

1 A bill to be entitled
2 An act relating to high school athletics;
3 designating a nonprofit organization to govern
4 athletes in the public schools; requiring
5 bylaws establishing eligibility for student
6 participation in athletic competition;
7 providing for the structure, duties, and
8 responsibilities of the organization; requiring
9 a due process procedure; providing for bylaws
10 to require member schools to adopt nationally
11 recognized rules for sports; providing an
12 effective date.

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14 Be It Enacted by the Legislature of the State of Florida:
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16 Section 1. The Florida High School Activities
17 Association is designated as the governing nonprofit
18 organization of athletics in Florida public schools, provided
19 that the organization operates pursuant to the provisions of
20 this act by July 15, 1997. If the Florida High School
21 Activities Association fails to meet the provisions of this
22 act, the Commissioner of Education shall designate a nonprofit
23 organization to govern athletics with the approval of the
24 State Board of Education. The organization is not to be a
25 state agency as defined in s. 120.52, Florida Statutes. The
26 organization shall be subject to the provisions of s. 232.44,
27 Florida Statutes. A nonpublic school that wishes to engage in
28 high school athletic competition with a public high school may
29 become a member of the organization. The bylaws of the
30 organization are to be the rules by which high school athletic
31 programs in its member schools, and the students who

1 participate in them, are governed, unless otherwise
2 specifically provided by statute. For the purposes of this
3 act, "high school" includes grades 6 through 12.

4 Section 2. The organization shall adopt bylaws that,
5 unless specifically provided by statute, establish eligibility
6 requirements for all students who participate in high school
7 athletic competition in its member schools. The bylaws
8 governing residence and transfer shall allow the student to be
9 eligible in the school in which he or she first enrolls each
10 school year, or makes himself or herself a candidate for an
11 athletic team by engaging in a practice prior to enrolling in
12 any member school. The student shall be eligible in that
13 school so long as he or she remains enrolled in that school.
14 Subsequent eligibility shall be determined and enforced
15 through the organization's bylaws. Where the student lives,
16 with whom the student lives, or which school the student
17 attended the previous year shall not be a factor in
18 determining eligibility. The organization shall also adopt
19 bylaws that specifically prohibit the recruiting of students
20 for athletic purposes. The bylaws shall prescribe penalties
21 and an appeals process for athletic recruiting violations.

22 Section 3. The governing structure of the organization
23 is as follows:

24 (1) The organization shall operate as a representative
25 democracy in which the sovereign authority is within its
26 member schools. Except as provided in this act, the
27 organization shall govern its affairs through its bylaws.

28 (2) Each member school, on its annual application for
29 membership, shall name its official representative to the
30 organization. This representative must be either the principal
31 or his or her designee. That designee must either be an

1 assistant principal or athletic director housed within that
2 same school.

3 (3) The organization's membership shall be divided
4 along existing county lines into four contiguous and compact
5 administrative regions, each containing an equal or nearly
6 equal number of member schools to ensure equitable
7 representation on the organization's board of directors,
8 representative assembly, and committee on appeals.

9 Section 4. (1) The executive authority of the
10 organization shall be vested in its board of directors. The
11 board of directors shall be composed of 15 persons, as
12 follows:

13 (a) Four public member school representatives, one
14 elected from among its public school representative members
15 within each of the four administrative regions.

16 (b) Four nonpublic member school representatives, one
17 elected from among its nonpublic school representative members
18 within each of the four administrative regions.

19 (c) Two representatives appointed by the Commissioner
20 of Education, one appointed from the two northernmost
21 administrative regions and one appointed from the two
22 southernmost administrative regions.

23 (d) Two district school superintendents, one elected
24 from the two northernmost administrative regions by the
25 members in those regions and one elected from the two
26 southernmost administrative regions by the members in those
27 regions.

28 (e) Two district school board members, one elected
29 from the two northernmost administrative regions by the
30 members in those regions and one elected from the two
31

1 southernmost administrative regions by the members in those
2 regions.

3 (f) The Commissioner of Education or his or her
4 designee from the Department of Education executive staff.

5 (2) A quorum of the board of directors shall consist
6 of nine members.

7 (3) The board of directors shall elect a president and
8 a vice president from among its members. These officers shall
9 also serve as officers of the organization.

10 (4) Members of the board of directors shall serve
11 terms of 3 years and are eligible to succeed themselves only
12 once. A member of the board of directors, other than the
13 Commissioner of Education or his or her designee, may serve a
14 maximum of 6 consecutive years. The organization's bylaws
15 shall establish a rotation of terms to ensure that a majority
16 of the members' terms do not expire concurrently.

17 (5) The authority and duties of the board of
18 directors, acting as a body and in accordance with the
19 organization's bylaws, are as follows:

20 (a) To act as the incorporated organization's board of
21 directors and to fulfill the obligations of such as required
22 by the organization's charter and articles of incorporation.

23 (b) To establish such guidelines, regulations,
24 policies, and procedures as are authorized by the bylaws.

25 (c) To provide a commissioner for the organization.
26 The commissioner shall have the authority to waive the bylaws
27 of the organization in order to comply with statutory changes.

28 (d) To levy annual dues and other fees and to set the
29 percentage of contest receipts which is to be collected by the
30 organization.

31 (e) To approve the budget of the organization.

1 (f) To organize and conduct statewide interscholastic
2 competitions, which may or may not lead to state
3 championships, and to establish the terms and conditions for
4 these competitions.

5 (g) To act as an administrative board in the
6 interpretation of, and final decision on, all questions and
7 appeals arising from the directing of interscholastic
8 athletics of member schools.

9 Section 5. (1) The legislative authority of the
10 organization is vested in its representative assembly.

11 (2) The representative assembly shall be composed of
12 the following:

13 (a) An equal number of member school representatives
14 from each of the four administrative regions.

15 (b) Four district school superintendents, one elected
16 from each of the four administrative regions by the district
17 school superintendents in their respective administrative
18 regions.

19 (c) Four district school board members, one elected
20 from each of the four administrative regions by the district
21 school board members in their respective administrative
22 regions.

23 (d) The Commissioner of Education or his or her
24 designee from the Department of Education executive staff.

25 (3) The organization's bylaws shall establish the
26 number of member school representatives to serve on the
27 representative assembly from each of the four administrative
28 regions and shall establish the method for their selection.

29 (4) No member of the board of directors other than the
30 Commissioner of Education or his or her designee can serve on
31 the representative assembly.

1 (5) The representative assembly shall elect a
2 chairperson and a vice chairperson from among its members.

3 (6) Elected members of the representative assembly
4 shall serve terms of 2 years and are eligible to succeed
5 themselves for two additional terms. An elected member, other
6 than the Commissioner of Education or his or her designee, may
7 serve a maximum of 6 consecutive years in the representative
8 assembly.

9 (7) A quorum of the representative assembly consists
10 of one more than half of its members.

11 (8) The authority of the representative assembly is
12 limited to its sole duty, which is to consider, adopt, or
13 reject any proposed amendments to the organization's bylaws.

14 (9) The representative assembly shall meet as a body
15 annually. A two-thirds majority of the votes cast by members
16 present is required for passage of any proposal.

17 Section 6. (1) The organization shall establish,
18 sustain, fund, and provide staff support to a public liaison
19 advisory committee composed of the following:

20 (a) The Commissioner of Education or his or her
21 designee.

22 (b) A member public school principal.

23 (c) A member nonpublic school principal.

24 (d) A member school principal who is a member of a
25 racial minority.

26 (e) An active athletic director.

27 (f) An active coach, who is employed full time by a
28 member school.

29 (g) A student athlete.

30 (h) A district school superintendent.

31 (i) A district school board member.

- 1 (j) A member of the Florida House of Representatives.
2 (k) A member of the Florida Senate.
3 (l) A parent of a high school student.
4 (m) A member of a home education association.
5 (n) A representative of the business community.
6 (o) A representative of the news media.
7 (2) No member of the board of directors, committee on
8 appeals, or representative assembly is eligible to serve on
9 the public liaison advisory committee.
10 (3) The public liaison advisory committee shall elect
11 a chairperson and vice chairperson from among its members.
12 (4) The authority and duties of the public liaison
13 advisory committee are as follows:
14 (a) To act as a conduit through which the general
15 public may have input into the decisionmaking process of the
16 organization and to assist the organization in the development
17 of procedures regarding the receipt of public input and
18 disposition of complaints related to high school athletic and
19 competition programs.
20 (b) To conduct public hearings annually in each of the
21 four administrative regions during which interested parties
22 may address issues regarding the effectiveness of the rules,
23 operation, and management of the organization.
24 (c) To conduct an annual evaluation of the
25 organization as a whole and present a report of its findings,
26 conclusion, and recommendations to the board of directors, to
27 the Commissioner of Education, and to the respective education
28 committees of the Florida Senate and the Florida House of
29 Representatives. The recommendations must delineate policies
30 and procedures that will improve the implementation and
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1 oversight of high school athletic programs by the
2 organization.

3 (5) The public liaison advisory committee shall meet
4 four times annually. Additional meetings may be called by the
5 committee chairperson, the organization president, or the
6 organization commissioner.

7 Section 7. (1) The organization shall establish a
8 procedure of due process which ensures each student the
9 opportunity to appeal an unfavorable ruling with regard to his
10 or her eligibility to compete. The initial appeal shall be
11 made to a committee on appeals within the administrative
12 region in which the student lives. The organization's bylaws
13 shall establish the number, size, and composition of the
14 committee on appeals.

15 (2) No member of the board of directors is eligible to
16 serve on the committee on appeals.

17 (3) Members of the committee on appeals shall serve
18 terms of 3 years and are eligible to succeed themselves only
19 once. A member of the committee on appeals may serve a
20 maximum of 6 consecutive years. The organization's bylaws
21 shall establish a rotation of terms to ensure that a majority
22 of the members' terms do not expire concurrently.

23 (4) The authority and duties of the committee on
24 appeals shall be to consider requests by member schools
25 seeking exceptions to bylaws and regulations, to hear undue
26 hardship eligibility cases filed by member schools on behalf
27 of student athletes, and to hear appeals filed by member
28 schools.

29 (5) A student athlete or member school that receives
30 an unfavorable ruling from a committee on appeals shall be
31 entitled to appeal that decision to the board of directors at

1 its next regularly scheduled meeting or called meeting. The
2 board of directors shall have the authority to uphold,
3 reverse, or amend the decision of the committee on appeals.
4 In all such cases, the decision of the board of directors
5 shall be final.

6 Section 8. Each member school representative, the
7 board of directors acting as a whole or as members acting
8 individually, any advisory committee acting as a whole to be
9 established by the organization, and the organization's
10 commissioner are empowered to propose amendments to the
11 bylaws. Any other individual may propose an amendment by
12 securing the sponsorship of any of the aforementioned
13 individuals or bodies. All proposed amendments must be
14 submitted directly to the representative assembly for its
15 consideration. The representative assembly, while empowered to
16 adopt, reject, or revise proposed amendments, may not, in and
17 of itself, as a body be allowed to propose any amendment for
18 its own consideration.

19 Section 9. The bylaws of the organization shall
20 require member schools to adopt rules for sports, which have
21 been established by a nationally recognized sanctioning body,
22 unless waived by at least a two-thirds vote of the board of
23 directors.

24 Section 10. This act shall take effect upon becoming a
25 law.