

HB 7137

2015

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; requiring the Florida High School Athletic
8 Association (FHSAA) to adopt guidelines, provide
9 resources, and develop training courses relating to
10 sports ethics; providing that member schools must meet
11 certain requirements relating to the sports ethics
12 guidelines, resources, and training courses provided
13 by the FHSAA; revising the governing structure of the
14 FHSAA; deleting provisions relating to the FHSAA's
15 board of directors, representative assembly, public
16 liaison advisory committee, and appeals committees;
17 deleting requirements with respect to amendments to
18 the FHSAA's bylaws; amending s. 1006.15, F.S.;
19 establishing guiding principles for extracurricular
20 activities; providing definitions; revising academic
21 eligibility requirements; specifying grounds for
22 student ineligibility for participation in
23 interscholastic athletics; specifying conditions under
24 which students who are enrolled in public schools,
25 certain private schools, or home education programs
26 may participate in the extracurricular activities of a

27 public school; deleting obsolete provisions; amending
28 s. 1006.16, F.S.; revising insurance requirements to
29 include students who participate in nonathletic
30 extracurricular activities; requiring that insurance
31 coverage provided by district school boards for
32 participants in extracurricular activities include
33 certain students; amending s. 1006.19, F.S.; providing
34 a period within which an audit of a nonprofit
35 association's records must be provided to the Auditor
36 General; requiring the Auditor General to conduct
37 operational audits of the nonprofit association's
38 accounts and records; amending ss. 768.135 and
39 943.0438, F.S.; conforming provisions to changes made
40 by the act; amending s. 1002.20, F.S.; conforming
41 cross-references; revising provisions related to
42 participation in extracurricular activities; amending
43 ss. 1002.33, 1002.42, 1006.165, 1006.18, 1012.467,
44 1012.468, and 1012.55, F.S.; conforming provisions to
45 changes made by the act; requiring the Commissioner of
46 Education, with the approval of the State Board of
47 Education, to designate a nonprofit association to
48 govern interscholastic athletic competition; providing
49 for periodic review of the nonprofit association's
50 performance of duties; amending s. 1006.20, F.S.;
51 providing contingent applicability; deleting
52 references to the FHSAA as the sole governing

53 authority of interscholastic athletic competition;
 54 providing that the nonprofit association designated by
 55 the commissioner is the governing body for purposes of
 56 membership in the National Federation of State High
 57 School Associations; conforming provisions to changes
 58 made by the act; providing effective dates.

59

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

61

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

64 1006.20 Athletics in public K-12 schools.—

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

79 collected annually by the FHSAA may not exceed its actual costs
80 to perform the function or duty that is the subject of or
81 justification for the fee ~~the provisions of s. 1006.19.~~ The
82 FHSAA shall offer spectators seeking admission to athletic
83 competitions the option of purchasing a single-day pass or a
84 multiple-day pass that is at a cost below that which one would
85 pay on a per-event basis for the same number of contests. A
86 private school that wishes to engage in high school athletic
87 competition with a public high school may become a member of the
88 FHSAA, by sport. Any high school in the state, including charter
89 schools, virtual schools, and home education cooperatives, may
90 become a member of the FHSAA, by sport, and participate in the
91 activities of the FHSAA. ~~However,~~ Membership in the FHSAA is not
92 mandatory for any school, and any member school may join other
93 athletic associations, by sport. The FHSAA may not deny or
94 discourage interscholastic competition between its member
95 schools and nonmember ~~non-FHSAA member Florida~~ schools,
96 including members of another athletic governing association
97 ~~organization~~, and may not take any retributory or discriminatory
98 action against any of its member schools that participate in
99 interscholastic competition with nonmember ~~non-FHSAA member~~
100 ~~Florida~~ schools. The FHSAA may not unreasonably withhold its
101 approval of an application to become an affiliate member of the
102 National Federation of State High School Associations submitted
103 by any other association ~~organization~~ that governs
104 interscholastic athletic competition in this state that meets

105 the requirements of this section. The commissioner may identify
 106 other associations that govern interscholastic athletic
 107 competition in compliance with this section. ~~The bylaws of the~~
 108 ~~FHSAA are the rules by which high school athletic programs in~~
 109 ~~its member schools, and the students who participate in them,~~
 110 ~~are governed, unless otherwise specifically provided by statute.~~
 111 For the purposes of this section, "high school" includes grades
 112 6 through 12.

113 (2) STUDENT ELIGIBILITY REQUIREMENTS; RECRUITING ADOPTION
 114 ~~OF BYLAWS, POLICIES; ELIGIBILITY DISPUTE RESOLUTION, OR~~
 115 ~~GUIDELINES.~~ The FHSAA shall:

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

HB 7137

2015

131 beginning of practice is before the first day of the grading
132 period in which the regular season games begin, the transfer
133 deadline may not be before the first day of such grading period.
134 ~~These transfers shall be allowed pursuant to the district school~~
135 ~~board policies in the case of transfer to a public school or~~
136 ~~pursuant to the private school policies in the case of transfer~~
137 ~~to a private school.~~ The student shall be eligible in that
138 school so long as he or she remains enrolled in that school.
139 Subsequent eligibility shall be determined and enforced through
140 the FHSAA's requirements ~~bylaws~~. Requirements governing
141 eligibility and transfer between member schools shall be applied
142 similarly to all ~~public school~~ students and ~~private school~~
143 ~~students.~~

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

HB 7137

2015

157 specified in s. 1006.15(4)(b)2. or the FHSAA has imposed
158 sanctions against the individuals or member school engaging in
159 recruiting and the student or the parent has committed an act
160 specified in s. 1006.15(4)(b)3. The FHSAA may not limit the
161 competition of a student athlete prospectively for a rule
162 violation by his or her school, the school's coach, or the
163 student athlete's adult representative. The FHSAA may not punish
164 a student athlete for an eligibility or recruiting violation
165 perpetrated by a teammate, coach, or administrator. A contest
166 may not be forfeited for an inadvertent eligibility violation
167 unless the coach or a school administrator should have known of
168 the violation. Contests may not be forfeited for other
169 eligibility violations or recruiting violations in excess of the
170 number of contests from which the coaches and adult
171 representatives responsible for the violations are prospectively
172 suspended ~~falsified any enrollment or eligibility document or~~
173 ~~accepted any benefit or any promise of benefit if such benefit~~
174 ~~is not generally available to the school's students or family~~
175 ~~members or is based in any way on athletic interest, potential,~~
176 ~~or performance.~~

177 (c) ~~The FHSAA shall adopt bylaws that~~ Require all students
178 participating in interscholastic athletic competition or who are
179 candidates for an interscholastic athletic team to
180 satisfactorily pass a medical evaluation each year before ~~prior~~
181 ~~to~~ participating in interscholastic athletic competition or
182 engaging in any practice, tryout, workout, or other physical

183 activity associated with the student's candidacy for an
184 interscholastic athletic team. Such medical evaluation may be
185 administered only by a practitioner licensed under chapter 458,
186 chapter 459, chapter 460, or s. 464.012, and in good standing
187 with the practitioner's regulatory board. The FHSAA ~~bylaws~~ shall
188 establish requirements for eliciting a student's medical history
189 and performing the medical evaluation required under this
190 paragraph, which shall include a physical assessment of the
191 student's physical capabilities to participate in
192 interscholastic athletic competition as contained in a uniform
193 preparticipation physical evaluation and history form. The
194 evaluation form shall incorporate the recommendations of the
195 American Heart Association for participation in cardiovascular
196 screening and shall provide a place for the signature of the
197 practitioner performing the evaluation with an attestation that
198 each examination procedure listed on the form was performed by
199 the practitioner or by someone under the direct supervision of
200 the practitioner. The form shall also contain a place for the
201 practitioner to indicate if a referral to another practitioner
202 was made in lieu of completion of a certain examination
203 procedure. The form shall provide a place for the practitioner
204 to whom the student was referred to complete the remaining
205 sections and attest to that portion of the examination. The
206 preparticipation physical evaluation form shall advise students
207 to complete a cardiovascular assessment and shall include
208 information concerning alternative cardiovascular evaluation and

209 diagnostic tests. Results of such medical evaluation must be
 210 provided to the school. A ~~No~~ student is not ~~shall be~~ eligible to
 211 participate in any interscholastic athletic competition or
 212 engage in any practice, tryout, workout, or other physical
 213 activity associated with the student's candidacy for an
 214 interscholastic athletic team until the results of the medical
 215 evaluation are ~~have been~~ received and approved by the school.

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

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

- 233 1. Undergo level 2 background screening under s. 435.04,
- 234 establishing that the investigator has not committed any

235 | disqualifying offense listed in s. 435.04, unless the
 236 | investigator can provide proof of compliance with level 2
 237 | screening standards submitted within the previous 5 years to
 238 | meet any professional licensure requirements, provided:

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

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

246 | 2. Be appointed as an investigator by the FHSAA ~~executive~~
 247 | ~~director~~.

248 | 3. Carry a photo identification card that shows the FHSAA
 249 | name and~~7~~ logo~~7~~ and the investigator's official title.

250 | 4. Adhere to the following guidelines:

251 | a. Investigate only those alleged violations assigned by
 252 | the FHSAA ~~executive director or the board of directors~~.

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

256 | c. Allow the parent of any student being interviewed to be
 257 | present during the interview.

258 | d. Search residences or other private areas only with the
 259 | permission of the FHSAA ~~executive director~~ and the written
 260 | consent of the student's parent and only with a parent or a

HB 7137

2015

261 representative of the parent present.

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

265 1. Major violations include, but are not limited to,
266 knowingly allowing an ineligible student to participate in a
267 contest representing a member school in an interscholastic
268 contest or committing a violation of the FHSAA's recruiting or
269 sports ethics sportsmanship policies.

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

278 3. If a member school is assessed a financial penalty as a
279 result of a coach committing a major violation, the coach shall
280 reimburse the member school before being allowed to coach,
281 participate in, or attend any athletic activity sponsored,
282 recognized, or sanctioned by the FHSAA and a member school.

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

286 (g) Provide a process for the resolution of student

287 eligibility disputes. The FHSAA shall provide an opportunity to
288 resolve eligibility issues through an informal conference
289 procedure. The FHSAA must provide written notice to the student
290 athlete, parent, and member school stating specific findings of
291 fact that support a determination of ineligibility. The student
292 athlete must request an informal conference if he or she intends
293 to contest the charges. The informal conference must be held
294 within 10 days after receipt of the student athlete's request.
295 If the eligibility dispute is not resolved at the informal
296 conference, the FHSAA shall provide a process for the timely and
297 cost-effective resolution of an eligibility dispute using a
298 neutral third party, including the use of retired or former
299 judges, mediation, or arbitration. The neutral third party shall
300 be selected by the parent of the student athlete from a list
301 maintained by the FHSAA. A final determination regarding the
302 eligibility dispute must be issued no later than 30 days after
303 the informal conference. The FHSAA shall adopt bylaws
304 establishing the process for resolving eligibility disputes must
305 and standards by which FHSAA determinations of eligibility are
306 made. Such bylaws shall provide that:

- 307 1. Ineligibility must be established by clear and
308 convincing evidence.†
- 309 2. Student athletes, parents, and schools must have notice
310 of the initiation of any investigation or other inquiry into
311 eligibility and may present, to the investigator and to the
312 individual or body making the eligibility determination, any

HB 7137

2015

313 information or evidence that is credible, persuasive, and of a
314 kind reasonably prudent persons rely upon in the conduct of
315 serious affairs.~~†~~

316 3. An investigator may not determine matters of
317 eligibility but must submit information and evidence to the
318 individual or body designated by the FHSAA ~~executive director or~~
319 ~~a person designated by the executive director or by the board of~~
320 ~~directors~~ for an unbiased and objective determination of
321 eligibility.~~†~~ ~~and~~

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

325 5. Any proceedings concerning student athlete eligibility
326 must be held in the county in which the student athlete resides
327 and may be conducted by telephone, videoconference, or other
328 electronic means.

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

338 ~~(h) In lieu of bylaws adopted under paragraph (g), the~~

339 ~~FHSAA may adopt bylaws providing as a minimum the procedural~~
340 ~~safeguards of ss. 120.569 and 120.57, making appropriate~~
341 ~~provision for appointment of unbiased and qualified hearing~~
342 ~~officers.~~

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

355 ~~(h)-(j) The FHSAA shall~~ Adopt guidelines to educate
356 athletic coaches, officials, administrators, and student
357 athletes and their parents about ~~of~~ the nature and risk of
358 concussion and head injury.

359 ~~(i)-(k) The FHSAA shall adopt bylaws or policies that~~
360 Require the parent of a student who is participating in
361 interscholastic athletic competition or who is a candidate for
362 an interscholastic athletic team to sign and return an informed
363 consent that explains the nature and risk of concussion and head
364 injury, including the risk of continuing to play after

HB 7137

2015

365 concussion or head injury, each year before participating in
366 interscholastic athletic competition or engaging in any
367 practice, tryout, workout, or other physical activity associated
368 with the student's candidacy for an interscholastic athletic
369 team.

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

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

- 386 1. Eight physicians licensed under chapter 458 or chapter
387 459, with at least one member licensed under chapter 459.
- 388 2. One chiropractor licensed under chapter 460.
- 389 3. One podiatrist licensed under chapter 461.
- 390 4. One dentist licensed under chapter 466.

HB 7137

2015

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

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

395 (1) Adopt guidelines, provide resources, and develop a
396 training course to promote sports ethics in interscholastic
397 athletics and require each member school to:

398 1. Establish policies that promote sports ethics in its
399 interscholastic athletic programs.

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

402 3. Annually administer the sports ethics training course
403 to student athletes, athletic coaches, and administrators.

404 4. Annually certify compliance with this paragraph by a
405 deadline established by the FHSAA.

406
407 In developing the sports ethics training course, the FHSAA may
408 provide for multiple modes of delivery, including in-person
409 seminars or videoconferencing, webinars, or other electronic
410 means.

411 (3) GOVERNING STRUCTURE OF THE FHSAA.—

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

HB 7137

2015

417 (b) Each member school, on its annual application for
418 membership, shall name its official representative to the FHSAA.
419 This representative must be either the school principal or his
420 or her designee. That designee must either be an assistant
421 principal or athletic director housed within that same school.

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

438 (d) The FHSAA shall annually require each member of the
439 governing board or other policymaking body to attend nonprofit
440 governance training, which must include government in the
441 sunshine, conflicts of interest, ethics, and student athlete-
442 centered decisionmaking consistent with the guiding principles

443 for participation in extracurricular activities under s.
444 1006.15.

445 ~~(4) BOARD OF DIRECTORS.—~~

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

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

457 ~~2. Four nonpublic member school representatives, one~~
458 ~~elected from among its nonpublic school representative members~~
459 ~~within each of the four administrative regions.~~

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

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

469 ~~5. Two district school board members, one elected from the~~
470 ~~two northernmost administrative regions by the members in those~~
471 ~~regions and one elected from the two southernmost administrative~~
472 ~~regions by the members in those regions.~~

473 ~~6. The commissioner or his or her designee from the~~
474 ~~department executive staff.~~

475 ~~(b) A quorum of the board of directors shall consist of~~
476 ~~nine members.~~

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

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

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

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

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

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

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

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

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

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

509 ~~(5) REPRESENTATIVE ASSEMBLY.—~~

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

512 ~~(b) The representative assembly shall be composed of the~~
513 ~~following:~~

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

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

519 ~~3. Four district school board members, one elected from~~
520 ~~each of the four administrative regions by the district school~~

521 ~~board members in their respective administrative regions.~~

522 ~~4. The commissioner or his or her designee from the~~
523 ~~department executive staff.~~

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

528 ~~(d) No member of the board of directors other than the~~
529 ~~commissioner or his or her designee can serve in the~~
530 ~~representative assembly.~~

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

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

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

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

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

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

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

- 550 ~~1. The commissioner or his or her designee.~~
- 551 ~~2. A member public school principal.~~
- 552 ~~3. A member private school principal.~~
- 553 ~~4. A member school principal who is a member of a racial~~
554 ~~minority.~~
- 555 ~~5. An active athletic director.~~
- 556 ~~6. An active coach, who is employed full time by a member~~
557 ~~school.~~
- 558 ~~7. A student athlete.~~
- 559 ~~8. A district school superintendent.~~
- 560 ~~9. A district school board member.~~
- 561 ~~10. A member of the Florida House of Representatives.~~
- 562 ~~11. A member of the Florida Senate.~~
- 563 ~~12. A parent of a high school student.~~
- 564 ~~13. A member of a home education association.~~
- 565 ~~14. A representative of the business community.~~
- 566 ~~15. A representative of the news media.~~

567 ~~(b) No member of the board of directors, committee on~~
568 ~~appeals, or representative assembly is eligible to serve on the~~
569 ~~public liaison advisory committee.~~

570 ~~(c) The public liaison advisory committee shall elect a~~
571 ~~chairperson and vice chairperson from among its members.~~

572 ~~(d) The authority and duties of the public liaison~~

573 ~~advisory committee are as follows:~~

574 ~~1. To act as a conduit through which the general public~~
575 ~~may have input into the decisionmaking process of the FHSAA and~~
576 ~~to assist the FHSAA in the development of procedures regarding~~
577 ~~the receipt of public input and disposition of complaints~~
578 ~~related to high school athletic and competition programs.~~

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

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

591 ~~(c) The public liaison advisory committee shall meet four~~
592 ~~times annually. Additional meetings may be called by the~~
593 ~~committee chairperson, the FHSAA president, or the FHSAA~~
594 ~~executive director.~~

595 ~~(7) APPEALS.—~~

596 ~~(a) The FHSAA shall establish a procedure of due process~~
597 ~~which ensures each student the opportunity to appeal an~~
598 ~~unfavorable ruling with regard to his or her eligibility to~~

599 ~~compete. The initial appeal shall be made to a committee on~~
600 ~~appeals within the administrative region in which the student~~
601 ~~lives. The FHSAA's bylaws shall establish the number, size, and~~
602 ~~composition of each committee on appeals.~~

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

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

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

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

624 ~~(f) The FHSAA shall expedite the appeals process on~~

HB 7137

2015

625 ~~determinations of ineligibility so that disposition of the~~
626 ~~appeal can be made before the end of the applicable sports~~
627 ~~season, if possible.~~

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

646 ~~(8) AMENDMENT OF BYLAWS. Each member school~~
647 ~~representative, the board of directors acting as a whole or as~~
648 ~~members acting individually, any advisory committee acting as a~~
649 ~~whole to be established by the FHSAA, and the FHSAA's executive~~
650 ~~director are empowered to propose amendments to the bylaws. Any~~

651 ~~other individual may propose an amendment by securing the~~
652 ~~sponsorship of any of the aforementioned individuals or bodies.~~
653 ~~All proposed amendments must be submitted directly to the~~
654 ~~representative assembly for its consideration. The~~
655 ~~representative assembly, while empowered to adopt, reject, or~~
656 ~~revise proposed amendments, may not, in and of itself, as a body~~
657 ~~be allowed to propose any amendment for its own consideration.~~

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

660 1006.15 Student standards for eligibility to participate
661 ~~participation in interscholastic and intrascholastic~~
662 ~~extracurricular student activities; regulation.-~~

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

666 (a) Interscholastic Extracurricular student activities are
667 an important complement to the academic curriculum and provide
668 students with incentives to succeed academically.

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

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

676 (d) Policies governing student eligibility for

HB 7137

2015

677 extracurricular activities should not impede parental school
678 choice.

679 (e) A student's school attendance zone or choice of
680 educational program should not be a barrier to participation in
681 extracurricular activities that are not offered by the student's
682 school or program.

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

684 (a) "Extracurricular activity" means a ~~any~~ school-
685 authorized or education-related activity occurring during or
686 outside the regular instructional school day.

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

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

697 (d)1. "Nonprofit association" means the association
698 designated by the Commissioner of Education pursuant to s.
699 1006.20 to govern interscholastic athletic competition in this
700 state.

701 2. The term means the Florida High School Athletic
702 Association until the State Board of Education approves the

703 commissioner's designation of a nonprofit association to govern
 704 interscholastic athletic competition in this state pursuant to
 705 s. 1006.20. This subparagraph expires July 1, 2017.

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

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

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

718 (4)(3)(a) A student is ~~To be~~ eligible to participate in
 719 interscholastic extracurricular ~~student~~ activities if the, a
 720 student ~~must~~:

721 1. Maintains ~~Maintain~~ a grade point average of 2.0 or
 722 above on a 4.0 scale, or its equivalent, in the previous
 723 semester ~~or a cumulative grade point average of 2.0 or above on~~
 724 ~~a 4.0 scale, or its equivalent, in the courses required by s.~~
 725 ~~1002.3105(5) or s. 1003.4282.~~

726 2. Executes ~~Execute~~ and fulfills ~~fulfill~~ the requirements
 727 of an academic performance contract between the student, the
 728 district school board or private school, the appropriate

HB 7137

2015

729 governing association, and the student's parents, if the
730 student's cumulative grade point average falls below 2.0, or its
731 equivalent, on a 4.0 scale ~~in the courses required by s.~~
732 ~~1002.3105(5) or s. 1003.4282~~. At a minimum, the contract must
733 require that the student attend summer school, or its graded
734 equivalent, between grades 9 and 10 or grades 10 and 11, as
735 necessary.

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

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

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

755 1002.41 to home education students generally.
 756 (b) A student may only be declared ineligible to
 757 participate in interscholastic athletics if:
 758 1. The student fails to achieve compliance with paragraph
 759 (a);
 760 2. The student or parent falsifies an enrollment or
 761 eligibility document;
 762 3. The student or parent accepts an impermissible benefit;
 763 4. The student commits a flagrant act of unsportsmanlike
 764 conduct toward a contest official, opponent, or other person
 765 attending an athletic contest or violates substance abuse
 766 policies established by the nonprofit association;
 767 5. The student has exhausted 4 years of athletic
 768 eligibility, graduated from high school, or attained the maximum
 769 age established by the nonprofit association, whichever occurs
 770 first;
 771 6. The student does not pass a medical evaluation pursuant
 772 to s. 1006.20(2)(c), except as otherwise provided in s.
 773 1006.20(2)(d); or
 774 7. The student forfeits his or her amateur status, as
 775 defined by the nonprofit association.
 776 (c)1. ~~(b)~~ A ~~Any~~ student who is exempt from attending a full
 777 school day based on rules adopted by the district school board
 778 for double session schools or programs, experimental schools, or
 779 schools operating under emergency conditions must maintain the
 780 grade point average required by this section and pass each class

781 for which he or she is enrolled.

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

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

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

803 (d)-(e) A public school student, a student attending an
804 unaffiliated private school, or a ~~An individual~~ home education
805 student is eligible to participate in an extracurricular
806 activity that is not offered by the student's school or home

807 education program. Participation may occur at any the public
808 school in the school district in which the student resides to
809 ~~which the student would be assigned according to district school~~
810 ~~board attendance area policies or a public school in another~~
811 school district which the student could choose to attend
812 pursuant to an district or interdistrict controlled open
813 enrollment policy. A home education student provisions, or may
814 also develop an agreement to participate at a private school, in
815 the interscholastic or extracurricular activities of that
816 school. In order to participate under this paragraph, a student
817 must meet, provided the following conditions are met:

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

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

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

833 ~~1.4.~~ The ~~home education~~ student must meet the same
834 standards of acceptance, behavior, and performance as required
835 of other students in extracurricular activities.

836 ~~2.5.~~ The student must register with the school his or her
837 intent to participate in ~~interscholastic~~ extracurricular
838 activities as a representative of the school before the
839 beginning date of the nonathletic activity or season for the
840 athletic activity in which he or she wishes to participate. A
841 ~~home education~~ student must be able to participate in curricular
842 activities if that is a requirement for an extracurricular
843 activity.

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

850 4. The student's parent is responsible for transporting
851 the student to and from the school at which the student
852 participates. The school the student attends, the school at
853 which the student participates in the extracurricular activity,
854 the district school board, and the nonprofit association are
855 exempt from civil liability arising from any injury to the
856 student which occurs during such transportation.

857 ~~6. A student who transfers from a home education program~~
858 ~~to a public school before or during the first grading period of~~

859 ~~the school year is academically eligible to participate in~~
860 ~~interscholastic extracurricular activities during the first~~
861 ~~grading period provided the student has a successful evaluation~~
862 ~~from the previous school year, pursuant to subparagraph 2.~~

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

870 ~~(d) An individual charter school student pursuant to s.~~
871 ~~1002.33 is eligible to participate at the public school to which~~
872 ~~the student would be assigned according to district school board~~
873 ~~attendance area policies or which the student could choose to~~
874 ~~attend, pursuant to district or interdistrict controlled open-~~
875 ~~enrollment provisions, in any interscholastic extracurricular~~
876 ~~activity of that school, unless such activity is provided by the~~
877 ~~student's charter school, if the following conditions are met:~~

878 ~~1. The charter school student must meet the requirements~~
879 ~~of the charter school education program as determined by the~~
880 ~~charter school governing board.~~

881 ~~2. During the period of participation at a school, the~~
882 ~~charter school student must demonstrate educational progress as~~
883 ~~required in paragraph (b).~~

884 ~~3. The charter school student must meet the same residency~~

885 ~~requirements as other students in the school at which he or she~~
886 ~~participates.~~

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

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

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

904 ~~7. Any public school or private school student who has~~
905 ~~been unable to maintain academic eligibility for participation~~
906 ~~in interscholastic extracurricular activities is ineligible to~~
907 ~~participate in such activities as a charter school student until~~
908 ~~the student has successfully completed one grading period in a~~
909 ~~charter school pursuant to subparagraph 2. to become eligible to~~
910 ~~participate as a charter school student.~~

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

918 ~~1. During the period of participation in the~~
919 ~~interscholastic extracurricular activity, meets the requirements~~
920 ~~in paragraph (a).~~

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

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

925 ~~4. Meets the same standards of acceptance, behavior, and~~
926 ~~performance that are required of other students in~~
927 ~~extracurricular activities.~~

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

934 ~~(f) A student who transfers from the Florida Virtual~~
935 ~~School full-time program to a traditional public school before~~
936 ~~or during the first grading period of the school year is~~

937 ~~academically eligible to participate in interscholastic~~
938 ~~extracurricular activities during the first grading period if~~
939 ~~the student has a successful evaluation from the previous school~~
940 ~~year pursuant to paragraph (a).~~

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

947 (5)(4) The student standards for participation in
948 ~~interscholastic~~ extracurricular activities must be applied
949 beginning with the student's first semester of the 9th grade.
950 Each student must meet such other requirements for participation
951 as may be established by the district school board; however,
952 such requirements must apply on an equal basis to all students
953 and a district school board may not make establish requirements
954 for participation in interscholastic extracurricular activities
955 which make participation in such activities less accessible to a
956 transfer student or a student enrolled in a public school of
957 choice, an unaffiliated private school, or a home education
958 program students than to other students. A district school board
959 or private school may not establish policies regarding transfer
960 student eligibility for extracurricular activities which are
961 more stringent than the policies established by the nonprofit
962 association ~~Except as set forth in paragraph (3)(c), evaluation~~

963 ~~processes or requirements that are placed on home education~~
964 ~~student participants may not go beyond those that apply under s.~~
965 ~~1002.41 to home education students generally.~~

966 (6)~~(5)~~ An ~~Any~~ organization or entity that regulates or
967 governs interscholastic extracurricular activities of public
968 schools:

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

971 (b) Shall not discriminate against any eligible student
972 based on an educational choice of public, private, or home
973 education.

974 (7)~~(6)~~ Public schools are prohibited from membership in
975 any organization or entity that ~~which~~ regulates or governs
976 interscholastic extracurricular activities and discriminates
977 against eligible students in public, private, or home education.

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

983 ~~(8)(a) The Florida High School Athletic Association~~
984 ~~(FHSAA), in cooperation with each district school board, shall~~
985 ~~facilitate a program in which a middle school or high school~~
986 ~~student who attends a private school shall be eligible to~~
987 ~~participate in an interscholastic or intrascholastic sport at a~~
988 ~~public high school, a public middle school, or a 6-12 public~~

989 ~~school that is zoned for the physical address at which the~~
990 ~~student resides if:~~

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

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

998 ~~a. A deadline for each sport by which the private school~~
999 ~~student's parents must register with the public school in~~
1000 ~~writing their intent for their child to participate at that~~
1001 ~~school in the sport.~~

1002 ~~b. Requirements for a private school student to~~
1003 ~~participate, including, but not limited to, meeting the same~~
1004 ~~standards of eligibility, acceptance, behavior, educational~~
1005 ~~progress, and performance which apply to other students~~
1006 ~~participating in interscholastic or intrascholastic sports at a~~
1007 ~~public school or FHSAA member private school.~~

1008 ~~(b) The parents of a private school student participating~~
1009 ~~in a public school sport under this subsection are responsible~~
1010 ~~for transporting their child to and from the public school at~~
1011 ~~which the student participates. The private school the student~~
1012 ~~attends, the public school at which the student participates in~~
1013 ~~a sport, the district school board, and the FHSAA are exempt~~
1014 ~~from civil liability arising from any injury that occurs to the~~

HB 7137

2015

1015 ~~student during such transportation.~~

1016 ~~(c) For each academic year, a private school student may~~
1017 ~~only participate at the public school in which the student is~~
1018 ~~first registered under sub-subparagraph (a)2.a. or makes himself~~
1019 ~~or herself a candidate for an athletic team by engaging in a~~
1020 ~~practice.~~

1021 ~~(d) The athletic director of each participating FHSAA~~
1022 ~~member public school shall maintain the student records~~
1023 ~~necessary for eligibility, compliance, and participation in the~~
1024 ~~program.~~

1025 ~~(e) Any non-FHSAA member private school that has a student~~
1026 ~~who wishes to participate in this program must make all student~~
1027 ~~records, including, but not limited to, academic, financial,~~
1028 ~~disciplinary, and attendance records, available upon request of~~
1029 ~~the FHSAA.~~

1030 ~~(f) A student must apply to participate in this program~~
1031 ~~through the FHSAA program application process.~~

1032 ~~(g) Only students who are enrolled in non-FHSAA member~~
1033 ~~private schools consisting of 125 students or fewer are eligible~~
1034 ~~to participate in the program in any given academic year.~~

1035 Section 3. Section 1006.16, Florida Statutes, is amended
1036 to read:

1037 1006.16 Insuring school students engaged in
1038 extracurricular athletic activities against injury.—~~A~~ Any
1039 district school board, school athletic association, or school
1040 may formulate, conduct, and purchase a plan or method of

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

1059 Section 4. Subsection (1) of section 1006.19, Florida
 1060 Statutes, is amended to read:

1061 1006.19 Audit of records of nonprofit ~~corporations and~~
 1062 associations handling interscholastic activities.—

1063 (1) Each nonprofit association ~~or corporation~~ that
 1064 operates for the purpose of supervising and controlling
 1065 interscholastic activities of public high schools and whose
 1066 membership is composed of duly certified representatives of

HB 7137

2015

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

1076 Section 5. Subsection (3) of section 768.135, Florida
1077 Statutes, is amended to read:

1078 768.135 Volunteer team physicians; immunity.—

1079 (3) A practitioner licensed under chapter 458, chapter
1080 459, chapter 460, or s. 464.012 who gratuitously and in good
1081 faith conducts an evaluation pursuant to s. 1006.20
1082 ~~1006.20(2)(e)~~ is not liable for any civil damages arising from
1083 that evaluation unless the evaluation was conducted in a
1084 wrongful manner.

1085 Section 6. Effective upon the approval of the State Board
1086 of Education of the designation by the Commissioner of Education
1087 of a nonprofit association to govern interscholastic athletic
1088 competition in this state pursuant to section 15 of this act,
1089 paragraph (g) of subsection (2) of section 943.0438, Florida
1090 Statutes, is amended to read:

1091 943.0438 Athletic coaches for independent sanctioning
1092 authorities.—

HB 7137

2015

1093 (2) An independent sanctioning authority shall:
 1094 (g) Adopt bylaws or policies that require each youth
 1095 athlete who is suspected of sustaining a concussion or head
 1096 injury in a practice or competition to be immediately removed
 1097 from the activity. A youth athlete who has been removed from an
 1098 activity may not return to practice or competition until the
 1099 youth submits to the athletic coach a written medical clearance
 1100 to return stating that the youth athlete no longer exhibits
 1101 signs, symptoms, or behaviors consistent with a concussion or
 1102 other head injury. Medical clearance must be authorized by the
 1103 appropriate health care practitioner trained in the diagnosis,
 1104 evaluation, and management of concussions as defined by the
 1105 sports medicine advisory committee of a nonprofit ~~the Florida~~
 1106 ~~High School Athletic~~ association.

1107 Section 7. Subsections (17) and (18) of section 1002.20,
 1108 Florida Statutes, are amended to read:

1109 1002.20 K-12 student and parent rights.—Parents of public
 1110 school students must receive accurate and timely information
 1111 regarding their child's academic progress and must be informed
 1112 of ways they can help their child to succeed in school. K-12
 1113 students and their parents are afforded numerous statutory
 1114 rights including, but not limited to, the following:

1115 (17) ATHLETICS; PUBLIC HIGH SCHOOL.—

1116 (a) Eligibility.—Eligibility requirements for all students
 1117 participating in high school athletic competition must allow a
 1118 student to be eligible in the school in which he or she first

1119 enrolls each school year, the school in which the student makes
 1120 himself or herself a candidate for an athletic team by engaging
 1121 in practice before enrolling, or the school to which the student
 1122 has transferred with approval of the district school board, in
 1123 accordance with ~~the provisions of s. 1006.20~~ 1006.20(2)(a).

1124 (b) Medical evaluation.—Students must satisfactorily pass
 1125 a medical evaluation each year before participating in
 1126 athletics, unless the parent objects in writing based on
 1127 religious tenets or practices, in accordance with ~~the provisions~~
 1128 ~~of s. 1006.20~~ 1006.20(2)(d).

1129 (18) EXTRACURRICULAR ACTIVITIES.—In accordance with ~~the~~
 1130 ~~provisions of s. 1006.15:~~

1131 (a) Eligibility.—Students who meet specified academic and
 1132 conduct requirements are eligible to participate in
 1133 extracurricular activities.

1134 (b) Participation ~~Home education students.~~ All public
 1135 school students, including those enrolled in public schools of
 1136 choice and virtual education, all home education students, and
 1137 certain private school students may participate in any
 1138 extracurricular activity not offered by the student's school or
 1139 home education program at any public school in the school
 1140 district in which the student resides or a public school in
 1141 another school district which the student could choose to attend
 1142 pursuant to an interdistrict controlled open enrollment policy
 1143 ~~who meet specified academic and conduct requirements are~~
 1144 ~~eligible to participate in extracurricular activities at the~~

1145 ~~public school to which the student would be assigned or could~~
 1146 ~~choose to attend according to district school board policies, or~~
 1147 ~~may develop an agreement to participate at a private school.~~

1148 ~~(c) Charter school students.—Charter school students who~~
 1149 ~~meet specified academic and conduct requirements are eligible to~~
 1150 ~~participate in extracurricular activities at the public school~~
 1151 ~~to which the student would be assigned or could choose to attend~~
 1152 ~~according to district school board policies, unless such~~
 1153 ~~activity is provided by the student's charter school.~~

1154 ~~(d) Florida Virtual School full-time students.—Florida~~
 1155 ~~Virtual School full-time students who meet specified academic~~
 1156 ~~and conduct requirements are eligible to participate in~~
 1157 ~~extracurricular activities at the public school to which the~~
 1158 ~~student would be assigned or could choose to attend according to~~
 1159 ~~district school board policies.~~

1160 (c)~~(e)~~ Discrimination prohibited.—Organizations that
 1161 regulate or govern extracurricular activities of public schools
 1162 shall not discriminate against any eligible student based on an
 1163 educational choice of public, private, or home education.

1164 Section 8. Subsection (11) of section 1002.33, Florida
 1165 Statutes, is amended to read:

1166 1002.33 Charter schools.—

1167 (11) PARTICIPATION IN ~~INTERSCHOLASTIC~~ EXTRACURRICULAR
 1168 ACTIVITIES.—A charter school student is eligible to participate
 1169 in an ~~interscholastic~~ extracurricular activity at the public
 1170 school to which the student would be otherwise assigned to

HB 7137

2015

1171 attend pursuant to s. 1006.15 ~~1006.15(3)(d)~~.

1172 Section 9. Subsection (8) of section 1002.42, Florida
1173 Statutes, is amended to read:

1174 1002.42 Private schools.—

1175 (8) ATHLETIC COMPETITION.—A private school may participate
1176 in athletic competition with a public high school in accordance
1177 with ~~the provisions of~~ s. 1006.20 ~~1006.20(1)~~.

1178 Section 10. Effective upon the approval of the State Board
1179 of Education of the designation by the Commissioner of Education
1180 of a nonprofit association to govern interscholastic athletic
1181 competition in this state pursuant to section 15 of this act,
1182 subsection (1) of section 1006.165, Florida Statutes, is amended
1183 to read:

1184 1006.165 Automated external defibrillator; user training.—

1185 (1) Each public school that is a member of the nonprofit
1186 ~~Florida High School Athletic~~ association must have an
1187 operational automated external defibrillator on the school
1188 grounds. Public and private partnerships are encouraged to cover
1189 the cost associated with the purchase and placement of the
1190 defibrillator and training in the use of the defibrillator.

1191 Section 11. Effective upon the approval of the State Board
1192 of Education of the designation by the Commissioner of Education
1193 of a nonprofit association to govern interscholastic athletic
1194 competition in this state pursuant to section 15 of this act,
1195 section 1006.18, Florida Statutes, is amended to read:

1196 1006.18 Cheerleader safety standards.— The nonprofit

HB 7137

2015

1197 ~~Florida High School Athletic~~ association or successor
1198 organization shall adopt statewide uniform safety standards for
1199 student cheerleaders and spirit groups that participate in any
1200 school activity or extracurricular student activity. The
1201 nonprofit ~~Florida High School Athletic~~ association or successor
1202 organization shall adopt the "Official High School Spirit
1203 Rules," published by the National Federation of State High
1204 School Associations, as the statewide uniform safety standards.

1205 Section 12. Effective upon the approval of the State Board
1206 of Education of the designation by the Commissioner of Education
1207 of a nonprofit association to govern interscholastic athletic
1208 competition in this state pursuant to section 15 of this act,
1209 paragraph (a) of subsection (7) of section 1012.467, Florida
1210 Statutes, is amended to read:

1211 1012.467 Noninstructional contractors who are permitted
1212 access to school grounds when students are present; background
1213 screening requirements.—

1214 (7) (a) The Department of Law Enforcement shall implement a
1215 system that allows for the results of a criminal history check
1216 provided to a school district to be shared with other school
1217 districts through a secure Internet website or other secure
1218 electronic means. School districts must accept reciprocity of
1219 level 2 screenings for the nonprofit association's ~~Florida High~~
1220 ~~School Athletic Association~~ officials.

1221 Section 13. Effective upon the approval of the State Board
1222 of Education of the designation by the Commissioner of Education

HB 7137

2015

1223 of a nonprofit association to govern interscholastic athletic
 1224 competition in this state pursuant to section 15 of this act,
 1225 paragraph (g) of subsection (2) of section 1012.468, Florida
 1226 Statutes, is amended to read:

1227 1012.468 Exceptions to certain fingerprinting and criminal
 1228 history checks.—

1229 (2) A district school board shall exempt from the
 1230 screening requirements set forth in ss. 1012.465 and 1012.467
 1231 the following noninstructional contractors:

1232 (g) An investigator for the nonprofit ~~Florida High School~~
 1233 ~~Athletic~~ association ~~(FHSAA)~~ who meets the requirements of ~~under~~
 1234 s. 1006.20 ~~1006.20(2)(e)~~.

1235 Section 14. Effective upon the approval of the State Board
 1236 of Education of the designation by the Commissioner of Education
 1237 of a nonprofit association to govern interscholastic athletic
 1238 competition in this state pursuant to section 15 of this act,
 1239 paragraph (b) of subsection (2) of section 1012.55, Florida
 1240 Statutes, is amended to read:

1241 1012.55 Positions for which certificates required.—

1242 (2)

1243 (b) Completion of a sports safety course shall count for 6
 1244 hours of required school district inservice instruction for
 1245 athletic coaching certification if the course is approved by the
 1246 nonprofit ~~Florida High School Athletic~~ association ~~Board of~~
 1247 ~~Directors~~ and meets the following requirements:

1248 1. The course consists of at least eight modules.

1249 2. The course immediately provides an individual with a
1250 "merit" certificate at the time of successful completion.

1251 3. The course is delivered through hands-on and online
1252 teaching methods.

1253 4. The course is a hands-on course taught by either a
1254 state-licensed athletic trainer who holds a current certificate
1255 from the Board of Certification or a member of the American
1256 Academy of Orthopaedic Surgeons.

1257 5. Hands-on course material is less than 120 pages.

1258 6. The course covers sports safety specifically, excluding
1259 coaching principles and procedures for cardiopulmonary
1260 resuscitation.

1261 7. The course is authored or approved by at least 10
1262 health care professionals, including doctors of medicine,
1263 doctors of osteopathy, registered nurses, physical therapists,
1264 and certified athletic trainers.

1265 8. The course is revised and reviewed for updates at least
1266 once every 30 months.

1267 9. The course is available to the general public for a
1268 retail price under \$50.

1269 10. Each course examination is automated and taken online
1270 with a score of 80 percent or better for successful completion.

1271 Section 15. By July 1, 2017, the Commissioner of
1272 Education, with the approval of the State Board of Education,
1273 shall designate a nonprofit association to govern
1274 interscholastic athletic competition in this state. Following

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

1285 Section 16. Effective upon the approval of the State Board
 1286 of Education of the designation by the Commissioner of Education
 1287 of a nonprofit association to govern interscholastic athletic
 1288 competition in this state pursuant to section 15 of this act,
 1289 section 1006.20, Florida Statutes, as amended by this act, is
 1290 amended to read:

1291 1006.20 Athletics in public K-12 schools.-

1292 (1) GOVERNING NONPROFIT ASSOCIATION.-~~The Florida High~~
 1293 ~~School Athletic Association (FHSAA) is designated the governing~~
 1294 ~~nonprofit association for purposes of membership in the National~~
 1295 ~~Federation of State High School Associations. If the FHSAA fails~~
 1296 ~~to meet the provisions of this section,~~ The Commissioner of
 1297 Education, with the approval of the State Board of Education,
 1298 shall designate a nonprofit association to govern
 1299 interscholastic athletic competition in this state. The
 1300 nonprofit association designated by the commissioner shall be

HB 7137

2015

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

HB 7137

2015

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

1338 ~~(2) STUDENT ELIGIBILITY REQUIREMENTS; RECRUITING POLICIES;~~
1339 ~~ELIGIBILITY DISPUTE RESOLUTION. The FHSAA shall:~~

1340 (a) Establish eligibility requirements for all students
1341 who participate in high school athletic competition in its
1342 member schools. A student is eligible in the school in which he
1343 or she first enrolls each school year or the school in which the
1344 student makes himself or herself a candidate for an athletic
1345 team by engaging in a practice before enrolling in the school. A
1346 student who transfers during the school year is eligible in the
1347 school to which he or she transfers if the transfer is made by a
1348 deadline established by the nonprofit association ~~FHSAA~~, which
1349 may not be before the date authorized for the beginning of
1350 practice for the sport. If the date authorized for the beginning
1351 of practice is before the first day of the grading period in
1352 which the regular season games begin, the transfer deadline may

HB 7137

2015

1353 not be before the first day of such grading period. The student
1354 shall be eligible in that school so long as he or she remains
1355 enrolled in that school. Subsequent eligibility shall be
1356 determined and enforced through the nonprofit association's
1357 ~~FHSAA's~~ requirements. Requirements governing eligibility and
1358 transfer between member schools shall be applied similarly to
1359 all students.

1360 (b) Prohibit the recruiting of students for athletic
1361 purposes and prescribe penalties and an appeals process for
1362 athletic recruiting violations. If it is determined that a
1363 school has recruited a student, the nonprofit association ~~FHSAA~~
1364 may require the school to participate in a higher classification
1365 for the sport in which the recruited student competes for a
1366 minimum of one classification cycle, in addition to any other
1367 appropriate fine and sanction imposed on the school, its
1368 coaches, or adult representatives who commit recruiting
1369 violations. A student may only be declared ineligible based on a
1370 recruiting violation if the student or parent has committed an
1371 act specified in s. 1006.15(4)(b)2. or the nonprofit association
1372 ~~FHSAA~~ has imposed sanctions against the individuals or member
1373 school engaging in recruiting and the student or the parent has
1374 committed an act specified in s. 1006.15(4)(b)3. The nonprofit
1375 association ~~FHSAA~~ may not limit the competition of a student
1376 athlete prospectively for a rule violation by his or her school,
1377 the school's coach, or the student athlete's adult
1378 representative. The nonprofit association ~~FHSAA~~ may not punish a

HB 7137

2015

1379 student athlete for an eligibility or recruiting violation
1380 perpetrated by a teammate, coach, or administrator. A contest
1381 may not be forfeited for an inadvertent eligibility violation
1382 unless the coach or a school administrator should have known of
1383 the violation. Contests may not be forfeited for other
1384 eligibility violations or recruiting violations in excess of the
1385 number of contests from which the coaches and adult
1386 representatives responsible for the violations are prospectively
1387 suspended.

1388 (c) Require all students participating in interscholastic
1389 athletic competition or who are candidates for an
1390 interscholastic athletic team to satisfactorily pass a medical
1391 evaluation each year before participating in interscholastic
1392 athletic competition or engaging in any practice, tryout,
1393 workout, or other physical activity associated with the
1394 student's candidacy for an interscholastic athletic team. Such
1395 medical evaluation may be administered only by a practitioner
1396 licensed under chapter 458, chapter 459, chapter 460, or s.
1397 464.012, and in good standing with the practitioner's regulatory
1398 board. The nonprofit association ~~FHSAA~~ shall establish
1399 requirements for eliciting a student's medical history and
1400 performing the medical evaluation required under this paragraph,
1401 which shall include a physical assessment of the student's
1402 physical capabilities to participate in interscholastic athletic
1403 competition as contained in a uniform preparticipation physical
1404 evaluation and history form. The evaluation form shall

HB 7137

2015

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

1427 (d) Notwithstanding paragraph (c), allow a student to
1428 participate in interscholastic athletic competition or be a
1429 candidate for an interscholastic athletic team if the parent of
1430 the student objects in writing to the student undergoing a

HB 7137

2015

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

1440 (e) Regulate persons who conduct investigations on behalf
1441 of the nonprofit association ~~FHSAA~~. An investigator must:

1442 1. Undergo level 2 background screening under s. 435.04,
1443 establishing that the investigator has not committed any
1444 disqualifying offense listed in s. 435.04, unless the
1445 investigator can provide proof of compliance with level 2
1446 screening standards submitted within the previous 5 years to
1447 meet any professional licensure requirements, provided:

1448 a. The investigator has not had a break in service from a
1449 position that requires level 2 screening for more than 90 days;
1450 and

1451 b. The investigator submits, under penalty of perjury, an
1452 affidavit verifying that the investigator has not committed any
1453 disqualifying offense listed in s. 435.04 and is in full
1454 compliance with this paragraph.

1455 2. Be appointed as an investigator by the nonprofit
1456 association ~~FHSAA~~.

HB 7137

2015

1457 3. Carry a photo identification card that shows the
1458 nonprofit association's ~~FHSAA~~ name and logo and the
1459 investigator's official title.

1460 4. Adhere to the following guidelines:

1461 a. Investigate only those alleged violations assigned by
1462 the nonprofit association ~~FHSAA~~.

1463 b. Conduct interviews on Monday through Friday between the
1464 hours of 9 a.m. and 7 p.m. only, unless previously agreed to by
1465 the interviewee.

1466 c. Allow the parent of any student being interviewed to be
1467 present during the interview.

1468 d. Search residences or other private areas only with the
1469 permission of the nonprofit association ~~FHSAA~~ and the written
1470 consent of the student's parent and only with a parent or a
1471 representative of the parent present.

1472 (f) Establish sanctions for coaches who have committed
1473 major violations.

1474 1. Major violations include, but are not limited to,
1475 knowingly allowing an ineligible student to participate in a
1476 contest representing a member school in an interscholastic
1477 contest or committing a violation of the nonprofit association's
1478 ~~FHSAA's~~ recruiting or sports ethics policies.

1479 2. Sanctions placed upon an individual coach may include,
1480 but are not limited to, prohibiting or suspending the coach from
1481 coaching, participating in, or attending any athletic activity
1482 sponsored, recognized, or sanctioned by the nonprofit

HB 7137

2015

1483 association ~~FHSAA~~ and the member school for which the coach
1484 committed the violation. If a coach is sanctioned by the
1485 nonprofit association ~~FHSAA~~ and the coach transfers to another
1486 member school, those sanctions remain in full force and effect
1487 during the term of the sanction.

1488 3. If a member school is assessed a financial penalty as a
1489 result of a coach committing a major violation, the coach shall
1490 reimburse the member school before being allowed to coach,
1491 participate in, or attend any athletic activity sponsored,
1492 recognized, or sanctioned by the nonprofit association ~~FHSAA~~ and
1493 a member school.

1494 4. The nonprofit association ~~FHSAA~~ shall establish a due
1495 process procedure for coaches sanctioned under this paragraph.

1496 (g) Provide a process for the resolution of student
1497 eligibility disputes. The nonprofit association ~~FHSAA~~ shall
1498 provide an opportunity to resolve eligibility issues through an
1499 informal conference procedure. The nonprofit association ~~FHSAA~~
1500 must provide written notice to the student athlete, parent, and
1501 member school stating specific findings of fact that support a
1502 determination of ineligibility. The student athlete must request
1503 an informal conference if he or she intends to contest the
1504 charges. The informal conference must be held within 10 days
1505 after receipt of the student athlete's request. If the
1506 eligibility dispute is not resolved at the informal conference,
1507 the nonprofit association ~~FHSAA~~ shall provide a process for the
1508 timely and cost-effective resolution of an eligibility dispute

HB 7137

2015

1509 using a neutral third party, including the use of retired or
1510 former judges, mediation, or arbitration. The neutral third
1511 party shall be selected by the parent of the student athlete
1512 from a list maintained by the nonprofit association ~~FHSAA~~. A
1513 final determination regarding the eligibility dispute must be
1514 issued no later than 30 days after the informal conference. The
1515 process for resolving eligibility disputes must provide that:

- 1516 1. Ineligibility must be established by clear and
1517 convincing evidence.
- 1518 2. Student athletes, parents, and schools must have notice
1519 of the initiation of any investigation or other inquiry into
1520 eligibility and may present, to the investigator and to the
1521 individual or body making the eligibility determination, any
1522 information or evidence that is credible, persuasive, and of a
1523 kind reasonably prudent persons rely upon in the conduct of
1524 serious affairs.
- 1525 3. An investigator may not determine matters of
1526 eligibility but must submit information and evidence to the
1527 individual or body designated by the nonprofit association ~~FHSAA~~
1528 for an unbiased and objective determination of eligibility.
- 1529 4. A determination of ineligibility must be made in
1530 writing, setting forth the findings of fact and specific
1531 violation upon which the decision is based.
- 1532 5. Any proceedings concerning student athlete eligibility
1533 must be held in the county in which the student athlete resides
1534 and may be conducted by telephone, videoconference, or other

1535 electronic means.

1536 6. A student athlete may not be declared ineligible to
1537 participate in athletic competition until a final decision is
1538 issued by the neutral third party unless the determination of
1539 ineligibility is based on s. 1006.15(4)(b)1., 5., or 6. It is
1540 the responsibility of the member school to assess the facts
1541 underlying the eligibility dispute and any potential penalties
1542 that may result from a determination of ineligibility in
1543 deciding whether to allow the student athlete to continue to
1544 participate before a final eligibility determination.

1545 (h) Adopt guidelines to educate athletic coaches,
1546 officials, administrators, and student athletes and their
1547 parents about the nature and risk of concussion and head injury.

1548 (i) Require the parent of a student who is participating
1549 in interscholastic athletic competition or who is a candidate
1550 for an interscholastic athletic team to sign and return an
1551 informed consent that explains the nature and risk of concussion
1552 and head injury, including the risk of continuing to play after
1553 concussion or head injury, each year before participating in
1554 interscholastic athletic competition or engaging in any
1555 practice, tryout, workout, or other physical activity associated
1556 with the student's candidacy for an interscholastic athletic
1557 team.

1558 (j) Require each student athlete who is suspected of
1559 sustaining a concussion or head injury in a practice or
1560 competition to be immediately removed from the activity. A

HB 7137

2015

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

1571 (k) Establish duties of a sports medicine advisory
1572 committee composed of the following members:

- 1573 1. Eight physicians licensed under chapter 458 or chapter
1574 459, with at least one member licensed under chapter 459.
- 1575 2. One chiropractor licensed under chapter 460.
- 1576 3. One podiatrist licensed under chapter 461.
- 1577 4. One dentist licensed under chapter 466.
- 1578 5. Three athletic trainers licensed under part XIII of
1579 chapter 468.
- 1580 6. One member who is a current or retired head coach of a
1581 high school in the state.

1582 (l) Adopt guidelines, provide resources, and develop a
1583 training course to promote sports ethics in interscholastic
1584 athletics and require each member school to:

- 1585 1. Establish policies that promote sports ethics in its
1586 interscholastic athletic programs.

1587 2. Educate, on a continuing basis, student athletes,
1588 athletic coaches, and administrators regarding these policies.

1589 3. Annually administer the sports ethics training course
1590 to student athletes, athletic coaches, and administrators.

1591 4. Annually certify compliance with this paragraph by a
1592 deadline established by the nonprofit association ~~FHSAA~~.

1593

1594 In developing the sports ethics training course, the nonprofit
1595 association ~~FHSAA~~ may provide for multiple modes of delivery,
1596 including in-person seminars or videoconferencing, webinars, or
1597 other electronic means.

1598 ~~(2)-(3)~~ GOVERNING STRUCTURE ~~OF THE FHSAA~~.—

1599 (a) The nonprofit association ~~FHSAA~~ shall operate as a
1600 representative democracy in which the sovereign authority is
1601 within its member schools and the parents of students
1602 participating in interscholastic athletics within those schools.

1603 (b) Each member school, on its annual application for
1604 membership, shall name its official representative to the
1605 nonprofit association ~~FHSAA~~. This representative must be either
1606 the school principal or his or her designee. That designee must
1607 either be an assistant principal or athletic director housed
1608 within that same school.

1609 (c) The governing board of the nonprofit association ~~FHSAA~~
1610 shall consist of 16 members comprised proportionately of
1611 representatives from traditional public schools, public schools
1612 of choice, private schools, home education cooperatives, and

HB 7137

2015

1613 parents of student athletes who are enrolled in such schools or
1614 programs. The governing board must also be constituted in a
1615 manner that provides for equitable representation among the
1616 various regions of the state where the association's member
1617 schools are located. Any additional policymaking body
1618 established by the nonprofit association ~~FHSAA~~ must provide for
1619 proportionate representation of schools, programs, parents, and
1620 regions of the state as described in this paragraph.

1621 (d) The nonprofit association ~~FHSAA~~ shall annually require
1622 each member of the governing board or other policymaking body to
1623 attend nonprofit governance training, which must include
1624 government in the sunshine, conflicts of interest, ethics, and
1625 student athlete-centered decisionmaking consistent with the
1626 guiding principles for participation in extracurricular
1627 activities under s. 1006.15.

1628 Section 17. Except as otherwise expressly provided in this
1629 act, this act shall take effect July 1, 2015.