

1 A bill to be entitled
2 An act relating to high school athletics; amending s.
3 1002.20, F.S.; conforming provisions; amending s.
4 1006.15, F.S.; authorizing students attending certain
5 private schools to participate in public school
6 athletic programs if the private school does not offer
7 a specific sport; requiring certain private schools
8 that have students participating in public school
9 athletic programs to make all student records
10 available upon request; increasing the private school
11 enrollment limitation for participation in public
12 school athletic programs; amending s. 1006.20, F.S.;
13 authorizing high schools, including charter schools,
14 virtual schools, and home education cooperatives, to
15 become members of the Florida High School Athletic
16 Association (FHSAA); requiring the FHSAA to adopt
17 bylaws to allow a student who obtains an approved
18 transfer from the district school board to participate
19 in athletics; authorizing certain penalties for a
20 recruiting violation by a private school; requiring
21 the FHSAA to adopt bylaws to regulate investigators
22 and sanction coaches who commit major violations;
23 specifying sanctions and procedures; requiring an
24 expedited appeals process; amending s. 1012.468, F.S.;
25 providing background screening exceptions for certain
26 investigators for the FHSAA; providing an effective
27 date.
28

29 Be It Enacted by the Legislature of the State of Florida:

30

31 Section 1. Paragraph (a) of subsection (17) of section
32 1002.20, Florida Statutes, is amended to read:

33 1002.20 K-12 student and parent rights.—Parents of public
34 school students must receive accurate and timely information
35 regarding their child's academic progress and must be informed
36 of ways they can help their child to succeed in school. K-12
37 students and their parents are afforded numerous statutory
38 rights including, but not limited to, the following:

39 (17) ATHLETICS; PUBLIC HIGH SCHOOL.—

40 (a) Eligibility.—Eligibility requirements for all students
41 participating in high school athletic competition must allow a
42 student to be eligible in the school in which he or she first
43 enrolls each school year, the school in which the student ~~or~~
44 makes himself or herself a candidate for an athletic team by
45 engaging in practice before enrolling, or the school to which
46 the student has transferred with approval of the district school
47 board, in accordance with the provisions of s. 1006.20(2)(a).

48 Section 2. Paragraphs (a), (e), and (g) of subsection (8)
49 of section 1006.15, Florida Statutes, are amended to read:

50 1006.15 Student standards for participation in
51 interscholastic and intrascholastic extracurricular student
52 activities; regulation.—

53 (8)(a) The Florida High School Athletic Association
54 (FHSAA), in cooperation with each district school board, shall
55 facilitate a program in which a middle school or high school
56 student who attends a private school shall be eligible to

57 participate in an interscholastic or intrascholastic sport at a
58 public high school, a public middle school, or a 6-12 public
59 school that is zoned for the physical address at which the
60 student resides if:

61 1. The private school in which the student is enrolled is
62 not a member of the FHSAA and does not offer an interscholastic
63 or intrascholastic athletic program or does not offer a specific
64 sport that is offered at the public school.

65 2. The private school student meets the guidelines for the
66 conduct of the program established by the FHSAA's board of
67 directors and the district school board. At a minimum, such
68 guidelines shall provide:

69 a. A deadline for each sport by which the private school
70 student's parents must register with the public school in
71 writing their intent for their child to participate at that
72 school in the sport.

73 b. Requirements for a private school student to
74 participate, including, but not limited to, meeting the same
75 standards of eligibility, acceptance, behavior, educational
76 progress, and performance which apply to other students
77 participating in interscholastic or intrascholastic sports at a
78 public school or FHSAA member private school.

79 (e) Any non-FHSAA member private school that has a student
80 who wishes to participate in this program must make all student
81 records, including, but not limited to, academic, ~~financial,~~
82 disciplinary, and attendance records, available upon request of
83 the FHSAA.

84 (g) Only students who are enrolled in non-FHSAA member

85 private schools consisting of 250 ~~125~~ students or fewer are
 86 eligible to participate in the program in any given academic
 87 year.

88 Section 3. Section 1006.20, Florida Statutes, is amended
 89 to read:

90 1006.20 Athletics in public K-12 schools.—

91 (1) GOVERNING NONPROFIT ORGANIZATION.—The Florida High
 92 School Athletic Association (FHSAA) is designated as the
 93 governing nonprofit organization of athletics in Florida public
 94 schools. If the FHSAA ~~Florida High School Athletic Association~~
 95 fails to meet the provisions of this section, the commissioner
 96 shall designate a nonprofit organization to govern athletics
 97 with the approval of the State Board of Education. The FHSAA
 98 ~~organization~~ is not ~~to be~~ a state agency as defined in s.
 99 120.52. The FHSAA ~~organization~~ shall be subject to the
 100 provisions of s. 1006.19. A private school that wishes to engage
 101 in high school athletic competition with a public high school
 102 may become a member of the FHSAA ~~organization~~. Any high school
 103 in the state, including charter schools, virtual schools, and
 104 home education cooperatives, may become a member of the FHSAA
 105 and participate in the activities of the FHSAA. However,
 106 membership in the FHSAA is not mandatory for any school. The
 107 bylaws of the FHSAA ~~organization~~ are ~~to be~~ the rules by which
 108 high school athletic programs in its member schools, and the
 109 students who participate in them, are governed, unless otherwise
 110 specifically provided by statute. For the purposes of this
 111 section, "high school" includes grades 6 through 12.

112 (2) ADOPTION OF BYLAWS.—

113 (a) The FHSAA ~~organization~~ shall adopt bylaws that, unless
114 specifically provided by statute, establish eligibility
115 requirements for all students who participate in high school
116 athletic competition in its member schools. The bylaws governing
117 residence and transfer shall allow the student to be eligible in
118 the school in which he or she first enrolls each school year,
119 the school in which the student ~~or~~ makes himself or herself a
120 candidate for an athletic team by engaging in a practice prior
121 to enrolling in the any member school, or the school to which
122 the student has transferred with approval of the district school
123 board. The bylaws shall also allow a student who transfers from
124 a public school to a private school during the school year to
125 participate in any sport offered by the private school. If it is
126 determined that a private school has recruited a student, the
127 FHSAA may require the private school to participate in a higher
128 classification for the sport in which the recruited student
129 competes and pay the appropriate fine. The student shall be
130 eligible in that school so long as he or she remains enrolled in
131 that school. Subsequent eligibility shall be determined and
132 enforced through the FHSAA's ~~organization's~~ bylaws.

133 (b) The FHSAA ~~organization~~ shall adopt bylaws that
134 specifically prohibit the recruiting of students for athletic
135 purposes. The bylaws shall prescribe penalties and an appeals
136 process for athletic recruiting violations.

137 (c) The FHSAA ~~organization~~ shall adopt bylaws that require
138 all students participating in interscholastic athletic
139 competition or who are candidates for an interscholastic
140 athletic team to satisfactorily pass a medical evaluation each

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141 year prior to participating in interscholastic athletic
142 competition or engaging in any practice, tryout, workout, or
143 other physical activity associated with the student's candidacy
144 for an interscholastic athletic team. Such medical evaluation
145 may ~~can only~~ be administered only by a practitioner licensed
146 under ~~the provisions of~~ chapter 458, chapter 459, chapter 460,
147 or s. 464.012, and in good standing with the practitioner's
148 regulatory board. The bylaws shall establish requirements for
149 eliciting a student's medical history and performing the medical
150 evaluation required under this paragraph, which shall include a
151 physical assessment of the student's physical capabilities to
152 participate in interscholastic athletic competition as contained
153 in a uniform preparticipation physical evaluation and history
154 form. The evaluation form shall incorporate the recommendations
155 of the American Heart Association for participation
156 cardiovascular screening and shall provide a place for the
157 signature of the practitioner performing the evaluation with an
158 attestation that each examination procedure listed on the form
159 was performed by the practitioner or by someone under the direct
160 supervision of the practitioner. The form shall also contain a
161 place for the practitioner to indicate if a referral to another
162 practitioner was made in lieu of completion of a certain
163 examination procedure. The form shall provide a place for the
164 practitioner to whom the student was referred to complete the
165 remaining sections and attest to that portion of the
166 examination. The preparticipation physical evaluation form shall
167 advise students to complete a cardiovascular assessment and
168 shall include information concerning alternative cardiovascular

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169 evaluation and diagnostic tests. Results of such medical
170 evaluation must be provided to the school. No student shall be
171 eligible to participate in any interscholastic athletic
172 competition or engage in any practice, tryout, workout, or other
173 physical activity associated with the student's candidacy for an
174 interscholastic athletic team until the results of the medical
175 evaluation have been received and approved by the school.

176 (d) Notwithstanding the provisions of paragraph (c), a
177 student may participate in interscholastic athletic competition
178 or be a candidate for an interscholastic athletic team if the
179 parent of the student objects in writing to the student
180 undergoing a medical evaluation because such evaluation is
181 contrary to his or her religious tenets or practices. However,
182 in such case, there shall be no liability on the part of any
183 person or entity in a position to otherwise rely on the results
184 of such medical evaluation for any damages resulting from the
185 student's injury or death arising directly from the student's
186 participation in interscholastic athletics where an undisclosed
187 medical condition that would have been revealed in the medical
188 evaluation is a proximate cause of the injury or death.

189 (e) The FHSAA shall adopt bylaws that regulate persons who
190 conduct investigations on behalf of the FHSAA. The bylaws shall
191 include provisions that require investigators to:

192 1. Undergo level 2 background screening under s. 435.04,
193 unless the investigator can provide proof of compliance with
194 level 2 screening standards submitted within the previous 5
195 years to meet any professional licensure requirements, provided:

196 a. The investigator has not had a break in service from a

197 position that requires level 2 screening for more than 90 days;
198 and

199 b. The investigator submits, under penalty of perjury, an
200 affidavit of compliance with the provisions of chapter 435 and
201 this paragraph.

202 2. Carry a photo identification card that shows the FHSAA
203 name, logo, and the investigator's job title.

204 3. Adhere to the following guidelines:

205 a. Conduct interviews on Monday through Friday between the
206 hours of 7 a.m. and 7 p.m. only, unless previously agreed to by
207 the interviewee.

208 b. Allow the parent of any student being interviewed to be
209 present during the interview.

210 c. Search residences or other private areas only with the
211 written consent of the student's parent.

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

215 1. Major violations include, but are not limited to,
216 allowing an ineligible student to participate in a contest
217 representing a member school in an interscholastic contest or
218 committing a violation of the FHSAA's recruiting or
219 sportsmanship policies.

220 2. Sanctions placed upon an individual coach may include,
221 but are not limited to, prohibiting or suspending the coach from
222 coaching, participating in, or attending any athletic activity
223 sponsored, recognized, or sanctioned by the FHSAA and the member
224 school for which the coach committed the violation. If a coach

225 is sanctioned by the FHSAA and the coach transfers to another
 226 member school, those sanctions remain in full force and effect
 227 during the term of the sanction.

228 3. If a member school is assessed a financial penalty as a
 229 result of a coach committing a major violation, the coach shall
 230 reimburse the member school before being allowed to coach,
 231 participate in, or attend any athletic activity sponsored,
 232 recognized, or sanctioned by the FHSAA and a member school.

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

236 (3) GOVERNING STRUCTURE OF THE ORGANIZATION.—

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

242 (b) Each member school, on its annual application for
 243 membership, shall name its official representative to the FHSAA
 244 ~~organization~~. This representative must be either the school
 245 principal or his or her designee. That designee must either be
 246 an assistant principal or athletic director housed within that
 247 same school.

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

253 assembly, and committee on appeals.

254 (4) BOARD OF DIRECTORS.—

255 (a) The executive authority of the FHSAA ~~organization~~
 256 shall be vested in its board of directors. Any entity that
 257 appoints members to the board of directors shall examine the
 258 ethnic and demographic composition of the board when selecting
 259 candidates for appointment and shall, to the greatest extent
 260 possible, make appointments that reflect state demographic and
 261 population trends. The board of directors shall be composed of
 262 16 persons, as follows:

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

266 2. Four nonpublic member school representatives, one
 267 elected from among its nonpublic school representative members
 268 within each of the four administrative regions.

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

274 4. Two district school superintendents, one elected from
 275 the two northernmost administrative regions by the members in
 276 those regions and one elected from the two southernmost
 277 administrative regions by the members in those regions.

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

281 regions by the members in those regions.

282 6. The commissioner or his or her designee from the
283 department executive staff.

284 (b) A quorum of the board of directors shall consist of
285 nine members.

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

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

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

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

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

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

308 4. To levy annual dues and other fees and to set the

309 percentage of contest receipts to be collected by the FHSAA
 310 ~~organization~~.

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

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

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

320 (5) REPRESENTATIVE ASSEMBLY.—

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

323 (b) The representative assembly shall be composed of the
 324 following:

325 1. An equal number of member school representatives from
 326 each of the four administrative regions.

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

330 3. Four district school board members, one elected from
 331 each of the four administrative regions by the district school
 332 board members in their respective administrative regions.

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

335 (c) The FHSAA's ~~organization's~~ bylaws shall establish the
 336 number of member school representatives to serve in the

337 representative assembly from each of the four administrative
 338 regions and shall establish the method for their selection.

339 (d) No member of the board of directors other than the
 340 commissioner or his or her designee can serve in the
 341 representative assembly.

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

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

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

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

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

357 (6) PUBLIC LIAISON ADVISORY COMMITTEE.—

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

- 361 1. The commissioner or his or her designee.
- 362 2. A member public school principal.
- 363 3. A member private school principal.
- 364 4. A member school principal who is a member of a racial

365 minority.

366 5. An active athletic director.

367 6. An active coach, who is employed full time by a member

368 school.

369 7. A student athlete.

370 8. A district school superintendent.

371 9. A district school board member.

372 10. A member of the Florida House of Representatives.

373 11. A member of the Florida Senate.

374 12. A parent of a high school student.

375 13. A member of a home education association.

376 14. A representative of the business community.

377 15. A representative of the news media.

378 (b) No member of the board of directors, committee on

379 appeals, or representative assembly is eligible to serve on the

380 public liaison advisory committee.

381 (c) The public liaison advisory committee shall elect a

382 chairperson and vice chairperson from among its members.

383 (d) The authority and duties of the public liaison

384 advisory committee are as follows:

385 1. To act as a conduit through which the general public

386 may have input into the decisionmaking process of the FHSAA

387 ~~organization~~ and to assist the FHSAA ~~organization~~ in the

388 development of procedures regarding the receipt of public input

389 and disposition of complaints related to high school athletic

390 and competition programs.

391 2. To conduct public hearings annually in each of the four

392 administrative regions during which interested parties may

393 address issues regarding the effectiveness of the rules,
 394 operation, and management of the FHSAA ~~organization~~.

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

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

407 (7) APPEALS.—

408 (a) The FHSAA ~~organization~~ shall establish a procedure of
 409 due process which ensures each student the opportunity to appeal
 410 an unfavorable ruling with regard to his or her eligibility to
 411 compete. The initial appeal shall be made to a committee on
 412 appeals within the administrative region in which the student
 413 lives. The FHSAA's ~~organization's~~ bylaws shall establish the
 414 number, size, and composition of the committee on appeals.

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

417 (c) Members of the committee on appeals shall serve terms
 418 of 3 years and are eligible to succeed themselves only once. A
 419 member of the committee on appeals may serve a maximum of 6
 420 consecutive years. The FHSAA's ~~organization's~~ bylaws shall

421 establish a rotation of terms to ensure that a majority of the
 422 members' terms do not expire concurrently.

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

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

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

438 (8) AMENDMENT OF BYLAWS.—Each member school
 439 representative, the board of directors acting as a whole or as
 440 members acting individually, any advisory committee acting as a
 441 whole to be established by the FHSAA organization, and the
 442 FHSAA's executive director ~~organization's commissioner~~ are
 443 empowered to propose amendments to the bylaws. Any other
 444 individual may propose an amendment by securing the sponsorship
 445 of any of the aforementioned individuals or bodies. All proposed
 446 amendments must be submitted directly to the representative
 447 assembly for its consideration. The representative assembly,
 448 while empowered to adopt, reject, or revise proposed amendments,

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449 | may not, in and of itself, as a body be allowed to propose any
 450 | amendment for its own consideration.

451 | (9) RULES ADOPTION.—The bylaws of the FHSAA ~~organization~~
 452 | shall require member schools to adopt rules for sports, which
 453 | have been established by a nationally recognized sanctioning
 454 | body, unless waived by at least a two-thirds vote of the board
 455 | of directors.

456 | Section 4. Paragraph (g) is added to subsection (2) of
 457 | section 1012.468, Florida Statutes, to read:

458 | 1012.468 Exceptions to certain fingerprinting and criminal
 459 | history checks.—

460 | (2) A district school board shall exempt from the
 461 | screening requirements set forth in ss. 1012.465 and 1012.467
 462 | the following noninstructional contractors:

463 | (g) An investigator for the Florida High School Athletic
 464 | Association (FHSAA) who meets the requirements under s.
 465 | 1006.20(2)(e).

466 | Section 5. This act shall take effect July 1, 2012.