



CS/HB 31, Engrossed 1

2016

1 A bill to be entitled
2 An act relating to high school athletics; amending s.
3 1006.20, F.S.; providing that a private school may
4 join the Florida High School Athletic Association
5 (FHSAA) as a full-time member or on a per-sport basis;
6 authorizing a public school to apply for consideration
7 to join another athletic association; prohibiting the
8 FHSAA from taking any retributory or discriminatory
9 action against specified schools; authorizing the
10 Commissioner of Education to identify other
11 associations in compliance with specified provisions;
12 requiring the preparticipation physical evaluation
13 form to contain certain information relating to a
14 cardiovascular assessment that includes an
15 electrocardiogram; requiring the FHSAA to make
16 literature containing certain information available to
17 parents; providing a process for resolving student
18 eligibility disputes; providing an effective date.

19
20 Be It Enacted by the Legislature of the State of Florida:
21

22 Section 1. Paragraphs (g) through (m) of subsection (2) of
23 section 1006.20, Florida Statutes, are redesignated as
24 paragraphs (h) through (n), respectively, subsection (1) and
25 paragraph (c) and present paragraph (h) of subsection (2) are
26 amended, and a new paragraph (g) is added to subsection (2) of



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27 | that section, to read:

28 | 1006.20 Athletics in public K-12 schools.-

29 | (1) GOVERNING NONPROFIT ASSOCIATION ~~ORGANIZATION~~.--The
30 | Florida High School Athletic Association (FHSAA) is designated
31 | ~~as~~ the state's governing nonprofit association for purposes of
32 | membership in the National Federation of State High School
33 | Associations ~~organization of athletics in Florida public~~
34 | ~~schools~~. If, at any time, the FHSAA fails to meet the provisions
35 | of this part section, the commissioner, with the approval of the
36 | State Board of Education, shall designate another a nonprofit
37 | association ~~organization~~ to govern interscholastic athletic
38 | competition in this state and serve as Florida's voting member
39 | association of the National Federation of State High School
40 | Associations ~~athletics with the approval of the State Board of~~
41 | ~~Education~~. The FHSAA is not a state agency as defined in s.
42 | 120.52 but is. ~~The FHSAA shall be subject to ss. 1006.15-1006.19~~
43 | ~~the provisions of s. 1006.19~~. A private school that wishes to
44 | ~~engage in high school athletic competition with a public high~~
45 | ~~school may become a member of the FHSAA~~. Any high school in the
46 | state, including private schools, traditional public schools,
47 | charter schools, virtual schools, and home education
48 | cooperatives, may become a member of the FHSAA and participate
49 | in the activities of the FHSAA. ~~However,~~ Membership in the FHSAA
50 | is not mandatory for any school. The FHSAA must allow a private
51 | school the option of joining the association as a full-time
52 | member or on a per-sport basis and may not prohibit or



53 | discourage a private school from simultaneously maintaining
54 | membership in the FHSAA and another athletic association. The
55 | FHSAA may allow a public school the option to apply for
56 | consideration to join another athletic association on a per-
57 | sport basis. The FHSAA may not deny or discourage
58 | interscholastic competition between its member schools and
59 | nonmember ~~non-FHSAA member Florida~~ schools, including members of
60 | another athletic association ~~governing organization~~, and may not
61 | take any retributory or discriminatory action against any of its
62 | member schools that seek to participate in interscholastic
63 | competition with nonmember ~~non-FHSAA member Florida~~ schools or
64 | any of its member schools that seek membership in other
65 | associations for a sport for which they are not a member of the
66 | FHSAA. The FHSAA may not unreasonably withhold its approval of
67 | an application to become an affiliate member of the National
68 | Federation of State High School Associations submitted by any
69 | other association ~~organization~~ that governs interscholastic
70 | athletic competition in this state which meets the requirements
71 | of this section. The commissioner may identify other
72 | associations that govern interscholastic athletic competition in
73 | compliance with this section ~~The bylaws of the FHSAA are the~~
74 | ~~rules by which high school athletic programs in its member~~
75 | ~~schools, and the students who participate in them, are governed,~~
76 | ~~unless otherwise specifically provided by statute.~~ For the
77 | purposes of this section, "high school" includes grades 6
78 | through 12.



79 (2) ADOPTION OF BYLAWS, POLICIES, OR GUIDELINES.—

80 (c) The FHSAA shall adopt bylaws that require all students
81 participating in interscholastic athletic competition or who are
82 candidates for an interscholastic athletic team to
83 satisfactorily pass a medical evaluation each year prior to
84 participating in interscholastic athletic competition or
85 engaging in any practice, tryout, workout, or other physical
86 activity associated with the student's candidacy for an
87 interscholastic athletic team. Such medical evaluation may be
88 administered only by a practitioner licensed under chapter 458,
89 chapter 459, chapter 460, or s. 464.012, and in good standing
90 with the practitioner's regulatory board. The bylaws shall
91 establish requirements for eliciting a student's medical history
92 and performing the medical evaluation required under this
93 paragraph, which shall include a physical assessment of the
94 student's physical capabilities to participate in
95 interscholastic athletic competition as contained in a uniform
96 preparticipation physical evaluation and history form. The
97 evaluation form shall incorporate the recommendations of the
98 American Heart Association for participation cardiovascular
99 screening and shall provide a place for the signature of the
100 practitioner performing the evaluation with an attestation that
101 each examination procedure listed on the form was performed by
102 the practitioner or by someone under the direct supervision of
103 the practitioner. The form shall also contain a place for the
104 practitioner to indicate if a referral to another practitioner



105 | was made in lieu of completion of a certain examination
106 | procedure. The form shall provide a place for the practitioner
107 | to whom the student was referred to complete the remaining
108 | sections and attest to that portion of the examination. The
109 | preparticipation physical evaluation form shall contain
110 | information that advises a student ~~advise students~~ to complete a
111 | cardiovascular assessment that includes an electrocardiogram.
112 | The preparticipation physical evaluation form ~~and~~ shall also
113 | include information concerning alternative cardiovascular
114 | evaluation and diagnostic tests. Results of such medical
115 | evaluation must be provided to the school. No student shall be
116 | eligible to participate in any interscholastic athletic
117 | competition or engage in any practice, tryout, workout, or other
118 | physical activity associated with the student's candidacy for an
119 | interscholastic athletic team until the results of the medical
120 | evaluation have been received and approved by the school. The
121 | FHSAA shall make available to the parent of each student
122 | literature on the importance of a preparticipation
123 | cardiovascular assessment that includes an electrocardiogram.

124 | (g) The FHSAA shall provide a process for the resolution
125 | of student eligibility disputes which includes the opportunity
126 | to use an informal conference procedure.

127 | 1. The FHSAA must provide written notice to the student
128 | athlete, parent, and member school stating specific findings of
129 | fact that support a determination of ineligibility. The student
130 | athlete, parent, or member school must request an informal



131 conference within 10 days after receipt of such notice if
132 intending to contest the determination. The informal conference
133 must be held within 10 days after receipt of the request. The
134 informal conference may be held by telephone or by video
135 conference and, if video conference equipment is available, may
136 be conducted at the student's school.

137 2. If the eligibility dispute is not resolved at the
138 informal conference and if requested by the student athlete,
139 parent, or member school, the FHSAA must provide a formal
140 process for the timely and cost-effective resolution of an
141 eligibility dispute by a neutral third party whose decision is
142 binding on the parties to the dispute. The neutral third party
143 must be mutually agreed to by the parties and may be a retired
144 or former judge, a dispute resolution professional approved by
145 The Florida Bar or by the court in the circuit in which the
146 dispute arose, or a certified mediator or arbitrator in the
147 jurisdiction in which the dispute arose. If the parties cannot
148 mutually agree on a neutral third party, the FHSAA must select a
149 neutral third party at random from a list of dispute resolution
150 professionals maintained by The Florida Bar.

151 3. A final determination regarding the eligibility dispute
152 must be issued no later than 30 days after the informal
153 conference, unless an extension is agreed upon by both parties.

154 (i)~~(h)~~ In lieu of bylaws adopted under paragraph (h) ~~(g)~~,
155 the FHSAA may adopt bylaws providing as a minimum the procedural
156 safeguards of ss. 120.569 and 120.57, making appropriate



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157 | provision for appointment of unbiased and qualified hearing
158 | officers.

159 | Section 2. This act shall take effect July 1, 2016.