

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative(s) Pickens offered the following:

2

3 **Amendment to Senate Amendment (935344) (with title**  
4 **amendment)**

5 On page 1, line 17, through page 14, line 8, remove all of  
6 said lines and insert:

7 Section 1. Effective August 1, 2008, subsections (1)  
8 through (8) of section 1006.20, Florida Statutes, are amended to  
9 read:

10 1006.20 Athletics in public K-12 schools.--

11 (1) GOVERNING NONPROFIT ORGANIZATION.--The Florida High  
12 School Athletic Association is designated ~~as~~ the governing  
13 nonprofit organization of athletics in Florida public schools.  
14 If the Florida High School Athletic Association fails to comply  
15 with ~~meet the provisions of~~ this section, the Commissioner of  
16 Education shall designate a nonprofit organization to govern

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17 athletics with the approval of the State Board of Education. The  
18 organization is not ~~to be~~ a state agency as defined in s.  
19 120.52. The organization is ~~shall be~~ subject to the ~~provisions~~  
20 ~~of~~ s. 1006.19. A nonpublic ~~private~~ school that wishes to engage  
21 in high school athletic competition with a public high school  
22 may become a member of the organization. The bylaws of the  
23 organization are ~~to be~~ the rules by which high school athletic  
24 programs in its member schools, and the students who participate  
25 in them, are governed, unless otherwise specifically provided by  
26 law statute. For ~~the~~ purposes of this section, "high school"  
27 includes grades 6 through 12.

28 (2) ADOPTION OF BYLAWS.--

29 (a) The organization shall adopt bylaws that, unless  
30 specifically provided by law statute, establish eligibility  
31 requirements for all students who participate in high school  
32 athletic competition in its member schools. The bylaws governing  
33 residence and transfer shall allow a ~~the~~ student to be eligible  
34 in the school in which he or she first enrolls each school year,  
35 or makes himself or herself a candidate for an athletic team by  
36 engaging in a practice before ~~prior to~~ enrolling in any member  
37 school. The student is ~~shall be~~ eligible in that school so long  
38 as he or she remains enrolled in that school. Subsequent  
39 eligibility shall be determined and enforced through the  
40 organization's bylaws.

41 (b) The organization shall adopt bylaws that specifically  
42 prohibit the recruiting of students for athletic purposes. The  
43 bylaws shall prescribe penalties and an appeals process for  
44 athletic recruiting violations.

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45 (c) The organization shall adopt bylaws that require all  
46 students participating in interscholastic athletic competition  
47 or who are candidates for an interscholastic athletic team to  
48 satisfactorily pass a medical evaluation each year before ~~prior~~  
49 ~~to~~ participating in interscholastic athletic competition or  
50 engaging in any practice, tryout, workout, or other physical  
51 activity associated with the student's candidacy for an  
52 interscholastic athletic team. Such medical evaluation can only  
53 be administered by a practitioner licensed under ~~the provisions~~  
54 ~~of~~ chapter 458, chapter 459, chapter 460, or s. 464.012, and in  
55 good standing with the practitioner's regulatory board. The  
56 bylaws shall establish requirements for eliciting a student's  
57 medical history and performing the medical evaluation required  
58 under this paragraph, which shall include a physical assessment  
59 of the student's physical capabilities to participate in  
60 interscholastic athletic competition as contained in a uniform  
61 preparticipation physical evaluation and history form. The  
62 evaluation form shall incorporate the recommendations of the  
63 American Heart Association for participation cardiovascular  
64 screening and shall provide a place for the signature of the  
65 practitioner performing the evaluation with an attestation that  
66 each examination procedure listed on the form was performed by  
67 the practitioner or by someone under the direct supervision of  
68 the practitioner. The form shall also contain a place for the  
69 practitioner to indicate if a referral to another practitioner  
70 was made in lieu of completion of a certain examination  
71 procedure. The form shall provide a place for the practitioner  
72 to whom the student was referred to complete the remaining

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73 sections and attest to that portion of the examination. The  
74 preparticipation physical evaluation form shall advise students  
75 to complete a cardiovascular assessment and shall include  
76 information concerning alternative cardiovascular evaluation and  
77 diagnostic tests. Results of such medical evaluation must be  
78 provided to the school. A ~~No~~ student is not ~~shall be~~ eligible to  
79 participate in any interscholastic athletic competition or  
80 engage in any practice, tryout, workout, or other physical  
81 activity associated with the student's candidacy for an  
82 interscholastic athletic team until the results of the medical  
83 evaluation are ~~have been~~ received and approved by the school.

84 (d) Notwithstanding ~~the provisions of~~ paragraph (c), a  
85 student may participate in interscholastic athletic competition  
86 or be a candidate for an interscholastic athletic team if the  
87 parent of the student objects in writing to the student  
88 undergoing a medical evaluation because such evaluation is  
89 contrary to his or her religious tenets or practices. However,  
90 in such case, there is ~~shall be~~ no liability on the part of any  
91 person or entity in a position to otherwise rely on the results  
92 of such medical evaluation for any damages resulting from the  
93 student's injury or death arising directly from the student's  
94 participation in interscholastic athletics where an undisclosed  
95 medical condition that would have been revealed in the medical  
96 evaluation is a proximate cause of the injury or death.

97 (3) GOVERNING STRUCTURE OF THE ORGANIZATION.--

98 (a) The organization shall operate as a representative  
99 democracy in which the sovereign authority is within its member

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100 schools. Except as provided in this section, the organization  
101 shall govern its affairs through its bylaws.

102 (b) Each member school, on its annual application for  
103 membership, shall name its official representative to the  
104 organization. This representative must be either the school  
105 principal or his or her designee. That designee must either be  
106 an assistant principal or athletic director housed within that  
107 same school.

108 (c) The organization's membership shall be divided along  
109 existing county lines into four contiguous and compact  
110 administrative sections ~~regions~~, each containing an equal or  
111 nearly equal number of member schools to ensure equitable  
112 representation on the organization's board of directors,  
113 representative assembly, ~~and sectional committee on~~ appeals  
114 committees, and state appeals boards.

115 (4) BOARD OF DIRECTORS.--

116 (a) The executive authority of the organization shall be  
117 vested in its board of directors. Any entity that appoints  
118 members to the board of directors shall examine the ethnic and  
119 demographic composition of the board when selecting candidates  
120 for appointment and shall, to the greatest extent possible, make  
121 appointments that reflect state demographic and population  
122 trends. The board of directors shall be composed of 16 persons,  
123 as follows:

124 1. Four member public ~~member~~ school representatives, each  
125 ~~one~~ elected from among the member ~~its~~ public school  
126 representatives ~~representative members~~ within each of the four  
127 administrative sections ~~regions~~.

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128           2. Four member nonpublic ~~member~~ school representatives,  
129 each one elected from among the member ~~its~~ nonpublic school  
130 representatives ~~representative members~~ within each of the four  
131 administrative sections ~~regions~~.

132           3. Three representatives appointed by the Commissioner of  
133 Education, one appointed from the two northernmost  
134 administrative sections ~~regions~~ and one appointed from the two  
135 southernmost administrative sections ~~regions~~. The third  
136 representative shall be appointed to balance the board for  
137 diversity or state population trends, or both.

138           4. Two district school superintendents, one elected from  
139 the two northernmost administrative sections ~~regions~~ by the  
140 members in those sections ~~regions~~ and one elected from the two  
141 southernmost administrative sections ~~regions~~ by the members in  
142 those sections ~~regions~~.

143           5. Two district school board members, one elected from the  
144 two northernmost administrative sections ~~regions~~ by the members  
145 in those sections ~~regions~~ and one elected from the two  
146 southernmost administrative sections ~~regions~~ by the members in  
147 those sections ~~regions~~.

148           6. The Commissioner of Education or his or her designee  
149 from the department's ~~department~~ executive staff.

150           (b) A quorum of the board of directors is ~~shall consist of~~  
151 nine members.

152           (c) The board of directors shall elect a president and a  
153 vice president from among its members. These officers shall also  
154 serve as officers of the organization.

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155 (d) Members of the board of directors shall serve terms of  
156 3 years and are eligible to succeed themselves only once. A  
157 member of the board of directors, other than the Commissioner of  
158 Education or his or her designee, may serve a maximum of 6  
159 consecutive years. The organization's bylaws shall establish a  
160 rotation of terms to ensure that a majority of the members'  
161 terms do not expire concurrently.

162 (e) The authority and duties of the board of directors,  
163 acting as a body and in accordance with the organization's  
164 bylaws, are as follows:

165 1. To act as the incorporated organization's board of  
166 directors and to fulfill its obligations as required by the  
167 organization's charter and articles of incorporation.

168 2. To establish such guidelines, regulations, policies,  
169 and procedures as are authorized by the bylaws.

170 3. To provide an executive director ~~organization~~  
171 ~~commissioner~~, who shall have the authority to waive the bylaws  
172 of the organization if necessary ~~in order~~ to comply with  
173 statutory changes.

174 4. To levy annual dues and other fees and to set the  
175 percentage of contest receipts to be collected by the  
176 organization.

177 5. To approve the budget of the organization.

178 6. To organize and conduct statewide interscholastic  
179 competitions, which may or may not lead to state championships,  
180 and to establish the terms and conditions for these  
181 competitions. The terms and conditions must establish separate

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182 interscholastic playoff systems for public schools and nonpublic  
183 schools which lead to separate championships.

184 7. To act as an administrative board in the interpretation  
185 of, and final decision on, all questions and appeals arising  
186 from the directing of interscholastic athletics of member  
187 schools.

188 (5) REPRESENTATIVE ASSEMBLY.--

189 (a) The legislative authority of the organization is  
190 vested in its representative assembly.

191 (b) The representative assembly shall be composed of the  
192 following:

193 1. An equal number of member school representatives from  
194 each of the four administrative sections, divided  
195 proportionately between the public and nonpublic member schools  
196 in each section ~~regions~~.

197 2. Four district school superintendents, one elected from  
198 each of the four administrative sections ~~regions~~ by the district  
199 school superintendents in the ~~their~~ respective administrative  
200 section ~~regions~~.

201 3. Four district school board members, one elected from  
202 each of the four administrative sections ~~regions~~ by the district  
203 school board members in the ~~their~~ respective administrative  
204 section ~~regions~~.

205 4. The Commissioner of Education or his or her designee  
206 from the department's ~~department~~ executive staff.

207 (c) The organization's bylaws shall establish the number  
208 of member school representatives to serve in the representative

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209 assembly from each of the four administrative sections ~~regions~~  
210 and shall establish the method for their selection.

211 (d) A ~~No~~ member of the board of directors other than the  
212 Commissioner of Education or his or her designee may not ~~can~~  
213 serve in the representative assembly.

214 (e) The representative assembly shall elect a chairperson  
215 and a vice chairperson from among its members.

216 (f) Elected members of the representative assembly shall  
217 serve terms of 2 years and are eligible to succeed themselves  
218 for two additional terms. An elected member, other than the  
219 Commissioner of Education or his or her designee, may serve a  
220 maximum of 6 consecutive years in the representative assembly.

221 (g) A quorum of the representative assembly is ~~consists of~~  
222 one more than half of its members.

223 (h) The authority of the representative assembly is  
224 limited to its sole duty, which is to consider, adopt, or reject  
225 any proposed amendments to the organization's bylaws.

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

229 (6) PUBLIC LIAISON ADVISORY COMMITTEE.--

230 (a) The organization shall establish, sustain, fund, and  
231 provide staff support to a public liaison advisory committee  
232 composed of the following:

- 233 1. The Commissioner of Education or his or her designee.  
234 2. A member public school principal.  
235 3. A member nonpublic ~~private~~ school principal.

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- 236           4. A member school principal who is a member of a racial  
237 minority.
- 238           5. An active athletic director.
- 239           6. An active coach, who is employed full time by a member  
240 school.
- 241           7. A student athlete.
- 242           8. A district school superintendent.
- 243           9. A district school board member.
- 244           10. A member of the Florida House of Representatives.
- 245           11. A member of the Florida Senate.
- 246           12. A parent of a high school student.
- 247           13. A member of a home education association.
- 248           14. A representative of the business community.
- 249           15. A representative of the news media.
- 250           (b) A ~~No~~ member of the board of directors, sectional  
251 ~~committee on appeals~~ committee, state appeals board, or the  
252 representative assembly may not ~~is eligible to~~ serve on the  
253 public liaison advisory committee.
- 254           (c) The public liaison advisory committee shall elect a  
255 chairperson and vice chairperson from among its members.
- 256           (d) The authority and duties of the public liaison  
257 advisory committee are as follows:
- 258           1. To act as a conduit through which the general public  
259 may have input into the decisionmaking process of the  
260 organization and to assist the organization in the development  
261 of procedures regarding the receipt of public input and  
262 disposition of complaints related to high school athletic and  
263 competition programs.

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264           2. To conduct public hearings annually in each of the four  
265 administrative sections ~~regions~~ during which interested parties  
266 may address issues regarding the effectiveness of the rules,  
267 operation, and management of the organization.

268           3. To conduct an annual evaluation of the organization as  
269 a whole and present a report of its findings, conclusions  
270 ~~conclusion~~, and recommendations to the board of directors, to  
271 the Commissioner of Education, and to the respective education  
272 committees of the Florida Senate and the Florida House of  
273 Representatives. The recommendations must delineate policies and  
274 procedures that will improve the implementation and oversight of  
275 high school athletic programs by the organization.

276           (e) The public liaison advisory committee shall meet four  
277 times annually. Additional meetings may be called by the  
278 committee chairperson, the organization president, or the  
279 executive director of the organization ~~commissioner~~.

280           (7) DUE PROCESS PROCEDURES APPEALS.--

281           (a)1. The bylaws of the organization shall provide for the  
282 appointment of a judicial officer. The four member public school  
283 representatives and four member nonpublic school representatives  
284 on the organization's board of directors shall jointly nominate  
285 at least three candidates for the judicial officer, and the full  
286 board of directors shall appoint the judicial officer from among  
287 the nominees. The organization's executive director may not  
288 serve as the judicial officer.

289           2. The organization's executive director or designee shall  
290 investigate alleged violations of the organization's bylaws, or  
291 of guidelines, regulations, policies, and procedures authorized

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292 by the bylaws, and submit investigative findings to the judicial  
293 officer. The judicial officer may not participate in the  
294 investigation. The member school or student athlete accused of a  
295 violation must have the opportunity to review the investigative  
296 findings and submit a written response within a period specified  
297 in the bylaws. Upon review of the investigative findings and  
298 written response of the accused school or student athlete, if  
299 submitted, the judicial officer shall determine whether the  
300 accused school or student athlete committed a violation and, if  
301 a violation is committed, impose the penalties authorized by the  
302 bylaws.

303 (b)1.(a) The organization shall establish a procedure of  
304 due process which ensures each member school or student athlete  
305 the opportunity to appeal an unfavorable ruling with regard to  
306 his or her eligibility to compete.

307 2. The initial appeal of an unfavorable ruling adversely  
308 affecting a student athlete shall be made to a sectional appeals  
309 committee on appeals within the administrative section region in  
310 which the student athlete resides lives. The organization's  
311 bylaws shall establish the number, size, and composition of the  
312 sectional committee on appeals committees.

313 3. The initial appeal of an unfavorable ruling adversely  
314 affecting a member school shall be made to one of two state  
315 appeals boards. One board shall decide appeals from member  
316 public schools and the other board shall decide appeals from  
317 member nonpublic schools. Each board shall be composed of five  
318 members. The public school representatives on the representative  
319 assembly from each of the four administrative sections shall

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320 each appoint one member to the state appeals board for public  
321 schools. The nonpublic school representatives on the  
322 representative assembly from each of the four administrative  
323 sections shall each appoint one member to the state appeals  
324 board for nonpublic schools. The Commissioner of Education shall  
325 appoint one additional member to each state appeals board, who  
326 shall serve as chair of the respective board. At least one  
327 member of each state appeals board must be an attorney.

328 (c)-(b) A ~~no~~ member of the board of directors may not is  
329 eligible to serve on a sectional appeals the committee or state  
330 en appeals board.

331 (d)-(e) Members of the sectional ~~committee on~~ appeals  
332 committees or state appeals boards shall serve terms of 3 years  
333 and are eligible to succeed themselves only once. A member of a  
334 sectional the ~~committee on~~ appeals committee or state appeals  
335 board may serve a maximum of 6 consecutive years. The  
336 organization's bylaws shall establish a rotation of terms to  
337 ensure that a majority of the members' terms do not expire  
338 concurrently.

339 (e)-(d) The authority and duties of the sectional ~~committee~~  
340 en appeals committees shall be to consider requests by member  
341 schools seeking exceptions to bylaws and regulations, to hear  
342 undue hardship eligibility cases filed by member schools on  
343 behalf of student athletes, and to hear appeals filed by member  
344 schools relating to a student athlete's eligibility.

345 (f)-(e) A student athlete or member school that receives an  
346 unfavorable ruling from a sectional ~~committee on~~ appeals  
347 committee or state appeals board is ~~shall be~~ entitled to appeal

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348 ~~the that~~ decision to the board of directors at its next  
349 regularly scheduled meeting or called meeting. The board of  
350 directors ~~has shall~~ have the authority to uphold, reverse, or  
351 amend the decision of the sectional committee ~~on~~ appeals  
352 committee or state appeals board. In all such cases, the  
353 decision of the board of directors ~~is shall be~~ final.

354 (8) AMENDMENT OF BYLAWS.--Each member school  
355 representative, the board of directors acting as a whole or as  
356 members acting individually, any advisory committee acting as a  
357 whole to be established by the organization, and the  
358 organization's executive director ~~commissioner~~ are empowered to  
359 propose amendments to the bylaws. Any other individual may  
360 propose an amendment by securing the sponsorship of any of the  
361 aforementioned individuals or bodies. All proposed amendments  
362 must be submitted directly to the representative assembly for  
363 its consideration. The representative assembly, while empowered  
364 to adopt, reject, or revise proposed amendments, may not, in and  
365 of itself, as a body ~~be allowed to~~ propose any amendment for its  
366 own consideration.

367 Section 2. Subsection (10) is added to section 1006.20,  
368 Florida Statutes, to read:

369 1006.20 Athletics in public K-12 schools.--

370 (10) RANDOM DRUG TESTING PROGRAM.--

371

372 ===== T I T L E A M E N D M E N T =====

373 On page 14, remove line(s) 18-27, and insert:

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HOUSE AMENDMENT

Bill No. CS/HB 461

Amendment No.

375 revising the membership of board of directors and representative  
376 assembly of the Florida High School Athletic Association;  
377 redesignating the association's commissioner as executive  
378 director; limiting the executive director's authority to waive  
379 the organization's bylaws; requiring separate playoff systems  
380 for public and nonpublic schools; revising requirements for the  
381 association's bylaws; requiring the executive director or  
382 designee to investigate violations of the association's bylaws  
383 and policies; providing for the nomination and appointment of a  
384 judicial officer to determine violations of the association's  
385 bylaws and policies and impose penalties; authorizing a member  
386 school or student athlete accused of a violation to review  
387 investigative findings and submit a written response; specifying  
388 that an appeal of a student athlete is made to a sectional  
389 appeals committee; providing for the appointment of state  
390 appeals boards to decide the appeals of member schools;  
391 providing minimum qualifications for board members; providing  
392 for future effect; amending s. 1006.20, F.S.;

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