

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER

1 Committee/Subcommittee hearing bill: Education Committee
2 Representative Stargel offered the following:

3
4 **Amendment (with title amendment)**

5 Remove everything after the enacting clause and insert:
6 Section 1. Paragraph (a) of subsection (17) of section
7 1002.20, Florida Statutes, is amended to read:

8 1002.20 K-12 student and parent rights.—Parents of public
9 school students must receive accurate and timely information
10 regarding their child's academic progress and must be informed
11 of ways they can help their child to succeed in school. K-12
12 students and their parents are afforded numerous statutory
13 rights including, but not limited to, the following:

14 (17) ATHLETICS; PUBLIC HIGH SCHOOL.—

15 (a) Eligibility.—Eligibility requirements for all students
16 participating in high school athletic competition must allow a
17 student to be eligible in the school in which he or she first
18 enrolls each school year, the school in which the student ~~or~~
19 makes himself or herself a candidate for an athletic team by

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engaging in practice before enrolling, or the school to which the student has transferred with approval of the district school board, in accordance with the provisions of s. 1006.20(2)(a).

Section 2. Section 1006.20, Florida Statutes, is amended to read:

1006.20 Athletics in public K-12 schools.—

(1) GOVERNING NONPROFIT ORGANIZATION.—The Florida High School Athletic Association (FHSAA) is designated as the governing nonprofit organization of athletics in Florida public schools. If the FHSAA ~~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 FHSAA organization is not ~~to be~~ a state agency as defined in s. 120.52. The FHSAA organization shall be subject to the provisions of s. 1006.19. A private school that wishes to engage in high school athletic competition with a public high school may become a member of the FHSAA organization. Any high school in the state, including charter schools, virtual schools, and home education cooperatives, may become a member of the FHSAA and participate in the activities of the FHSAA. However, membership in the FHSAA is not mandatory for any school. The bylaws of the FHSAA organization are ~~to be~~ the rules by which high school athletic programs in its member schools, and the students who participate in them, are governed, unless otherwise specifically provided by statute. For the purposes of this section, "high school" includes grades 6 through 12.

(2) ADOPTION OF BYLAWS.—

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48 (a) The FHSAA ~~organization~~ shall adopt bylaws that, unless
49 specifically provided by 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 the student to be eligible in
53 the school in which he or she first enrolls each school year, ~~or~~
54 the school in which the student makes himself or herself a
55 candidate for an athletic team by engaging in a practice prior
56 to enrolling in the any member school. The bylaws shall also
57 allow the student to be eligible in the school to which the
58 student has transferred during the school year if the transfer
59 is made by a deadline established by the FHSAA, which may not be
60 prior to the date authorized for the beginning of practice for
61 the sport. These transfers shall be allowed pursuant to the
62 district school board policies in the case of transfer to a
63 public school or pursuant to the private school policies in the
64 case of transfer to a private school. The student shall be
65 eligible in that school so long as he or she remains enrolled in
66 that school. Subsequent eligibility shall be determined and
67 enforced through the FHSAA's ~~organization's~~ bylaws. Requirements
68 governing eligibility and transfer between member schools shall
69 be applied similarly to public school students and private
70 school students.

71 (b) The FHSAA ~~organization~~ shall adopt bylaws that
72 specifically prohibit the recruiting of students for athletic
73 purposes. The bylaws shall prescribe penalties and an appeals
74 process for athletic recruiting violations. If it is determined
75 that a school has recruited a student in violation of FHSAA

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76 bylaws, the FHSAA may require the school to participate in a
77 higher classification for the sport in which the recruited
78 student competes for a minimum of one classification cycle, in
79 addition to any other appropriate fine and sanction imposed on
80 the school, its coaches, or adult representatives who violate
81 recruiting rules. A student may not be declared ineligible based
82 on violation of recruiting rules unless the student or parent
83 has falsified any enrollment or eligibility document or accepted
84 any benefit or any promise of benefit if such benefit is not
85 generally available to the school's students or family members
86 or is based in any way on athletic interest, potential, or
87 performance.

88 (c) The FHSAA ~~organization~~ shall adopt bylaws that require
89 all students participating in interscholastic athletic
90 competition or who are candidates for an interscholastic
91 athletic team to satisfactorily pass a medical evaluation each
92 year prior to participating in interscholastic athletic
93 competition or engaging in any practice, tryout, workout, or
94 other physical activity associated with the student's candidacy
95 for an interscholastic athletic team. Such medical evaluation
96 may ~~can only~~ be administered only by a practitioner licensed
97 under ~~the provisions of~~ chapter 458, chapter 459, chapter 460,
98 or s. 464.012, and in good standing with the practitioner's
99 regulatory board. The bylaws shall establish requirements for
100 eliciting a student's medical history and performing the medical
101 evaluation required under this paragraph, which shall include a
102 physical assessment of the student's physical capabilities to
103 participate in interscholastic athletic competition as contained

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104 in a uniform preparticipation physical evaluation and history
105 form. The evaluation form shall incorporate the recommendations
106 of the American Heart Association for participation
107 cardiovascular screening and shall provide a place for the
108 signature of the practitioner performing the evaluation with an
109 attestation that each examination procedure listed on the form
110 was performed by the practitioner or by someone under the direct
111 supervision of the practitioner. The form shall also contain a
112 place for the practitioner to indicate if a referral to another
113 practitioner was made in lieu of completion of a certain
114 examination procedure. The form shall provide a place for the
115 practitioner to whom the student was referred to complete the
116 remaining sections and attest to that portion of the
117 examination. The preparticipation physical evaluation form shall
118 advise students to complete a cardiovascular assessment and
119 shall include information concerning alternative cardiovascular
120 evaluation and diagnostic tests. Results of such medical
121 evaluation must be provided to the school. No student shall be
122 eligible to participate in any interscholastic athletic
123 competition or engage in any practice, tryout, workout, or other
124 physical activity associated with the student's candidacy for an
125 interscholastic athletic team until the results of the medical
126 evaluation have been received and approved by the school.

127 (d) Notwithstanding the provisions of paragraph (c), a
128 student may participate in interscholastic athletic competition
129 or be a candidate for an interscholastic athletic team if the
130 parent of the student objects in writing to the student
131 undergoing a medical evaluation because such evaluation is

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132 contrary to his or her religious tenets or practices. However,
133 in such case, there shall be no liability on the part of any
134 person or entity in a position to otherwise rely on the results
135 of such medical evaluation for any damages resulting from the
136 student's injury or death arising directly from the student's
137 participation in interscholastic athletics where an undisclosed
138 medical condition that would have been revealed in the medical
139 evaluation is a proximate cause of the injury or death.

140 (e) The FHSAA shall adopt bylaws that regulate persons who
141 conduct investigations on behalf of the FHSAA. The bylaws shall
142 include provisions that require an investigator to:

143 1. Undergo level 2 background screening under s. 435.04,
144 establishing that the investigator has not committed any
145 disqualifying offense listed in s. 435.04, unless the
146 investigator can provide proof of compliance with level 2
147 screening standards submitted within the previous 5 years to
148 meet any professional licensure requirements, provided:

149 a. The investigator has not had a break in service from a
150 position that requires level 2 screening for more than 90 days;
151 and

152 b. The investigator submits, under penalty of perjury, an
153 affidavit verifying that the investigator has not committed any
154 disqualifying offense listed in s. 435.04 and is in full
155 compliance with this paragraph.

156 2. Be appointed as an investigator by the executive
157 director.

158 3. Carry a photo identification card that shows the FHSAA
159 name, logo, and the investigator's official title.

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160 4. Adhere to the following guidelines:

161 a. Investigate only those alleged violations assigned by
162 the executive director or the board of directors.

163 b. Conduct interviews on Monday through Friday between the
164 hours of 9 a.m. and 7 p.m. only, unless previously agreed to by
165 the interviewee.

166 c. Allow the parent of any student being interviewed to be
167 present during the interview.

168 d. Search residences or other private areas only with the
169 permission of the executive director and the written consent of
170 the student's parent and only with a parent or a representative
171 of the parent present.

172 (f) The FHSAA shall adopt bylaws that establish sanctions
173 for coaches who have committed major violations of the FHSAA's
174 bylaws and policies.

175 1. Major violations include, but are not limited to,
176 knowingly allowing an ineligible student to participate in a
177 contest representing a member school in an interscholastic
178 contest or committing a violation of the FHSAA's recruiting or
179 sportsmanship policies.

180 2. Sanctions placed upon an individual coach may include,
181 but are not limited to, prohibiting or suspending the coach from
182 coaching, participating in, or attending any athletic activity
183 sponsored, recognized, or sanctioned by the FHSAA and the member
184 school for which the coach committed the violation. If a coach
185 is sanctioned by the FHSAA and the coach transfers to another
186 member school, those sanctions remain in full force and effect
187 during the term of the sanction.

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188 3. If a member school is assessed a financial penalty as a
189 result of a coach committing a major violation, the coach shall
190 reimburse the member school before being allowed to coach,
191 participate in, or attend any athletic activity sponsored,
192 recognized, or sanctioned by the FHSAA and a member school.

193 4. The FHSAA shall establish a due process procedure for
194 coaches sanctioned under this paragraph, consistent with the
195 appeals procedures set forth in subsection (7).

196 (g) The FHSAA shall adopt bylaws establishing the process
197 and standards by which FHSAA determinations of eligibility are
198 made. Such bylaws shall provide that:

199 1. Ineligibility must be established by clear and
200 convincing evidence;

201 2. Student athletes, parents, and schools must have notice
202 of the initiation of any investigation or other inquiry into
203 eligibility and may present, to the investigator and to the
204 individual making the eligibility determination, any information
205 or evidence that is credible, persuasive, and of a kind
206 reasonably prudent persons rely upon in the conduct of serious
207 affairs;

208 3. An investigator may not determine matters of
209 eligibility but must submit information and evidence to the
210 executive director or a person designated by the executive
211 director or by the board of directors for an unbiased and
212 objective determination of eligibility; and

213 4. A determination of ineligibility must be made in
214 writing, setting forth the findings of fact and specific
215 violation upon which the decision is based.

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216 (h) In lieu of bylaws adopted under paragraph (g), the
217 FHSAA may adopt bylaws providing as a minimum the procedural
218 safeguards of ss. 120.569 and 120.57, making appropriate
219 provision for appointment of unbiased and qualified hearing
220 officers.

221 (i) The FHSAA bylaws may not limit the competition of
222 student athletes prospectively for rule violations of their
223 school or its coaches or their adult representatives. The FHSAA
224 bylaws may not unfairly punish student athletes for eligibility
225 or recruiting violations perpetrated by a teammate, coach, or
226 administrator. Contests may not be forfeited for inadvertent
227 eligibility violations unless the coach or a school
228 administrator should have known of the violation. Contests may
229 not be forfeited for other eligibility violations or recruiting
230 violations in excess of the number of contests that the coaches
231 and adult representatives responsible for the violations are
232 prospectively suspended.

233 (3) GOVERNING STRUCTURE OF THE ORGANIZATION.—

234 (a) The FHSAA ~~organization~~ shall operate as a
235 representative democracy in which the sovereign authority is
236 within its member schools. Except as provided in this section,
237 the FHSAA ~~organization~~ shall govern its affairs through its
238 bylaws.

239 (b) Each member school, on its annual application for
240 membership, shall name its official representative to the FHSAA
241 ~~organization~~. This representative must be either the school
242 principal or his or her designee. That designee must either be

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243 an assistant principal or athletic director housed within that
244 same school.

245 (c) The FHSAA's ~~organization's~~ membership shall be divided
246 along existing county lines into four contiguous and compact
247 administrative regions, each containing an equal or nearly equal
248 number of member schools to ensure equitable representation on
249 the FHSAA's ~~organization's~~ board of directors, representative
250 assembly, and appeals committees ~~committee on appeals~~.

251 (4) BOARD OF DIRECTORS.—

252 (a) The executive authority of the FHSAA ~~organization~~
253 shall be vested in its board of directors. Any entity that
254 appoints members to the board of directors shall examine the
255 ethnic and demographic composition of the board when selecting
256 candidates for appointment and shall, to the greatest extent
257 possible, make appointments that reflect state demographic and
258 population trends. The board of directors shall be composed of
259 16 persons, as follows:

260 1. Four public member school representatives, one elected
261 from among its public school representative members within each
262 of the four administrative regions.

263 2. Four nonpublic member school representatives, one
264 elected from among its nonpublic school representative members
265 within each of the four administrative regions.

266 3. Three representatives appointed by the commissioner,
267 one appointed from the two northernmost administrative regions
268 and one appointed from the two southernmost administrative
269 regions. The third representative shall be appointed to balance
270 the board for diversity or state population trends, or both.

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Bill No. CS/CS/HB 1403 (2012)

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271 4. Two district school superintendents, one elected from
272 the two northernmost administrative regions by the members in
273 those regions and one elected from the two southernmost
274 administrative regions by the members in those regions.

275 5. Two district school board members, one elected from the
276 two northernmost administrative regions by the members in those
277 regions and one elected from the two southernmost administrative
278 regions by the members in those regions.

279 6. The commissioner or his or her designee from the
280 department executive staff.

281 (b) A quorum of the board of directors shall consist of
282 nine members.

283 (c) The board of directors shall elect a president and a
284 vice president from among its members. These officers shall also
285 serve as officers of the FHSAA ~~organization~~.

286 (d) Members of the board of directors shall serve terms of
287 3 years and are eligible to succeed themselves only once. A
288 member of the board of directors, other than the commissioner or
289 his or her designee, may serve a maximum of 6 consecutive years.
290 The FHSAA's ~~organization's~~ bylaws shall establish a rotation of
291 terms to ensure that a majority of the members' terms do not
292 expire concurrently.

293 (e) The authority and duties of the board of directors,
294 acting as a body and in accordance with the FHSAA's
295 ~~organization's~~ bylaws, are as follows:

296 1. To act as the incorporated FHSAA's ~~organization's~~ board
297 of directors and to fulfill its obligations as required by the
298 FHSAA's ~~organization's~~ charter and articles of incorporation.

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

301 3. To ~~employ provide~~ an FHSAA executive director
302 ~~organization commissioner~~, who shall have the authority to waive
303 the bylaws of the FHSAA ~~organization~~ in order to comply with
304 statutory changes.

305 4. To levy annual dues and other fees and to set the
306 percentage of contest receipts to be collected by the FHSAA
307 ~~organization~~.

308 5. To approve the budget of the FHSAA ~~organization~~.

309 6. To organize and conduct statewide interscholastic
310 competitions, which may or may not lead to state championships,
311 and to establish the terms and conditions for these
312 competitions.

313 7. To act as an administrative board in the interpretation
314 of, and final decision on, all questions and appeals arising
315 from the directing of interscholastic athletics of member
316 schools.

317 (5) REPRESENTATIVE ASSEMBLY.—

318 (a) The legislative authority of the FHSAA ~~organization~~ is
319 vested in its representative assembly.

320 (b) The representative assembly shall be composed of the
321 following:

322 1. An equal number of member school representatives from
323 each of the four administrative regions.

324 2. Four district school superintendents, one elected from
325 each of the four administrative regions by the district school
326 superintendents in their respective administrative regions.

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327 3. Four district school board members, one elected from
328 each of the four administrative regions by the district school
329 board members in their respective administrative regions.

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

332 (c) The FHSAA's ~~organization's~~ bylaws shall establish the
333 number of member school representatives to serve in the
334 representative assembly from each of the four administrative
335 regions and shall establish the method for their selection.

336 (d) No member of the board of directors other than the
337 commissioner or his or her designee can serve in the
338 representative assembly.

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

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

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

348 (h) The authority of the representative assembly is
349 limited to its sole duty, which is to consider, adopt, or reject
350 any proposed amendments to the FHSAA's ~~organization's~~ bylaws.

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

354 (6) PUBLIC LIAISON ADVISORY COMMITTEE.—

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355 (a) The FHSAA ~~organization~~ shall establish, sustain, fund,
356 and provide staff support to a public liaison advisory committee
357 composed of the following:

- 358 1. The commissioner or his or her designee.
- 359 2. A member public school principal.
- 360 3. A member private school principal.
- 361 4. A member school principal who is a member of a racial
362 minority.
- 363 5. An active athletic director.
- 364 6. An active coach, who is employed full time by a member
365 school.
- 366 7. A student athlete.
- 367 8. A district school superintendent.
- 368 9. A district school board member.
- 369 10. A member of the Florida House of Representatives.
- 370 11. A member of the Florida Senate.
- 371 12. A parent of a high school student.
- 372 13. A member of a home education association.
- 373 14. A representative of the business community.
- 374 15. A representative of the news media.

375 (b) No member of the board of directors, committee on
376 appeals, or representative assembly is eligible to serve on the
377 public liaison advisory committee.

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

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

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382 1. To act as a conduit through which the general public
383 may have input into the decisionmaking process of the FHSAA
384 ~~organization~~ and to assist the FHSAA ~~organization~~ in the
385 development of procedures regarding the receipt of public input
386 and disposition of complaints related to high school athletic
387 and competition programs.

388 2. To conduct public hearings annually in each of the four
389 administrative regions during which interested parties may
390 address issues regarding the effectiveness of the rules,
391 operation, and management of the FHSAA ~~organization~~.

392 3. To conduct an annual evaluation of the FHSAA
393 ~~organization~~ as a whole and present a report of its findings,
394 conclusion, and recommendations to the board of directors, to
395 the commissioner, and to the respective education committees of
396 the Florida Senate and the Florida House of Representatives. The
397 recommendations must delineate policies and procedures that will
398 improve the implementation and oversight of high school athletic
399 programs by the FHSAA ~~organization~~.

400 (e) The public liaison advisory committee shall meet four
401 times annually. Additional meetings may be called by the
402 committee chairperson, the FHSAA ~~organization~~ president, or the
403 FHSAA executive director ~~organization~~ ~~commissioner~~.

404 (7) APPEALS.—

405 (a) The FHSAA ~~organization~~ shall establish a procedure of
406 due process which ensures each student the opportunity to appeal
407 an unfavorable ruling with regard to his or her eligibility to
408 compete. The initial appeal shall be made to a committee on
409 appeals within the administrative region in which the student

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410 lives. The FHSAA's organization's bylaws shall establish the
411 number, size, and composition of each ~~the~~ committee on appeals.

412 (b) No member of the board of directors is eligible to
413 serve on a ~~the~~ committee on appeals.

414 (c) Members of a ~~the~~ committee on appeals shall serve
415 terms of 3 years and are eligible to succeed themselves only
416 once. A member of a ~~the~~ committee on appeals may serve a maximum
417 of 6 consecutive years. The FHSAA's organization's bylaws shall
418 establish a rotation of terms to ensure that a majority of the
419 members' terms do not expire concurrently.

420 (d) The authority and duties of a ~~the~~ committee on appeals
421 shall be to consider requests by member schools seeking
422 exceptions to bylaws and regulations, to hear undue hardship
423 eligibility cases filed by member schools on behalf of student
424 athletes, and to hear appeals filed by member schools or student
425 athletes.

426 (e) A student athlete or member school that receives an
427 unfavorable ruling from a committee on appeals shall be entitled
428 to appeal that decision to the board of directors at its next
429 regularly scheduled meeting or called meeting. The board of
430 directors shall have the authority to uphold, reverse, or amend
431 the decision of the committee on appeals. In all such cases, the
432 decision of the board of directors shall be final.

433 (f) The FHSAA shall expedite the appeals process on
434 determinations of ineligibility so that disposition of the
435 appeal can be made before the end of the applicable sports
436 season, if possible.

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437 (g) In any appeal from a decision on eligibility made by
438 the executive director or a designee, a school or student
439 athlete filing the appeal must be permitted to present
440 information and evidence that was not available at the time of
441 the initial determination or if the determination was not made
442 by an unbiased, objective individual using a process allowing
443 full due process rights to be heard and to present evidence. If
444 evidence is presented on appeal, a de novo decision must be made
445 by the committee or board hearing the appeal, or the
446 determination may be suspended and the matter remanded for a new
447 determination based on all the evidence. If a de novo decision
448 is made on appeal, the decision must be made in writing, setting
449 forth the findings of fact and specific violation upon which the
450 decision is based. If a de novo decision is not required, the
451 decision appealed must be set aside if the decision on
452 ineligibility was not based on clear and convincing evidence.
453 Any further appeal shall be considered on a record that includes
454 all evidence presented.

455 (8) AMENDMENT OF BYLAWS.—Each member school
456 representative, the board of directors acting as a whole or as
457 members acting individually, any advisory committee acting as a
458 whole to be established by the FHSAA organization, and the
459 FHSAA's executive director organization's commissioner are
460 empowered to propose amendments to the bylaws. Any other
461 individual may propose an amendment by securing the sponsorship
462 of any of the aforementioned individuals or bodies. All proposed
463 amendments must be submitted directly to the representative
464 assembly for its consideration. The representative assembly,

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465 while empowered to adopt, reject, or revise proposed amendments,
466 may not, in and of itself, as a body be allowed to propose any
467 amendment for its own consideration.

468 ~~(9) RULES ADOPTION. The bylaws of the organization shall~~
469 ~~require member schools to adopt rules for sports, which have~~
470 ~~been established by a nationally recognized sanctioning body,~~
471 ~~unless waived by at least a two-thirds vote of the board of~~
472 ~~directors.~~

473 Section 3. Paragraph (g) is added to subsection (2) of
474 section 1012.468, Florida Statutes, to read:

475 1012.468 Exceptions to certain fingerprinting and criminal
476 history checks.—

477 (2) A district school board shall exempt from the
478 screening requirements set forth in ss. 1012.465 and 1012.467
479 the following noninstructional contractors:

480 (g) An investigator for the Florida High School Athletic
481 Association (FHSAA) who meets the requirements under s.
482 1006.20(2)(e).

483 Section 4. This act shall take effect July 1, 2012.

484

485

486 -----

487 **T I T L E A M E N D M E N T**

488 Remove the entire title and insert:

489 A bill to be entitled

490 An act relating to high school athletics; amending s. 1002.20,
491 F.S.; conforming provisions; amending s. 1006.20, F.S.;

492 authorizing high schools, including charter schools, virtual

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1403 (2012)

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493 schools, and home education cooperatives, to become members of
494 the FHSAA; requiring the FHSAA to adopt bylaws to allow a
495 student who transfers schools to be eligible to participate in
496 athletics if certain conditions are met; authorizing certain
497 penalties for a recruiting violation; requiring the FHSAA to
498 adopt bylaws to regulate investigators and sanction coaches who
499 commit major violations; specifying sanctions and procedures;
500 requiring the FHSAA to adopt bylaws establishing the process and
501 standards by which determinations of eligibility are made;
502 authorizing the FHSAA to adopt bylaws providing certain
503 procedural safeguards; prohibiting FHSAA bylaws from
504 prospectively limiting the competition of certain student
505 athletes and from unfairly punishing student athletes for
506 violations perpetrated by a teammate, coach, or administrator;
507 providing requirements for the forfeiture of contests under
508 certain conditions; requiring an expedited appeals process on
509 determinations of ineligibility; authorizing a school or student
510 athlete filing an appeal to present information and evidence;
511 providing requirements for de novo decisions on appeal; deleting
512 provisions relating to rule adoption; amending s. 1012.468,
513 F.S.; providing background screening exceptions for certain
514 investigators for the FHSAA; providing an effective date.