

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 the particular sport offered at the public school;
8 including guidelines relating to student transfers;
9 requiring certain private schools that have students
10 participating in public school athletic programs to
11 make all student records available upon request;
12 increasing the private school enrollment limitation
13 for participation in public school athletic programs;
14 authorizing students to participate through private
15 member schools as well as public schools according to
16 Florida High School Athletic Association (FHSAA)
17 bylaws; amending s. 1006.20, F.S.; authorizing high
18 schools, including charter schools, virtual schools,
19 and home education cooperatives, to become members of
20 the FHSAA; requiring the FHSAA to adopt bylaws to
21 allow a student who obtains an approved transfer to
22 participate in athletics; authorizing certain
23 penalties for a recruiting violation; requiring the
24 FHSAA to adopt bylaws to regulate investigators and
25 sanction coaches who commit major violations;
26 specifying sanctions and procedures; requiring the
27 FHSAA to adopt bylaws regulating the process of
28 determinations of eligibility; authorizing the FHSAA

29 to adopt bylaws providing certain procedural
30 safeguards; prohibiting FHSAA bylaws from
31 prospectively limiting the competition of certain
32 student athletes and from unfairly punishing student
33 athletes for violations perpetrated by a teammate,
34 coach, or administrator; providing requirements for
35 the forfeiture of contests under certain conditions;
36 requiring an expedited appeals process on
37 determinations of ineligibility; authorizing a school
38 or student athlete filing an appeal to present
39 information and evidence; providing procedural
40 requirements for the presentation of evidence on
41 appeal; providing requirements for de novo decisions
42 on appeal; deleting provisions relating to rule
43 adoption; amending s. 1012.468, F.S.; providing
44 background screening exceptions for certain
45 investigators for the FHSAA; providing an effective
46 date.

47
48 Be It Enacted by the Legislature of the State of Florida:

49
50 Section 1. Paragraph (a) of subsection (17) of section
51 1002.20, Florida Statutes, is amended to read:

52 1002.20 K-12 student and parent rights.—Parents of public
53 school students must receive accurate and timely information
54 regarding their child's academic progress and must be informed
55 of ways they can help their child to succeed in school. K-12
56 students and their parents are afforded numerous statutory

57 rights including, but not limited to, the following:

58 (17) ATHLETICS; PUBLIC HIGH SCHOOL.—

59 (a) Eligibility.—Eligibility requirements for all students
 60 participating in high school athletic competition must allow a
 61 student to be eligible in the school in which he or she first
 62 enrolls each school year, the school in which the student ~~or~~
 63 makes himself or herself a candidate for an athletic team by
 64 engaging in practice before enrolling, or the school to which
 65 the student has transferred with approval of the district school
 66 board, in accordance with the provisions of s. 1006.20(2)(a).

67 Section 2. Paragraphs (a), (e), and (g) of subsection (8)
 68 of section 1006.15, Florida Statutes, are amended, and paragraph
 69 (h) is added to that subsection, to read:

70 1006.15 Student standards for participation in
 71 interscholastic and intrascholastic extracurricular student
 72 activities; regulation.—

73 (8)(a) The Florida High School Athletic Association
 74 (FHSAA), in cooperation with each district school board, shall
 75 facilitate a program in which a middle school or high school
 76 student who attends a private school shall be eligible to
 77 participate in an interscholastic or intrascholastic sport at a
 78 public high school, a public middle school, or a 6-12 public
 79 school that is zoned for the physical address at which the
 80 student resides if:

81 1. The private school in which the student is enrolled is
 82 not a member of the FHSAA and does not offer the particular
 83 interscholastic sport that is offered at the public school ~~an~~
 84 ~~intersecholastic or intrascholastic athletic program.~~

85 2. The private school student meets the guidelines for the
86 conduct of the program established by the FHSAA's board of
87 directors and the district school board. At a minimum, such
88 guidelines shall provide:

89 a. The A deadline for each sport by which the private
90 school student's parents must register with the public school in
91 writing their intent for their child to participate at that
92 school in the sport, which shall be the date the bylaws
93 authorize for the beginning of practice for the sport.

94 b. Requirements for a private school student to
95 participate, including, but not limited to, meeting the same
96 standards of eligibility, acceptance, behavior, educational
97 progress, and performance which apply to other students
98 participating in interscholastic or intrascholastic sports at a
99 public school or FHSAA member private school.

100 c. Requirements governing student transfers and
101 eligibility for students who transfer between member schools,
102 which shall be applied similarly to a private school student
103 participating under this section who changes the member school
104 in which he or she desires to participate.

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

110 (g) Only students who are enrolled in non-FHSAA member
111 private schools consisting of 250 ~~125~~ students or fewer are
112 eligible to participate in the program in any given academic

113 | year.

114 | (h) According to FHSAA bylaws, a student participating
 115 | under this section may participate through private member
 116 | schools as well as public schools if the private member school
 117 | desires to accommodate the student from a nonmember private
 118 | school.

119 | Section 3. Section 1006.20, Florida Statutes, is amended
 120 | to read:

121 | 1006.20 Athletics in public K-12 schools.—

122 | (1) GOVERNING NONPROFIT ORGANIZATION.—The Florida High
 123 | School Athletic Association (FHSAA) is designated as the
 124 | governing nonprofit organization of athletics in Florida public
 125 | schools. If the FHSAA Florida High School Athletic Association
 126 | fails to meet the provisions of this section, the commissioner
 127 | shall designate a nonprofit organization to govern athletics
 128 | with the approval of the State Board of Education. The FHSAA
 129 | ~~organization~~ is not to be a state agency as defined in s.
 130 | 120.52. The FHSAA organization shall be subject to the
 131 | provisions of s. 1006.19. A private school that wishes to engage
 132 | in high school athletic competition with a public high school
 133 | may become a member of the FHSAA organization. Any high school
 134 | in the state, including charter schools, virtual schools, and
 135 | home education cooperatives, may become a member of the FHSAA
 136 | and participate in the activities of the FHSAA. However,
 137 | membership in the FHSAA is not mandatory for any school. The
 138 | bylaws of the FHSAA organization are to be the rules by which
 139 | high school athletic programs in its member schools, and the
 140 | students who participate in them, are governed, unless otherwise

141 specifically provided by statute. For the purposes of this
 142 section, "high school" includes grades 6 through 12.

143 (2) ADOPTION OF BYLAWS.—

144 (a) The FHSAA ~~organization~~ shall adopt bylaws that, unless
 145 specifically provided by statute, establish eligibility
 146 requirements for all students who participate in high school
 147 athletic competition in its member schools. The bylaws governing
 148 residence and transfer shall allow the student to be eligible in
 149 the school in which he or she first enrolls each school year, ~~or~~
 150 the school in which the student makes himself or herself a
 151 candidate for an athletic team by engaging in a practice prior
 152 to enrolling in the any member school. The bylaws shall also
 153 allow the student to be eligible in the school to which the
 154 student has transferred during the school year with the approval
 155 of the district school board in the case of transfer to a public
 156 school or with the approval of the governing body in the case of
 157 a transfer to a private school. The student shall be eligible in
 158 that school so long as he or she remains enrolled in that
 159 school. Subsequent eligibility shall be determined and enforced
 160 through the FHSAA's ~~organization's~~ bylaws.

161 (b) The FHSAA ~~organization~~ shall adopt bylaws that
 162 specifically prohibit the recruiting of students for athletic
 163 purposes. The bylaws shall prescribe penalties and an appeals
 164 process for athletic recruiting violations. If it is determined
 165 that a school has recruited a student, the FHSAA may require the
 166 school to participate in a higher classification for the sport
 167 in which the recruited student competes in addition to any other
 168 appropriate fine and sanction imposed on the school, its

169 coaches, or adult representatives who violate recruiting rules.
170 A student may not be declared ineligible based on violation of
171 recruiting rules unless the student or parent has falsified any
172 enrollment or eligibility document or accepted any benefit or
173 any promise of benefit if such benefit is not generally
174 available to the school's students or family members or is based
175 in any way on athletic interest, potential, or performance.

176 (c) The FHSAA ~~organization~~ shall adopt bylaws that require
177 all students participating in interscholastic athletic
178 competition or who are candidates for an interscholastic
179 athletic team to satisfactorily pass a medical evaluation each
180 year prior to participating in interscholastic athletic
181 competition or engaging in any practice, tryout, workout, or
182 other physical activity associated with the student's candidacy
183 for an interscholastic athletic team. Such medical evaluation
184 may ~~can only~~ be administered only by a practitioner licensed
185 ~~under the provisions of~~ chapter 458, chapter 459, chapter 460,
186 or s. 464.012, and in good standing with the practitioner's
187 regulatory board. The bylaws shall establish requirements for
188 eliciting a student's medical history and performing the medical
189 evaluation required under this paragraph, which shall include a
190 physical assessment of the student's physical capabilities to
191 participate in interscholastic athletic competition as contained
192 in a uniform preparticipation physical evaluation and history
193 form. The evaluation form shall incorporate the recommendations
194 of the American Heart Association for participation
195 cardiovascular screening and shall provide a place for the
196 signature of the practitioner performing the evaluation with an

197 | attestation that each examination procedure listed on the form
198 | was performed by the practitioner or by someone under the direct
199 | supervision of the practitioner. The form shall also contain a
200 | place for the practitioner to indicate if a referral to another
201 | practitioner was made in lieu of completion of a certain
202 | examination procedure. The form shall provide a place for the
203 | practitioner to whom the student was referred to complete the
204 | remaining sections and attest to that portion of the
205 | examination. The preparticipation physical evaluation form shall
206 | advise students to complete a cardiovascular assessment and
207 | shall include information concerning alternative cardiovascular
208 | evaluation and diagnostic tests. Results of such medical
209 | evaluation must be provided to the school. No student shall be
210 | eligible to participate in any interscholastic athletic
211 | competition or engage in any practice, tryout, workout, or other
212 | physical activity associated with the student's candidacy for an
213 | interscholastic athletic team until the results of the medical
214 | evaluation have been received and approved by the school.

215 | (d) Notwithstanding the provisions of paragraph (c), a
216 | student may participate in interscholastic athletic competition
217 | or be a candidate for an interscholastic athletic team if the
218 | parent of the student objects in writing to the student
219 | undergoing a medical evaluation because such evaluation is
220 | contrary to his or her religious tenets or practices. However,
221 | in such case, there shall be no liability on the part of any
222 | person or entity in a position to otherwise rely on the results
223 | of such medical evaluation for any damages resulting from the
224 | student's injury or death arising directly from the student's

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

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

231 1. Undergo level 2 background screening under s. 435.04,
232 establishing that the investigator has not committed any
233 disqualifying offense listed in s. 435.04, unless the
234 investigator can provide proof of compliance with level 2
235 screening standards submitted within the previous 5 years to
236 meet any professional licensure requirements, provided:

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

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

244 2. Be appointed as an investigator by the executive
245 director.

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

248 4. Adhere to the following guidelines:

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

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

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253 the interviewee.

254 c. Allow the parent of any student being interviewed to be
255 present during the interview.

256 d. Search residences or other private areas only with the
257 permission of the executive director and the written consent of
258 the student's parent and only with a parent or a representative
259 of the parent present.

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

263 1. Major violations include, but are not limited to,
264 knowingly allowing an ineligible student to participate in a
265 contest representing a member school in an interscholastic
266 contest or committing a violation of the FHSAA's recruiting or
267 sportsmanship policies.

268 2. Sanctions placed upon an individual coach may include,
269 but are not limited to, prohibiting or suspending the coach from
270 coaching, participating in, or attending any athletic activity
271 sponsored, recognized, or sanctioned by the FHSAA and the member
272 school for which the coach committed the violation. If a coach
273 is sanctioned by the FHSAA and the coach transfers to another
274 member school, those sanctions remain in full force and effect
275 during the term of the sanction.

276 3. If a member school is assessed a financial penalty as a
277 result of a coach committing a major violation, the coach shall
278 reimburse the member school before being allowed to coach,
279 participate in, or attend any athletic activity sponsored,
280 recognized, or sanctioned by the FHSAA and a member school.

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

284 (g) The FHSAA shall adopt bylaws regulating the process of
285 FHSAA determinations of eligibility. Such bylaws shall provide
286 that:

287 1. Ineligibility must be established by clear and
288 convincing evidence;

289 2. Student athletes, parents, and schools must have notice
290 of the initiation of any investigation or other inquiry into
291 eligibility and may present, to the investigator and to the
292 individual making the eligibility determination, any information
293 or evidence that is credible, persuasive, and of a kind
294 reasonably prudent persons rely upon in the conduct of serious
295 affairs;

296 3. An investigator may not determine matters of
297 eligibility but must submit information and evidence to the
298 executive director or a person designated by the executive
299 director or by the board of directors for an unbiased and
300 objective determination of eligibility; and

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

304 (h) In lieu of bylaws adopted under paragraph (g), the
305 FHSAA may adopt bylaws providing as a minimum the procedural
306 safeguards of ss. 120.569 and 120.57, making appropriate
307 provision for appointment of unbiased and qualified hearing
308 officers.

309 (i) The FHSAA bylaws may not limit the competition of
310 student athletes prospectively for rule violations of their
311 school or its coaches or their adult representatives. The FHSAA
312 bylaws may not unfairly punish student athletes for eligibility
313 or recruiting violations perpetrated by a teammate, coach, or
314 administrator. Contests may not be forfeited for inadvertent
315 eligibility violations unless the coach or a school
316 administrator had reason to know of the violation. Contests may
317 not be forfeited for other eligibility violations or recruiting
318 violations in excess of the number of contests that the coaches
319 and adult representatives responsible for the violations are
320 prospectively suspended.

321 (3) GOVERNING STRUCTURE OF THE ORGANIZATION.—

322 (a) The FHSAA ~~organization~~ shall operate as a
323 representative democracy in which the sovereign authority is
324 within its member schools. Except as provided in this section,
325 the FHSAA ~~organization~~ shall govern its affairs through its
326 bylaws.

327 (b) Each member school, on its annual application for
328 membership, shall name its official representative to the FHSAA
329 ~~organization~~. This representative must be either the school
330 principal or his or her designee. That designee must either be
331 an assistant principal or athletic director housed within that
332 same school.

333 (c) The FHSAA's ~~organization's~~ membership shall be divided
334 along existing county lines into four contiguous and compact
335 administrative regions, each containing an equal or nearly equal
336 number of member schools to ensure equitable representation on

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337 the FHSAA's ~~organization's~~ board of directors, representative
338 assembly, and appeals committees ~~committee on appeals~~.

339 (4) BOARD OF DIRECTORS.—

340 (a) The executive authority of the FHSAA ~~organization~~
341 shall be vested in its board of directors. Any entity that
342 appoints members to the board of directors shall examine the
343 ethnic and demographic composition of the board when selecting
344 candidates for appointment and shall, to the greatest extent
345 possible, make appointments that reflect state demographic and
346 population trends. The board of directors shall be composed of
347 16 persons, as follows:

348 1. Four public member school representatives, one elected
349 from among its public school representative members within each
350 of the four administrative regions.

351 2. Four nonpublic member school representatives, one
352 elected from among its nonpublic school representative members
353 within each of the four administrative regions.

354 3. Three representatives appointed by the commissioner,
355 one appointed from the two northernmost administrative regions
356 and one appointed from the two southernmost administrative
357 regions. The third representative shall be appointed to balance
358 the board for diversity or state population trends, or both.

359 4. Two district school superintendents, one elected from
360 the two northernmost administrative regions by the members in
361 those regions and one elected from the two southernmost
362 administrative regions by the members in those regions.

363 5. Two district school board members, one elected from the
364 two northernmost administrative regions by the members in those

365 regions and one elected from the two southernmost administrative
 366 regions by the members in those regions.

367 6. The commissioner or his or her designee from the
 368 department executive staff.

369 (b) A quorum of the board of directors shall consist of
 370 nine members.

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

374 (d) Members of the board of directors shall serve terms of
 375 3 years and are eligible to succeed themselves only once. A
 376 member of the board of directors, other than the commissioner or
 377 his or her designee, may serve a maximum of 6 consecutive years.
 378 The FHSAA's ~~organization's~~ bylaws shall establish a rotation of
 379 terms to ensure that a majority of the members' terms do not
 380 expire concurrently.

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

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

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

389 3. To employ ~~provide~~ an FHSAA executive director
 390 ~~organization commissioner~~, who shall have the authority to waive
 391 the bylaws of the FHSAA ~~organization~~ in order to comply with
 392 statutory changes.

393 4. To levy annual dues and other fees and to set the
 394 percentage of contest receipts to be collected by the FHSAA
 395 ~~organization~~.

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

397 6. To organize and conduct statewide interscholastic
 398 competitions, which may or may not lead to state championships,
 399 and to establish the terms and conditions for these
 400 competitions.

401 7. To act as an administrative board in the interpretation
 402 of, and final decision on, all questions and appeals arising
 403 from the directing of interscholastic athletics of member
 404 schools.

405 (5) REPRESENTATIVE ASSEMBLY.—

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

408 (b) The representative assembly shall be composed of the
 409 following:

410 1. An equal number of member school representatives from
 411 each of the four administrative regions.

412 2. Four district school superintendents, one elected from
 413 each of the four administrative regions by the district school
 414 superintendents in their respective administrative regions.

415 3. Four district school board members, one elected from
 416 each of the four administrative regions by the district school
 417 board members in their respective administrative regions.

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

420 (c) The FHSAA's ~~organization's~~ bylaws shall establish the

421 number of member school representatives to serve in the
 422 representative assembly from each of the four administrative
 423 regions and shall establish the method for their selection.

424 (d) No member of the board of directors other than the
 425 commissioner or his or her designee can serve in the
 426 representative assembly.

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

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

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

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

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

442 (6) PUBLIC LIAISON ADVISORY COMMITTEE.—

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

- 446 1. The commissioner or his or her designee.
- 447 2. A member public school principal.
- 448 3. A member private school principal.

449 4. A member school principal who is a member of a racial
450 minority.

451 5. An active athletic director.

452 6. An active coach, who is employed full time by a member
453 school.

454 7. A student athlete.

455 8. A district school superintendent.

456 9. A district school board member.

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

458 11. A member of the Florida Senate.

459 12. A parent of a high school student.

460 13. A member of a home education association.

461 14. A representative of the business community.

462 15. A representative of the news media.

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

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

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

470 1. To act as a conduit through which the general public
471 may have input into the decisionmaking process of the FHSAA
472 ~~organization~~ and to assist the FHSAA ~~organization~~ in the
473 development of procedures regarding the receipt of public input
474 and disposition of complaints related to high school athletic
475 and competition programs.

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

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477 administrative regions during which interested parties may
478 address issues regarding the effectiveness of the rules,
479 operation, and management of the FHSAA ~~organization~~.

480 3. To conduct an annual evaluation of the FHSAA
481 ~~organization~~ as a whole and present a report of its findings,
482 conclusion, and recommendations to the board of directors, to
483 the commissioner, and to the respective education committees of
484 the Florida Senate and the Florida House of Representatives. The
485 recommendations must delineate policies and procedures that will
486 improve the implementation and oversight of high school athletic
487 programs by the FHSAA ~~organization~~.

488 (e) The public liaison advisory committee shall meet four
489 times annually. Additional meetings may be called by the
490 committee chairperson, the FHSAA ~~organization~~ president, or the
491 FHSAA executive director ~~organization~~ ~~commissioner~~.

492 (7) APPEALS.—

493 (a) The FHSAA ~~organization~~ shall establish a procedure of
494 due process which ensures each student the opportunity to appeal
495 an unfavorable ruling with regard to his or her eligibility to
496 compete. Unless a major infraction as defined by the FHSAA
497 bylaws, the initial appeal shall be made to a committee on
498 appeals within the administrative region in which the student
499 lives. The FHSAA's ~~organization's~~ bylaws shall establish the
500 number, size, and composition of each ~~the~~ committee on appeals.

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

503 (c) Members of a ~~the~~ committee on appeals shall serve
504 terms of 3 years and are eligible to succeed themselves only

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505 once. A member of a ~~the~~ committee on appeals may serve a maximum
506 of 6 consecutive years. The FHSAA's ~~organization's~~ bylaws shall
507 establish a rotation of terms to ensure that a majority of the
508 members' terms do not expire concurrently.

509 (d) The authority and duties of a ~~the~~ committee on appeals
510 shall be to consider requests by member schools seeking
511 exceptions to bylaws and regulations, to hear undue hardship
512 eligibility cases filed by member schools on behalf of student
513 athletes, and to hear appeals filed by member schools or student
514 athletes.

515 (e) A student athlete or member school that receives an
516 unfavorable ruling from a committee on appeals shall be entitled
517 to appeal that decision to the board of directors at its next
518 regularly scheduled meeting or called meeting. The board of
519 directors shall have the authority to uphold, reverse, or amend
520 the decision of the committee on appeals. In all such cases, the
521 decision of the board of directors shall be final.

522 (f) The FHSAA shall expedite the appeals process on
523 determinations of ineligibility so that disposition of the
524 appeal can be made before the end of the applicable sports
525 season, if possible.

526 (g) In any appeal from a decision on eligibility made by
527 the executive director or a designee, a school or student
528 athlete filing the appeal must be permitted to present
529 information and evidence in support of his or her position if
530 the evidence was not available at the time of the initial
531 determination or if the determination was not made by an
532 unbiased objective person using a process allowing full due

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533 process rights to be heard and to present evidence. If evidence
534 is presented on appeal, a de novo decision must be made by the
535 committee or board hearing the appeal, or the determination may
536 be suspended and the matter remanded for a new determination
537 based on all the evidence. If a de novo decision is made on
538 appeal, the decision must be made in writing, setting forth the
539 findings of fact and specific violation upon which the decision
540 is based. If a de novo decision is not required, the decision
541 appealed must be set aside if the decision on ineligibility was
542 not based on clear and convincing evidence. Any further appeal
543 shall be considered on a record that includes all evidence
544 presented.

545 (8) AMENDMENT OF BYLAWS.—Each member school
546 representative, the board of directors acting as a whole or as
547 members acting individually, any advisory committee acting as a
548 whole to be established by the FHSAA organization, and the
549 FHSAA's executive director ~~organization's commissioner~~ are
550 empowered to propose amendments to the bylaws. Any other
551 individual may propose an amendment by securing the sponsorship
552 of any of the aforementioned individuals or bodies. All proposed
553 amendments must be submitted directly to the representative
554 assembly for its consideration. The representative assembly,
555 while empowered to adopt, reject, or revise proposed amendments,
556 may not, in and of itself, as a body be allowed to propose any
557 amendment for its own consideration.

558 ~~(9) RULES ADOPTION.—The bylaws of the organization shall~~
559 ~~require member schools to adopt rules for sports, which have~~
560 ~~been established by a nationally recognized sanctioning body,~~

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561 ~~unless waived by at least a two-thirds vote of the board of~~
562 ~~directors.~~

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

565 1012.468 Exceptions to certain fingerprinting and criminal
566 history checks.—

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

570 (g) An investigator for the Florida High School Athletic
571 Association (FHSAA) who meets the requirements under s.
572 1006.20(2)(e).

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