

By Senator Peaden

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1                   A bill to be entitled  
2           An act relating to interscholastic athletics; amending  
3           s. 1006.20, F.S.; providing legislative intent and  
4           findings; providing that the nonprofit organization  
5           governing interscholastic athletics is exempt from ch.  
6           120, F.S.; requiring that a public high school that  
7           sponsors an interscholastic athletics program be a  
8           member of the organization; providing that public and  
9           private middle schools may also be members of the  
10          organization; providing membership for the  
11          organization's governing structure; prohibiting a  
12          person from serving on more than one group in the  
13          organization's governing structure; dividing the state  
14          into seven administrative sections; dividing the  
15          administrative sections into 14 legislative divisions;  
16          requiring that the organization provide notice of all  
17          meetings and hearings on its Internet website within a  
18          certain period before the meeting or hearing;  
19          establishing a board of directors; providing  
20          membership; providing terms; providing duties and  
21          responsibilities; requiring an annual audit of the  
22          organization's financial accounts and records by an  
23          independent certified public accountant; requiring  
24          that the board of directors annually report on the  
25          activities of the organization to state government  
26          leaders; requiring that the board of directors meet  
27          monthly; providing a quorum; prohibiting the board of  
28          directors from delegating its powers and duties;  
29          providing duties and responsibilities for the chief

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30 administrative officer and administrative staff;  
31 requiring that the board of directors establish a  
32 personnel management system; providing requirements  
33 for the organization's retirement plan; replacing the  
34 organization's representative assembly with a  
35 legislative council; establishing the legislative  
36 council as the organization's primary legislative  
37 authority; providing membership; providing terms;  
38 providing duties and responsibilities; requiring that  
39 the legislative council meet a certain number of times  
40 each school year; providing a system for weighing the  
41 votes of elected council members; providing a quorum;  
42 replacing the organization's public liaison advisory  
43 committee with a leadership council; establishing the  
44 leadership council as the primary advisory group to  
45 the board of directors and legislative council;  
46 providing membership; providing terms; providing  
47 duties and responsibilities; requiring that the  
48 leadership council meet a certain number of times each  
49 school year; providing a quorum; establishing a  
50 committee on appeals as the appellate authority of the  
51 organization; providing membership; providing terms;  
52 providing duties and responsibilities; requiring that  
53 the organization's bylaws establish the criteria for  
54 considering appeals; authorizing the committee on  
55 appeals to review decisions of sectional eligibility  
56 committees; requiring that the committee on appeals  
57 meet monthly; providing a quorum; creating a committee  
58 on infractions; establishing the committee on

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59           infractions for the administration of the  
60           organization's enforcement program; providing  
61           membership; providing terms; providing duties and  
62           responsibilities; establishing standards for  
63           determinations made by the committee on infractions;  
64           requiring that the committee on infractions meet at  
65           least once each year; providing a quorum; providing  
66           voting requirements for meetings of the committee on  
67           infractions; replacing the committee on appeals in  
68           each administrative section with a sectional  
69           eligibility committee; providing membership; providing  
70           duties and responsibilities; establishing criteria for  
71           an undue hardship; limiting the sectional eligibility  
72           committees' exemption powers; requiring that each  
73           sectional eligibility committee meet monthly;  
74           providing a quorum; providing voting requirements for  
75           meetings of the sectional eligibility committees;  
76           providing that the organization's rules be adopted,  
77           amended, or repealed only by the board of directors or  
78           legislative council; establishing the entities that  
79           may sponsor rule proposals; requiring that the board  
80           of directors review rules adopted by the legislative  
81           council; providing an effective date for rules adopted  
82           by the legislative council; providing requirements for  
83           the bylaws; requiring that the organization adopt  
84           rules for sports that have been established by a  
85           nationally recognized sanctioning body unless waived  
86           by a two-thirds vote of the legislative council and  
87           approved by the board of directors; providing a

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88 timeline for appointments to the board of directors  
89 and requiring that the organization meet by a  
90 specified date; requiring that the board evaluate the  
91 organization's governing structure and make  
92 recommendations to the Legislature by a specified  
93 date; providing an effective date.  
94

95 Be It Enacted by the Legislature of the State of Florida:  
96

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

99 (Substantial rewording of section. See  
100 s. 1006.20, F.S., for present text.)

101 1006.20 Governing organization for interscholastic  
102 athletics programs in public schools.-

103 (1) LEGISLATIVE INTENT AND FINDINGS.-It is the intent of  
104 the Legislature that interscholastic athletics programs  
105 sponsored by public high schools be administered in an  
106 effective, efficient, equitable, and economical manner that  
107 enhances the educational experience of participating students  
108 and provides accountability to the residents who fund them.

109 Therefore, the Legislature finds that the governing nonprofit  
110 organization for interscholastic athletics programs in public  
111 high schools must have an administrative framework that:

112 (a) Provides oversight and direction by business and  
113 educational experts who will manage the organization in a manner  
114 similar to an entrepreneurial business enterprise while not  
115 compromising the educational nature of its purpose.

116 (b) Ensures that all member schools are equitably

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117 represented in the development and adoption of rules governing  
118 the organization's programs and activities.

119 (c) Ensures all member schools that are accused of rules  
120 infractions a fair enforcement and appeals process and students  
121 who lose their eligibility to participate a fair opportunity for  
122 reinstatement.

123 (d) Holds the organization accountable to the Legislature,  
124 its member schools, and the public through a system of audits  
125 and reports, public input, and compliance with open-meetings and  
126 public-records laws.

127 (2) DESIGNATION OF GOVERNING NONPROFIT ORGANIZATION.—

128 (a) The Florida High School Athletic Association is  
129 designated as the governing nonprofit organization of athletics  
130 in Florida public schools only if the organization complies with  
131 this section. If the Florida High School Athletic Association  
132 fails to comply with this section, the Governor shall establish  
133 a new nonprofit organization to govern athletics with the  
134 approval of the Senate.

135 (b) The organization is not subject to chapter 120;  
136 however, it is subject to s. 1006.19, relating to the audit of  
137 records of nonprofit corporations and associations that handle  
138 interscholastic activities.

139 (c) For the purposes of this section, the term "high  
140 school" includes grades 6 through 12.

141 (3) MEMBERSHIP IN THE ORGANIZATION.—A public high school  
142 that sponsors an interscholastic athletics program is a member  
143 of the organization. A private high school that sponsors an  
144 interscholastic athletics program and wishes to engage in  
145 interscholastic athletic competition with a public high school

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146 may be a member of the organization. A public or private middle  
147 school that includes grades 6 through 8 and sponsors  
148 interscholastic athletic programs may also be a member of the  
149 organization.

150 (4) GOVERNING STRUCTURE OF THE ORGANIZATION.—

151 (a) A board of directors, legislative council, and  
152 leadership council shall govern the organization. Quasi-judicial  
153 committees shall hear infractions and student eligibility  
154 reinstatement proceedings. A person may not serve on more than  
155 one group in the organization's governing structure. Except as  
156 provided in this section, the organization shall govern in  
157 accordance with its bylaws.

158 (b) For the purpose of appointing members to the board of  
159 directors and leadership council, and to establish territorial  
160 jurisdictions for sectional eligibility committees, the state is  
161 divided along county lines into seven geographically compact  
162 administrative sections. For the purpose of selecting members to  
163 the legislative council, the seven administrative sections are  
164 further divided into 14 legislative divisions. The  
165 administrative sections and legislative divisions are as  
166 follows:

167 1. Section 1.

168 a. Division 1 is composed of Escambia, Santa Rosa,  
169 Okaloosa, Walton, and Holmes Counties.

170 b. Division 2 is composed of Bay, Washington, Jackson,  
171 Calhoun, Gulf, Gadsden, Liberty, Franklin, Leon, Wakulla,  
172 Jefferson, Madison, and Taylor Counties.

173 2. Section 2.

174 a. Division 3 is composed of Hamilton, Suwannee, Lafayette,

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175 Dixie, Columbia, Baker, Union, Bradford, Gilchrist, Alachua,  
176 Levy, and Marion Counties.

177 b. Division 4 is composed of Nassau, Duval, Clay, St.  
178 Johns, Putnam, and Flagler Counties.

179 3. Section 3.

180 a. Division 5 is composed of Citrus, Hernando, Sumter,  
181 Pasco, and Pinellas Counties.

182 b. Division 6 is composed of Hillsborough and Polk  
183 Counties.

184 4. Section 4.

185 a. Division 7 is composed of Lake, Orange, and Osceola  
186 Counties.

187 b. Division 8 is composed of Volusia, Seminole, Brevard,  
188 and Indian River Counties.

189 5. Section 5.

190 a. Division 9 is composed of Manatee, Hardee, Sarasota,  
191 DeSoto, Highlands, Charlotte, and Glades Counties.

192 b. Division 10 is composed of Lee, Hendry, and Collier  
193 Counties.

194 6. Section 6.

195 a. Division 11 is composed of Okeechobee, St. Lucie,  
196 Martin, and Palm Beach Counties.

197 b. Division 12 is composed of Broward County.

198 7. Section 7.

199 a. Division 13 is composed of that section of Miami-Dade  
200 County north of U.S. Highway 41.

201 b. Division 14 is composed of that section of Miami-Dade  
202 County south of U.S. Highway 41 and Monroe County.

203 (c) Beginning in 2015, and every 8 years thereafter, the

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204 organization shall review the composition of the administrative  
205 sections and legislative divisions and, if deemed necessary and  
206 advisable, recommend to the Legislature a redrawing of sectional  
207 or divisional boundaries.

208 (d) Any person or entity who appoints members to any group  
209 in the organization's governing structure shall examine the  
210 existing diversity of the group and, to the greatest extent  
211 possible, make appointments that reflect the racial, ethnic, and  
212 gender diversity of the population of the state.

213 (e) A person who is appointed to any position on any group  
214 in the organization's governing structure shall serve without  
215 compensation, but may be reimbursed for all reasonable,  
216 necessary, and actual expenses incurred during the performance  
217 of his or her duties, as determined by the board of directors.

218 (f) Term limits do not apply to a person who is appointed  
219 to fill an unexpired term on any group in the organization's  
220 governing structure unless he or she serves more than one-half  
221 of the unexpired term.

222 (g) Each group in the organization's governing structure  
223 shall function as a body of the whole and may not subdivide  
224 itself into committees to perform its duties. This paragraph  
225 does not preclude any group from appointing its members to an ad  
226 hoc committee if the issue or problem that the ad hoc committee  
227 is addressing and the timeframe within which the ad hoc  
228 committee is to complete its work is specified at the time the  
229 ad hoc committee is established.

230 (h) Except in the case of emergency meetings, the  
231 organization shall provide notice for any meeting or hearing by  
232 publishing such notice on the organization's Internet website



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233 not less than 7 days before such scheduled meeting or hearing.  
234 The notice must include an agenda containing the items to be  
235 considered in their order of presentation. A change may not be  
236 made to the agenda after it has been published, except for good  
237 cause as determined by the person designated to preside at the  
238 meeting or hearing. The change must be properly noticed at the  
239 earliest practicable time and stated in the record.

240 (5) BOARD OF DIRECTORS.-

241 (a) *Composition.*-

242 1. The supreme authority and executive power of the  
243 organization shall be vested in a board of directors consisting  
244 of the following 12 persons:

245 a. Eight citizen directors appointed by the Governor, seven  
246 of whom shall be appointed from each administrative section in  
247 which he or she resides. The Governor shall designate one of the  
248 citizen directors as the chair who may be a resident of any  
249 section. Each citizen director must possess the knowledge,  
250 skill, and experience in the areas of business or athletic  
251 management. A citizen director may not be or may not have been,  
252 within the last 10 years, professionally connected with any  
253 school that is or was a member of the organization, any public  
254 school district, or any private school accrediting association.

255 b. Two directors who are education administrators appointed  
256 by the President of the Senate, one of whom shall be a district  
257 school superintendent and one of whom shall be a state executive  
258 director of a private school accrediting association that has  
259 schools that are members of the organization.

260 c. Two directors who are education administrators appointed  
261 by the Speaker of the House of Representatives, one of whom

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262 shall be a public school district-level athletic administrator  
263 who is not employed at any member school of the organization and  
264 one of whom shall be a state executive director or region-level  
265 administrator of a private school accrediting association that  
266 has high schools that are members of the organization.

267 2. The public school administrators appointed by the  
268 President of the Senate and the Speaker of the House of  
269 Representatives, respectively, may not be from school districts  
270 located within the same administrative section. The private  
271 school administrators appointed by the President of the Senate  
272 and the Speaker of the House of Representatives, respectively,  
273 may not be from the same private school accrediting association.

274 3. The board of directors shall consist of a chair and a  
275 vice chair. The Governor shall appoint the chair and the board  
276 shall biennially elect one of its members as vice chair. The  
277 vice chair may not be immediately eligible for reelection to the  
278 office.

279 (b) Terms.—

280 1. Citizen directors shall be appointed to staggered 4-  
281 years terms and are eligible for reappointment to a second term.  
282 During the board's first meeting, it shall conduct a blind draw  
283 to determine the manner in which the terms will be staggered.  
284 The initial terms shall be as follows:

285 a. The chair and one educator shall be appointed to initial  
286 terms of 4 years;

287 b. Three citizens and one educator shall be appointed to  
288 initial terms of 3 years;

289 c. Two citizens and one educator shall be appointed to  
290 initial terms of 2 years; and

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291 d. The remaining two citizens and one educator shall be  
292 appointed to initial terms of 1 year.

293 2. The Governor, the President of the Senate, and the  
294 Speaker of the House of Representatives, respectively, shall  
295 appoint persons to vacancies on the board depending upon who  
296 appointed the director whose vacancy is to be filled or whose  
297 term has expired.

298 3. The Governor, the President of the Senate, and the  
299 Speaker of the House of Representatives may remove their  
300 respective appointees for cause. Absence from three consecutive  
301 meetings results in automatic removal.

302 (c) Duties and responsibilities.-

303 1. The board of directors shall:

304 a. Establish working principles for and direct the affairs  
305 of the organization and faithfully execute its rules;

306 b. Provide strategic planning for the organization;

307 c. Ratify, remand, amend, or defeat rules adopted by the  
308 legislative council;

309 d. Adopt or defeat rules independent of the legislative  
310 council, if deemed necessary and appropriate;

311 e. Approve and oversee the management of an annual budget  
312 for the organization and provide for the proper keeping of  
313 accounts and records;

314 f. Secure funding for the organization by means of,  
315 including, but not limited to, assessing annual dues and service  
316 fees on member schools, charging admission for organization  
317 events, and collecting a percentage of the receipts from such  
318 events;

319 g. Adopt policies necessary for the management of the

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320 organization's business, the collection and expenditure of  
321 funds, the distribution of income, and the administration of  
322 state interscholastic athletic championships;

323 h. Appoint members of the organization's committee on  
324 appeals, committee on infractions, and sectional eligibility  
325 committees;

326 i. Review and approve policies and procedures governing the  
327 organization's enforcement program, eligibility reinstatement  
328 process, and appeals process;

329 j. Ratify, amend, or rescind the actions of the legislative  
330 council or leadership council;

331 k. Create and adopt operating guidelines for a substructure  
332 of committees composed of experts in the field to provide advice  
333 and guidance to the board of directors, legislative council, and  
334 leadership council;

335 l. Consider all requests by member schools for exceptions  
336 to or exemptions from organization rules, policies, or  
337 procedures which are unrelated to student eligibility;

338 m. Convene at least one joint meeting each year with the  
339 legislative council and leadership council;

340 n. Convene at least one joint meeting each year of the  
341 committee on appeals, committee on infractions, and sectional  
342 eligibility committees;

343 o. Retain legal counsel and initiate and settle litigation;

344 p. Make and enter into contracts or agreements necessary or  
345 convenient for the exercise of its powers and functions; and

346 q. Perform every other matter or thing necessary for the  
347 proper management, maintenance, support, and control of the  
348 organization at the highest efficiency economically possible to

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349 carry out the purposes of the organization.

350 2. The board shall provide for an annual audit of the  
351 organization's financial accounts and records by an independent  
352 certified public accountant. The audit shall be conducted under  
353 the supervision of a committee consisting of the board's chair  
354 and vice chair, the chair of the legislative council, and the  
355 chair of the leadership council.

356 3. Each of the citizen directors appointed from the seven  
357 administrative sections shall annually conduct a public hearing  
358 in the section from which he or she was appointed. During such  
359 hearing, interested parties may address issues regarding the  
360 effectiveness of the rules, operation, and management of the  
361 organization. Each citizen director shall submit a written  
362 report containing the results of his or her respective public  
363 hearing to the board of directors.

364 4. The board of directors shall prepare an annual report on  
365 the activities of the organization, which shall be submitted  
366 each year by November 30 to the Governor, the President of the  
367 Senate, the Speaker of the House of Representatives, and the  
368 chairpersons of the legislative education committees in the  
369 Senate and the House of Representatives. The annual report must  
370 include a copy of the independent financial audit report from  
371 the most recent fiscal year and the written reports from the  
372 public hearings conducted by each citizen director.

373 (d) Meetings.-

374 1. The board of directors shall meet monthly. Additional  
375 meetings may be held upon the call of the chair or at the  
376 request of a majority of the directors. Each meeting shall be  
377 available to the public and provide time for comment.

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378       2. When considering any matter of business before the  
379 board, each director shall represent and act on behalf of the  
380 organization as a whole and shall have one vote.

381       3. A majority of the total number of voting directors shall  
382 constitute a quorum. The board may take official action by a  
383 majority vote of the directors present at any meeting at which a  
384 quorum is present, except as expressly provided in the  
385 organization's bylaws or this section.

386       (e) Chief administrative officer; administrative staff.—

387       1. The board of directors shall employ by written contract  
388 a chief administrative officer and other administrators to  
389 efficiently conduct the business of the organization, determine  
390 their titles, fix their compensation, and remove them if  
391 necessary. The board of directors may not delegate its powers or  
392 duties to any administrator.

393       2. The chief administrative officer shall act as the agent  
394 of and be evaluated each year by the board of directors. The  
395 chief administrative officer shall recommend to the board an  
396 organizational structure for and assignment of responsibilities  
397 to the administrative staff and shall direct, manage, train, and  
398 evaluate the performance of the administrative staff.

399       3. The chief administrative officer and administrative  
400 staff shall:

401       a. Implement the directives of the board of directors;  
402       b. Administer the organization's activities and programs;  
403       c. Apply consistently the organization's rules;  
404       d. Investigate violations of the organization's rules;  
405       e. Recommend rules, policies, and procedures for the  
406 efficient, effective, and economic administration of the

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407 organization's programs and activities;

408 f. Advise the board of directors on issues affecting the  
409 organization and recommend strategies for resolving such issues;

410 g. Facilitate, give notice, and keep official records of  
411 all meetings of the organization;

412 h. Provide member schools with all printed materials  
413 necessary to administer the organization's programs;

414 i. Promote harmony among member schools by handling  
415 controversies that arise or appear likely to arise;

416 j. Maintain relations with the public, government,  
417 affiliated organizations, and other stakeholders; and

418 k. Perform other duties as required in this section, the  
419 organization's bylaws, or by the board of the directors.

420 4. The board of directors shall establish a personnel  
421 management system that includes policies and procedures for  
422 employee hiring, training, advancement, salary administration,  
423 benefits, retirement plan, discipline, discharge, performance  
424 evaluations, and other related activities. All administrators  
425 shall be afforded the same benefits.

426 5. The retirement plan established by the board of  
427 directors for employees must be comparable to that of the  
428 Teachers' Retirement System in chapter 238; however, the  
429 retirement benefits paid to any employee may not exceed the  
430 benefits that the employee would have been eligible to receive  
431 had the employee been a participant in such system.

432 (6) LEGISLATIVE COUNCIL.—

433 (a) Composition.—

434 1. The organization's primary legislative authority shall  
435 be vested in a legislative council consisting of 35 persons who

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436 are member school administrators. The members of the legislative  
437 council shall consist of:

438 a. Fourteen public high school principals or athletic  
439 directors of member schools, one from each legislative division  
440 elected by the public high schools within the division.

441 b. Seven private high school principals or athletic  
442 directors of member schools, one from each administrative  
443 section elected by the private high schools within the section.

444 c. Seven principals or athletic directors of member middle  
445 schools, one from each administrative section elected by the  
446 middle schools within the section.

447 d. Seven high school principals or athletic directors of  
448 member schools, one appointed at large from each administrative  
449 section by the board of directors to ensure diversity  
450 representation. Each at-large appointee shall be a racial  
451 minority or a member of the underrepresented gender. Four of the  
452 at-large appointees shall be from public high schools. Three of  
453 the at-large appointees shall be from private high schools. When  
454 making its appointments, the board of directors shall ensure  
455 that small, medium, large, and extra-large public high schools,  
456 and small, medium, and large private high schools are  
457 represented.

458 2. The legislative council shall biennially elect from  
459 among its members a chair and vice chair who are not immediately  
460 eligible for reelection to their respective positions.

461 (b) Terms.—

462 1. Council members shall be elected or appointed to 4-year  
463 staggered terms and may be reelected or reappointed to a second  
464 term as follows:



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465 a. Of the council members initially elected:

466 (I) Three public high school administrators, two private  
467 high school administrators, and two middle school administrators  
468 shall serve initial terms of 4 years;

469 (II) Four public high school administrators, two private  
470 high school administrators, and one middle school administrator  
471 shall serve initial terms of 3 years;

472 (III) Three public high school administrators, two private  
473 high school administrators, and two middle school administrators  
474 shall serve initial terms of 2 years; and

475 (IV) Four public high school administrators, one private  
476 high school administrator, and two middle school administrators  
477 shall serve initial terms of 1 year.

478  
479 The legislative council shall conduct a blind draw during its  
480 first meeting to determine the manner in which the terms for  
481 elected council members will be staggered.

482 b. Of the council members initially appointed at-large from  
483 high schools to ensure diversity representation:

484 (I) Two appointees shall be appointed to initial terms of 4  
485 years;

486 (II) Two appointees shall be appointed to initial terms of  
487 3 years;

488 (III) Two appointees shall be appointed to initial terms of  
489 2 years; and

490 (IV) One appointee shall be appointed to an initial term of  
491 1 year.

492  
493 The board of directors when making the initial appointments

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494 shall spread the staggering of terms equitably between the  
495 represented groups.

496 2. A vacancy that occurs during a school year in any  
497 elected position on the legislative council shall be filled for  
498 the remainder of that school year by the board of directors. If  
499 more than 1 school year remains in the term, the vacancy shall  
500 be filled for the remaining years of the term through a special  
501 election held as part of the organization's annual general  
502 election.

503 3. The board of directors may remove a member of the  
504 legislative council for cause. Absence from three consecutive  
505 meetings results in automatic removal.

506 (c) Duties and responsibilities.— The legislative council  
507 shall:

508 1. Adopt the rules, bylaws, or regulations governing the  
509 organization subject to review and approval by the board of  
510 directors;

511 2. Take final action on matters delegated to it by the  
512 board of directors;

513 3. Suggest policies and procedures to the board of  
514 directors and leadership council which are necessary to ensure  
515 proper management of the organization's business;

516 4. Make recommendations to the board of directors, the  
517 leadership council, and the substructure of committees on  
518 matters that it deems appropriate;

519 5. Review the recommendations of the substructure of  
520 committees; and

521 6. Advise the board of directors on the performance of the  
522 chief administrative officer and administrative staff.

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523 (d) Meetings.-

524 1. The legislative council shall meet a minimum of four  
525 times each school year. Additional meetings may be held upon the  
526 call of the chair, at the request of a majority of the council  
527 members, or upon the order of the board of directors.

528 2. Each elected council member shall vote on behalf of the  
529 schools within the administrative section or legislative  
530 division by whom and from which he or she was elected and his or  
531 her vote shall be weighted as such. Each elected public high  
532 school council member's vote shall be weighted one-tenth of one  
533 point for every public high school in the legislative division  
534 from which he or she was elected. Each elected private high  
535 school council member's vote shall be weighted one-tenth of one  
536 point for every private high school in the section from which he  
537 or she was elected. Each elected middle school council member's  
538 vote shall be weighted one-tenth of one point for every middle  
539 school in the section from which he or she was elected. At the  
540 beginning of each council meeting, the legislative council shall  
541 review the number of schools in each section and division and  
542 assign to each elected council member the appropriate weighted  
543 vote for that meeting.

544 3. Each council member appointed at large by the board of  
545 directors shall have one vote, which may not be weighted.

546 4. The middle school council members shall vote only on  
547 matters that affect middle schools and middle school athletic  
548 programs.

549 5. A majority of the total number of current voting  
550 legislative council members shall constitute a quorum. The  
551 council may take official action on any motion by a majority

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552 vote, as weighted, of the council members present and eligible  
553 to vote at any meeting at which a quorum is present except as  
554 expressly provided in the organization's bylaws or this section.

555 6. The method of voting on issues considered by the  
556 legislative council shall be such that the vote of each council  
557 member is recorded, except for those actions taken by unanimous  
558 consent of the council members present and voting. The results  
559 of the votes by each council member shall be reported to the  
560 membership.

561 (7) LEADERSHIP COUNCIL.—

562 (a) Composition.—

563 1. The leadership council shall serve as the primary  
564 advisory group to the board of directors on strategic and policy  
565 issues and shall assist the board in leading the organization  
566 and charting its course. The leadership council shall consist of  
567 the following 16 persons:

568 a. Seven administrators of member high schools, one  
569 appointed from each administrative section by the board of  
570 directors. Four of the administrators shall be principals. Three  
571 shall be athletic directors. Four shall be from public schools.  
572 Three shall be from private schools. At least one shall be male,  
573 at least one female, and at least one a racial minority. When  
574 making its appointments, the board of directors shall ensure  
575 that small, medium, large, and extra-large public high schools,  
576 and small, medium, and large private high schools are  
577 represented.

578 b. One district school superintendent or assistant  
579 superintendent, appointed by the Florida Association of District  
580 School Superintendents.

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581 c. One executive director or other state-level or regional-  
582 level administrator of a private school accrediting association  
583 whose member schools are also members of the organization,  
584 appointed by the Florida Association of Academic Nonpublic  
585 Schools.

586 d. One district school board member, appointed by the  
587 Florida School Boards Association.

588 e. One district-level public school athletic administrator,  
589 appointed by the Florida Association of Interscholastic Athletic  
590 Administrators and who may not be from the same school district  
591 as the superintendent or assistant superintendent.

592 f. One representative of high school coaches, appointed by  
593 the Florida Athletic Coaches Association.

594 g. One representative of home educators, appointed by the  
595 Home Education Foundation.

596 h. One parent of a high school student-athlete, appointed  
597 by the board of directors who may serve on the council for no  
598 more than 2 years following the graduation of his or her child  
599 from high school.

600 i. One student-athlete, appointed by the board of directors  
601 who may serve on the council for no more than 2 years following  
602 his or her graduation from high school.

603 j. One registered contest official, appointed by the board  
604 of directors.

605 2. The leadership council shall biennially elect from among  
606 its members a chair and vice chair who may not be immediately  
607 eligible for reelection to their respective positions.

608 (b) Terms.—

609 1. Members of the leadership council shall be appointed to

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610 4-year staggered terms. Any council member is eligible for  
611 reappointment to a second term. In order to achieve staggered  
612 terms, the initial appointments shall be made as follows:

613 a. Two of the high school administrators and three of the  
614 representatives of other groups shall be appointed to initial  
615 terms of 4 years;

616 b. Two of the high school administrators and two of the  
617 representatives of other groups shall be appointed to initial  
618 terms of 3 years;

619 c. Two of the high school administrators and two of the  
620 representatives of other groups shall be appointed to initial  
621 terms of 2 years; and

622 d. The remaining high school administrator and the  
623 remaining two representatives of other groups shall be appointed  
624 to an initial term of 1 year.

625  
626 The board of directors shall determine the manner in which the  
627 terms will be staggered and spread them equitably between the  
628 represented groups.

629 2. Vacancies on the leadership council shall be filled by  
630 the board of directors or other entities, respectively,  
631 depending upon who appointed the council member whose vacancy is  
632 to be filled or whose term has expired.

633 3. The board of directors may remove a member of the  
634 leadership council for cause. Absence from three consecutive  
635 meetings results in automatic removal.

636 (c) Duties and responsibilities.- The leadership council  
637 shall:

638 1. Take final action on matters delegated to it by the

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639 board of directors.

640 2. Make recommendations to the board of directors,  
641 legislative council, and the substructure of committees on  
642 matters that it deems appropriate.

643 3. Suggest policies to the board of directors that are  
644 necessary to ensure proper management of the organization.

645 4. Assist the board of directors in developing the  
646 organization's legislative agenda by:

647 a. Suggesting concepts for development by the board, the  
648 legislative council, and the substructure of committees;

649 b. Identifying significant issues that may require  
650 legislative solutions; and

651 c. Advising the board regarding any proposed rule.

652 5. Review the recommendations of the substructure of  
653 committees.

654 6. Appoint qualified persons to committees in the  
655 substructure.

656 7. Advise the board of directors on the performance of the  
657 chief administrative officer and administrative staff.

658 8. Coordinate strategic planning activities.

659 9. Identify and examine trends and strategic issues that  
660 are or could affect interscholastic athletics.

661 (d) Meetings.—

662 1. The leadership council shall meet a minimum of four  
663 times each school year. Additional meetings may be held upon the  
664 call of the chair, at the request of a majority of the council  
665 members, or upon the order of the board of directors.

666 2. A majority of the total number of current voting  
667 leadership council members shall constitute a quorum. The

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668 council may take official action by a majority vote of the  
669 council members present at any meeting at which a quorum is  
670 present, except as expressly provided in the organization's  
671 bylaws or this section.

672 3. Each leadership council member when considering any  
673 matter of business before the council shall represent and act on  
674 behalf of the organization as a whole and shall have one vote.

675 (7) COMMITTEE ON APPEALS.-

676 (a) *Composition.*-

677 1. The committee on appeals shall be the appellate  
678 authority of the organization. The committee on appeals shall  
679 consist of the following six persons appointed by the board of  
680 directors:

681 a. Five administrators of member schools, public school  
682 districts, or private school accrediting associations  
683 represented in the organization's membership, appointed from  
684 differing administrative sections. Three administrators shall be  
685 from the public school sector, two from the private school  
686 sector. At least one administrator shall be a principal, at  
687 least one an athletic director, at least one male, at least one  
688 female, and at least one a racial minority.

689 b. One member of the general public who is not connected  
690 with any member school, public school district, or private  
691 school accrediting association, or represent athletic directors,  
692 coaches, or students in any capacity.

693 2. The general public member shall chair the committee on  
694 appeals and must have knowledge of the principles and practices  
695 to be followed in conducting quasi-judicial hearings and related  
696 legal proceedings. The chair shall act as the executive on



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697 behalf of the committee during an emergency situation, the  
698 timing of which precludes convening the committee. Such action  
699 shall be reported to the committee at its next meeting.

700 (b) Terms.—

701 1. Members of the committee on appeals shall be appointed  
702 for 4-year staggered terms. Any member may be appointed for a  
703 second term of 4 years. In order to achieve staggered terms, of  
704 the initial appointments:

705 a. The general public member and one public school  
706 administrator shall be appointed to terms of 4 years;

707 b. Two school administrators, one public and one private,  
708 shall be appointed to terms of 3 years; and

709 c. Two school administrators, one public and one private,  
710 shall be appointed to terms of 2 years.

711  
712 The board of directors shall conduct a blind draw to determine  
713 the staggering of terms during the meeting in which the initial  
714 appointments to the committee are made.

715 2. The board of directors may remove a member of the  
716 committee on appeals for cause. Absence from three consecutive  
717 meetings results in automatic removal.

718 (c) Duties and responsibilities.—

719 1. The committee on appeals shall:

720 a. Hear appeals of member schools or persons found to have  
721 committed serious violations by the committee on infractions or  
722 minor violations by the organization's staff.

723 b. Hear appeals of students who receive unfavorable  
724 decisions from sectional eligibility committees.

725 c. Formulate and revise policies and procedures that relate

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726 directly to infractions appeals or student eligibility  
727 reinstatement processes, subject to review and approval by the  
728 board of directors.

729 2. The organization's bylaws shall establish the criteria  
730 to be followed by the committee on appeals in affirming,  
731 modifying, or setting aside a finding of or penalty imposed by  
732 the committee on infractions or a decision of a sectional  
733 eligibility committee.

734 3. The committee on appeals, at the request of the board of  
735 directors, may review any decision of a sectional eligibility  
736 committee which the board believes may directly conflict with:

737 a. Decisions of other sectional eligibility committees or  
738 the committee on appeals on the same question or rule;

739 b. Organization rules; or

740 c. The proper administration of interscholastic athletics  
741 programs throughout the state.

742 4. The decision of the committee on appeals is final,  
743 binding, and conclusive, and is not subject to further review by  
744 the board of directors or any other authority within the  
745 organization.

746 (d) Meetings.—

747 1. The committee on appeals shall meet monthly as needed  
748 upon call of the chair.

749 2. Five members of the committee on appeals shall  
750 constitute a quorum. The board of directors shall appoint  
751 alternate committee members upon whom the chair may call to  
752 ensure the presence of a quorum. The committee may take official  
753 action by a majority vote of the members present at any meeting  
754 at which a quorum is present. The chair is the deciding vote in

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755 the case of a tie.

756 (8) COMMITTEE ON INFRACTIONS.—

757 (a) Composition.—

758 1. The committee on infractions is responsible for the  
759 administration of the organization's enforcement program. The  
760 committee on infractions shall consist of the following nine  
761 members:

762 a. Seven administrators of member schools, public school  
763 districts, or private school accrediting associations  
764 represented in the organization's membership, appointed from  
765 differing administrative sections. Four administrators shall be  
766 from the public school sector and three from the private school  
767 sector. At least one administrator shall be a principal, at  
768 least one an athletic director, at least one male, at least one  
769 female, and at least one a racial minority.

770 b. Two members of the general public, who are not connected  
771 with any member school, public school district, or private  
772 school accrediting association, or who do not represent athletic  
773 directors, coaches, or students in any capacity.

774 2. The board of directors shall designate one of the two  
775 general public members as chair of the committee on infractions  
776 who must have knowledge of the principles and practices to be  
777 followed in conducting quasi-judicial hearings and related legal  
778 proceedings. The chair shall act as the executive on behalf of  
779 the committee during an emergency situation, the timing of which  
780 precludes convening the committee. Such executive actions shall  
781 be reported to the committee at its next meeting.

782 (b) Terms.—

783 1. Members of the committee on infractions shall be

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784 appointed to 4-year staggered terms. Any member is eligible for  
785 reappointment to a second term of 4 years. In order to achieve  
786 staggered terms, of the initial appointments:

787 a. The general public member who is designated as chair and  
788 two school administrators, one public and one private, shall be  
789 appointed to terms of 4 years;

790 b. Two school administrators, one public and one private,  
791 shall be appointed to terms of 3 years;

792 c. The second general public member and two school  
793 administrators, one public and one private, shall be appointed  
794 to terms of 2 years; and

795 d. The remaining public school administrator shall be  
796 appointed to a term of 1 year.

797  
798 The board of directors shall conduct a blind draw to determine  
799 the staggering of terms during the meeting in which the initial  
800 appointments to the committee are made.

801 2. The board of directors may remove a member of the  
802 committee on infractions for cause. Absence from three  
803 consecutive meetings results in automatic removal.

804 (c) Duties and responsibilities.-

805 1. The committee on infractions shall:

806 a. Formulate and revise organization enforcement policies  
807 and procedures, including investigative guidelines that will be  
808 followed by the organization staff, subject to review and  
809 approval by the board of directors;

810 b. Determine facts related to allegations of serious  
811 violations and find violations of organization rules;

812 c. Impose an appropriate penalty on a member school that it

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813 finds has committed a serious violation, or recommend to the  
814 board of directors the suspension or termination of a school's  
815 membership in the organization; and

816 d. Carry out other duties directly related to the  
817 administration of the organization's enforcement program.

818 2. The committee on infractions shall base its findings on  
819 the information that is presented as it determines to be  
820 credible, persuasive, and of a kind on which reasonably prudent  
821 persons rely in the conduct of serious affairs.

822 (d) Meetings.—

823 1. The committee on infractions shall meet at least once  
824 each school year to review organization enforcement policies and  
825 procedures, including investigative guidelines that will be  
826 followed by the organization staff. Otherwise, the committee  
827 shall meet upon the call of the chair.

828 2. Six members of the committee shall constitute a quorum.  
829 The board of directors shall appoint alternate committee members  
830 upon whom the chair, at his or her sole discretion, may call to  
831 ensure the presence of a quorum. The committee may take official  
832 action by a majority vote of the members present at any meeting  
833 at which a quorum is present. The chair is the deciding vote in  
834 the case of a tie.

835 (9) SECTIONAL ELIGIBILITY COMMITTEES.—

836 (a) Composition.—

837 1. Sectional eligibility committees shall consider  
838 petitions for reinstatement of eligibility filed by member  
839 schools on behalf of students determined to be ineligible to  
840 participate in interscholastic athletic competition under any  
841 applicable rule of the organization. There shall be one

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842 sectional eligibility committee in each of the seven  
843 administrative sections. Each committee shall be composed of the  
844 following six persons appointed by the board of directors:

845 a. Five principals or athletic directors from member high  
846 schools located within the section. Three administrators shall  
847 be from public schools. Two administrators shall be from private  
848 schools. At least one administrator shall be a principal, at  
849 least one an athletic director, at least one male, at least one  
850 female, and at least one a racial minority.

851 b. One member of the general public who may not be  
852 connected with any member school, public school district, or  
853 private school accrediting association, or represent athletic  
854 directors, coaches, or students in any capacity.

855 2. The general public member shall act as chair of the  
856 committee and must have knowledge of the principles and  
857 practices to be followed in conducting quasi-judicial hearings  
858 and related legal proceedings.

859 (b) Terms.—

860 1. Members of each sectional appeals committee shall be  
861 appointed to 4-year staggered terms. Any member is eligible for  
862 reappointment to a second term of 4 years. In order to achieve  
863 staggered terms, of the initial appointments:

864 a. The general public member shall be appointed to a term  
865 of 4 years;

866 b. Two school administrators, one public and one private,  
867 shall be appointed to terms of 3 years;

868 c. Two school administrators, one public and one private,  
869 shall be appointed to terms of 2 years; and

870 d. The remaining public school administrator shall be

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871 appointed to a term of 1 year.

872

873 The board of directors shall conduct a blind draw to determine  
874 the staggering of terms during the meeting in which the initial  
875 appointments to each committee are made.

876 2. The board of directors may remove a member of a  
877 sectional eligibility committee for cause. Absence from three  
878 consecutive meetings results in automatic removal.

879 (c) Duties and responsibilities.-

880 1. Each sectional eligibility committee shall consider  
881 petitions for reinstatement of student eligibility filed by  
882 member schools located in the administrative section over which  
883 it has jurisdiction and shall reinstate a student's eligibility  
884 if the petitioner shows:

885 a. The determination of ineligibility by the organization's  
886 staff was in error; or

887 b. Enforcement of the rule in the student's specific  
888 situation fails to accomplish the purpose for which it was  
889 intended and results in undue hardship for the student.

890 2. A petitioner that claims an undue hardship must show  
891 that the student is in violation of the rule through no action  
892 or inaction of his or her own due to circumstances completely  
893 beyond the control of the student or his or her parents or the  
894 administration of his or current school or former school or  
895 schools, and cannot be reasonably expected to comply with the  
896 rule.

897 3. If a sectional eligibility committee finds that  
898 compliance with all requirements of a rule would result in undue  
899 hardship, an exemption from any one or more requirements may be

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900 granted by the committee to the extent necessary to improve such  
901 undue hardship and to the extent such exception can be granted  
902 without impairing the intent and purpose or fundamentally alter  
903 the nature of the rule. The undue hardship exception must be  
904 narrowly construed.

905 (d) Meetings.—

906 1. Each sectional eligibility committee shall meet monthly  
907 as needed upon call of the chair.

908 2. Five members of a sectional eligibility committee shall  
909 constitute a quorum. The board of directors shall appoint  
910 alternate committee members upon whom the chair may call to  
911 ensure the presence of a quorum. The committee may take official  
912 action by a majority vote of the members present at any meeting  
913 at which a quorum is present. The chair is the deciding vote in  
914 the case of a tie.

915

916 This subsection shall take effect July 1, 2010.

917 (10) LEGISLATIVE PROCESS.—

918 (a) The board of directors or the legislative council may  
919 adopt or amend the organization's rules. A proposal to create a  
920 new rule or amend or repeal an existing rule may be sponsored  
921 by:

922 1. Any member school;

923 2. Any public school district;

924 3. Any private school accrediting association;

925 4. Any committee in the organization's substructure of  
926 committees;

927 5. The board of directors;

928 6. The legislative council; or



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929       7. The leadership council.

930       (b) The board of directors shall review every rule adopted  
931 by the legislative council. The board may ratify the rule as  
932 adopted or, by a two-thirds vote, may amend or defeat it.  
933 Adoption of a rule by the legislative council is not final until  
934 the board of directors ratifies the rule or fails to amend or  
935 defeat the rule.

936       (c) The board of directors by a two-thirds vote may restore  
937 a rules proposal defeated by the legislative council. The board  
938 may forward the proposal to the membership for review and  
939 comment in its original form or may amend the proposal and  
940 forward it for review and comment. The board also may adopt the  
941 proposal in its original form or amend and adopt it.

942       (d) A rule adopted by the board of directors shall take  
943 effect upon adoption or on the date specified, whichever is  
944 later. A rule adopted by the legislative council shall take  
945 effect after it has been reviewed by the board of directors or  
946 on the date specified, whichever is later, unless the board  
947 defeats it.

948       (e) The organization's bylaws must establish processes for  
949 rules adoption which include timelines providing member schools,  
950 affiliate organizations, and the public with an opportunity to  
951 review and comment upon proposed rules changes. The bylaws must  
952 also provide a process for expediting proposals that are deemed  
953 an emergency by the board of directors.

954       (11) ADOPTION OF BYLAWS.—

955       (a) The organization shall adopt bylaws that, unless  
956 specifically provided by statute, establish eligibility  
957 requirements for all students who participate in high school

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958 athletic competition in its member schools. The bylaws governing  
959 residence and transfer shall allow the student to be eligible in  
960 the school in which he or she first enrolls each school year, or  
961 makes himself or herself a candidate for an athletic team by  
962 engaging in a practice before enrolling in any member school.  
963 The student is eligible in the school only if he or she remains  
964 enrolled in such school. Subsequent eligibility shall be  
965 determined and enforced through the organization's bylaws.

966 (b) The organization shall adopt bylaws that specifically  
967 prohibit the recruiting of students for athletic purposes. The  
968 bylaws must prescribe penalties and an appeals process for  
969 athletic recruiting violations.

970 (c) The organization shall adopt bylaws that require all  
971 students participating in interscholastic athletic competition  
972 or who are candidates for an interscholastic athletic team to  
973 satisfactorily pass a medical evaluation each year before  
974 participating in interscholastic athletic competition or  
975 engaging in any practice, tryout, workout, or other physical  
976 activity associated with the student's candidacy for an  
977 interscholastic athletic team. Such medical evaluation may be  
978 administered only by a practitioner licensed under chapter 458,  
979 chapter 459, chapter 460, or s. 464.012, and in good standing  
980 with the practitioner's regulatory board. The bylaws must  
981 include requirements for eliciting a student's medical history  
982 and performing the medical evaluation required under this  
983 paragraph, including a physical assessment of the student's  
984 physical capabilities to participate in interscholastic athletic  
985 competition as contained in a uniform preparticipation physical  
986 evaluation and history form. The evaluation form must

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987 incorporate the recommendations of the American Heart  
988 Association for participation and cardiovascular screening and  
989 must provide a place for the signature of the practitioner  
990 performing the evaluation, along with an attestation that each  
991 examination procedure listed on the form was performed by the  
992 practitioner or by someone under the direct supervision of the  
993 practitioner. The form must also contain a place for the  
994 practitioner to indicate if a referral to another practitioner  
995 was made in lieu of completing a certain examination procedure.  
996 The form must also provide a place for the practitioner to whom  
997 the student was referred to complete the remaining sections and  
998 attest to that portion of the examination. The preparticipation  
999 physical evaluation form must advise students to complete a  
1000 cardiovascular assessment and must include information  
1001 concerning alternative cardiovascular evaluation and diagnostic  
1002 tests. Results of such medical evaluation must be provided to  
1003 the school. A student is not eligible to participate in any  
1004 interscholastic athletic competition or engage in any practice,  
1005 tryout, workout, or other physical activity associated with the  
1006 student's candidacy for an interscholastic athletic team until  
1007 the results of the medical evaluation have been received and  
1008 approved by the school.

1009 (d) Notwithstanding paragraph (c), a student may  
1010 participate in an interscholastic athletic competition or be a  
1011 candidate for an interscholastic athletic team if the student's  
1012 parent or guardian objects in writing to the student undergoing  
1013 a medical evaluation because such evaluation is contrary to his  
1014 or her religious tenets or practices. However, any person or  
1015 entity who is in a position to otherwise rely on the results of

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1016 such medical evaluation is not liable for any damages resulting  
1017 from the student's injury or death arising directly from the  
1018 student's participation in interscholastic athletics during  
1019 which an undisclosed medical condition that would have been  
1020 revealed in the medical evaluation is a proximate cause of the  
1021 injury or death.

1022 (12) RULES ADOPTION.—The organization's bylaws must require  
1023 member schools to adopt rules for sports, which have been  
1024 established by a nationally recognized sanctioning body, unless  
1025 waived by at least a two-thirds vote of the legislative council  
1026 and approved by the board of directors.

1027 Section 2. The Governor shall appoint the chair of the  
1028 recomposed board of directors of the organization established by  
1029 this act no more than 10 days after the effective date of this  
1030 act. The newly appointed chair shall act on behalf of the board  
1031 of directors to employ an interim chief administrative officer  
1032 who shall facilitate the transition to the governing structure  
1033 required in this act. The Governor, the President of the Senate,  
1034 and the Speaker of the House of Representatives shall complete  
1035 their appointments to the board of directors by July 15, 2009.  
1036 The board of directors shall meet by July 31, 2009, to assume  
1037 its duties as provided in this act.

1038 Section 3. The board of directors of the organization  
1039 established by this act shall evaluate the organization's  
1040 governing structure, as amended by this act and, if deemed  
1041 necessary and advisable, shall recommend to the Legislature, by  
1042 November 30, 2009, additional amendments to s. 1006.20, Florida  
1043 Statutes, to improve the effectiveness and efficiency of the  
1044 organization.

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Section 4. This act shall take effect upon becoming a law.