant or repeated violations. Bylaws 6.3.1 and 7.2.1, FHSAA; Policies 30 and 31, FHSAA.

<sup>58</sup> FHSAA bylaws prohibit a student athlete from participating in interscholastic athletics if he or she competes for money or other monetary compensations; receives any award or prize of monetary value which has not been approved by the FHSAA; capitalizes on athletic fame by receiving money or gifts of a monetary nature; signs a professional playing contract in any sport or hires an agent to manage his/her athletic career; or competes under an assumed name. Bylaw 9.9, FHSAA.

**Section 4.** Amends s. 1006.19, F.S.; relating to Audit of records on nonprofit corporations and associations handling interscholastic activities; requires FHSAA to submit to an operational audit by the Auditor General every three years.

**Section 5.** Amends s. 768.135, F.S.; relating to Volunteer team physicians; immunity; conforms provisions.

**Section 6.** Amends s. 943.0438, F.S.; relating to Athletic coaches for independent sanctioning authorities; conforms provisions.

**Section 7.** Amends s. 1002.20, F.S.; relating to K-12 student and parent rights; conforms provisions.

**Section 8.** Amends s. 1002.33, F.S.; relating to Charter schools; conforms provisions.

**Section 9.** Amends s. 1002.42, F.S.; relating to Private schools; conforms provisions.

**Section 10.** Amends s. 1006.165, F.S.; relating to Automated external defibrillators; conforms provisions.

**Section 11.** Amends s. 1006.18, F.S.; relating to Cheerleader safety standards; conforms provisions.

**Section 12.** Amends s. 1012.467, F.S.; relating to Noninstructional contractors background screening; conforms provisions.

**Section 13.** Amends s. 1012.468, F.S.; relating to Exceptions to certain background screening requirements; conforms provisions.

**Section 14.** Amends s. 1012.55, F.S.; relating to Positions for which certificates are required; conforms provisions.

**Section 15.** Creates an unnumbered section of law requiring the Commissioner of Education to designate a nonprofit association to govern interscholastic athletics.

**Section 16.** Amends s. 1006.20, F.S.; relating to Athletics in public K-12 schools; provides for contingent effect; removes statutory references to FHSAA.

**Section 17.** Provides an effective date of July 1, 2015, except as otherwise provided.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

The bill requires special event fees, sanctioning fees, and gates receipts collected annually by FHSAA to reflect the actual cost of the activity or justification for the fee. This may result in reduced sanctioning fees for corporate sponsors and promoters that organize high school athletic events.

**III. COMMENTS**

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

**IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

Not applicable.





1                                   A bill to be entitled  
 2           An act relating to independent nonprofit higher  
 3           educational facilities financing; amending s. 243.52,  
 4           F.S.; revising the definition of the term "project"  
 5           for purposes of the Higher Educational Facilities  
 6           Financing Act; providing an effective date.

7  
 8   Be It Enacted by the Legislature of the State of Florida:

9  
 10           Section 1. Subsection (3) of section 243.52, Florida  
 11           Statutes, is amended to read:

12           243.52 Definitions.—As used in ss. 243.50-243.77, the  
 13           term:

14           (3) "Project" means a structure suitable for use as a  
 15           dormitory or other housing facility, dining hall, student union,  
 16           administration building, academic building, library, laboratory,  
 17           research facility, classroom, athletic facility, health care  
 18           facility, or maintenance, storage, or utility facility and other  
 19           structures or facilities related thereto, required thereto, or  
 20           required or useful for the instruction of students, the  
 21           conducting of research, or the operation of an institution of  
 22           higher education. The term includes parking and other facilities  
 23           or structures, essential or convenient for the orderly conduct  
 24           of such institution of higher education and includes equipment  
 25           and machinery and other similar items necessary or convenient  
 26           for the operation of a particular facility or structure in the

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27 manner for which its use is intended, but does not include such  
28 items as books, fuel, supplies, or other items that are  
29 customarily deemed to result in a current operating charge. The  
30 term also ~~dormitory, student service facility, parking facility,~~  
31 ~~administration building, academic building, or library and~~  
32 includes a loan in anticipation of tuition revenues by an  
33 institution of higher education, as defined in subsection (6).

34 Section 2. This act shall take effect July 1, 2015.

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 461 Independent Nonprofit Higher Educational Facilities Financing  
**SPONSOR(S):** Sullivan and others  
**TIED BILLS:** IDEN./SIM. **BILLS:** SB 622

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Higher Education & Workforce Subcommittee	7 Y, 0 N	Banner	Sherry
2) Appropriations Committee	27 Y, 0 N	Hawkins	Leznoff
3) Education Committee		Banner <i>(b)</i>	Mizereck <i>MLM</i>

### SUMMARY ANALYSIS

The Higher Educational Facilities Financing Authority (authority) is a public corporation which assists eligible institutions of higher education in financing and refinancing educational facilities construction. Among other things, the authority may issue tax-exempt or taxable revenue bonds, which are privately financed and not secured by full faith and credit of the state. Financing acquired through the authority may be used for such construction projects as dormitories, parking and student service facilities, administration and academic buildings, libraries, and loans made in anticipation of tuition revenues.

Independent nonprofit colleges or universities which: are located in and chartered by the state of Florida; are accredited by the Southern Association of Colleges and Schools (SACS); grant baccalaureate degrees; and are not a state university or community college may participate in educational facilities construction financing through the authority. This includes all 31 institutions belonging to the Independent Colleges and Universities of Florida (ICUF).

The bill expands the types of projects that the authority may finance by adding:

- Costs for construction of dining halls, student unions, laboratories, research facilities, classrooms, athletic facilities, health care facilities, maintenance, storage, or utility facilities, and related facilities or structures required or useful for the instruction of students, research, or the operation of an educational institution (e.g., parking); and
- Certain purchases of equipment and machinery.

Books, fuel, supplies, or other items which are customarily deemed to be operating costs may not be financed.

The bill does not appear to have a fiscal impact on state or local governments.

The bill takes effect July 1, 2015.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### Present Situation

The Higher Educational Facilities Financing Authority (authority) is a public corporation which assists eligible institutions of higher education in financing and refinancing educational facilities construction.<sup>1</sup> Participation in financing through the authority is limited to independent nonprofit colleges or universities which are located in and chartered by the state of Florida; are accredited by the Southern Association of Colleges and Schools (SACS); grant baccalaureate degrees; and are not a state university or community college.<sup>2</sup> This includes all 31 institutions belonging to the Independent Colleges and Universities of Florida (ICUF).<sup>3</sup>

Among other things, the authority may issue tax-exempt or taxable revenue bonds; acquire real estate; contract; and execute loans, leases, and other legal instruments.<sup>4</sup> Bonds issued by the authority are privately financed, are not secured by the full faith and credit of the state, and do not constitute an obligation of the state.<sup>5</sup> The authority may not enter into a financing agreement with a participating institution unless the institution demonstrates that it is financially responsible and capable of fulfilling its obligations under the agreement.<sup>6</sup>

The authority may only finance such projects as dormitories, parking and student service facilities, administration and academic buildings, libraries, and loans made in anticipation of tuition revenues.<sup>7</sup> Financing may be provided for project costs related to construction and land acquisition; machinery and equipment; financing charges and interest; provisions for working capital; reserves for principal, interest, and rebate; provisions for extensions, enlargements, additions, and improvements; engineering, financial, and legal services; and construction planning and cost estimating.<sup>8</sup>

Currently, the authority and participating institutions are exempt from taxes or assessments related to a project or any property acquired for a project and any tax on income from those projects. Any bonds issued by the authority, any security for the bonds, the transfer of the bonds, and the income from the bonds (including profit on their sale) and notes, mortgages, security agreements, letters of credit, or other instruments are also exempt from taxation of any kind by the state or any local unit, political subdivision, or other instrumentality of the state. This tax exemption does not apply to income taxes imposed on corporations under ch. 220, F.S.<sup>9</sup>

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<sup>1</sup> Part II, ch. 243, F.S.

<sup>2</sup> Section 243.52(6), F.S. The law defines the terms "institution of higher education" and "participating institution" to be synonymous. See s. 243.52(6) and (7), F.S.

<sup>3</sup> See Independent Colleges and Universities of Florida, *About Us*, <http://www.icuf.org/newdevelopment/about-icuf/> (last visited Feb. 5, 2015). ICUF institutions include Adventist University of Health Sciences, Ave Maria University, Barry University, Beacon College, Bethune-Cookman University, Clearwater Christian College, Eckerd College, Edward Waters College, Embry-Riddle Aeronautical University, Everglades University, Flagler College, Florida College, Florida Institute of Technology, Florida Memorial University, Florida Southern College, Hodges University, Jacksonville University, Keiser University, Lynn University, Nova Southeastern University, Palm Beach Atlantic University, Ringling College of Art and Design, Rollins College, St. Leo University, Southeastern University, St. Thomas University, Stetson University, The University of Tampa, University of Miami, Warner University, and Webber International University. Independent Colleges and Universities of Florida, *School Websites*, <http://www.icuf.org/newdevelopment/schools/> (last visited Feb. 5, 2015).

<sup>4</sup> Section 243.54, F.S.

<sup>5</sup> Section 243.64, F.S.; Documentation provided by Independent Colleges and Universities of Florida (Feb. 4, 2015).

<sup>6</sup> Section 243.58(2), F.S.

<sup>7</sup> Section 243.52(3), F.S.

<sup>8</sup> Section 243.52(4), F.S.

<sup>9</sup> Section 243.70, F.S.

The authority's board consists of five members appointed by the Governor.<sup>10</sup> The board must submit an annual report regarding its activities to the Governor and presiding officers of each house of the Legislature within two months of the end of its fiscal year.<sup>11</sup>

Similar opportunities for higher educational facilities construction financing assistance are available through County Higher Educational Facilities Authorities (CHEFFA). However, since codified in 1969, CHEFFAs exist in only seven counties.<sup>12</sup> The Higher Educational Facilities Financing Authority was codified in 2001, in part, to extend such assistance to eligible institutions of higher education located in counties without a CHEFFA.<sup>13</sup> A more extensive list of projects may be financed through a CHEFFA. Allowable projects include:

- Costs for construction of dormitories or student housing, dining halls, student unions, administration or academic buildings, libraries, laboratories, research facilities, classrooms, athletic facilities, health care facilities, maintenance, storage, or utility facilities, and related facilities or structures required or useful for the instruction of students, research, or the operation of an educational institution(e.g., parking);
- Certain purchases of equipment and machinery; and
- A loan in anticipation of tuition revenues.

Books, fuel, supplies, or other items which are customarily deemed to be operating costs may not be financed through a CHEFFA.<sup>14</sup>

### **Effect of Proposed Changes**

The bill replaces the definition of "project" currently applicable to financing of construction projects through the authority with the broader definition currently applicable to CHEFFAs. Thus, allowable projects are expanded to add:

- Costs for construction of dining halls; student unions; laboratories; research facilities; classrooms; athletic facilities; health care facilities; maintenance, storage, or utility facilities; and related facilities or structures required or useful for the instruction of students, research, or the operation of an educational institution, e.g., parking; and
- Certain purchases of equipment and machinery.

Books, fuel, supplies, or other items which are customarily deemed to be operating costs may not be financed through the authority.

## **B. SECTION DIRECTORY:**

**Section 1.** Amends s. 243.52, F.S., relating to Definitions.

**Section 2.** Provides an effective date of July 1, 2015.

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<sup>10</sup> Section 243.53(2), F.S.

<sup>11</sup> Section 243.73(1), F.S.

<sup>12</sup> Chapter 69-345, L.O.F., *codified as* Part I, ch. 243, F.S.; Documentation provided by Independent Colleges and Universities of Florida (Feb. 4, 2015).

<sup>13</sup> Chapter 2001-79, L.O.F.

<sup>14</sup> Section 243.20(5), F.S.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

### C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None

### D. FISCAL COMMENTS:

None.

## III. COMMENTS

### A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not Applicable. This bill does not appear to affect county or municipal governments.

2. Other:

None.

### B. RULE-MAKING AUTHORITY:

None.

### C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

## IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES





1                   A bill to be entitled  
 2           An act relating to background screening; amending s.  
 3           1002.45, F.S.; revising the requirement relating to  
 4           background screening of instructional personnel in  
 5           virtual instruction programs; amending s. 1012.315,  
 6           F.S.; providing additional offenses that determine  
 7           ineligibility for educator certification or employment  
 8           in a position that requires direct contact with  
 9           students; amending s. 1012.32, F.S.; revising  
 10          requirements for the retention, search, and reporting  
 11          of fingerprints of school personnel; providing for  
 12          Department of Law Enforcement participation in the  
 13          national retained print arrest notification program;  
 14          providing for fees; amending s. 1012.465, F.S.;  
 15          providing background screening requirements for  
 16          certain school district employees, contractual  
 17          personnel, and instructional personnel in virtual  
 18          instruction programs; requiring a fingerprint-based  
 19          criminal history background screening; providing  
 20          requirements for submission, retention, search, and  
 21          reporting of fingerprints; providing for fees;  
 22          amending s. 1012.467, F.S.; requiring the fingerprints  
 23          of certain noninstructional contractors to be enrolled  
 24          in the national retained print arrest notification  
 25          program; requiring arrest fingerprints to be searched  
 26          against state and federal retained fingerprints;

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27 providing for fees to be established by rule; revising  
 28 provisions relating to sharing criminal history  
 29 information; amending s. 1012.56, F.S.; revising  
 30 provisions relating to background rescreening for  
 31 educator certification; amending s. 1012.796;  
 32 authorizing complaints to be filed against persons  
 33 employed by virtual instruction providers; amending s.  
 34 1012.797, F.S.; revising provisions relating to  
 35 notification to education providers of charges against  
 36 school district employees; reenacting ss. 1001.42(7),  
 37 1002.33(12)(g), 1002.36(7)(g), 1002.421(4)(a),  
 38 1012.32(1) and (2), 1012.56(10)(a) and (c), and  
 39 1012.795(1)(n), F.S., relating to district school  
 40 board powers and duties, charter schools, the Florida  
 41 School for the Deaf and the Blind, the accountability  
 42 of private schools participating in state school  
 43 choice scholarship programs, qualifications of  
 44 personnel, educator certification requirements, and  
 45 Education Practices Commission authority to  
 46 discipline, respectively, to incorporate the amendment  
 47 made to s. 1012.315, F.S., in references thereto;  
 48 providing an effective date.

49  
 50 Be It Enacted by the Legislature of the State of Florida:  
 51  
 52 Section 1. Paragraph (a) of subsection (2) of section

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

53 | 1002.45, Florida Statutes, is amended to read:

54 |       1002.45 Virtual instruction programs.—

55 |       (2) PROVIDER QUALIFICATIONS.—

56 |       (a) The department shall annually publish online a list of  
57 | providers approved to offer virtual instruction programs. To be  
58 | approved by the department, a provider must document that it:

59 |           1. Is nonsectarian in its programs, admission policies,  
60 | employment practices, and operations.†

61 |           2. Complies with the antidiscrimination provisions of s.  
62 | 1000.05.†

63 |           3. Locates an administrative office or offices in this  
64 | state.†

65 |           4. Requires its administrative staff to be state  
66 | residents.†

67 |           5. Requires all instructional staff to hold a valid  
68 | Florida educator certificate ~~be Florida-certified teachers~~ under  
69 | chapter 1012. ~~and~~

70 |           6. Has submitted a signed affidavit under penalty of  
71 | perjury stating that all instructional personnel employed by the  
72 | provider hold a valid Florida educator certificate in good  
73 | standing and have undergone ~~conducts~~ background screening  
74 | ~~screenings for all employees or contracted personnel,~~ as  
75 | required by s. 1012.465 ~~1012.32~~, using state and national  
76 | criminal history records.†

77 |           7.4. Provides to parents and students specific information  
78 | posted and accessible online that includes, but is not limited

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79 | to, the following teacher-parent and teacher-student contact  
80 | information for each course:

81 |       a. How to contact the instructor via phone, e-mail, or  
82 | online messaging tools.

83 |       b. How to contact technical support via phone, e-mail, or  
84 | online messaging tools.

85 |       c. How to contact the administration office via phone, e-  
86 | mail, or online messaging tools.

87 |       d. Any requirement for regular contact with the instructor  
88 | for the course and clear expectations for meeting the  
89 | requirement.

90 |       e. The requirement that the instructor in each course  
91 | must, at a minimum, conduct one contact via phone with the  
92 | parent and the student each month.‡

93 |       8.5- Possesses prior, successful experience offering  
94 | online courses to elementary, middle, or high school students as  
95 | demonstrated by quantified student learning gains in each  
96 | subject area and grade level provided for consideration as an  
97 | instructional program option. However, for a provider without  
98 | sufficient prior, successful experience offering online courses,  
99 | the department may conditionally approve the provider to offer  
100 | courses measured pursuant to subparagraph (8)(a)2. Conditional  
101 | approval shall be valid for 1 school year only and, based on the  
102 | provider's experience in offering the courses, the department  
103 | shall determine whether to grant approval to offer a virtual  
104 | instruction program.‡

105 |        ~~9.6.~~ Is accredited by a regional accrediting association  
 106 | as defined by State Board of Education rule.~~†~~

107 |        ~~10.7.~~ Ensures instructional and curricular quality through  
 108 | a detailed curriculum and student performance accountability  
 109 | plan that addresses every subject and grade level it intends to  
 110 | provide through contract with the school district, including:

111 |        a. Courses and programs that meet the standards of the  
 112 | International Association for K-12 Online Learning and the  
 113 | Southern Regional Education Board.

114 |        b. Instructional content and services that align with, and  
 115 | measure student attainment of, student proficiency in the Next  
 116 | Generation Sunshine State Standards.

117 |        c. Mechanisms that determine and ensure that a student has  
 118 | satisfied requirements for grade level promotion and high school  
 119 | graduation with a standard diploma, as appropriate.~~†~~

120 |        ~~11.8.~~ Publishes for the general public, in accordance with  
 121 | disclosure requirements adopted in rule by the State Board of  
 122 | Education, as part of its application as a provider and in all  
 123 | contracts negotiated pursuant to this section:

124 |        a. Information and data about the curriculum of each full-  
 125 | time and part-time program.

126 |        b. School policies and procedures.

127 |        c. Certification status and physical location of all  
 128 | administrative and instructional personnel.

129 |        d. Hours and times of availability of instructional  
 130 | personnel.

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- 131 e. Student-teacher ratios.
- 132 f. Student completion and promotion rates.
- 133 g. Student, educator, and school performance
- 134 accountability outcomes.

135 12.9. If the provider is a Florida College System  
 136 institution, employs instructors who meet the certification  
 137 requirements for instructional staff under chapter 1012. ~~and~~

138 13.10. Performs an annual financial audit of its accounts  
 139 and records conducted by an independent certified public  
 140 accountant which is in accordance with rules adopted by the  
 141 Auditor General, is conducted in compliance with generally  
 142 accepted auditing standards, and includes a report on financial  
 143 statements presented in accordance with generally accepted  
 144 accounting principles.

145 Section 2. Section 1012.315, Florida Statutes, is amended  
 146 to read:

147 1012.315 Disqualification from employment.—A person is  
 148 ineligible for educator certification, and instructional  
 149 personnel and school administrators, as defined in s. 1012.01,  
 150 are ineligible for employment in any position that requires  
 151 direct contact with students in a district school system,  
 152 charter school, or private school that accepts scholarship  
 153 students under s. 1002.39 or s. 1002.395, if the person,  
 154 instructional personnel, or school administrator has been  
 155 convicted of:

- 156 (1) Any felony offense prohibited under any of the

157 following statutes:

158 (a) Section 39.205, relating to failure to report child  
 159 abuse, abandonment, or neglect.

160 ~~(b)(a)~~ Section 393.135, relating to sexual misconduct with  
 161 certain developmentally disabled clients and reporting of such  
 162 sexual misconduct.

163 ~~(c)(b)~~ Section 394.4593, relating to sexual misconduct  
 164 with certain mental health patients and reporting of such sexual  
 165 misconduct.

166 ~~(d)(e)~~ Section 415.111, relating to adult abuse, neglect,  
 167 or exploitation of aged persons or disabled adults.

168 (e) Section 775.085, relating to evidencing prejudice  
 169 while committing offense, if reclassified as a felony.

170 ~~(f)(d)~~ Section 782.04, relating to murder.

171 (g) Section 782.051, relating to attempted felony murder.

172 ~~(h)(e)~~ Section 782.07, relating to manslaughter,  
 173 aggravated manslaughter of an elderly person or disabled adult,  
 174 aggravated manslaughter of a child, or aggravated manslaughter  
 175 of an officer, a firefighter, an emergency medical technician,  
 176 or a paramedic.

177 (i) Section 782.09(1), relating to killing of unborn child  
 178 by injury to mother.

179 ~~(j)(f)~~ Section 784.021, relating to aggravated assault.

180 ~~(k)(g)~~ Section 784.045, relating to aggravated battery.

181 ~~(l)(h)~~ Section 784.075, relating to battery on a detention  
 182 or commitment facility staff member or a juvenile probation

183 officer.

184 (m)~~(i)~~ Section 787.01, relating to kidnapping.

185 (n)~~(j)~~ Section 787.02, relating to false imprisonment.

186 (o)~~(k)~~ Section 787.025, relating to luring or enticing a  
187 child.

188 (p)~~(l)~~ Section 787.04(2), relating to leading, taking,  
189 enticing, or removing a minor beyond the state limits, or  
190 concealing the location of a minor, with criminal intent pending  
191 custody proceedings.

192 (q)~~(m)~~ Section 787.04(3), relating to leading, taking,  
193 enticing, or removing a minor beyond the state limits, or  
194 concealing the location of a minor, with criminal intent pending  
195 dependency proceedings or proceedings concerning alleged abuse  
196 or neglect of a minor.

197 (r) Section 787.06, relating to human trafficking.

198 (s)~~(n)~~ Section 790.115(1), relating to exhibiting firearms  
199 or weapons at a school-sponsored event, on school property, or  
200 within 1,000 feet of a school.

201 (t)~~(e)~~ Section 790.115(2)(b), relating to possessing an  
202 electric weapon or device, destructive device, or other weapon  
203 at a school-sponsored event or on school property.

204 (u) Section 790.166, relating to weapons of mass  
205 destruction or hoax weapons of mass destruction.

206 (v)~~(p)~~ Section 794.011, relating to sexual battery.

207 (w)~~(q)~~ Former s. 794.041, relating to sexual activity with  
208 or solicitation of a child by a person in familial or custodial



209 authority.

210        ~~(x)(r)~~ Section 794.05, relating to unlawful sexual

211 activity with certain minors.

212        ~~(y)(s)~~ Section 794.08, relating to female genital

213 mutilation.

214        ~~(z)(t)~~ Chapter 796, relating to prostitution.

215        ~~(aa)(u)~~ Chapter 800, relating to lewdness and indecent

216 exposure.

217        ~~(bb)(v)~~ Section 806.01, relating to arson.

218        ~~(cc)(w)~~ Section 810.14, relating to voyeurism.

219        ~~(dd)(x)~~ Section 810.145, relating to video voyeurism.

220        ~~(ee)(y)~~ Section 812.014(6), relating to coordinating the

221 commission of theft in excess of \$3,000.

222        ~~(ff)(z)~~ Section 812.0145, relating to theft from persons

223 65 years of age or older.

224        ~~(gg)(aa)~~ Section 812.019, relating to dealing in stolen

225 property.

226        ~~(hh)(bb)~~ Section 812.13, relating to robbery.

227        ~~(ii)(ee)~~ Section 812.131, relating to robbery by sudden

228 snatching.

229        ~~(jj)(dd)~~ Section 812.133, relating to carjacking.

230        ~~(kk)(ee)~~ Section 812.135, relating to home-invasion

231 robbery.

232        ~~(ll)(ff)~~ Section 817.563, relating to fraudulent sale of

233 controlled substances.

234        ~~(mm)(gg)~~ Section 825.102, relating to abuse, aggravated

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235 | abuse, or neglect of an elderly person or disabled adult.  
 236 |        ~~(nn)~~~~(hh)~~ Section 825.103, relating to exploitation of an  
 237 | elderly person or disabled adult.  
 238 |        ~~(oo)~~~~(ii)~~ Section 825.1025, relating to lewd or lascivious  
 239 | offenses committed upon or in the presence of an elderly person  
 240 | or disabled person.  
 241 |        ~~(pp)~~~~(jj)~~ Section 826.04, relating to incest.  
 242 |        ~~(qq)~~~~(kk)~~ Section 827.03, relating to child abuse,  
 243 | aggravated child abuse, or neglect of a child.  
 244 |        ~~(rr)~~~~(ll)~~ Section 827.04, relating to contributing to the  
 245 | delinquency or dependency of a child.  
 246 |        ~~(ss)~~~~(mm)~~ Section 827.071, relating to sexual performance  
 247 | by a child.  
 248 |        ~~(tt)~~ Section 838.015, relating to bribery.  
 249 |        ~~(uu)~~~~(nn)~~ Section 843.01, relating to resisting arrest with  
 250 | violence.  
 251 |        ~~(vv)~~~~(oo)~~ Chapter 847, relating to obscenity.  
 252 |        ~~(ww)~~ Section 859.01, relating to poisoning food or water.  
 253 |        ~~(xx)~~~~(pp)~~ Section 874.05, relating to causing, encouraging,  
 254 | soliciting, or recruiting another to join a criminal ~~street~~  
 255 | gang.  
 256 |        ~~(yy)~~ Section 876.32, relating to treason.  
 257 |        ~~(zz)~~~~(qq)~~ Chapter 893, relating to drug abuse prevention  
 258 | and control, if the offense was a felony of the second degree or  
 259 | greater severity.  
 260 |        ~~(aaa)~~~~(rr)~~ Section 916.1075, relating to sexual misconduct

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261 with certain forensic clients and reporting of such sexual  
 262 misconduct.

263 (bbb)~~(ss)~~ Section 944.47, relating to introduction,  
 264 removal, or possession of contraband at a correctional facility.

265 (ccc)~~(tt)~~ Section 985.701, relating to sexual misconduct  
 266 in juvenile justice programs.

267 (ddd)~~(uu)~~ Section 985.711, relating to introduction,  
 268 removal, or possession of contraband at a juvenile detention  
 269 facility or commitment program.

270 (2) Any misdemeanor offense prohibited under any of the  
 271 following statutes:

272 (a) Section 784.03, relating to battery, if the victim of  
 273 the offense was a minor.

274 (b) Section 787.025, relating to luring or enticing a  
 275 child.

276 (3) Any criminal act committed in another state or under  
 277 federal law which, if committed in this state, constitutes an  
 278 offense prohibited under any statute listed in subsection (1) or  
 279 subsection (2).

280 (4) Any delinquent act committed in this state or any  
 281 delinquent or criminal act committed in another state or under  
 282 federal law which, if committed in this state, qualifies an  
 283 individual for inclusion on the Registered Juvenile Sex Offender  
 284 List under s. 943.0435(1)(a)1.d.

285 Section 3. Subsection (3) of section 1012.32, Florida  
 286 Statutes, is amended to read:

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287 1012.32 Qualifications of personnel.—  
 288 (3) (a) ~~All fingerprints submitted to~~ The Department of Law  
 289 Enforcement ~~as required by subsection (2)~~ shall retain the  
 290 fingerprints submitted for a criminal history background  
 291 screening pursuant to subsection (2) and s. 1012.465, enter the  
 292 fingerprints be retained by the Department of Law Enforcement in  
 293 a manner provided by rule and entered in the statewide automated  
 294 biometric identification system authorized by s. 943.05(2)(b),  
 295 and enroll the fingerprints in the national retained print  
 296 arrest notification program when the national program becomes  
 297 operational and the Department of Law Enforcement begins  
 298 participation in the program. The fingerprints of individuals  
 299 that were retained by the Department of Law Enforcement before  
 300 its participation in the national program must be enrolled in  
 301 the program within 2 years after the Department of Law  
 302 Enforcement begins participation in the program. Such  
 303 fingerprints shall thereafter be available for arrest  
 304 notifications required by paragraph (b) and all purposes and  
 305 uses authorized for arrest fingerprints entered in the statewide  
 306 automated biometric identification system pursuant to s.  
 307 943.051.  
 308 (b) The Department of Law Enforcement shall search all  
 309 arrest fingerprints ~~received under s. 943.051~~ against the  
 310 fingerprints retained ~~in the statewide automated biometric~~  
 311 ~~identification system~~ under paragraph (a) and report- any arrest  
 312 record ~~that is identified by~~ the Department of Law Enforcement

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313 ~~or the Federal Bureau of Investigation with the retained~~  
 314 ~~fingerprints of a person subject to the background screening~~  
 315 ~~under this section shall be reported~~ to the employing or  
 316 contracting school district or the school district with which  
 317 the person is affiliated. Each school district is required to  
 318 participate in this search process by payment of fees ~~an annual~~  
 319 ~~fee~~ to the Department of Law Enforcement and by informing the  
 320 Department of Law Enforcement of any change in the ~~affiliation,~~  
 321 ~~employment, or contractual status or place of affiliation,~~  
 322 ~~employment, or contracting~~ of its ~~instructional and~~  
 323 ~~noninstructional~~ personnel whose fingerprints are retained under  
 324 paragraph (a). The Department of Law Enforcement shall adopt a  
 325 rule that establishes ~~setting the amount of the annual fee to be~~  
 326 ~~imposed upon~~ each school district must pay to the Department of  
 327 Law Enforcement and identifies the federal subscription fee  
 328 collected and remitted by the Department of Law Enforcement for  
 329 participation in the national retained print arrest notification  
 330 program, as applicable, for performing these searches under this  
 331 paragraph and that establishes ~~establishing~~ the procedures for  
 332 the retention of ~~instructional and noninstructional personnel~~  
 333 fingerprints retained under paragraph (a) and the dissemination  
 334 of search results. The fee may be borne by the district school  
 335 board, the contractor, or the person fingerprinted.

336 (c) Personnel whose fingerprints are not retained by the  
 337 Department of Law Enforcement under paragraph ~~paragraphs~~ (a) and  
 338 ~~(b)~~ must be refingerprinted and rescreened in accordance with

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339 subsection (2) upon reemployment or reengagement to provide  
340 services in order to comply with the requirements of this  
341 subsection.

342 Section 4. Section 1012.465, Florida Statutes, is amended  
343 to read:

344 1012.465 ~~Background screening~~ Requirements for certain  
345 ~~noninstructional~~ school district employees, contractual  
346 personnel, and instructional personnel and contractors.-

347 (1) The following individuals ~~Except as provided in s.~~  
348 ~~1012.467 or s. 1012.468, noninstructional school district~~  
349 ~~employees or contractual personnel who are permitted access on~~  
350 ~~school grounds when students are present, who have direct~~  
351 ~~contact with students or who have access to or control of school~~  
352 ~~funds~~ must meet the level 2 screening requirements of this  
353 section: as described in s. 1012.32. ~~Contractual personnel shall~~  
354 ~~include any vendor, individual, or entity under contract with a~~  
355 ~~school or the school board.~~

356 (a) Noninstructional school district employees who have  
357 direct contact with students or who have access to or control of  
358 school funds.

359 (b) Contractual personnel, including individuals under  
360 contract with a school or the district school board who provide  
361 instructional, rehabilitative, medical, or psychological  
362 services, or other services relating to the education, care,  
363 custody, or safety of students, that involve direct contact with  
364 students.

365 (c) Contractual personnel who have access to or control of  
 366 school funds.

367 (d) Instructional personnel who are hired or contracted to  
 368 provide virtual instruction pursuant to s. 1002.45.

369 (2) An individual described in subsection (1) must be of  
 370 good moral character, must not be ineligible under s. 1012.315,  
 371 and must, when required by law, hold a certificate or license  
 372 issued under rules of the State Board of Education or the  
 373 Department of Children and Families, except when employed  
 374 pursuant to s. 1012.55 or under the emergency provisions of s.  
 375 1012.24. Previous residence in this state shall not be required  
 376 as a prerequisite for a person holding a valid Florida  
 377 certificate or license to serve in an instructional capacity.

378 (3) A fingerprint-based criminal history background  
 379 screening shall be performed on each individual described in  
 380 subsection (1) at least once every 5 years. For the initial  
 381 criminal history background screening, the individual shall  
 382 electronically submit to the Department of Law Enforcement for a  
 383 state criminal history check a complete set of fingerprints  
 384 taken by an authorized law enforcement agency, an employee  
 385 trained to take fingerprints for any school district or public  
 386 school, or a private company authorized to take fingerprints  
 387 under s. 943.053(13). The Department of Law Enforcement shall  
 388 submit the fingerprints to the Federal Bureau of Investigation  
 389 for a national criminal history check. The Department of Law  
 390 Enforcement shall report the results of each criminal history

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391 check to the school district in which the individual seeks  
392 access and enter the results into the system described in s.  
393 1012.467(7).

394 (4) The Department of Law Enforcement shall retain the  
395 fingerprints submitted for a criminal history background  
396 screening, enter the fingerprints in the statewide automated  
397 biometric identification system authorized by s. 943.05(2)(b),  
398 and enroll the fingerprints in the national retained print  
399 arrest notification program in accordance with s. 1012.32(3).

400 (5) The Department of Law Enforcement shall search arrest  
401 fingerprints against the fingerprints retained under subsection  
402 (4) and report any arrest record identified by the Department of  
403 Law Enforcement or the Federal Bureau of Investigation to each  
404 school district in which the person seeks access. Participation  
405 in the search process is subject to payment of fees pursuant to  
406 s. 1012.32(3). The fees may be borne by the district school  
407 board, the contractor, or the person fingerprinted. A fee that  
408 is charged by a school district may not exceed 30 percent of the  
409 total amount charged by the Department of Law Enforcement and  
410 the Federal Bureau of Investigation.

411 (6) An individual subject to this section shall inform a  
412 school district if a criminal history background screening was  
413 completed in another school district within the past 5 years.  
414 The school district shall verify the results of the individual's  
415 criminal history background screening using the system described  
416 in s. 1012.467(7). The school district may not charge a fee for



417 verifying the results of the criminal history background  
 418 screening.

419 ~~(2) Every 5 years following employment or entry into a~~  
 420 ~~contract in a capacity described in subsection (1), each person~~  
 421 ~~who is so employed or under contract with the school district~~  
 422 ~~must meet level 2 screening requirements as described in s.~~  
 423 ~~1012.32, at which time the school district shall request the~~  
 424 ~~Department of Law Enforcement to forward the fingerprints to the~~  
 425 ~~Federal Bureau of Investigation for the level 2 screening. If,~~  
 426 ~~for any reason following employment or entry into a contract in~~  
 427 ~~a capacity described in subsection (1), the fingerprints of a~~  
 428 ~~person who is so employed or under contract with the school~~  
 429 ~~district are not retained by the Department of Law Enforcement~~  
 430 ~~under s. 1012.32(3)(a) and (b), the person must file a complete~~  
 431 ~~set of fingerprints with the district school superintendent of~~  
 432 ~~the employing or contracting school district. Upon submission of~~  
 433 ~~fingerprints for this purpose, the school district shall request~~  
 434 ~~the Department of Law Enforcement to forward the fingerprints to~~  
 435 ~~the Federal Bureau of Investigation for the level 2 screening,~~  
 436 ~~and the fingerprints shall be retained by the Department of Law~~  
 437 ~~Enforcement under s. 1012.32(3)(a) and (b). The cost of the~~  
 438 ~~state and federal criminal history check required by level 2~~  
 439 ~~screening may be borne by the district school board, the~~  
 440 ~~contractor, or the person fingerprinted. Under penalty of~~  
 441 ~~perjury, each person who is employed or under contract in a~~  
 442 ~~capacity described in subsection (1) must agree to inform his or~~

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443 ~~her employer or the party with whom he or she is under contract~~  
 444 ~~within 48 hours if convicted of any disqualifying offense while~~  
 445 ~~he or she is employed or under contract in that capacity.~~

446 (7)(3) If it is found that a person who is employed or  
 447 under contract in a capacity described in subsection (1) has  
 448 been arrested for a disqualifying offense specified in s.  
 449 1012.315 ~~does not meet the level 2 requirements~~, the person  
 450 shall be immediately suspended from working in that capacity and  
 451 shall remain suspended until final resolution of any appeals.

452 Section 5. Paragraphs (b) through (e) of subsection (2)  
 453 and subsection (7) of section 1012.467, Florida Statutes, are  
 454 amended to read:

455 1012.467 Noninstructional contractors who are permitted  
 456 access to school grounds when students are present; background  
 457 screening requirements.-

458 (2)

459 (b) ~~As authorized by law,~~ The Department of Law  
 460 Enforcement shall retain the fingerprints submitted ~~by the~~  
 461 ~~school districts pursuant to this subsection to the Department~~  
 462 ~~of Law Enforcement~~ for a criminal history background screening  
 463 in a manner provided by rule, and enter the fingerprints in the  
 464 statewide automated biometric identification system authorized  
 465 by s. 943.05(2)(b), and enroll the fingerprints in the national  
 466 retained print arrest notification program in accordance with s.  
 467 1012.32(3). The fingerprints shall thereafter be available for  
 468 arrest notifications required by paragraph (c) and all purposes

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469 and uses authorized for arrest fingerprints entered in ~~into~~ the  
 470 statewide automated biometric identification system pursuant to  
 471 ~~under~~ s. 943.051.

472 (c) The Department of Law Enforcement shall search arrest  
 473 fingerprints against the fingerprints retained under paragraph  
 474 (b) and report any arrest record identified by the Department of  
 475 Law Enforcement or the Federal Bureau of Investigation to each  
 476 school district in which the person seeks access. As authorized  
 477 ~~by law, the Department of Law Enforcement shall search all~~  
 478 ~~arrest fingerprints received under s. 943.051 against the~~  
 479 ~~fingerprints retained in the statewide automated biometric~~  
 480 ~~identification system under paragraph (b).~~

481 (d) School district participation in the search process is  
 482 subject to the payment of fees ~~School districts may participate~~  
 483 ~~in the search process described in this subsection by paying an~~  
 484 ~~annual fee to the Department of Law Enforcement~~ as provided in  
 485 paragraph (e).

486 (e) A fingerprint retained pursuant to this subsection  
 487 shall be purged ~~from the automated biometric identification~~  
 488 ~~system~~ 5 years following the date the fingerprint was initially  
 489 submitted. The Department of Law Enforcement shall set by rule  
 490 the amount of the fees, separately identifying the federal  
 491 subscription fee collected and remitted by the Department of Law  
 492 Enforcement for participation in the national retained print  
 493 arrest notification program, as applicable, ~~annual fee to be~~  
 494 imposed upon each participating agency for performing ~~these~~

495 searches under this subsection and ~~establishing~~ the procedures  
 496 for retaining fingerprints and disseminating search results. The  
 497 fee may be borne as provided by law. ~~Fees may be waived or~~  
 498 ~~reduced by the executive director of the Department of Law~~  
 499 ~~Enforcement for good cause shown.~~

500 (7) (a) The Department of Law Enforcement shall implement a  
 501 system that allows for the results of a criminal history check  
 502 provided to a school district to be shared with other school  
 503 districts through a secure Internet website or other secure  
 504 electronic means. ~~School districts must accept reciprocity of~~  
 505 ~~level 2 screenings for Florida High School Athletic Association~~  
 506 ~~officials.~~

507 (b) An employee of a school district, a charter school, a  
 508 lab school, a charter lab school, an approved virtual  
 509 instruction provider under s. 1002.45, or the Florida School for  
 510 the Deaf and the Blind who requests or shares criminal history  
 511 information under this section is immune from civil or criminal  
 512 liability for any good faith conduct that occurs during the  
 513 performance of and within the scope of responsibilities related  
 514 to the record check.

515 Section 6. Paragraph (b) of subsection (10) of section  
 516 1012.56, Florida Statutes, is amended to read:

517 1012.56 Educator certification requirements.—

518 (10) BACKGROUND SCREENING REQUIRED, INITIALLY AND  
 519 PERIODICALLY.—

520 (b) A person may not receive a certificate under this

521 chapter until the person's screening under s. 1012.32 is  
 522 completed and the results have been submitted to the Department  
 523 of Education or to the district school superintendent of the  
 524 school district that employs the person. Every 5 years after  
 525 obtaining initial certification, each person who is required to  
 526 be certified under this chapter and whose fingerprints have not  
 527 been enrolled in the national retained print arrest notification  
 528 program in accordance with s. 1012.32(3) must be rescreened in  
 529 accordance with s. 1012.32, at which time the school district  
 530 shall request the Department of Law Enforcement to forward the  
 531 fingerprints to the Federal Bureau of Investigation for federal  
 532 criminal records checks. If, for any reason after obtaining  
 533 initial certification, the fingerprints of a person who is  
 534 required to be certified under this chapter are not retained by  
 535 the Department of Law Enforcement under s. 1012.32(3)(a) and  
 536 (b), the person must file a complete set of fingerprints with  
 537 the district school superintendent of the employing school  
 538 district. Upon submission of fingerprints for this purpose, the  
 539 school district shall request the Department of Law Enforcement  
 540 to forward the fingerprints to the Federal Bureau of  
 541 Investigation for federal criminal records checks, and the  
 542 fingerprints shall be retained by the Department of Law  
 543 Enforcement under s. 1012.32(3)(a) and (b). The cost of the  
 544 state and federal criminal history checks required by paragraph  
 545 (a) and this paragraph may be borne by the district school board  
 546 or the employee. Under penalty of perjury, each person who is

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547 certified under this chapter must agree to inform his or her  
 548 employer within 48 hours if convicted of any disqualifying  
 549 offense while he or she is employed in a position for which such  
 550 certification is required.

551 Section 7. Paragraph (e) of subsection (1) of section  
 552 1012.796, Florida Statutes, is amended to read:

553 1012.796 Complaints against teachers and administrators;  
 554 procedure; penalties.-

555 (1)

556 (e) If allegations arise against an employee who is  
 557 certified under s. 1012.56 and employed in an educator-  
 558 certificated position by ~~in~~ any public school, charter school or  
 559 governing board thereof, approved virtual instruction provider  
 560 under s. 1002.45, or private school that accepts scholarship  
 561 students under s. 1002.39 or s. 1002.395, the school or provider  
 562 shall file in writing with the department a legally sufficient  
 563 complaint within 30 days after the date on which the subject  
 564 matter of the complaint came to the attention of the school or  
 565 provider. A complaint is legally sufficient if it contains  
 566 ultimate facts that show a violation has occurred as provided in  
 567 s. 1012.795 and defined by rule of the State Board of Education.  
 568 The school or provider shall include all known information  
 569 relating to the complaint with the filing of the complaint. This  
 570 paragraph does not limit or restrict the power and duty of the  
 571 department to investigate complaints, regardless of the school's  
 572 or provider's untimely filing, or failure to file, complaints

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573 and followup reports.

574 Section 8. Subsection (1) of section 1012.797, Florida  
 575 Statutes, is amended to read:

576 1012.797 Notification of ~~district school superintendent of~~  
 577 certain charges against or convictions of employees.-

578 (1) Notwithstanding the provisions of s. 985.04(7) or any  
 579 other provision of law to the contrary, a law enforcement agency  
 580 shall, within 48 hours, notify the appropriate district school  
 581 superintendent of the name and address of any employee of the  
 582 school district who is charged with a felony or ~~with a~~  
 583 misdemeanor specified in s. 1012.315 or any other crime  
 584 involving the abuse of a minor child or the sale or possession  
 585 of a controlled substance. The notification shall include the  
 586 specific charge for which the employee of the school district  
 587 was arrested. Such notification shall include other education  
 588 providers such as the Florida School for the Deaf and the Blind,  
 589 the Florida Virtual School, university lab schools, charter  
 590 schools, approved virtual instruction providers under s.  
 591 1002.45, and private elementary and secondary schools.

592 Section 9. For the purpose of incorporating the amendment  
 593 made by this act to section 1012.315, Florida Statutes, in a  
 594 reference thereto, subsection (7) of section 1001.42, Florida  
 595 Statutes, is reenacted to read:

596 1001.42 Powers and duties of district school board.-The  
 597 district school board, acting as a board, shall exercise all  
 598 powers and perform all duties listed below:

599 (7) DISQUALIFICATION FROM EMPLOYMENT.—Disqualify  
 600 instructional personnel and school administrators, as defined in  
 601 s. 1012.01, from employment in any position that requires direct  
 602 contact with students if the personnel or administrators are  
 603 ineligible for such employment under s. 1012.315. An elected or  
 604 appointed school board official forfeits his or her salary for 1  
 605 year if:

606 (a) The school board official knowingly signs and  
 607 transmits to any state official a report of alleged misconduct  
 608 by instructional personnel or school administrators which  
 609 affects the health, safety, or welfare of a student and the  
 610 school board official knows the report to be false or incorrect;  
 611 or

612 (b) The school board official knowingly fails to adopt  
 613 policies that require instructional personnel and school  
 614 administrators to report alleged misconduct by other  
 615 instructional personnel and school administrators, or that  
 616 require the investigation of all reports of alleged misconduct  
 617 by instructional personnel and school administrators, if the  
 618 misconduct affects the health, safety, or welfare of a student.

619 Section 10. For the purpose of incorporating the amendment  
 620 made by this act to section 1012.315, Florida Statutes, in a  
 621 reference thereto, paragraph (g) of subsection (12) of section  
 622 1002.33, Florida Statutes, is reenacted to read:

623 1002.33 Charter schools.—

624 (12) EMPLOYEES OF CHARTER SCHOOLS.—



625 (g)1. A charter school shall employ or contract with  
 626 employees who have undergone background screening as provided in  
 627 s. 1012.32. Members of the governing board of the charter school  
 628 shall also undergo background screening in a manner similar to  
 629 that provided in s. 1012.32.

630 2. A charter school shall disqualify instructional  
 631 personnel and school administrators, as defined in s. 1012.01,  
 632 from employment in any position that requires direct contact  
 633 with students if the personnel or administrators are ineligible  
 634 for such employment under s. 1012.315.

635 3. The governing board of a charter school shall adopt  
 636 policies establishing standards of ethical conduct for  
 637 instructional personnel and school administrators. The policies  
 638 must require all instructional personnel and school  
 639 administrators, as defined in s. 1012.01, to complete training  
 640 on the standards; establish the duty of instructional personnel  
 641 and school administrators to report, and procedures for  
 642 reporting, alleged misconduct by other instructional personnel  
 643 and school administrators which affects the health, safety, or  
 644 welfare of a student; and include an explanation of the  
 645 liability protections provided under ss. 39.203 and 768.095. A  
 646 charter school, or any of its employees, may not enter into a  
 647 confidentiality agreement regarding terminated or dismissed  
 648 instructional personnel or school administrators, or personnel  
 649 or administrators who resign in lieu of termination, based in  
 650 whole or in part on misconduct that affects the health, safety,

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651 or welfare of a student, and may not provide instructional  
 652 personnel or school administrators with employment references or  
 653 discuss the personnel's or administrators' performance with  
 654 prospective employers in another educational setting, without  
 655 disclosing the personnel's or administrators' misconduct. Any  
 656 part of an agreement or contract that has the purpose or effect  
 657 of concealing misconduct by instructional personnel or school  
 658 administrators which affects the health, safety, or welfare of a  
 659 student is void, is contrary to public policy, and may not be  
 660 enforced.

661 4. Before employing instructional personnel or school  
 662 administrators in any position that requires direct contact with  
 663 students, a charter school shall conduct employment history  
 664 checks of each of the personnel's or administrators' previous  
 665 employers, screen the instructional personnel or school  
 666 administrators through use of the educator screening tools  
 667 described in s. 1001.10(5), and document the findings. If unable  
 668 to contact a previous employer, the charter school must document  
 669 efforts to contact the employer.

670 5. The sponsor of a charter school that knowingly fails to  
 671 comply with this paragraph shall terminate the charter under  
 672 subsection (8).

673 Section 11. For the purpose of incorporating the amendment  
 674 made by this act to section 1012.315, Florida Statutes, in a  
 675 reference thereto, paragraph (g) of subsection (7) of section  
 676 1002.36, Florida Statutes, is reenacted to read:

677 | 1002.36 Florida School for the Deaf and the Blind.—

678 | (7) PERSONNEL SCREENING.—

679 | (g) For purposes of protecting the health, safety, or  
 680 | welfare of students, the Florida School for the Deaf and the  
 681 | Blind is considered a school district and must, except as  
 682 | otherwise provided in this section, comply with ss. 1001.03,  
 683 | 1001.42, 1001.51, 1006.061, 1012.27, 1012.315, 1012.32, 1012.33,  
 684 | 1012.56, 1012.795, and 1012.796.

685 | Section 12. For the purpose of incorporating the amendment  
 686 | made by this act to section 1012.315, Florida Statutes, in a  
 687 | reference thereto, paragraph (a) of subsection (4) of section  
 688 | 1002.421, Florida Statutes, is reenacted to read:

689 | 1002.421 Accountability of private schools participating  
 690 | in state school choice scholarship programs.—

691 | (4) A private school that accepts scholarship students  
 692 | under s. 1002.39 or s. 1002.395 must:

693 | (a) Disqualify instructional personnel and school  
 694 | administrators, as defined in s. 1012.01, from employment in any  
 695 | position that requires direct contact with students if the  
 696 | personnel or administrators are ineligible for such employment  
 697 | under s. 1012.315.

698 |  
 699 | The department shall suspend the payment of funds under ss.  
 700 | 1002.39 and 1002.395 to a private school that knowingly fails to  
 701 | comply with this subsection, and shall prohibit the school from  
 702 | enrolling new scholarship students, for 1 fiscal year and until

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703 the school complies.

704 Section 13. For the purpose of incorporating the amendment  
 705 made by this act to section 1012.315, Florida Statutes, in  
 706 references thereto, subsections (1) and (2) of section 1012.32,  
 707 Florida Statutes, are reenacted to read:

708 1012.32 Qualifications of personnel.—

709 (1) To be eligible for appointment in any position in any  
 710 district school system, a person must be of good moral  
 711 character; must have attained the age of 18 years, if he or she  
 712 is to be employed in an instructional capacity; must not be  
 713 ineligible for such employment under s. 1012.315; and must, when  
 714 required by law, hold a certificate or license issued under  
 715 rules of the State Board of Education or the Department of  
 716 Children and Families, except when employed pursuant to s.  
 717 1012.55 or under the emergency provisions of s. 1012.24.  
 718 Previous residence in this state shall not be required in any  
 719 school of the state as a prerequisite for any person holding a  
 720 valid Florida certificate or license to serve in an  
 721 instructional capacity.

722 (2) (a) Instructional and noninstructional personnel who  
 723 are hired or contracted to fill positions that require direct  
 724 contact with students in any district school system or  
 725 university lab school must, upon employment or engagement to  
 726 provide services, undergo background screening as required under  
 727 s. 1012.465 or s. 1012.56, whichever is applicable.

728 (b) Instructional and noninstructional personnel who are

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729 | hired or contracted to fill positions in any charter school and  
 730 | members of the governing board of any charter school, in  
 731 | compliance with s. 1002.33(12)(g), must, upon employment,  
 732 | engagement of services, or appointment, undergo background  
 733 | screening as required under s. 1012.465 or s. 1012.56, whichever  
 734 | is applicable, by filing with the district school board for the  
 735 | school district in which the charter school is located a  
 736 | complete set of fingerprints taken by an authorized law  
 737 | enforcement agency or an employee of the school or school  
 738 | district who is trained to take fingerprints.

739 |       (c) Instructional and noninstructional personnel who are  
 740 | hired or contracted to fill positions that require direct  
 741 | contact with students in an alternative school that operates  
 742 | under contract with a district school system must, upon  
 743 | employment or engagement to provide services, undergo background  
 744 | screening as required under s. 1012.465 or s. 1012.56, whichever  
 745 | is applicable, by filing with the district school board for the  
 746 | school district to which the alternative school is under  
 747 | contract a complete set of fingerprints taken by an authorized  
 748 | law enforcement agency or an employee of the school or school  
 749 | district who is trained to take fingerprints.

750 |       (d) Student teachers and persons participating in a field  
 751 | experience pursuant to s. 1004.04(5) or s. 1004.85 in any  
 752 | district school system, lab school, or charter school must, upon  
 753 | engagement to provide services, undergo background screening as  
 754 | required under s. 1012.56.

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755  
 756 Fingerprints shall be submitted to the Department of Law  
 757 Enforcement for statewide criminal and juvenile records checks  
 758 and to the Federal Bureau of Investigation for federal criminal  
 759 records checks. A person subject to this subsection who is found  
 760 ineligible for employment under s. 1012.315, or otherwise found  
 761 through background screening to have been convicted of any crime  
 762 involving moral turpitude as defined by rule of the State Board  
 763 of Education, shall not be employed, engaged to provide  
 764 services, or serve in any position that requires direct contact  
 765 with students. Probationary persons subject to this subsection  
 766 terminated because of their criminal record have the right to  
 767 appeal such decisions. The cost of the background screening may  
 768 be borne by the district school board, the charter school, the  
 769 employee, the contractor, or a person subject to this  
 770 subsection.

771 Section 14. For the purpose of incorporating the amendment  
 772 made by this act to section 1012.315, Florida Statutes, in  
 773 references thereto, paragraphs (a) and (c) of subsection (10) of  
 774 section 1012.56, Florida Statutes, are reenacted to read:

775 1012.56 Educator certification requirements.—

776 (10) BACKGROUND SCREENING REQUIRED, INITIALLY AND  
 777 PERIODICALLY.—

778 (a) Each person who seeks certification under this chapter  
 779 must be fingerprinted and screened in accordance with s. 1012.32  
 780 and must not be ineligible for such certification under s.

781 1012.315. A person who has been screened in accordance with s.  
 782 1012.32 by a district school board or the Department of  
 783 Education within 12 months before the date the person initially  
 784 obtains certification under this chapter, the results of which  
 785 are submitted to the district school board or to the Department  
 786 of Education, is not required to repeat the screening under this  
 787 paragraph.

788 (c) If it is found under s. 1012.796 that a person who is  
 789 employed in a position requiring certification under this  
 790 chapter has not been screened in accordance with s. 1012.32, or  
 791 is ineligible for such certification under s. 1012.315, the  
 792 person's certification shall be immediately revoked or suspended  
 793 and he or she shall be immediately suspended from the position  
 794 requiring certification.

795 Section 15. For the purpose of incorporating the amendment  
 796 made by this act to section 1012.315, Florida Statutes, in a  
 797 reference thereto, paragraph (n) of subsection (1) of section  
 798 1012.795, Florida Statutes, is reenacted to read:

799 1012.795 Education Practices Commission; authority to  
 800 discipline.-

801 (1) The Education Practices Commission may suspend the  
 802 educator certificate of any person as defined in s. 1012.01(2)  
 803 or (3) for up to 5 years, thereby denying that person the right  
 804 to teach or otherwise be employed by a district school board or  
 805 public school in any capacity requiring direct contact with  
 806 students for that period of time, after which the holder may

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807 | return to teaching as provided in subsection (4); may revoke the  
808 | educator certificate of any person, thereby denying that person  
809 | the right to teach or otherwise be employed by a district school  
810 | board or public school in any capacity requiring direct contact  
811 | with students for up to 10 years, with reinstatement subject to  
812 | the provisions of subsection (4); may revoke permanently the  
813 | educator certificate of any person thereby denying that person  
814 | the right to teach or otherwise be employed by a district school  
815 | board or public school in any capacity requiring direct contact  
816 | with students; may suspend the educator certificate, upon an  
817 | order of the court or notice by the Department of Revenue  
818 | relating to the payment of child support; or may impose any  
819 | other penalty provided by law, if the person:

820 |       (n) Has been disqualified from educator certification  
821 | under s. 1012.315.

822 |       Section 16. This act shall take effect July 1, 2015.



## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 477 Background Screening  
**SPONSOR(S):** Sprowls and others  
**TIED BILLS:** IDEN./SIM. **BILLS:** SB 970

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) K-12 Subcommittee	12 Y, 0 N	Beagle	Fudge
2) Appropriations Committee	27 Y, 0 N	Seifert	Leznoff
3) Education Committee		Beagle <i>GB</i>	Mizereck <i>KM</i>

### SUMMARY ANALYSIS

Currently, the law governing educator background screening does not include instructional personnel employed by state-approved virtual instruction providers in the Florida Shared School Results system (FSSR), an existing database designed to enable school districts to share background screening results of vendors and other individuals who contract with multiple districts. This often results in duplicative screening of these individuals, as school districts contracting with the virtual instruction provider have no way to share screening results. Among other things, the bill requires the Florida Department of Law Enforcement (FDLE) to enter background screening results of instructional personnel employed by such virtual instruction providers into the FSSR.

The bill also adds nine new crimes to the current list of 51 disqualifying offenses for educator certification and employment in positions requiring direct contact with students to include crimes relating to failure to report child abuse; evidencing prejudice while committing an offense, if reclassified as a felony; attempted felony murder; killing of an unborn child by injury to mother; human trafficking; weapons of mass destruction or hoax weapons of mass destruction; bribery; poisoning food or water; and treason. Except for failure to report child abuse, each of these crimes is already specified in State Board of Education rule as grounds to suspend or dismiss instructional personnel.

The bill updates processes for retention and sharing of background screening results to align state law with the anticipated federal implementation of the national retained arrest print notification program. It also requires FDLE to identify in rule the fee assessed by the FBI for participation in the national retention program and limits screening fees school districts may charge to certain personnel and contractors.

Among other technical and conforming changes, the bill:

- Provides immunity from civil and criminal liability to employees of approved virtual instruction providers who share criminal history information in good faith while conducting background checks.
- Specifically applies statutory requirements regarding Department of Education investigations, complaints, and disciplinary action against an educator's certificate to instructional personnel employed by approved virtual instruction providers.
- Adds specific reference to approved virtual instruction providers and charter schools as educational providers that law enforcement agencies must notify when employees are charged with certain crimes.
- Specifies that the crimes for which such notice must be provided include the disqualifying offenses for educator certification and employment.
- Incorporate by reference the newly amended disqualifying offenses for educator certification and employment with other sections of law that reference to such offenses.

The bill does not appear to have a fiscal impact on the state or local governments.

The bill provides an effective date of July 1, 2015.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### **Present Situation**

##### Virtual Instruction Programs

Virtual instruction programs are programs of instruction provided in an interactive learning environment created through technology in which students are separated from their teachers by time or space, or both.<sup>1</sup> The purpose of these programs is to make instruction available to students using online and distance learning technology in the nontraditional classroom.<sup>2</sup> School districts are required to make virtual instruction available to all enrolled students.<sup>3</sup> A school district may:

- Contract with the Florida Virtual School (FLVS) or establish a franchise of the FLVS.
- Contract with a provider approved by the Department of Education (DOE) for a full-time school district virtual instruction program.
- Enter into an agreement with another school district to allow its students to participate in a virtual instruction program provided by the other school district.
- Establish school district operated part-time or full-time kindergarten through grade 12 virtual instruction programs for students enrolled in the school district.
- Enter into an agreement with a virtual charter school authorized by the school district.<sup>4</sup>

The law designates the FLVS, school district FLVS franchises, and Florida College System institutions as "approved providers." The law also prescribes a process in which other virtual instruction providers may obtain Department of Education (DOE)-approval to offer services to public school districts. Among other things, an approved virtual instruction provider must document that it requires all instructional staff to be Florida-certified teachers and background screens its employees using state and national criminal history records. Thus, instructional personnel employed by approved virtual instruction providers are subject to the same background screening requirements as Florida-certified educators in brick-and-mortar public schools.<sup>5</sup>

##### Background Screening

Individuals who work in or provide services to school districts, charter schools, alternative schools, and private schools participating in state school choice scholarship programs must undergo a fingerprint-based background screening before being permitted access to school grounds.<sup>6</sup> The individuals who must undergo background screening fall under three personnel classifications -- instructional and noninstructional personnel,<sup>7</sup> noninstructional school district employees and contracted personnel,<sup>8</sup> and

<sup>1</sup> Section 1002.45(1)(a)2., F.S.

<sup>2</sup> Section 1002.45(1)(b), F.S. In 2008, the Florida Legislature required all school districts to provide a virtual instruction program beginning with the 2009-10 academic year. Section 4, ch. 2008-147, L.O.F.

<sup>3</sup> Section 1002.45(1)(b), F.S.

<sup>4</sup> Section 1002.45(1)(c), F.S.

<sup>5</sup> Section 1002.45(2)(a)3., F.S.; see ss. 1012.315, 1012.32, and 1012.56, F.S.

<sup>6</sup> Sections 1002.421, 1012.32(2), 1012.465(2), and 1012.467(2)(a), F.S.

<sup>7</sup> Instructional and noninstructional personnel are individuals who are hired or contracted to fill positions that require direct contact with students in any public school. Section 1012.32(2), F.S.

<sup>8</sup> Noninstructional school district employees and contracted personnel are individuals who are permitted access to school grounds when students are present; who have direct contact with students; or who have access to, or control of, school funds. Section 1012.465(1), F.S.

noninstructional contractors.<sup>9</sup> Candidates for educator certification must also undergo background screening.<sup>10</sup>

The background screening requirements for each personnel classification vary depending upon the individual's duties, whether or not the individual is a school district employee, and the degree of contact the individual has with students.<sup>11</sup> Because they are more likely to have direct contact with students, candidates for educator certification, instructional and noninstructional personnel, and noninstructional school district employees and contracted personnel must be screened against a distinct list of 51 disqualifying offenses applicable to employment with public schools and school districts.<sup>12</sup> In contrast, noninstructional contractors, individuals who are not school district employees and have no direct contact with students, are screened against a statutory list of 12 disqualifying offenses.<sup>13</sup>

Fingerprints taken for a background screening are submitted to the Florida Department of Law Enforcement (FDLE) for statewide criminal and juvenile records checks and to the Federal Bureau of Investigation (FBI) for national criminal records checks. The cost of the background screening may be borne by the district school board, the charter school, or the individual who is subject to the screening requirements.<sup>14</sup>

FDLE enters and retains the fingerprints in the Automated Fingerprint Identification System (AFIS), and retains them in the Applicant Fingerprint Retention and Notification Program (AFRNP) database.<sup>15</sup> Any arrest fingerprints FDLE receives through the Criminal Justice Information Program<sup>16</sup> must then be searched against the fingerprints retained in the AFRNP. Any arrest record that is identified with the retained fingerprints of a person subject to the background screening must be reported to the employing or contracting school district.<sup>17</sup>

Fees<sup>18</sup> are charged for each initial background screening and each five-year renewal thereafter. In addition, each school district must participate in the search process and pay an annual fee of \$6 for each record retained in the AFRNP database.<sup>19</sup> The initial entry of an applicant's fingerprints into the AFRNP database must be accompanied by a state or a state and national criminal history records check. For noninstructional contractors, fingerprints are purged from the AFRNP database five years after the date they are initially submitted, and the annual retention fee for the five-year period must be paid in total at the time of submission.<sup>20</sup>

Currently, fingerprints submitted by states are not retained by the FBI for purposes of national background screening.<sup>21</sup> However, a national retained print arrest notification program is in development, but has not yet been implemented. The program will allow applicant fingerprints to be retained by the FBI and searched against incoming arrest fingerprints nationwide in a manner similar to the AFRNP in Florida. Participation in the program will allow FDLE to be notified when a school district

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<sup>9</sup> Noninstructional contractors are vendors or contractors who are not school district employees, are permitted access to school grounds when students are present, and have little or no direct contact with students. Section 1012.467(1)(a), F.S.

<sup>10</sup> Sections 1012.315, 1012.32(2)(a), and 1012.56(10)(a), F.S.

<sup>11</sup> See ss. 1012.32(2), 1012.465(2), and 1012.467(2)(a), F.S.

<sup>12</sup> Sections 1012.315, 1012.32, and 1012.465, F.S.

<sup>13</sup> See s. 1012.467(2)(g), F.S. The law references eight specific offenses plus crimes involving lewd and lascivious behavior in ch. 800, F.S., which include four such offenses. *Id.*

<sup>14</sup> Section 1012.32(2), F.S. (flush-left provision at end of subsection).

<sup>15</sup> Section 1012.32(3)(a), F.S.; s. 943.05(2), F.S.; rule 11C-6.010(1), F.A.C.

<sup>16</sup> Section 943.051, F.S.

<sup>17</sup> Section 1012.32(3)(b), F.S.

<sup>18</sup> The total fee charged for background screening is \$38.75, which includes \$24 per name for the state records check and \$14.75 for the federal records check. See s. 943.053(3)(b), F.S.; Florida Department of Law Enforcement, *Criminal History Record Checks/Background Checks Fact Sheet*, <http://www.fdle.state.fl.us/Content/getdoc/1acc7c3e-dac7-45d4-8739-0d221749d8ce/FAQ.aspx#13> (last visited Feb. 27, 2015)[hereinafter *Background Checks Fact Sheet*].

<sup>19</sup> See ss. 1012.56(10)(b), 1012.465(2), and 1012.467(2)(a), F.S.

<sup>20</sup> Rule 11C-6.010(6)-(7), F.A.C.

<sup>21</sup> *Background Checks Fact Sheet*, *supra* note 18.

employee or contractor subject to background screening requirements is arrested in another state. Participation in the national retained print arrest notification program is subject to a one-time \$13.00 fee per each set of retained fingerprints.<sup>22</sup>

Screening results for contractors, both those who have direct contact with students and those who simply have access to school property when students are present, are entered into the Florida Shared School Results (FSSR) system,<sup>23</sup> which allows the results to be shared with other school districts through a secure internet website or other secure electronic means. However, the screening results for instructional personnel hired or contracted by an approved virtual instruction provider are not included in FSSR. As a result, these individuals must often undergo background screening by multiple school districts using the provider's services.<sup>24</sup>

In addition to fingerprint-based background screening, before employing instructional personnel or school administrators in any position that requires direct contact with students, school districts, charter schools, and private schools participating in a state school choice scholarship program must:

- Conduct an employment history check of the individual's previous employer. If unable to contact a previous employer, efforts to contact the employer must be documented;
- Screen the individual through use of the DOE Professional Practices' Database of Disciplinary Actions Against Educators and Teacher Certification Database;<sup>25</sup> and
- Document the findings.<sup>26</sup>

Additionally, DOE is required to investigate complaints or allegations made against certified educators and initiate proceedings to suspend or revoke the educator's certificate if grounds exist to do so. The law specifically references certified educators employed by traditional public schools, charter schools, and private schools participating in a state school choice scholarship programs, while omitting approved virtual instruction providers.<sup>27</sup>

The law also requires law enforcement agencies to notify a district school superintendent within 48 hours if a school district employee is charged with any felony or misdemeanor involving the abuse of children or sale or possession of controlled substances. The law also requires that notice regarding these crimes be provided to other education providers, such as the Florida School for the Deaf and the Blind, university lab schools, and private K-12 schools. However, it does not specifically reference approved virtual instruction providers and charter schools.<sup>28</sup>

### **Effect of Proposed Changes**

The bill revises Florida law governing educator background screening to:

- Prevent duplicative screening of instructional personnel employed by approved virtual instruction providers;
- Specify additional disqualifying offenses for educator certification and employment in positions that require direct contact with students;

<sup>22</sup> Florida Department of Law Enforcement, *Legislative Bill Analysis for HB 477* (2015).

<sup>23</sup> *Background Checks Fact Sheet*, *supra* note 18.

<sup>24</sup> Section 1012.467(7)(a), F.S.

<sup>25</sup> See s. 1001.10(5), F.S.; see also Florida Department of Education, *Employment Screening Tools*, <http://www.fldoe.org/edstandards/est.asp> (last visited Feb. 27, 2015) (includes links to the Professional Practices' Database of Disciplinary Actions Against Educators and the Teacher Certification Database). The Teacher Certification Database is also known as the Bureau of Educator Certification's Partnership Access and Services System (BEC-PASS). Florida Department of Education, *Technical Assistance Paper, Senate Bill 1712, No. K12: 2008-129*, at 4 (July 31, 2008), available at <http://www.fldoe.org/edstandards/pdfs/SB1712TAP.pdf>.

<sup>26</sup> Sections 1002.33(12)(g)4. (charter schools), 1002.421(4)(c) (private schools), and 1012.27(6), F.S. (school districts).

<sup>27</sup> Section 1012.796(1), F.S.

<sup>28</sup> Section 1012.797(1), F.S.

- Clarify confusion regarding which disqualifying offenses apply to noninstructional school district employees and contractors; and
- Update processes for criminal records retention and sharing to align state law with the anticipated federal implementation of the national retained arrest print notification program.

Accordingly, the bill increases accountability of virtual instruction providers by requiring each virtual instruction provider seeking "approved provider" status to submit to DOE an "affidavit under penalty of perjury" stating that all instructional personnel have undergone background screening and hold a valid Florida educator certificate in good standing. This change clarifies the type of documentation that must be provided to DOE regarding educator certification and background screening and provides consequences for provision of false information.

The bill also requires FDLE to enter background screening results into the FSSR for:

- Noninstructional school district employees who have direct contact with students or who have access to or control of school funds.
- Contractual personnel who provide instructional, rehabilitative, medical, or psychological services, or other services relating to the education, care, custody, or safety of students, that involve direct contact with students.
- Contractual personnel who have access to or control of school funds.
- Instructional personnel employed or contracted by approved virtual instruction providers.

When fully implemented by the FBI, FDLE must also enroll fingerprints for these individuals in the national retained arrest print notification program. This change will prevent instructional personnel employed or contracted by approved virtual instruction providers from being required to undergo duplicative background screenings. Additionally, the bill:

- Provides immunity from civil and criminal liability to employees of approved virtual instruction providers who share criminal history information in good faith while conducting background checks.
- Specifically applies statutory requirements regarding DOE investigations, complaints, and disciplinary action against an educator's certificate to instructional personnel employed by approved virtual instruction providers.
- Adds specific reference to FLVS, approved virtual instruction providers, and charter schools as educational providers that law enforcement agencies must notify when employees are charged with certain crimes.
- Specifies that the crimes for which such notice must be provided include the disqualifying offenses for educator certification and employment.

The bill adds nine new crimes to the current statutory list of 51 disqualifying offenses for educator certification and employment to include:

- Section 39.205, F.S., relating to failure to report child abuse;
- Section 775.085, F.S., relating to evidencing prejudice while committing an offense, if reclassified as a felony;
- Section 782.051, F.S., relating to attempted felony murder;
- Section 782.09(1), F.S., relating to killing of an unborn child by injury to mother;
- Section 787.06, F.S., relating to human trafficking;
- Section 790.166, F.S., relating to weapons of mass destruction or hoax weapons of mass destruction;
- Section 838.015, F.S., relating to bribery;
- Section 859.01, F.S., relating to poisoning food or water; and
- Section 876.32, relating to treason.

Except for failure to report child abuse, each of these crimes is already specified in State Board of Education rule as grounds to suspend or dismiss instructional personnel.<sup>29</sup>

The law regarding noninstructional school district employee and contracted personnel background screening requires such individuals to be screened against the list of disqualifying offenses for educator certification and employment, but also includes several references to “level 2”<sup>30</sup> background screening. Level 2 screening is a different list of disqualifying offenses than the one used to screen applicants for educator certification and employment. The bill removes incorrect references to level 2 background screening to clarify the applicable disqualifying offenses.

In addition, the bill requires FDLE to enroll fingerprints received in performing background checks for school districts in the national retained arrest print notification program once the program is operational and FDLE begins participation. Once participating in the national retention program, FDLE must notify school districts whenever the FBI identifies an arrest record with the retained fingerprints of a school district employee or contractor. After beginning participation in the national retention program, FDLE must enroll the fingerprints of all individuals screened before such participation into the national database within two years. Furthermore, the bill provides that rescreening is necessary for a certified educator at the time of the educator’s five-year certification renewal only if his or her fingerprints have not yet been enrolled in the national retention program.

The bill requires FDLE to identify in rule the fee assessed by the FBI for participation in the national retained arrest print notification program. The bill also provides that the fee charged by school districts to approved virtual instruction provider personnel, noninstructional school district personnel, and contractors who have direct contact with students may not exceed 30 percent of the total fee assessed by FDLE and FBI for background screening.

The bill eliminates an obsolete provision relating to reciprocity of level 2 background screening for Florida High School Athletic Association officials. Such officials are not contracted by school districts, thus reference to reciprocity is unnecessary.

The bill reenacts the following sections for the purpose of incorporating by reference the list of disqualifying offenses amended by the bill:

- Section 1001.42(7), F.S.;
- Section 1002.33(12)(g), F.S.;
- Section 1002.36(7)(g);
- Section 1002.421(4)(a), F.S.;
- Section 1012.32(1) and (2), F.S.;
- Section 1012.56(10)(a) and (c), F.S.; and
- Section 1012.795(1)(n), F.S.

#### B. SECTION DIRECTORY:

Section 1. Amends s. 1002.45, F.S., revising requirements relating to background screening of instructional personnel in virtual instruction programs.

Section 2. Amends s. 1012.315, F.S., providing additional offenses that determine ineligibility for educator certification or employment in a position that requires direct contact with students.

<sup>29</sup> See rule 6A-5.056(8), F.A.C.; s. 1012.32(1), F.S. (authorizing the State Board of Education to adopt additional disqualifying offenses in rule in addition to the offenses specified in s. 1012.315, F.S.).

<sup>30</sup> See s. 435.04, F.S.

Section 3. Amends s. 1012.32, F.S., revising requirements for the retention, search, and reporting of fingerprints of school personnel; providing for FDLE participation in the national retained print arrest notification program; providing for fees.

Section 4. Amends s. 1012.465, F.S., revising background screening requirements for certain school district employees, certain contractual personnel, and instructional personnel in virtual instruction programs.

Section 5. Amends s. 1012.467, F.S., requiring the fingerprints of certain noninstructional contractors to be enrolled in the national retained print arrest notification program; requiring arrest fingerprints to be searched against state and federal retained fingerprints; providing for fees to be established in rule.

Section 6. Amends s. 1012.56, F.S., revising provisions relating to background rescreening for educator certification.

Section 7. Amends s. 1012.796, F.S., including individuals employed by virtual instruction providers in provisions regarding certified educator disciplinary actions.

Section 8. Amends s. 1012.797, F.S., revising provisions relating to notification to education providers regarding employees charged with crimes.

Section 9. Reenacts s. 1001.42(7), F.S., relating to district school board powers and duties, to incorporate the amendment made to s. 1012.315, F.S., in reference thereto.

Section 10. Reenacts s. 1002.33(12)(g), F.S., relating to charter schools, to incorporate the amendment made to s. 1012.315, F.S., in reference thereto.

Section 11. Reenacts s. 1002.36(7)(g), F.S., relating to the Florida School for the Deaf and the Blind, to incorporate the amendment made to s. 1012.315, F.S., in reference thereto.

Section 12. Reenacts s. 1002.421(4)(a), F.S., relating to accountability of private schools participating in state school choice scholarship programs, to incorporate the amendment made to s. 1012.315, F.S., in reference thereto.

Section 13. Reenacts s. 1012.32(1) and (2), F.S., relating to qualifications of personnel, to incorporate the amendment made to s. 1012.315, F.S., in reference thereto.

Section 14. Reenacts s. 1012.56(10)(a) and (c), relating to educator certification requirements, to incorporate the amendment made to s. 1012.315, F.S., in reference thereto.

Section 15. Reenacts s. 1012.795(1)(n), F.S., relating to Education Practices Commission authority to discipline, to incorporate the amendment made to s. 1012.315, F.S., in reference thereto.

Section 16. Provides an effective date of July 1, 2015.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

**B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

1. Revenues:

None.

2. Expenditures:

None.

**C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

The bill may eventually lessen the long-term cost of background screening for educators and other personnel required to undergo background screening. Once FDLE begins participation in the national retained print arrest notification program, these individuals will be required to pay a one-time fee of \$13 for retention of each set of fingerprints, so long as the person is employed by or contracting with the school district, instead of a \$16.50 fee at each five-year rescreening.

**D. FISCAL COMMENTS:**

None.

**III. COMMENTS**

**A. CONSTITUTIONAL ISSUES:**

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to affect county or municipal governments.

2. Other:

None.

**B. RULE-MAKING AUTHORITY:**

The bill requires FDLE to identify by rule the amount of the fee assessed by the FBI for participation in the national retained print arrest notification program.

**C. DRAFTING ISSUES OR OTHER COMMENTS:**

None.

**IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

None.





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1                                   A bill to be entitled  
2       An act relating to the Florida Bright Futures  
3       Scholarship Program; amending s. 1009.531; delaying an  
4       initial award and renewal period for students unable  
5       to accept an award immediately after completion of  
6       high school due to a certain religious or service  
7       obligations; revising eligibility requirements for the  
8       Florida Bright Futures Scholarship Program for home  
9       education students; amending ss. 1009.534, 1009.535,  
10      and 1009.536, F.S.; requiring a student, as a  
11      prerequisite for the Florida Academic Scholars award,  
12      the Florida Medallion Scholars award, or the Florida  
13      Gold Seal Vocational Scholars award, to identify a  
14      social or civic issue or a professional area of  
15      interest and develop a plan for his or her personal  
16      involvement in addressing the issue or learning about  
17      the area; prohibiting the student from receiving  
18      remuneration or academic credit for the volunteer  
19      service work; requiring the hours of service work to  
20      be documented in writing and the document to be signed  
21      by the student, the student's parent, and a  
22      representative of the organization for which the  
23      student worked; providing an effective date.

24  
25   Be It Enacted by the Legislature of the State of Florida:  
26

27 Section 1. Paragraph (c) of subsection (2) and subsection  
28 (6) of section 1009.531, Florida Statutes, are amended to read:

29 1009.531 Florida Bright Futures Scholarship Program;  
30 student eligibility requirements for initial awards.—

31 (2)

32 (c) A student graduating from high school in the 2012-2013  
33 academic year and thereafter is eligible to accept an initial  
34 award for 2 years following high school graduation and to accept  
35 a renewal award for 5 years following high school graduation. A  
36 student who applies for an award by high school graduation and  
37 who meets all other eligibility requirements, but who does not  
38 accept his or her award, may reapply during subsequent  
39 application periods up to 2 years after high school graduation.  
40 For a student who enlists in the United States Armed Forces  
41 immediately after completion of high school, the 2-year  
42 eligibility period for his or her initial award and the 5-year  
43 renewal period shall begin upon the date of separation from  
44 active duty. For a student who is receiving a Florida Bright  
45 Futures Scholarship award and discontinues his or her education  
46 to enlist in the United States Armed Forces, the remainder of  
47 his or her 5-year renewal period shall commence upon the date of  
48 separation from active duty. For a student who is unable to  
49 accept an initial award immediately after completion of high  
50 school due to a full-time religious or service obligation  
51 lasting at least 18 months, the 2-year eligibility period for  
52 his or her initial award and the 5-year renewal period shall

53 begin upon the completion of his or her religious or service  
54 obligation. The full-time religious or service obligation must  
55 be documented in writing and verified by the entity for which  
56 the student completed such obligation. If a course of study is  
57 not completed after 5 academic years, an exception of 1 year to  
58 the renewal timeframe may be granted due to a verifiable illness  
59 or other documented emergency pursuant to s. 1009.40(1)(b)4.

60 (6)(a) The State Board of Education shall publicize the  
61 examination score required for a student to be eligible for a  
62 Florida Academic Scholars award, pursuant to s. 1009.534(1)(a)  
63 or (b), ~~as follows:~~

64 ~~1. For high school students graduating in the 2010-2011~~  
65 ~~and 2011-2012 academic years, the student must earn an SAT score~~  
66 ~~of 1270 or a concordant ACT score of 28.~~

67 ~~2. For high school students graduating in the 2012-2013~~  
68 ~~academic year, the student must earn an SAT score of 1280 which~~  
69 ~~corresponds to the 88th SAT percentile rank or a concordant ACT~~  
70 ~~score of 28.~~

71 ~~3. For High school students graduating in the 2013-2014~~  
72 ~~academic year and thereafter, the student must earn an SAT score~~  
73 ~~of 1290 which corresponds to the 89th SAT percentile rank or a~~  
74 ~~concordant ACT score of 29.~~

75 (b) The State Board of Education shall publicize the  
76 examination score required for a student to be eligible for a  
77 Florida Medallion Scholars award, pursuant to s. 1009.535(1)(a)  
78 or (b), ~~as follows:~~

79           1. ~~For high school students graduating in the 2010-2011~~  
 80 ~~academic year, the student must earn an SAT score of 970 or a~~  
 81 ~~concordant ACT score of 20 or the student in a home education~~  
 82 ~~program whose parent cannot document a college preparatory~~  
 83 ~~curriculum must earn an SAT score of 1070 or a concordant ACT~~  
 84 ~~score of 23.~~

85           2. ~~For high school students graduating in the 2011-2012~~  
 86 ~~academic year, the student must earn an SAT score of 980 which~~  
 87 ~~corresponds to the 44th SAT percentile rank or a concordant ACT~~  
 88 ~~score of 21 or the student in a home education program whose~~  
 89 ~~parent cannot document a college preparatory curriculum must~~  
 90 ~~earn an SAT score of 1070 or a concordant ACT score of 23.~~

91           3. ~~For high school students graduating in the 2012-2013~~  
 92 ~~academic year, the student must earn an SAT score of 1020 which~~  
 93 ~~corresponds to the 51st SAT percentile rank or a concordant ACT~~  
 94 ~~score of 22 or the student in a home education program whose~~  
 95 ~~parent cannot document a college preparatory curriculum must~~  
 96 ~~earn an SAT score of 1070 or a concordant ACT score of 23.~~

97           4. ~~For High school students graduating in the 2013-2014~~  
 98 ~~academic year and thereafter, the student must earn an SAT score~~  
 99 ~~of 1170 which corresponds to the 75th SAT percentile rank or a~~  
 100 ~~concordant ACT score of 26 or the student in a home education~~  
 101 ~~program whose parent cannot document a college preparatory~~  
 102 ~~curriculum must earn an SAT score of 1220 or a concordant ACT~~  
 103 ~~score of 27.~~

104           Section 2. Subsection (1) of section 1009.534, Florida

105 Statutes, is amended to read:

106 1009.534 Florida Academic Scholars award.—

107 (1) A student is eligible for a Florida Academic Scholars  
108 award if he or she ~~the student~~ meets the general eligibility  
109 requirements for the Florida Bright Futures Scholarship Program  
110 and ~~the student~~:

111 (a) Has achieved a 3.5 weighted grade point average as  
112 calculated pursuant to s. 1009.531, or its equivalent, in high  
113 school courses that are designated by the State Board of  
114 Education as college-preparatory academic courses~~r~~ and has  
115 attained at least the score required under ~~pursuant to~~ s.  
116 1009.531(6) (a) on the combined verbal and quantitative parts of  
117 the Scholastic Aptitude Test, the Scholastic Assessment Test, or  
118 the recentered Scholastic Assessment Test of the College  
119 Entrance Examination, or an equivalent score on the ACT  
120 Assessment Program;

121 (b) Has attended a home education program according to s.  
122 1002.41 during grades 11 and 12, ~~or~~ has completed the  
123 International Baccalaureate curriculum but failed to earn the  
124 International Baccalaureate Diploma, or has completed the  
125 Advanced International Certificate of Education curriculum but  
126 failed to earn the Advanced International Certificate of  
127 Education Diploma, and has attained at least the score required  
128 under ~~pursuant to~~ s. 1009.531(6) (a) on the combined verbal and  
129 quantitative parts of the Scholastic Aptitude Test, the  
130 Scholastic Assessment Test, or the recentered Scholastic

131 Assessment Test of the College Entrance Examination, or an  
 132 equivalent score on the ACT Assessment Program;

133 (c) Has been awarded an International Baccalaureate  
 134 Diploma from the International Baccalaureate Office or an  
 135 Advanced International Certificate of Education Diploma from the  
 136 University of Cambridge International Examinations Office;

137 (d) Has been recognized by the merit or achievement  
 138 programs of the National Merit Scholarship Corporation as a  
 139 scholar or finalist; or

140 (e) Has been recognized by the National Hispanic  
 141 Recognition Program as a scholar recipient.

142  
 143 The A student must complete a program of volunteer ~~community~~  
 144 service work, as approved by the district school board, the  
 145 administrators of a nonpublic school, or the Department of  
 146 Education for home education program students, which must ~~shall~~  
 147 include a minimum of 75 hours of service work for high school  
 148 students graduating in the 2010-2011 academic year and 100 hours  
 149 of service work for high school students graduating in the 2011-  
 150 2012 academic year and thereafter. The student, ~~and~~ must  
 151 identify a social or civic issue or a professional area ~~problem~~  
 152 that interests him or her, develop a plan for his or her  
 153 personal involvement in addressing the issue or learning about  
 154 the area ~~problem~~, and, through papers or other presentations,  
 155 evaluate and reflect upon his or her experience. The student may  
 156 not receive remuneration or academic credit for the volunteer

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157 service work. Such work may include, but is not limited to, a  
158 business or government internship or employment with a nonprofit  
159 community service organization. The hours of service work must  
160 be documented in writing, and the document must be signed by the  
161 student, the student's parent, and a representative of the  
162 organization for which the student worked.

163 Section 3. Subsection (1) of section 1009.535, Florida  
164 Statutes, is amended to read:

165 1009.535 Florida Medallion Scholars award.—

166 (1) A student is eligible for a Florida Medallion Scholars  
167 award if he or she ~~the student~~ meets the general eligibility  
168 requirements for the Florida Bright Futures Scholarship Program  
169 and ~~the student~~:

170 (a) Has achieved a weighted grade point average of 3.0 as  
171 calculated pursuant to s. 1009.531, or the equivalent, in high  
172 school courses that are designated by the State Board of  
173 Education as college-preparatory academic courses, and has  
174 attained at least the score required under ~~pursuant to~~ s.  
175 1009.531(6)(b) on the combined verbal and quantitative parts of  
176 the Scholastic Aptitude Test, the Scholastic Assessment Test, or  
177 the recentered Scholastic Assessment Test of the College  
178 Entrance Examination, or an equivalent score on the ACT  
179 Assessment Program;

180 (b) Has completed the International Baccalaureate  
181 curriculum but failed to earn the International Baccalaureate  
182 Diploma or has completed the Advanced International Certificate



183 of Education curriculum but failed to earn the Advanced  
184 International Certificate of Education Diploma, and has attained  
185 at least the score required under ~~pursuant to~~ s. 1009.531(6)(b)  
186 on the combined verbal and quantitative parts of the Scholastic  
187 Aptitude Test, the Scholastic Assessment Test, or the recentered  
188 Scholastic Assessment Test of the College Entrance Examination,  
189 or an equivalent score on the ACT Assessment Program;

190 (c) Has attended a home education program according to s.  
191 1002.41 during grades 11 and 12 and has attained at least the  
192 score required under ~~pursuant to~~ s. 1009.531(6)(b) on the  
193 combined verbal and quantitative parts of the Scholastic  
194 Aptitude Test, the Scholastic Assessment Test, or the recentered  
195 Scholastic Assessment Test of the College Entrance Examination,  
196 or an equivalent score on the ACT Assessment Program, if the  
197 student's parent cannot document a college-preparatory  
198 curriculum as described in paragraph (a);

199 (d) Has been recognized by the merit or achievement  
200 program of the National Merit Scholarship Corporation as a  
201 scholar or finalist but has not completed the ~~a~~ program of  
202 volunteer community service work required under ~~as provided in~~  
203 s. 1009.534; or

204 (e) Has been recognized by the National Hispanic  
205 Recognition Program as a scholar, but has not completed the ~~a~~  
206 program of volunteer community service work required under ~~as~~  
207 ~~provided in~~ s. 1009.534.  
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209 A high school student graduating in the 2011-2012 academic year  
210 and thereafter must complete at least 75 hours ~~a program~~ of  
211 volunteer ~~community~~ service work approved by the district school  
212 board, the administrators of a nonpublic school, or the  
213 Department of Education for home education program students. The  
214 student, which shall include a minimum of 75 hours of service  
215 work, and must identify a social or civic issue or a  
216 professional area ~~problem~~ that interests him or her, develop a  
217 plan for his or her personal involvement in addressing the issue  
218 or learning about the area ~~problem~~, and, through papers or other  
219 presentations, evaluate and reflect upon his or her experience.  
220 The student may not receive remuneration or academic credit for  
221 the volunteer service work. Such work may include, but is not  
222 limited to, a business or government internship or employment  
223 with a nonprofit community service organization. The hours of  
224 service work must be documented in writing, and the document  
225 must be signed by the student, the student's parent, and a  
226 representative of the organization for which the student worked.

227 Section 4. Subsection (1) of section 1009.536, Florida  
228 Statutes, is amended to read:

229 1009.536 Florida Gold Seal Vocational Scholars award.—The  
230 Florida Gold Seal Vocational Scholars award is created within  
231 the Florida Bright Futures Scholarship Program to recognize and  
232 reward academic achievement and career preparation by high  
233 school students who wish to continue their education.

234 (1) A student is eligible for a Florida Gold Seal

235 Vocational Scholars award if he or she ~~the student~~ meets the  
 236 general eligibility requirements for the Florida Bright Futures  
 237 Scholarship Program and ~~the student~~:

238 (a) Completes the secondary school portion of a sequential  
 239 program of studies that requires at least three secondary school  
 240 career credits. On-the-job training may not be substituted for  
 241 any of the three required career credits.

242 (b) Demonstrates readiness for postsecondary education by  
 243 earning a passing score on the Florida College Entry Level  
 244 Placement Test or its equivalent as identified by the Department  
 245 of Education.

246 (c) Earns a minimum cumulative weighted grade point  
 247 average of 3.0, as calculated pursuant to s. 1009.531, on all  
 248 subjects required for a standard high school diploma, excluding  
 249 elective courses.

250 (d) Earns a minimum unweighted grade point average of 3.5  
 251 on a 4.0 scale for secondary career courses that compose  
 252 ~~comprising~~ the career program.

253 (e) Beginning with high school students graduating in the  
 254 2011-2012 academic year and thereafter, completes at least 30  
 255 hours ~~a program~~ of volunteer ~~community~~ service work approved by  
 256 the district school board, the administrators of a nonpublic  
 257 school, or the Department of Education for home education  
 258 program students. The student must identify, ~~which shall include~~  
 259 ~~a minimum of 30 hours of service work, and identifies a social~~  
 260 or civic issue or a professional area ~~problem~~ that interests him

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
2015

261 or her, develop ~~develops~~ a plan for his or her personal  
262 involvement in addressing the issue or learning about the area  
263 ~~problem~~, and, through papers or other presentations, evaluate  
264 ~~evaluates~~ and reflect ~~reflects~~ upon his or her experience. The  
265 student may not receive remuneration or academic credit for the  
266 volunteer service work. Such work may include, but is not  
267 limited to, a business or government internship or employment  
268 with a nonprofit community service organization. The hours of  
269 service work must be documented in writing, and the document  
270 must be signed by the student, the student's parent, and a  
271 representative of the organization for which the student worked.

272 Section 5. This act shall take effect July 1, 2015.

**HOUSE OF REPRESENTATIVES STAFF ANALYSIS**

**BILL #:** CS/HB 747 Florida Bright Futures Scholarship Program  
**SPONSOR(S):** Higher Education and Workforce Subcommittee, Rooney, Jr.  
**TIED BILLS:** IDEN./SIM. **BILLS:** SB 960

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Higher Education & Workforce Subcommittee	10 Y, 0 N, As CS	Banner	Sherry
2) Education Committee		Banner 	Mizereck 

**SUMMARY ANALYSIS**

The bill modifies student requirements for eligibility for the Florida Bright Futures Scholarship Program, including Florida Academic Scholars (FAS), Florida Medallion Scholars (FMS), and the Florida Gold Seal Vocational Scholars (FGSVS) awards.

The bill modifies community service work requirements by:

- Clarifying that community service work must be volunteer work and prohibits any student from receiving remuneration or academic credit for such work;
- Expanding volunteer service work areas to include a civic issue or a professional area of interest;
- Providing that volunteer work may include, but not be limited to, a business or government internship or employment with a nonprofit community service organization; and
- Establishing accountability requirements for student volunteer work that includes documentation in writing by the student, the student's parent, and a representative of the organization for which the student worked.

The number of community service hours required for each Bright Futures award remains unchanged, however the definition of what constitutes community service is expanded.

The bill also modifies the initial eligibility period for students who are unable to accept an award due to full-time religious or service obligations for at least 18 months, eliminates references to outdated eligibility requirements for the FAS and FMS awards, and removes the differentiated requirement for home education students whose parents cannot document a college-preparatory curriculum.

The fiscal impact of the bill is insignificant.

The bill takes effect July 1, 2015.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### Present Situation

The Florida Bright Futures Scholarship Program (Bright Futures) is a lottery-funded, merit-based scholarship program for Florida high school graduates who meet specified academic requirements and enroll in a degree program, certificate program or applied technology program at an eligible public or private postsecondary institution in Florida after graduating from high school.<sup>1</sup> The Department of Education (DOE) administers the program in accordance with rules and procedures adopted by the State Board of Education (SBE).<sup>2</sup>

The Bright Futures Scholarship Program consists of three types of awards:<sup>3</sup>

- Florida Academic Scholarship (FAS),
- Florida Medallion Scholarship (FMS), and
- Florida Gold Seal Vocational Scholarship (FGSVS).

Current law outlines general eligibility requirements for Bright Futures recipients<sup>4</sup> and specific academic and community service requirements for each type of award.<sup>5</sup> The community service work performed by the student must be approved by the district school board, administrators of a nonpublic school, or DOE for home education program students.<sup>6</sup>

During the 2010 Legislative Session, modifications to increase the academic eligibility requirements (grade point average and SAT or ACT scores) were adopted and phased in over several academic years. The last phase of the modifications went into effect beginning with high school students graduating in 2013-14 and after. These modifications also included a differentiated set of academic requirements for students in home education programs whose parent could not document a college-preparatory curriculum.<sup>7</sup>

Beginning with the 2011-12 academic year, students must perform community service work, identify a social problem of interest, develop a plan for personal involvement in addressing the problem, and reflect on their experiences through papers or presentations.

The community service work requirement is the same for all three types of awards, however, the required number of volunteer hours differs. To be eligible to receive the FAS award, a student must perform at least 100 hours of community service work.<sup>8</sup> FMS students must perform a minimum of 75

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<sup>1</sup> Sections 1009.53(1), F.S. and 1009.531(2)(a-c), F.S., specify that a student graduating from high school prior to the 2010-11 academic year is eligible to accept an initial award for 3 years following high school graduation and accept a renewal award for 7 years following high school graduation. Students graduating in the 2010-11 and 2011-12 academic years are eligible to accept an initial award for 3 years following high school graduation and accept a renewal award for 5 years following high school graduation. Beginning with the 2012-13 academic year, graduates may accept an initial award for 2 years following high school graduation and accept renewal awards for 5 years following high school graduation.

<sup>2</sup> Section 1009.53(3), F.S.

<sup>3</sup> Section 1009.53(2), F.S.

<sup>4</sup> Section 1009.531, F.S.

<sup>5</sup> Section 1009.534(1), 1009.535(1), and 1009.536(1)(e), F.S.

<sup>6</sup> *Id.*

<sup>7</sup> Chapter 2010-155, L.O.F.

<sup>8</sup> Section 1009.534(1), F.S.

hours of community service work<sup>9</sup> and FGSV students must perform a minimum of 30 hours of community service work.<sup>10</sup>

#### Effect of Proposed Changes

The bill modifies student requirements for eligibility for the Florida Bright Futures Scholarship Program, including Florida Academic Scholars (FAS), Florida Medallion Scholars (FMS), and the Florida Gold Seal Vocational Scholars (FGSVS) awards.

The bill modifies community service work requirements by:

- Clarifying that community service work must be volunteer work and prohibits any student from receiving remuneration or academic credit for such work;
- Expanding volunteer service work areas to include a civic issue or a professional area of interest;
- Providing that volunteer work may include, but not be limited to, a business or government internship or employment with a nonprofit community service organization; and
- Establishing accountability requirements for student volunteer work that includes documentation in writing by the student, the student's parent, and a representative of the organization for which the student worked.

The number of community service hours required for each Bright Futures award remains unchanged, however the definition of what constitutes community service is expanded.

The bill also modifies eligibility requirements by:

- Extending the 2 year initial eligibility and the 5 year renewal period for students who are unable to accept an award due to full-time religious or service obligations for at least 18 months,
- Eliminating references to outdated academic eligibility requirements for the FAS and FMS awards, and
- Removing the differentiated requirement for home education students whose parents cannot document a college-preparatory curriculum.

#### B. SECTION DIRECTORY:

**Section 1.** Amends s. 1009.531, F.S., revising student eligibility requirements for specified students, eliminating references to outdated eligibility requirements, and removing differentiated requirements for specified home school students.

**Section 2.** Amends s. 1009.534, F.S., revising student community service requirements for eligibility for the Florida Academic Scholars award.

**Section 3.** Amends s. 1009.535, F.S., revising student community service requirements for eligibility for the Florida Medallion Scholars award.

**Section 4.** Amends s. 1009.536, F.S., revising student community service requirements for eligibility for the Florida Gold Seal Vocational Scholars award.

**Section 5.** Provides an effective date of July 1, 2015.

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<sup>9</sup> Section 1009.535(1), F.S.

<sup>10</sup> Section 1009.536(1)(e), F.S.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The fiscal impact of this bill is insignificant.

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

### C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

### D. FISCAL COMMENTS:

None.

## III. COMMENTS

### A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable.

2. Other:

Not applicable.

### B. RULE-MAKING AUTHORITY:

None.

### C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

## IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On March 18, 2015, the Higher Education and Workforce Subcommittee adopted an amendment that extends the 2 year initial eligibility and the 5 year renewal period for students who are unable to accept an award due to a full-time religious or service obligation for at least 18 months, eliminates references to outdated eligible requirements, and removes the differentiated requirement for home education students whose parent cannot document a college-preparatory curriculum.





1                                   A bill to be entitled  
 2           An act relating to Florida College System boards of  
 3           trustees; amending s. 1001.61, F.S.; revising the  
 4           membership requirements for the Florida College System  
 5           institution boards of trustees; deleting a provision  
 6           requiring the Florida State College at Jacksonville to  
 7           have an odd number of trustees; providing for  
 8           staggered terms of board members; providing an  
 9           effective date.

10

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

12

13           Section 1. Subsections (1) and (2) of section 1001.61,  
 14 Florida Statutes, are amended to read:

15           1001.61 Florida College System institution boards of  
 16 trustees; membership.—

17           (1) Florida College System institution boards of trustees  
 18 shall be comprised of five members when a Florida College System  
 19 institution district is confined to one school board district;  
 20 seven members when a Florida College System institution district  
 21 is confined to one school board district and the board of  
 22 trustees so elects; and not more than nine members when the  
 23 district contains two or more school board districts,~~as~~  
 24 ~~provided by rules of the State Board of Education. However,~~  
 25 ~~Florida State College at Jacksonville shall have an odd number~~  
 26 ~~of trustees.~~

CS/HB 759



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27 |           (2) Trustees shall be appointed by the Governor to  
28 | staggered 4-year terms, subject to confirmation ~~and confirmed~~ by  
29 | the Senate in regular session.

30 |           Section 2. This act shall take effect July 1, 2015.

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** CS/HB 759 Florida College System Boards of Trustees  
**SPONSOR(S):** Higher Education and Workforce Subcommittee; Hutson  
**TIED BILLS:** IDEN./SIM. **BILLS:** SB 446

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Higher Education & Workforce Subcommittee	10 Y, 0 N	Banner	Sherry
2) Education Committee		Banner 	Mizereck 

### SUMMARY ANALYSIS

A rule of the State Board of Education regulates the composition of the boards of trustees of all Florida College System institutions. However, the rule specifically dictates the composition of the boards at South Florida Community College, Gulf Coast Community College, and Edison Community College. The rule also prescribes the process the Governor must follow to stagger the length of terms for board members.

The bill repeals the rulemaking authority of the State Board of Education regarding the composition of Florida College System institution boards of trustees. The bill also requires board member terms to be staggered.

The fiscal impact of this bill is insignificant.

The bill takes effect July 1, 2015.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### Present Situation

The Florida College System (FCS) was established in order to maximize open access for students, respond to community needs for postsecondary academic education and career education, and provide associate and baccalaureate degrees that best meet the state's employment needs.<sup>1</sup> The FCS is comprised of 28 institutions, each with specific service areas within the state.<sup>2</sup>

Each FCS institution is governed by a local board of trustees.<sup>3</sup> These boards are charged with ensuring that the college is an integral part of the community by balancing and integrating the wide variety of interests and needs into policies that benefit the common good and future of the region the institution serves.<sup>4</sup>

Current law requires that the FCS institution boards be comprised of five members when an institution's district is confined to one school district, seven members when there is one district and the board of trustees elects to have additional members, and not more than nine when the district contains two or more school districts. The State Board of Education (SBE) is also authorized to adopt rules related to the membership of the board of trustees. Trustees are appointed by the Governor and confirmed by the Senate.<sup>5</sup>

The State Board of Education (SBE) has adopted a rule regulating the composition of the boards of trustees of FCS institutions.<sup>6</sup> For those FCS institutions that serve more than one county, the rule provides requirements for board composition as follows:

- Two (2) county district boards shall be composed of five (5) trustees from the county of location and four (4) from the cooperating county. However, if the county of location has more than five (5) times the population of the cooperating county as determined by the U.S. Census, there shall be three (3) trustees from the cooperating county.
- Three (3) and four (4) county district boards shall be composed of three (3) trustees from the county of location and two (2) from each cooperating county.
- Five (5) county district boards shall be composed of three (3) trustees from the county of location, two (2) from each of the two (2) more populous cooperating counties, and one (1) from each of the two (2) less populous cooperating counties.
- Six (6) county district boards shall be composed of three (3) trustees from the county of location, two (2) from the most populous cooperating county, and one (1) from each of the remaining counties.

However, the rule specifically dictates the composition of the boards at South Florida Community College, Gulf Coast Community College, and Edison Community College.

The rule also prescribes the process the Governor must follow to stagger the length of terms for board members.

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<sup>1</sup> Section 1001.60(1), F.S.

<sup>2</sup> Section 1000.21(3), F.S.

<sup>3</sup> Section 1001.60(3), F.S.

<sup>4</sup> Association of Florida Colleges, *Florida College System Trustee Manual*, (Sept. 2013), available at [http://myafchome.org/assests/Publications/Trustees/2k12\\_trustee\\_manual.pdf](http://myafchome.org/assests/Publications/Trustees/2k12_trustee_manual.pdf).

<sup>5</sup> Section 1001.61, F.S.

<sup>6</sup> Rule 6A-4.024, F.A.C. This rule was last updated in July 2004, therefore it does not reflect the most current Florida College System institution names.

### **Effect of Proposed Changes**

This bill repeals the rulemaking authority of the SBE. This enables each board of trustees to determine the composition of its board based upon the counties it serves. The bill also requires the staggering of the terms of board members.

The bill takes effect July 1, 2015.

#### **B. SECTION DIRECTORY:**

**Section 1.** Amends s. 1001.61, F.S. to repeal the rulemaking authority of the State Board of Education and require staggering of terms of board members.

**Section 2.** Provides an effective date of July 1, 2015.

## **II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

#### **A. FISCAL IMPACT ON STATE GOVERNMENT:**

1. Revenues:

None

2. Expenditures:

None

#### **B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

1. Revenues:

None

2. Expenditures:

None

#### **C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

None

#### **D. FISCAL COMMENTS:**

None

## **III. COMMENTS**

#### **A. CONSTITUTIONAL ISSUES:**

1. Applicability of Municipality/County Mandates Provision:

Not applicable.

2. Other:

None

**B. RULE-MAKING AUTHORITY:**

This bill repeals rulemaking authority of the State Board of Education regarding Florida College System institution boards of trustees.

**C. DRAFTING ISSUES OR OTHER COMMENTS:**

None

**IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

On March 18, 2015, the Higher Education and Workforce Subcommittee reported the proposed committee substitute for HB 759 favorably as a committee substitute. The proposed committee substitute repeals the rulemaking authority of the State Board of Education regarding the composition of Florida College System institution boards of trustees. The bill also requires board member terms to be staggered.