

Bill No. CS/HB 461, 1st Eng.

Barcode 935344

CHAMBER ACTION

Senate

House

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Senator Webster moved the following amendment:

**Senate Amendment (with title amendment)**

Lines 34 through 37, delete those lines,

and insert:

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

1006.20 Athletics in ~~public~~ K-12 schools in this state.--

(1) GOVERNING NONPROFIT ORGANIZATION.--The Florida High School Athletic Association is designated as the governing nonprofit organization of athletics in Florida public schools. If the Florida High School Athletic Association fails to meet the provisions of this section, the commissioner shall designate a nonprofit organization to govern athletics with the approval of the State Board of Education. The organization is not to be a state agency as defined in s. 120.52. The Florida Private High School Athletic Association is designated as the governing nonprofit organization of athletics in Florida private schools. The

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1 ~~organization shall be subject to the provisions of s. 1006.19.~~  
2 ~~A private school that wishes to engage in high school athletic~~  
3 ~~competition with a public high school may become a member of~~  
4 ~~the organization.~~ The bylaws of the organization are to be the  
5 rules by which high school athletic programs in its member  
6 schools, and the students who participate in them, are  
7 governed, unless otherwise specifically provided by statute.  
8 For the purposes of this section, "high school" includes  
9 grades 6 through 12.

10 (2) ADOPTION OF BYLAWS.--

11 (a) Each ~~The~~ organization shall adopt bylaws that,  
12 unless specifically provided by statute, establish eligibility  
13 requirements for all students who participate in high school  
14 athletic competition in its member schools. The bylaws  
15 governing residence and transfer shall allow the student to be  
16 eligible in the school in which he or she first enrolls each  
17 school year, or makes himself or herself a candidate for an  
18 athletic team by engaging in a practice prior to enrolling in  
19 any member school. The student shall be eligible in that  
20 school so long as he or she remains enrolled in that school.  
21 Subsequent eligibility shall be determined and enforced  
22 through the organization's bylaws.

23 (b) Each ~~The~~ organization shall adopt bylaws that  
24 specifically prohibit the recruiting of students for athletic  
25 purposes. The bylaws shall prescribe penalties and an appeals  
26 process for athletic recruiting violations.

27 (c) Each ~~The~~ organization shall adopt bylaws that  
28 require all students participating in interscholastic athletic  
29 competition or who are candidates for an interscholastic  
30 athletic team to satisfactorily pass a medical evaluation each  
31 year prior to participating in interscholastic athletic

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1 competition or engaging in any practice, tryout, workout, or  
2 other physical activity associated with the student's  
3 candidacy for an interscholastic athletic team. Such medical  
4 evaluation can only be administered by a practitioner licensed  
5 under the provisions of chapter 458, chapter 459, chapter 460,  
6 or s. 464.012, and in good standing with the practitioner's  
7 regulatory board. The bylaws shall establish requirements for  
8 eliciting a student's medical history and performing the  
9 medical evaluation required under this paragraph, which shall  
10 include a physical assessment of the student's physical  
11 capabilities to participate in interscholastic athletic  
12 competition as contained in a uniform preparticipation  
13 physical evaluation and history form. The evaluation form  
14 shall incorporate the recommendations of the American Heart  
15 Association for participation cardiovascular screening and  
16 shall provide a place for the signature of the practitioner  
17 performing the evaluation with an attestation that each  
18 examination procedure listed on the form was performed by the  
19 practitioner or by someone under the direct supervision of the  
20 practitioner. The form shall also contain a place for the  
21 practitioner to indicate if a referral to another practitioner  
22 was made in lieu of completion of a certain examination  
23 procedure. The form shall provide a place for the practitioner  
24 to whom the student was referred to complete the remaining  
25 sections and attest to that portion of the examination. The  
26 preparticipation physical evaluation form shall advise  
27 students to complete a cardiovascular assessment and shall  
28 include information concerning alternative cardiovascular  
29 evaluation and diagnostic tests. Results of such medical  
30 evaluation must be provided to the school. No student shall be  
31 eligible to participate in any interscholastic athletic

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1 competition or engage in any practice, tryout, workout, or  
 2 other physical activity associated with the student's  
 3 candidacy for an interscholastic athletic team until the  
 4 results of the medical evaluation have been received and  
 5 approved by the school.

6 (d) Notwithstanding the provisions of paragraph (c), a  
 7 student may participate in interscholastic athletic  
 8 competition or be a candidate for an interscholastic athletic  
 9 team if the parent of the student objects in writing to the  
 10 student undergoing a medical evaluation because such  
 11 evaluation is contrary to his or her religious tenets or  
 12 practices. However, in such case, there shall be no liability  
 13 on the part of any person or entity in a position to otherwise  
 14 rely on the results of such medical evaluation for any damages  
 15 resulting from the student's injury or death arising directly  
 16 from the student's participation in interscholastic athletics  
 17 where an undisclosed medical condition that would have been  
 18 revealed in the medical evaluation is a proximate cause of the  
 19 injury or death.

20 (3) GOVERNING STRUCTURE OF EACH ~~THE~~ ORGANIZATION.--

21 (a) Each ~~The~~ organization shall operate as a  
 22 representative democracy in which the sovereign authority is  
 23 within its member schools. Except as provided in this section,  
 24 each ~~the~~ organization shall govern its affairs through its  
 25 bylaws.

26 (b) Each member school, on its annual application for  
 27 membership, shall name its official representative to the  
 28 organization. This representative must be either the school  
 29 principal or his or her designee. That designee must either be  
 30 an assistant principal or athletic director housed within that  
 31 same school.

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

7           (4) BOARD OF DIRECTORS; FLORIDA HIGH SCHOOL ATHLETIC  
8 ASSOCIATION.--

9           (a) The executive authority of the organization shall  
10 be vested in its board of directors. Any entity that appoints  
11 members to the board of directors shall examine the ethnic and  
12 demographic composition of the board when selecting candidates  
13 for appointment and shall, to the greatest extent possible,  
14 make appointments that reflect state demographic and  
15 population trends. The board of directors shall be composed of  
16 16 persons, as follows:

17           1. Four public member school representatives, one  
18 elected from among its public school representative members  
19 within each of the four administrative regions.

20           2. Four nonpublic member school representatives, one  
21 elected from among its nonpublic school representative members  
22 within each of the four administrative regions.

23           3. Three representatives appointed by the  
24 commissioner, one appointed from the two northernmost  
25 administrative regions and one appointed from the two  
26 southernmost administrative regions. The third representative  
27 shall be appointed to balance the board for diversity or state  
28 population trends, or both.

29           4. Two district school superintendents, one elected  
30 from the two northernmost administrative regions by the  
31 members in those regions and one elected from the two

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

3           5. Two district school board members, one elected from  
4 the two northernmost administrative regions by the members in  
5 those regions and one elected from the two southernmost  
6 administrative regions by the members in those regions.

7           6. The commissioner or his or her designee from the  
8 department executive staff.

9           (b) A quorum of the board of directors shall consist  
10 of nine members.

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

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

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

24           1. To act as the incorporated organization's board of  
25 directors and to fulfill its obligations as required by the  
26 organization's charter and articles of incorporation.

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

29           3. To provide an organization commissioner, who shall  
30 have the authority to waive the bylaws of the organization in  
31 order to comply with statutory changes.

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1           4. To levy annual dues and other fees and to set the  
2 percentage of contest receipts to be collected by the  
3 organization.

4           5. To approve the budget of the organization.

5           6. To organize and conduct statewide interscholastic  
6 competitions. The Florida High School Athletic Association may  
7 not deny interscholastic competition between its members and  
8 members of the Florida Private High School Athletic  
9 Association. The two associations shall conduct annual state  
10 interscholastic championship competitions for each sport and  
11 competition level offered at their member schools, which may  
12 ~~or may not lead to state championships, and to establish the~~  
13 ~~terms and conditions for these competitions.~~

14           7. To act as an administrative board in the  
15 interpretation of, and final decision on, all questions and  
16 appeals arising from the directing of interscholastic  
17 athletics of member schools.

18           (5) REPRESENTATIVE ASSEMBLY; FLORIDA HIGH SCHOOL  
19 ATHLETIC ASSOCIATION.--

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

22           (b) The representative assembly shall be composed of  
23 the following:

24           1. An equal number of member school representatives  
25 from each of the four administrative regions.

26           2. Four district school superintendents, one elected  
27 from each of the four administrative regions by the district  
28 school superintendents in their respective administrative  
29 regions.

30           3. Four district school board members, one elected  
31 from each of the four administrative regions by the district

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1 school board members in their respective administrative  
2 regions.

3 4. The commissioner or his or her designee from the  
4 department executive staff.

5 (c) The organization's bylaws shall establish the  
6 number of member school representatives to serve in the  
7 representative assembly from each of the four administrative  
8 regions and shall establish the method for their selection.

9 (d) No member of the board of directors other than the  
10 commissioner or his or her designee can serve in the  
11 representative assembly.

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

14 (f) Elected members of the representative assembly  
15 shall serve terms of 2 years and are eligible to succeed  
16 themselves for two additional terms. An elected member, other  
17 than the commissioner or his or her designee, may serve a  
18 maximum of 6 consecutive years in the representative assembly.

19 (g) A quorum of the representative assembly consists  
20 of one more than half of its members.

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

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

27 (6) PUBLIC LIAISON ADVISORY COMMITTEE; FLORIDA HIGH  
28 SCHOOL ATHLETIC ASSOCIATION.--

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



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- 1           1. The commissioner or his or her designee.
- 2           2. A member public school principal.
- 3           3. A member private school principal.
- 4           4. A member school principal who is a member of a
- 5 racial minority.
- 6           5. An active athletic director.
- 7           6. An active coach, who is employed full time by a
- 8 member school.
- 9           7. A student athlete.
- 10          8. A district school superintendent.
- 11          9. A district school board member.
- 12          10. A member of the Florida House of Representatives.
- 13          11. A member of the Florida Senate.
- 14          12. A parent of a high school student.
- 15          13. A member of a home education association.
- 16          14. A representative of the business community.
- 17          15. A representative of the news media.
- 18          (b) No member of the board of directors, committee on
- 19 appeals, or representative assembly is eligible to serve on
- 20 the public liaison advisory committee.
- 21          (c) The public liaison advisory committee shall elect
- 22 a chairperson and vice chairperson from among its members.
- 23          (d) The authority and duties of the public liaison
- 24 advisory committee are as follows:
- 25            1. To act as a conduit through which the general
- 26 public may have input into the decisionmaking process of the
- 27 organization and to assist the organization in the development
- 28 of procedures regarding the receipt of public input and
- 29 disposition of complaints related to high school athletic and
- 30 competition programs.
- 31            2. To conduct public hearings annually in each of the

1 four administrative regions during which interested parties  
2 may address issues regarding the effectiveness of the rules,  
3 operation, and management of the organization.

4           3. To conduct an annual evaluation of the organization  
5 as a whole and present a report of its findings, conclusion,  
6 and recommendations to the board of directors, to the  
7 commissioner, and to the respective education committees of  
8 the Florida Senate and the Florida House of Representatives.  
9 The recommendations must delineate policies and procedures  
10 that will improve the implementation and oversight of high  
11 school athletic programs by the organization.

12           (e) The public liaison advisory committee shall meet  
13 four times annually. Additional meetings may be called by the  
14 committee chairperson, the organization president, or the  
15 organization commissioner.

16           (7) APPEALS.--

17           (a) The organization shall establish a procedure of  
18 due process which ensures each student the opportunity to  
19 appeal an unfavorable ruling with regard to his or her  
20 eligibility to compete. The initial appeal shall be made to a  
21 committee on appeals within the administrative region in which  
22 the student lives. The organization's bylaws shall establish  
23 the number, size, and composition of the committee on appeals.

24           (b) No member of the board of directors is eligible to  
25 serve on the committee on appeals.

26           (c) Members of the committee on appeals shall serve  
27 terms of 3 years and are eligible to succeed themselves only  
28 once. A member of the committee on appeals may serve a maximum  
29 of 6 consecutive years. The organization's bylaws shall  
30 establish a rotation of terms to ensure that a majority of the  
31 members' terms do not expire concurrently.

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1           (d) The authority and duties of the committee on  
 2 appeals shall be to consider requests by member schools  
 3 seeking exceptions to bylaws and regulations, to hear undue  
 4 hardship eligibility cases filed by member schools on behalf  
 5 of student athletes, and to hear appeals filed by member  
 6 schools.

7           (e) A student athlete or member school that receives  
 8 an unfavorable ruling from a committee on appeals shall be  
 9 entitled to appeal that decision to the board of directors at  
 10 its next regularly scheduled meeting or called meeting. The  
 11 board of directors shall have the authority to uphold,  
 12 reverse, or amend the decision of the committee on appeals. In  
 13 all such cases, the decision of the board of directors shall  
 14 be final.

15           (8) AMENDMENT OF BYLAWS.--Each member school  
 16 representative, the board of directors acting as a whole or as  
 17 members acting individually, any advisory committee acting as  
 18 a whole to be established by the organization, and the  
 19 organization's commissioner are empowered to propose  
 20 amendments to the bylaws. Any other individual may propose an  
 21 amendment by securing the sponsorship of any of the  
 22 aforementioned individuals or bodies. All proposed amendments  
 23 must be submitted directly to the representative assembly for  
 24 its consideration. The representative assembly, while  
 25 empowered to adopt, reject, or revise proposed amendments, may  
 26 not, in and of itself, as a body be allowed to propose any  
 27 amendment for its own consideration.

28           (9) RULES ADOPTION.--The bylaws of the organization  
 29 shall require member schools to adopt rules for sports, which  
 30 have been established by a nationally recognized sanctioning  
 31 body, unless waived by at least a two-thirds vote of the board

1 of directors.

2 (10) BOARD OF DIRECTORS; FLORIDA PRIVATE HIGH SCHOOL  
3 ATHLETIC ASSOCIATION.--

4 (a) The executive authority of the organization shall  
5 be vested in its board of directors. Any entity that appoints  
6 members to the board of directors shall examine the ethnic and  
7 demographic composition of the board when selecting candidates  
8 for appointment and shall, to the greatest extent possible,  
9 make appointments that reflect state demographic and  
10 population trends. The board of directors shall be composed of  
11 16 persons, as follows:

12 1. Four public school representatives, one elected  
13 from among its public school representative members within  
14 each of the four administrative regions for public schools.

15 2. Four nonpublic member school representatives, one  
16 elected from among its nonpublic school representative members  
17 within each of the four administrative regions for public  
18 schools.

19 3. Three representatives appointed by the  
20 commissioner, one appointed from the two northernmost  
21 administrative regions and one appointed from the two  
22 southernmost administrative regions. The third representative  
23 shall be appointed to balance the board for diversity or state  
24 population trends, or both.

25 4. Two school headmasters, one elected from the two  
26 northernmost administrative regions by the nonpublic school  
27 members in those regions and one elected from the two  
28 southernmost administrative regions by the nonpublic school  
29 members in those regions.

30 5. Two nonpublic school governing board members, one  
31 elected from the two northernmost administrative regions by

1 the nonpublic school members in those regions and one elected  
2 from the two southernmost administrative regions by the  
3 nonpublic school members in those regions.

4 6. The commissioner or his or her designee from the  
5 department executive staff.

6 (b) A quorum of the board of directors shall consist  
7 of nine members.

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

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

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

21 1. To act as the incorporated organization's board of  
22 directors and to fulfill its obligations as required by the  
23 organization's charter and articles of incorporation.

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

26 3. To provide an organization commissioner, who shall  
27 have the authority to waive the bylaws of the organization in  
28 order to comply with statutory changes.

29 4. To levy annual dues and other fees and to set the  
30 percentage of contest receipts to be collected by the  
31 organization.

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- 1           5. To approve the budget of the organization.
- 2           6. To organize and conduct statewide interscholastic
- 3 competitions.
- 4           7. To act as an administrative board in the
- 5 interpretation of, and final decision on, all questions and
- 6 appeals arising from the directing of interscholastic
- 7 athletics of member schools.

8           (11) RANDOM DRUG TESTING PROGRAM.--

9  
10 (Redesignate subsequent sections.)

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

14 And the title is amended as follows:

15           Line 3, after the semicolon,

16

17 insert:

18           creating the Florida Private High School

19           Athletic Association; providing for

20           organization, powers, and duties of the

21           association; creating a board of directors and

22           providing powers and duties of the board;

23           providing for annual interscholastic

24           competition championships between public and

25           nonpublic high schools for each sport and

26           competition level offered in public and private

27           high schools in this state;

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