

1                   A bill to be entitled  
2           An act relating to high school athletics; amending s.  
3           1006.20, F.S.; revising provisions relating to membership  
4           of the board of directors and the representative assembly  
5           of the Florida High School Athletic Association;  
6           redesignating the association's commissioner as executive  
7           director; limiting the executive director's authority to  
8           waive the association's bylaws; requiring separate playoff  
9           systems for public and nonpublic schools; revising  
10          requirements for the association's bylaws; requiring the  
11          executive director or designee to investigate alleged  
12          violations of the association's bylaws and policies;  
13          providing for the nomination and appointment of a judicial  
14          officer to determine violations of the association's  
15          bylaws and policies and impose penalties; authorizing a  
16          member school or student athlete accused of a violation to  
17          review investigative findings and submit a written  
18          response; specifying that appeal of a ruling affecting a  
19          student athlete be made to a sectional appeals committee;  
20          providing for the appointment of state appeals boards to  
21          decide appeals of rulings affecting member schools;  
22          providing minimum qualifications for board members;  
23          providing an effective date.

24  
25   Be It Enacted by the Legislature of the State of Florida:

26  
27           Section 1. Subsections (1) through (8) of section 1006.20,  
28   Florida Statutes, are amended to read:

29           1006.20 Athletics in public K-12 schools.--  
 30           (1) GOVERNING NONPROFIT ORGANIZATION.--The Florida High  
 31 School Athletic Association is designated ~~as~~ the governing  
 32 nonprofit organization of athletics in Florida public schools.  
 33 If the Florida High School Athletic Association fails to comply  
 34 with ~~meet the provisions of~~ this section, the Commissioner of  
 35 Education shall designate a nonprofit organization to govern  
 36 athletics with the approval of the State Board of Education. The  
 37 organization is not ~~to be~~ a state agency as defined in s.  
 38 120.52. The organization is ~~shall be~~ subject to ~~the provisions~~  
 39 ~~of~~ s. 1006.19. A nonpublic ~~private~~ school that wishes to engage  
 40 in high school athletic competition with a public high school  
 41 may become a member of the organization. The bylaws of the  
 42 organization are ~~to be~~ the rules by which high school athletic  
 43 programs in its member schools, and the students who participate  
 44 in them, are governed, unless otherwise specifically provided by  
 45 law statute. For ~~the~~ purposes of this section, "high school"  
 46 includes grades 6 through 12.  
 47           (2) ADOPTION OF BYLAWS.--  
 48           (a) The organization shall adopt bylaws that, unless  
 49 specifically provided by law statute, establish eligibility  
 50 requirements for all students who participate in high school  
 51 athletic competition in its member schools. The bylaws governing  
 52 residence and transfer shall allow a ~~the~~ student to be eligible  
 53 in the school in which he or she first enrolls each school year,  
 54 or makes himself or herself a candidate for an athletic team by  
 55 engaging in a practice before ~~prior to~~ enrolling in any member  
 56 school. The student is ~~shall be~~ eligible in that school so long

57 as he or she remains enrolled in that school. Subsequent  
58 eligibility shall be determined and enforced through the  
59 organization's bylaws.

60 (b) The organization shall adopt bylaws that specifically  
61 prohibit the recruiting of students for athletic purposes. The  
62 bylaws shall prescribe penalties and an appeals process for  
63 athletic recruiting violations.

64 (c) The organization shall adopt bylaws that require all  
65 students participating in interscholastic athletic competition  
66 or who are candidates for an interscholastic athletic team to  
67 satisfactorily pass a medical evaluation each year before ~~prior~~  
68 ~~to~~ participating in interscholastic athletic competition or  
69 engaging in any practice, tryout, workout, or other physical  
70 activity associated with the student's candidacy for an  
71 interscholastic athletic team. Such medical evaluation can only  
72 be administered by a practitioner licensed under ~~the provisions~~  
73 ~~of~~ chapter 458, chapter 459, chapter 460, or s. 464.012~~7~~, and in  
74 good standing with the practitioner's regulatory board. The  
75 bylaws shall establish requirements for eliciting a student's  
76 medical history and performing the medical evaluation required  
77 under this paragraph, which shall include a physical assessment  
78 of the student's physical capabilities to participate in  
79 interscholastic athletic competition as contained in a uniform  
80 preparticipation physical evaluation and history form. The  
81 evaluation form shall incorporate the recommendations of the  
82 American Heart Association for participation cardiovascular  
83 screening and shall provide a place for the signature of the  
84 practitioner performing the evaluation with an attestation that

85 | each examination procedure listed on the form was performed by  
86 | the practitioner or by someone under the direct supervision of  
87 | the practitioner. The form shall also contain a place for the  
88 | practitioner to indicate if a referral to another practitioner  
89 | was made in lieu of completion of a certain examination  
90 | procedure. The form shall provide a place for the practitioner  
91 | to whom the student was referred to complete the remaining  
92 | sections and attest to that portion of the examination. The  
93 | preparticipation physical evaluation form shall advise students  
94 | to complete a cardiovascular assessment and shall include  
95 | information concerning alternative cardiovascular evaluation and  
96 | diagnostic tests. Results of such medical evaluation must be  
97 | provided to the school. A ~~No~~ student is not ~~shall be~~ eligible to  
98 | participate in any interscholastic athletic competition or  
99 | engage in any practice, tryout, workout, or other physical  
100 | activity associated with the student's candidacy for an  
101 | interscholastic athletic team until the results of the medical  
102 | evaluation are ~~have been~~ received and approved by the school.

103 | (d) Notwithstanding ~~the provisions of~~ paragraph (c), a  
104 | student may participate in interscholastic athletic competition  
105 | or be a candidate for an interscholastic athletic team if the  
106 | parent of the student objects in writing to the student  
107 | undergoing a medical evaluation because such evaluation is  
108 | contrary to his or her religious tenets or practices. However,  
109 | in such case, there is ~~shall be~~ no liability on the part of any  
110 | person or entity in a position to otherwise rely on the results  
111 | of such medical evaluation for any damages resulting from the  
112 | student's injury or death arising directly from the student's

113 participation in interscholastic athletics where an undisclosed  
 114 medical condition that would have been revealed in the medical  
 115 evaluation is a proximate cause of the injury or death.

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

117 (a) The organization shall operate as a representative  
 118 democracy in which the sovereign authority is within its member  
 119 schools. Except as provided in this section, the organization  
 120 shall govern its affairs through its bylaws.

121 (b) Each member school, on its annual application for  
 122 membership, shall name its official representative to the  
 123 organization. This representative must be either the school  
 124 principal or his or her designee. That designee must either be  
 125 an assistant principal or athletic director housed within that  
 126 same school.

127 (c) The organization's membership shall be divided along  
 128 existing county lines into four contiguous and compact  
 129 administrative sections ~~regions~~, each containing an equal or  
 130 nearly equal number of member schools to ensure equitable  
 131 representation on the organization's board of directors,  
 132 representative assembly, sectional ~~and committee on~~ appeals  
 133 committees, and state appeals boards.

134 (4) BOARD OF DIRECTORS.--

135 (a) The executive authority of the organization shall be  
 136 vested in its board of directors. Any entity that appoints  
 137 members to the board of directors shall examine the ethnic and  
 138 demographic composition of the board when selecting candidates  
 139 for appointment and shall, to the greatest extent possible, make  
 140 appointments that reflect state demographic and population

141 trends. The board of directors shall be composed of 16 persons,  
 142 as follows:

143 1. Four member public ~~member~~ school representatives, each  
 144 ~~one~~ elected from among the member ~~its~~ public school  
 145 representatives ~~representative members~~ within each of the four  
 146 administrative sections ~~regions~~.

147 2. Four member nonpublic ~~member~~ school representatives,  
 148 each ~~one~~ elected from among the member ~~its~~ nonpublic school  
 149 representatives ~~representative members~~ within each of the four  
 150 administrative sections ~~regions~~.

151 3. Three representatives appointed by the Commissioner of of  
 152 Education, one appointed from the two northernmost  
 153 administrative sections ~~regions~~ and one appointed from the two  
 154 southernmost administrative sections ~~regions~~. The third  
 155 representative shall be appointed to balance the board for  
 156 diversity or state population trends, or both.

157 4. Two district school superintendents, one elected from  
 158 the two northernmost administrative sections ~~regions~~ by the  
 159 members in those sections ~~regions~~ and one elected from the two  
 160 southernmost administrative sections ~~regions~~ by the members in  
 161 those sections ~~regions~~.

162 5. Two district school board members, one elected from the  
 163 two northernmost administrative sections ~~regions~~ by the members  
 164 in those sections ~~regions~~ and one elected from the two  
 165 southernmost administrative sections ~~regions~~ by the members in  
 166 those sections ~~regions~~.

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

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

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

174 (d) Members of the board of directors shall serve terms of  
 175 3 years and are eligible to succeed themselves only once. A  
 176 member of the board of directors, other than the Commissioner of  
 177 Education or his or her designee, may serve a maximum of 6  
 178 consecutive years. The organization's bylaws shall establish a  
 179 rotation of terms to ensure that a majority of the members'  
 180 terms do not expire concurrently.

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

184 1. To act as the incorporated organization's board of  
 185 directors and to fulfill its obligations as required by the  
 186 organization's charter and articles of incorporation.

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

189 3. To provide an executive director ~~organization~~  
 190 ~~commissioner~~, who shall have the authority to waive the bylaws  
 191 of the organization if necessary ~~in order~~ to comply with  
 192 statutory changes.

193 4. To levy annual dues and other fees and to set the  
 194 percentage of contest receipts to be collected by the  
 195 organization.

196 5. To approve the budget of the organization.

197           6. To organize and conduct statewide interscholastic  
 198 competitions, which may or may not lead to state championships,  
 199 and to establish the terms and conditions for these  
 200 competitions. The terms and conditions must establish separate  
 201 interscholastic playoff systems for public schools and nonpublic  
 202 schools which lead to separate championships.

203           7. To act as an administrative board in the interpretation  
 204 of, and final decision on, all questions and appeals arising  
 205 from the directing of interscholastic athletics of member  
 206 schools.

207           (5) REPRESENTATIVE ASSEMBLY.--

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

210           (b) The representative assembly shall be composed of the  
 211 following:

212           1. An equal number of member school representatives from  
 213 each of the four administrative sections, divided  
 214 proportionately between the public and nonpublic member schools  
 215 in each section ~~regions~~.

216           2. Four district school superintendents, one elected from  
 217 each of the four administrative sections ~~regions~~ by the district  
 218 school superintendents in the ~~their~~ respective administrative  
 219 section ~~regions~~.

220           3. Four district school board members, one elected from  
 221 each of the four administrative sections ~~regions~~ by the district  
 222 school board members in the ~~their~~ respective administrative  
 223 section ~~regions~~.

224           4. The Commissioner of Education or his or her designee



225 from the department's ~~department~~ executive staff.

226 (c) The organization's bylaws shall establish the number  
 227 of member school representatives to serve in the representative  
 228 assembly from each of the four administrative sections ~~regions~~  
 229 and shall establish the method for their selection.

230 (d) A ~~No~~ member of the board of directors, other than the  
 231 Commissioner of Education or his or her designee, may not ~~can~~  
 232 serve in the representative assembly.

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

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

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

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

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

248 (6) PUBLIC LIAISON ADVISORY COMMITTEE.--

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

252 1. The Commissioner of Education or his or her designee.

- 253 2. A member public school principal.
- 254 3. A member nonpublic ~~private~~ school principal.
- 255 4. A member school principal who is a member of a racial
- 256 minority.
- 257 5. An active athletic director.
- 258 6. An active coach~~7~~ who is employed full time by a member
- 259 school.
- 260 7. A student athlete.
- 261 8. A district school superintendent.
- 262 9. A district school board member.
- 263 10. A member of the Florida House of Representatives.
- 264 11. A member of the Florida Senate.
- 265 12. A parent of a high school student.
- 266 13. A member of a home education association.
- 267 14. A representative of the business community.
- 268 15. A representative of the news media.

269 (b) A ~~No~~ member of the board of directors, sectional  
 270 ~~committee or~~ appeals committee, state appeals board, or  
 271 representative assembly may not ~~is eligible to~~ serve on the  
 272 public liaison advisory committee.

273 (c) The public liaison advisory committee shall elect a  
 274 chairperson and vice chairperson from among its members.

275 (d) The authority and duties of the public liaison  
 276 advisory committee are as follows:

- 277 1. To act as a conduit through which the general public
- 278 may have input into the decisionmaking process of the
- 279 organization and to assist the organization in the development
- 280 of procedures regarding the receipt of public input and

281 disposition of complaints related to high school athletic and  
 282 competition programs.

283 2. To conduct public hearings annually in each of the four  
 284 administrative sections ~~regions~~ during which interested parties  
 285 may address issues regarding the effectiveness of the rules,  
 286 operation, and management of the organization.

287 3. To conduct an annual evaluation of the organization as  
 288 a whole and present a report of its findings, conclusions  
 289 ~~conclusion~~, and recommendations to the board of directors, to  
 290 the Commissioner of Education, and to the respective education  
 291 committees of the Florida Senate and the Florida House of  
 292 Representatives. The recommendations must delineate policies and  
 293 procedures that will improve the implementation and oversight of  
 294 high school athletic programs by the organization.

295 (e) The public liaison advisory committee shall meet four  
 296 times annually. Additional meetings may be called by the  
 297 committee chairperson, the organization president, or the  
 298 executive director of the organization ~~commissioner~~.

299 (7) DUE PROCESS PROCEDURES APPEALS.--

300 (a)1. The bylaws of the organization shall provide for the  
 301 appointment of a judicial officer. The four member public school  
 302 representatives and four member nonpublic school representatives  
 303 on the organization's board of directors shall jointly nominate  
 304 at least three candidates for the judicial officer, and the full  
 305 board of directors shall appoint the judicial officer from among  
 306 the nominees. The organization's executive director may not  
 307 serve as the judicial officer.

308 2. The organization's executive director or designee shall

309 investigate alleged violations of the organization's bylaws, or  
310 of guidelines, regulations, policies, and procedures authorized  
311 by the bylaws, and submit investigative findings to the judicial  
312 officer. The judicial officer may not participate in the  
313 investigation. The member school or student athlete accused of a  
314 violation must have the opportunity to review the investigative  
315 findings and submit a written response within a period specified  
316 in the bylaws. Upon review of the investigative findings and  
317 written response of the accused member school or student  
318 athlete, if submitted, the judicial officer shall determine  
319 whether the accused member school or student athlete committed a  
320 violation and, if a violation is found to have been committed,  
321 impose the penalties authorized by the bylaws.

322 (b)1.~~(a)~~ The organization shall establish a procedure of  
323 due process which ensures each member school and student athlete  
324 the opportunity to appeal an unfavorable ruling ~~with regard to~~  
325 ~~his or her eligibility to compete.~~

326 2. The initial appeal of an unfavorable ruling adversely  
327 affecting a student athlete shall be made to a sectional appeals  
328 committee ~~on appeals~~ within the administrative section ~~region~~ in  
329 which the student athlete resides ~~lives~~. The organization's  
330 bylaws shall establish the ~~number, size, and composition of the~~  
331 sectional committee on appeals committees.

332 3. The initial appeal of an unfavorable ruling adversely  
333 affecting a member school shall be made to one of two state  
334 appeals boards. One board shall decide appeals from member  
335 public schools, and one board shall decide appeals from member  
336 nonpublic schools. Each board shall be composed of five members.

337 The public school representatives on the representative assembly  
 338 from each of the four administrative sections shall each appoint  
 339 one member to the state appeals board for public schools. The  
 340 nonpublic school representatives on the representative assembly  
 341 from each of the four administrative sections shall each appoint  
 342 one member to the state appeals board for nonpublic schools. The  
 343 Commissioner of Education shall appoint one additional member to  
 344 each state appeals board, who shall serve as chair of the  
 345 respective board. At least one member of each state appeals  
 346 board must be an attorney.

347 (c) ~~(b)~~ A ~~No~~ member of the board of directors may not ~~is~~  
 348 ~~eligible to~~ serve on a sectional appeals ~~the committee or state~~  
 349 ~~en~~ appeals board.

350 (d) ~~(e)~~ Members of the sectional ~~committee on~~ appeals  
 351 committees or state appeals boards shall serve terms of 3 years  
 352 and are eligible to succeed themselves only once. A member of a  
 353 sectional ~~the committee on~~ appeals committee or state appeals  
 354 board may serve a maximum of 6 consecutive years. The  
 355 organization's bylaws shall establish a rotation of terms to  
 356 ensure that a majority of the members' terms do not expire  
 357 concurrently.

358 (e) ~~(d)~~ The authority and duties of the sectional ~~committee~~  
 359 ~~en~~ appeals committees shall be to consider requests by member  
 360 schools seeking exceptions to bylaws and regulations, to hear  
 361 undue hardship eligibility cases filed by member schools on  
 362 behalf of student athletes, and to hear appeals filed by member  
 363 schools relating to a student athlete's eligibility.

364 (f) ~~(e)~~ A student athlete or member school that receives an

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365 unfavorable ruling from a sectional ~~committee on~~ appeals  
366 committee or state appeals board is ~~shall be~~ entitled to appeal  
367 the ~~that~~ decision to the board of directors at its next  
368 regularly scheduled meeting or called meeting. The board of  
369 directors has ~~shall have~~ the authority to uphold, reverse, or  
370 amend the decision of the sectional ~~committee on~~ appeals  
371 committee or state appeals board. In all such cases, the  
372 decision of the board of directors is ~~shall be~~ final.

373 (8) AMENDMENT OF BYLAWS.--Each member school  
374 representative, the board of directors acting as a whole or as  
375 members acting individually, any advisory committee acting as a  
376 whole to be established by the organization, and the  
377 organization's executive director ~~commissioner~~ are empowered to  
378 propose amendments to the bylaws. Any other individual may  
379 propose an amendment by securing the sponsorship of any of the  
380 aforementioned individuals or bodies. All proposed amendments  
381 must be submitted directly to the representative assembly for  
382 its consideration. The representative assembly, while empowered  
383 to adopt, reject, or revise proposed amendments, may not, in and  
384 of itself, as a body ~~be allowed to~~ propose any amendment for its  
385 own consideration.

386 Section 2. This act shall take effect July 1, 2008.