

By the Committee on Education; and Senators Stargel and Bullard

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1 A bill to be entitled
2 An act relating to high school athletics; reenacting
3 and amending s. 1002.20(17), F.S.; making technical
4 changes; amending s. 1006.15, F.S.; revising criteria
5 for student eligibility for participation in
6 extracurricular activities; defining the term "public
7 school"; authorizing certain students to participate
8 in an extracurricular activity at another school
9 subject to certain requirements; amending s. 1006.19,
10 F.S.; providing requirements for an annual financial
11 and compliance audit of an association that supervises
12 interscholastic activities of public high schools;
13 requiring that an association or corporation that
14 supervises interscholastic activities of public high
15 schools complete a report; specifying report
16 requirements; requiring the report to be submitted to
17 the Commissioner of Education and the Legislature
18 annually; amending s. 1006.20, F.S.; providing that
19 the designation of the Florida High School Athletic
20 Association (FHSAA) as the governing nonprofit
21 organization of athletics expires on a specified date;
22 specifying that the FHSAA is subject to the provisions
23 of chs. 119 and 286, F.S.; revising the criteria for
24 bylaws, policies, or guidelines adopted by the FHSAA;
25 requiring the FHSAA to complete a review by a
26 specified date; requiring that the FHSAA submit a
27 report to the Commissioner of Education, the Governor,
28 and the Legislature; providing requirements for
29 investigations and investigators; authorizing the

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30 assessment of fees to cover costs for certain
31 proceedings; establishing notice requirements;
32 providing procedures for student residence and
33 transfer approvals; providing for hearings before the
34 Division of Administrative Hearings (DOAH);
35 authorizing DOAH to assess fees payable by the
36 nonprevailing party to administer the hearings;
37 providing that the burden is on the FHSAA to
38 demonstrate by clear and convincing evidence that a
39 student is ineligible to participate in a high school
40 athletic competition; requiring that the FHSAA pay
41 costs and attorney fees in certain circumstances;
42 revising the composition of the board of directors of
43 the FHSAA and terms of office; revising what
44 constitutes a quorum of the board of directors;
45 providing that the appointment of the executive
46 director is subject to Senate confirmation; providing
47 restrictions on the salary, per diem, and travel
48 expenses of the FHSAA's executive director; providing
49 restrictions on the levy of dues and fees and the
50 collection of contest receipts; providing authority to
51 levy fines, penalties, and sanctions against schools
52 and coaches; revising provisions relating to the
53 FHSAA's representative assembly; providing that
54 members of the FHSAA's public liaison advisory
55 committee are entitled to reimbursement for per diem
56 and travel expenses at the same rate as state
57 employees; providing an effective date.

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

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61 Section 1. Subsection (17) of section 1002.20, Florida
62 Statutes, is reenacted and amended to read:

63 1002.20 K-12 student and parent rights.—Parents of public
64 school students must receive accurate and timely information
65 regarding their child's academic progress and must be informed
66 of ways they can help their child to succeed in school. K-12
67 students and their parents are afforded numerous statutory
68 rights including, but not limited to, the following:

69 (17) ATHLETICS; PUBLIC HIGH SCHOOL.—

70 (a) *Eligibility*.—Eligibility requirements for all students
71 participating in a high school athletic competition must allow a
72 student to be eligible in the school in which he or she first
73 enrolls each school year, the school in which the student makes
74 himself or herself a candidate for an athletic team by engaging
75 in practice before enrolling, or the school to which the student
76 has transferred with approval of the district school board, in
77 accordance with ~~the provisions of~~ s. 1006.20(2)(a).

78 (b) *Medical evaluation*.—Students must satisfactorily pass a
79 medical evaluation each year before participating in athletics,
80 unless the parent objects in writing based on religious tenets
81 or practices, in accordance with ~~the provisions of~~ s.
82 1006.20(2)(d).

83 Section 2. Paragraphs (a), (d), (e), (f), and (g) of
84 subsection (3) and subsections (5) and (8) of section 1006.15,
85 Florida Statutes, are amended, and new paragraphs (f) and (g)
86 are added to subsection (3) of that section, to read:

87 1006.15 Student standards for participation in

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88 interscholastic and intrascholastic extracurricular student
89 activities; regulation.—

90 (3) (a) Provided all eligibility requirements of this
91 section and s. 1006.20 are met, a student attending any school
92 identified in this section is presumed eligible to participate
93 in interscholastic extracurricular student activities. For
94 purposes of this section, the term "public school" includes the
95 Florida Virtual School, a full-time virtual instruction program
96 pursuant to s. 1002.45, a virtual charter school, and a charter
97 school. A student remains eligible to participate in
98 interscholastic extracurricular student activities if the
99 student ~~To be eligible to participate in interscholastic~~
100 ~~extracurricular student activities, a student must:~~

101 1. Maintains ~~Maintain~~ a grade point average of 2.0 or above
102 on a 4.0 scale, or its equivalent, in the previous semester or a
103 cumulative grade point average of 2.0 or above on a 4.0 scale,
104 or its equivalent, in the courses required by s. 1003.43(1).

105 2. Executes ~~Execute~~ and fulfills ~~fulfill~~ the requirements
106 of an academic performance contract between the student, the
107 district school board, the appropriate governing association,
108 and the student's parents, if the student's cumulative grade
109 point average falls below 2.0, or its equivalent, on a 4.0 scale
110 in the courses required by s. 1003.43(1) ~~or, for students who~~
111 ~~entered the 9th grade prior to the 1997-1998 school year, if the~~
112 ~~student's cumulative grade point average falls below 2.0 on a~~
113 ~~4.0 scale, or its equivalent, in the courses required by s.~~
114 ~~1003.43(1) which are taken after July 1, 1997.~~ At a minimum, the
115 contract must require that the student attend summer school, or
116 its graded equivalent, between grades 9 and 10 or grades 10 and

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117 11, as necessary.

118 3. Has ~~Have~~ a cumulative grade point average of 2.0 or
119 above on a 4.0 scale, or its equivalent, in the courses required
120 by s. 1003.43(1) during his or her junior or senior year.

121 4. Maintains ~~Maintain~~ satisfactory conduct, including
122 adherence to appropriate dress and other codes of student
123 conduct policies described in s. 1006.07(2). If a student is
124 convicted of, or is found to have committed, a felony or a
125 delinquent act that would have been a felony if committed by an
126 adult, regardless of whether adjudication is withheld, the
127 student's participation in interscholastic extracurricular
128 activities is contingent upon established and published district
129 school board policy.

130 (d) An individual charter school student pursuant to s.
131 1002.33 is eligible to participate at the public school to which
132 the student would be assigned according to district school board
133 attendance area policies or which the student could choose to
134 attend, pursuant to district or interdistrict controlled open-
135 enrollment provisions, or a conversion charter school when the
136 student resides within the conversion charter school's
137 attendance zone as provided in s. 1002.33(10)(c), in any
138 interscholastic extracurricular activity of that school, unless
139 such activity is provided by the student's charter school, if
140 the following conditions are met:

141 1. The charter school student must meet the requirements of
142 the charter school education program as determined by the
143 charter school governing board.

144 2. During the period of participation at a school, the
145 charter school student must demonstrate educational progress as

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146 required in paragraph (b).

147 3. The charter school student must meet the same residency
148 requirements as other students in the school at which he or she
149 participates.

150 4. The charter school student must meet the same standards
151 of acceptance, behavior, and performance that are required of
152 other students in extracurricular activities.

153 5. The charter school student must register with the school
154 his or her intent to participate in interscholastic
155 extracurricular activities as a representative of the school
156 before the beginning date of the season for the activity in
157 which he or she wishes to participate. A charter school student
158 must be able to participate in curricular activities if that is
159 a requirement for an extracurricular activity.

160 6. A student who transfers from a charter school program to
161 a traditional public school before or during the first grading
162 period of the school year is academically eligible to
163 participate in interscholastic extracurricular activities during
164 the first grading period if the student has a successful
165 evaluation from the previous school year, pursuant to
166 subparagraph 2.

167 7. Any public school or private school student who has been
168 unable to maintain academic eligibility for participation in
169 interscholastic extracurricular activities is ineligible to
170 participate in such activities as a charter school student until
171 the student has successfully completed one grading period in a
172 charter school pursuant to subparagraph 2. to become eligible to
173 participate as a charter school student.

174 (e) A student of the Florida Virtual School full-time

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175 program is eligible to ~~may~~ participate in any interscholastic
176 extracurricular activity at the public school to which the
177 student would be assigned according to district school board
178 attendance area policies or which the student could choose to
179 attend, pursuant to district or interdistrict controlled open
180 enrollment policies, if the following conditions are met
181 ~~student~~:

182 1. During the period of participation in the
183 interscholastic extracurricular activity, the Florida Virtual
184 School student must meet ~~meets~~ the requirements in paragraph
185 (a).

186 2. The Florida Virtual School student must meet ~~meets~~ any
187 additional requirements as determined by the board of trustees
188 of the Florida Virtual School.

189 3. The Florida Virtual School student must meet ~~Meets~~ the
190 same residency requirements as other students in the school at
191 which he or she participates.

192 4. The Florida Virtual School student must meet ~~Meets~~ the
193 same standards of acceptance, behavior, and performance that are
194 required of other students in extracurricular activities.

195 5. The Florida Virtual School student must register with
196 the school ~~Registers~~ his or her intent to participate in
197 interscholastic extracurricular activities ~~with the school~~
198 before the beginning date of the season for the activity in
199 which he or she wishes to participate. A Florida Virtual School
200 student must be able to participate in curricular activities if
201 that is a requirement for an extracurricular activity.

202 6. ~~(f)~~ A student who transfers from the Florida Virtual
203 School full-time program to a traditional public school before

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204 or during the first grading period of the school year is
205 academically eligible to participate in interscholastic
206 extracurricular activities during the first grading period if
207 the student has a successful evaluation from the previous school
208 year pursuant to paragraph (a).

209 ~~7.(g)~~ A public school or private school student who has
210 been unable to maintain academic eligibility for participation
211 in interscholastic extracurricular activities is ineligible to
212 participate in such activities as a Florida Virtual School
213 student until the student successfully completes one grading
214 period in the Florida Virtual School pursuant to paragraph (a).

215 (f) A student who attends a public school or a private
216 school that does not offer a particular extracurricular activity
217 may participate in such an activity on a space-available basis
218 if it is offered at any public school that the student could
219 choose to attend pursuant to district or interdistrict
220 controlled open enrollment provisions, or may develop an
221 agreement to participate in that extracurricular activity at a
222 private school, limited to one additional extracurricular
223 activity at a different school each academic year, if the
224 student:

225 1. Meets the requirements for eligibility to participate in
226 interscholastic extracurricular activities, as provided under
227 paragraph (a);

228 2. Demonstrates educational progress at the school he or
229 she attends as required in paragraph (b);

230 3. Meets the same standards of acceptance, behavior, and
231 performance that are required of other students in
232 extracurricular activities;

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233 4. Pays any fees required of other students who participate
234 in the extracurricular activity; and

235 5. Registers with the school that offers the
236 extracurricular activity his or her intent to participate in the
237 interscholastic extracurricular activity at that school before
238 the beginning date of the season for the activity in which he or
239 she wishes to participate. A public school student must
240 participate in a curricular activity if it is a requirement for
241 an extracurricular activity. The student may choose to
242 participate in the required curricular activity at the school he
243 or she attends or at the school in which he or she participates
244 in the extracurricular activity.

245 (g) The parents of a student who participates in an
246 extracurricular activity under paragraph (f) are responsible for
247 transporting their child to and from the school at which the
248 student participates. The public school the student attends, the
249 school at which the student participates in the extracurricular
250 activity, the district school board, and the Florida High School
251 Athletic Association (FHSAA) are exempt from civil liability
252 arising from any injury that occurs to the student during such
253 transportation.

254 (5) ~~An Any~~ organization or entity that regulates or governs
255 interscholastic extracurricular activities of public schools:

256 (a) Shall permit home education associations to join as
257 member schools.

258 (b) ~~May Shall~~ not discriminate against any eligible student
259 based on an educational choice of public, private, or home
260 education.

261 (8) (a) The ~~FHSAA Florida High School Athletic Association~~

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262 ~~(FHSAA)~~, in cooperation with each district school board, shall
263 facilitate a program in which a middle school or high school
264 student who attends a private school shall be eligible to
265 participate in an interscholastic or intrascholastic sport at a
266 public high school, a public middle school, or a 6-12 public
267 school that is zoned for the physical address at which the
268 student resides if:

269 1. The private school in which the student is enrolled is
270 not a member of the FHSAA and does not offer an interscholastic
271 or intrascholastic athletic program.

272 2. The private school student meets the guidelines for the
273 conduct of the program established by the FHSAA's board of
274 directors and the district school board. At a minimum, such
275 guidelines shall provide:

276 a. A deadline for each sport by which the private school
277 student's parents must register with the public school in
278 writing their intent for their child to participate at that
279 school in the sport.

280 b. Requirements for a private school student to
281 participate, including, but not limited to, meeting the same
282 standards of eligibility, acceptance, behavior, educational
283 progress, and performance which apply to other students
284 participating in interscholastic or intrascholastic sports at a
285 public school or FHSAA member private school.

286 (b) The parents of a private school student participating
287 in a public school sport under this subsection are responsible
288 for transporting their child to and from the public school at
289 which the student participates. The private school the student
290 attends, the public school at which the student participates in

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291 a sport, the district school board, and the FHSAA are exempt
292 from civil liability arising from any injury that occurs to the
293 student during such transportation.

294 (c) For each academic year, a private school student may
295 only participate at the public school in which the student is
296 first registered under sub-subparagraph (a)2.a. or makes himself
297 or herself a candidate for an athletic team by engaging in a
298 practice.

299 (d) The athletic director of each participating FHSAA
300 member public school shall maintain the student records
301 necessary for eligibility, compliance, and participation in the
302 program.

303 (e) Any non-FHSAA member private school that has a student
304 who wishes to participate in this program must make all student
305 records, including, but not limited to, academic, financial,
306 disciplinary, and attendance records, available upon request of
307 the FHSAA.

308 (f) A student must apply to participate in this program
309 through the FHSAA program application process.

310 (g) Only students who are enrolled in non-FHSAA member
311 private schools consisting of 125 students or fewer in the
312 middle school grades or 125 students or fewer in the high school
313 grades are eligible to participate in the program in any given
314 academic year.

315 Section 3. Subsections (1) of section 1006.19, Florida
316 Statutes, is amended, and a new subsection (3) is added to that
317 section to read:

318 1006.19 Audit of records of nonprofit corporations and
319 associations handling interscholastic activities; annual

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320 report.—

321 (1) Each nonprofit association or corporation that operates
322 for the purpose of supervising and controlling interscholastic
323 activities of public high schools and whose membership is
324 composed of duly certified representatives of public high
325 schools, and whose rules and regulations are established by
326 members thereof, shall have an annual financial and compliance
327 audit of its accounts and records by an independent certified
328 public accountant retained by it and paid from its funds, in
329 accordance with rules adopted by the Auditor General. The audit
330 must be conducted in compliance with generally accepted auditing
331 standards and include a report on financial statements presented
332 in accordance with generally accepted accounting principles set
333 forth by the American Institute of Certified Public Accountants
334 for not-for-profit organizations and a determination of
335 compliance with the statutory eligibility and expenditure
336 requirements of s. 1006.20. Audits shall be submitted to the
337 Auditor General, the Speaker of the House of Representatives,
338 and the Senate President within 180 days after the end of each
339 fiscal year. ~~The accountant shall furnish a copy of the audit~~
340 ~~report to the Auditor General.~~

341 (3) Any such nonprofit association or corporation shall
342 provide a report of the number of appeals and other cases
343 involving the FHSAA and the disposition of those matters. The
344 report must include how many cases were filed, either with the
345 FHSAA or another tribunal, the number of cases that the initial
346 decision of the FHSAA or its member were affirmed, reversed, or
347 otherwise resolved, and a summary of the nature of the issue in
348 dispute. By October 1 of each year, the report must be submitted

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349 to the Commissioner of Education, the President of the Senate,
350 and the Speaker of the House of Representatives.

351 Section 4. Subsections (1) through (5) of section 1006.20,
352 Florida Statutes, are amended, and paragraph (f) is added to
353 subsection (6) of that section to read:

354 1006.20 Athletics in public K-12 schools.—

355 (1) GOVERNING NONPROFIT ORGANIZATION.—The Florida High
356 School Athletic Association (FHSAA) is designated as the
357 governing nonprofit organization of athletics in Florida public
358 schools. This designation expires July 1, 2017. If the FHSAA
359 fails to meet the provisions of this section or the Legislature
360 does not timely designate a successor, the commissioner shall
361 designate a nonprofit organization to govern athletics with the
362 approval of the State Board of Education for successive terms
363 not to exceed 4 years each or until the Legislature designates a
364 successor. The FHSAA is not a state agency as defined in s.
365 120.52. The Legislature determines it is in the public interest
366 and reflects the state's public policy that FHSAA operate in the
367 most open and accessible manner consistent with its public
368 purposes. To this end, the Legislature specifically declares
369 that FHSAA and its divisions, boards, and advisory councils, or
370 similar entities created or managed by FHSAA are subject to the
371 provisions of chapter 119 relating to public records and those
372 provisions of chapter 286 relating to public meetings. The FHSAA
373 shall be subject to ~~the provisions of~~ s. 1006.19. A private
374 school that wishes to engage in high school athletic competition
375 with a public high school may become a member of the FHSAA. Any
376 high school in the state, including charter schools, virtual
377 schools, and home education cooperatives, may become a member of

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378 the FHSAA and participate in the activities of the FHSAA.
379 However, membership in the FHSAA is not mandatory for any
380 school. The FHSAA may not deny or discourage interscholastic
381 competition between its member schools and non-FHSAA member
382 Florida schools, including members of another athletic governing
383 organization, and may not take any retributory or discriminatory
384 action against any of its member schools that participate in
385 interscholastic competition with non-FHSAA member Florida
386 schools. The FHSAA may not unreasonably withhold its approval of
387 an application to become an affiliate member of the National
388 Federation of State High School Associations submitted by any
389 other organization that governs interscholastic athletic
390 competition in this state. The bylaws of the FHSAA are the rules
391 by which high school athletic programs in its member schools,
392 and the students who participate in them, are governed, unless
393 otherwise specifically provided by statute. For the purposes of
394 this section, "high school" includes grades 6 through 12.

395 (2) ADOPTION OF BYLAWS, POLICIES, OR GUIDELINES.—

396 (a) The FHSAA shall adopt bylaws that, unless otherwise
397 provided by statute, presume the eligibility of students and
398 specify limited violations that result in ineligibility for
399 students who participate in high school athletic competition in
400 its member schools. The bylaws must ensure that:

401 1. A student remains eligible in the school in which he or
402 she first enrolls each school year or the school in which the
403 student makes himself or herself a candidate for an athletic
404 team by engaging in a practice before enrolling in the school.

405 2. A student remains eligible in the school to which the
406 student has transferred during the school year if the transfer

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407 is made by a deadline established by the FHSAA, which may not be
408 before the date authorized for the beginning of practice for the
409 sport.

410 3. Once a student residence or transfer is approved by the
411 district school board or private school, as applicable, the
412 student remains eligible in the school if he or she remains
413 enrolled in the school and complies with applicable
414 requirements.

415 4. An otherwise eligible student athlete is not unfairly
416 punished for rule, eligibility, or recruiting violations
417 committed by a teammate, coach, administrator, school, or adult
418 representative. Competition of otherwise eligible student
419 athletes is not prospectively limited for rule, eligibility, or
420 recruiting violations of a teammate, coach, administrator,
421 school, or adult representative.

422 5. A student is ineligible if the student or parent
423 intentionally and knowingly falsifies an enrollment or
424 eligibility document or intentionally and knowingly accepts a
425 significant benefit or a promise of significant benefit that is
426 not reasonably available to the school's students or family
427 members and that is provided based primarily on the student's
428 athletic interest, potential, or performance.

429 6. A student may not be ineligible based upon recruitment
430 or otherwise only because the student:

431 a. Participated on a non-school team or non-school teams
432 affiliated with the school in which the student ultimately
433 enrolls; or

434 b. Participated in activities sponsored by a member school
435 if, after participating, the student registers for, enrolls in

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436 or applies to attend the sponsoring school.

437 7. Ineligibility requirements shall be applied to public
438 school students on an equal basis with private school students.

439 8. Ineligibility requirements shall be applied to transfer
440 students on an equal basis with nontransfer students.

441 9. Prescribed violations must be substantially related to
442 specific, important objectives and must be limited to address
443 only the minimal requirements necessary to accomplish the
444 objectives.

445
446 The FHSAA shall complete a comprehensive review and analysis of
447 all existing bylaws, policies, and administrative procedures to
448 determine compliance with this paragraph by October 1, 2013. The
449 FHSAA shall provide a detailed report originating from its
450 review and analysis, which must include, but need not be limited
451 to, specifically articulating how each violation or requirement
452 in the bylaws, policies, and administrative procedures is
453 substantially related to an identified, important objective and
454 any necessary corrective action. The FHSAA shall provide a copy
455 of the report to the Commissioner of Education, the Governor,
456 the President of the Senate, and the Speaker of the House of
457 Representatives by October 15, 2013. Bylaws, policies, or
458 administrative procedures that are noncompliant with this
459 paragraph are void as of January 1, 2014 ~~The FHSAA shall adopt~~
460 ~~bylaws that, unless specifically provided by statute, establish~~
461 ~~eligibility requirements for all students who participate in~~
462 ~~high school athletic competition in its member schools. The~~
463 ~~bylaws governing residence and transfer shall allow the student~~
464 ~~to be eligible in the school in which he or she first enrolls~~

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465 ~~each school year or the school in which the student makes~~
466 ~~himself or herself a candidate for an athletic team by engaging~~
467 ~~in a practice prior to enrolling in the school. The bylaws shall~~
468 ~~also allow the student to be eligible in the school to which the~~
469 ~~student has transferred during the school year if the transfer~~
470 ~~is made by a deadline established by the FHSAA, which may not be~~
471 ~~prior to the date authorized for the beginning of practice for~~
472 ~~the sport. These transfers shall be allowed pursuant to the~~
473 ~~district school board policies in the case of transfer to a~~
474 ~~public school or pursuant to the private school policies in the~~
475 ~~case of transfer to a private school. The student shall be~~
476 ~~eligible in that school so long as he or she remains enrolled in~~
477 ~~that school. Subsequent eligibility shall be determined and~~
478 ~~enforced through the FHSAA's bylaws. Requirements governing~~
479 ~~eligibility and transfer between member schools shall be applied~~
480 ~~similarly to public school students and private school students.~~

481 (b) The FHSAA shall adopt bylaws that specifically prohibit
482 the recruiting of students for athletic purposes. The bylaws
483 must ~~shall~~ prescribe penalties and an appeals process for
484 athletic recruiting violations. If it is determined that a
485 school has recruited a student in violation of FHSAA bylaws, the
486 FHSAA may require the school to participate in a higher
487 classification for the sport in which the recruited student
488 competes for a minimum of one classification cycle, in addition
489 to any other appropriate fine and sanction imposed on the
490 school, its coaches, or adult representatives who violate
491 recruiting rules. ~~A student may not be declared ineligible based~~
492 ~~on violation of recruiting rules unless the student or parent~~
493 ~~has falsified any enrollment or eligibility document or accepted~~

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494 ~~any benefit or any promise of benefit if such benefit is not~~
495 ~~generally available to the school's students or family members~~
496 ~~or is based in any way on athletic interest, potential, or~~
497 ~~performance.~~

498 (c) The FHSAA shall adopt bylaws that require all students
499 participating in interscholastic athletic competition or who are
500 candidates for an interscholastic athletic team to
501 satisfactorily pass a medical evaluation each year before ~~prior~~
502 ~~to~~ participating in interscholastic athletic competition or
503 engaging in any practice, tryout, workout, or other physical
504 activity associated with the student's candidacy for an
505 interscholastic athletic team. Such medical evaluation may be
506 administered only by a practitioner licensed under chapter 458,
507 chapter 459, chapter 460, or s. 464.012, and in good standing
508 with the practitioner's regulatory board. The bylaws must ~~shall~~
509 establish requirements for eliciting a student's medical history
510 and performing the medical evaluation required under this
511 paragraph, which must ~~shall~~ include a physical assessment of the
512 student's physical capabilities to participate in
513 interscholastic athletic competition as contained in a uniform
514 preparticipation physical evaluation and history form. The
515 evaluation form must ~~shall~~ incorporate the recommendations of
516 the American Heart Association for participation cardiovascular
517 screening and must ~~shall~~ provide a place for the signature of
518 the practitioner performing the evaluation with an attestation
519 that each examination procedure listed on the form was performed
520 by the practitioner or by someone under the direct supervision
521 of the practitioner. The form must ~~shall~~ also contain a place
522 for the practitioner to indicate if a referral to another

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523 practitioner was made in lieu of completion of a certain
524 examination procedure. The form must ~~shall~~ provide a place for
525 the practitioner to whom the student was referred to complete
526 the remaining sections and attest to that portion of the
527 examination. The preparticipation physical evaluation form must
528 ~~shall~~ advise students to complete a cardiovascular assessment
529 and must ~~shall~~ include information concerning alternative
530 cardiovascular evaluation and diagnostic tests. Results of such
531 medical evaluation must be provided to the school. No student
532 shall be eligible to participate in any interscholastic athletic
533 competition or engage in any practice, tryout, workout, or other
534 physical activity associated with the student's candidacy for an
535 interscholastic athletic team until the results of the medical
536 evaluation have been received and approved by the school.

537 (d) Notwithstanding ~~the provisions of~~ paragraph (c), a
538 student may participate in interscholastic athletic competition
539 or be a candidate for an interscholastic athletic team if the
540 parent of the student objects in writing to the student
541 undergoing a medical evaluation because such evaluation is
542 contrary to his or her religious tenets or practices. However,
543 in such case, there shall be no liability on the part of any
544 person or entity in a position to otherwise rely on the results
545 of such medical evaluation for any damages resulting from the
546 student's injury or death arising directly from the student's
547 participation in interscholastic athletics where an undisclosed
548 medical condition that would have been revealed in the medical
549 evaluation is a proximate cause of the injury or death.

550 (e) The FHSAA shall adopt bylaws that regulate persons who
551 conduct investigations on behalf of the FHSAA. A formal

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552 investigation must be completed within 90 days after the onset
553 of the investigation, and the FHSAA may not contract or in any
554 way pay for more than 520 hours of work for any investigation.

555 The bylaws must ~~shall~~ include provisions that require an
556 investigator to:

557 1. Undergo level 2 background screening under s. 435.04,
558 establishing that the investigator has not committed any
559 disqualifying offense listed in s. 435.04, unless the
560 investigator can provide proof of compliance with level 2
561 screening standards submitted within the previous 5 years to
562 meet any professional licensure requirements, provided:

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

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

570 2. Be appointed as an investigator by the executive
571 director.

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

574 4. Notwithstanding s. 493.6102, maintain a valid class "C"
575 license as established in chapter 493.

576 5.4. Adhere to the following guidelines:

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

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

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581 the interviewee.

582 c. Notify at least 24 hours before the interview at least
583 one custodial parent of a student being interviewed of the right
584 to be present during the interview upon the good-faith request
585 of the parent for a reasonable period of time if necessary for
586 the parent to attend the interview.

587 ~~d.e.~~ Allow both parents ~~the parent~~ of any student being
588 interviewed to be present during the interview.

589 ~~d. Search residences or other private areas only with the~~
590 ~~permission of the executive director and the written consent of~~
591 ~~the student's parent and only with a parent or a representative~~
592 ~~of the parent present.~~

593 6. Provide notice to the affected student, parent, coach,
594 and school within 2 business days after the assignment of a
595 formal investigation into ineligibility or other violation of
596 law or rule. If the executive director certifies in writing that
597 a compelling need to withhold notice exists, identifying with
598 specificity why notice must not be provided, the notice is not
599 required until the investigator concludes the investigation. The
600 executive director shall provide a copy of the certification to
601 the Commissioner of Education within 1 business day after
602 signing the certification.

603 7. Provide the affected student, parent, coach, and school
604 within 5 business days after completion of the formal
605 investigation a copy of the investigation report and any
606 recommendation made by the investigator, executive director, or
607 board of directors.

608 (f) The FHSAA shall adopt bylaws that establish sanctions
609 for coaches who have committed major violations of the FHSAA's

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610 bylaws and policies.

611 1. Major violations include, but are not limited to,
612 knowingly allowing an ineligible student to participate in a
613 contest representing a member school in an interscholastic
614 contest, ~~or~~ committing a violation of the FHSAA's recruiting or
615 sportsmanship policies, or colluding with a coach to prevent a
616 member or non-member school from scheduling competitions among
617 themselves.

618 2. Sanctions placed upon an individual coach may include,
619 but are not limited to, prohibiting or suspending the coach from
620 coaching, participating in, or attending any athletic activity
621 sponsored, recognized, or sanctioned by the FHSAA and the member
622 school for which the coach committed the violation. If a coach
623 is sanctioned by the FHSAA and the coach transfers to another
624 member school, those sanctions remain in full force and effect
625 during the term of the sanction.

626 3. If a member school is assessed a financial penalty as a
627 result of a coach committing a major violation, the coach shall
628 reimburse the member school before being allowed to coach,
629 participate in, or attend any athletic activity sponsored,
630 recognized, or sanctioned by the FHSAA and a member school.

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

634 (g) The FHSAA shall adopt bylaws establishing the process
635 and standards by which FHSAA investigations into ineligibility
636 are initiated and determinations of sanctions or eligibility
637 determinations against a student, coach, or school eligibility
638 are made. Such bylaws must ~~shall~~ provide that:

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639 1. Ineligibility must be established by clear and
640 convincing evidence;

641 2. Initial investigations into allegations of ineligibility
642 may be initiated by the FHSAA only if supported by credible
643 information from an identified source or from an anonymous
644 source with credible corroboration and which, if proven true,
645 would reasonably rebut the presumption of ineligibility. An
646 informal investigation is limited to determining whether there
647 is a sufficient evidentiary basis to initiate a formal
648 investigation and to produce the sworn testimony or affidavit
649 necessary to do so as hereinafter provided. Formal
650 investigations into ineligibility may not be initiated unless
651 supported by sworn testimony or affidavits which, if proven
652 true, would reasonably demonstrate ineligibility by clear and
653 convincing evidence. The investigator and individual making the
654 determination shall receive and consider, from students,
655 parents, coaches, and schools, all evidence of a type commonly
656 relied upon by reasonably prudent persons in the conduct of
657 their affairs. Such evidence shall be admissible in the
658 proceeding, whether or not such evidence would be admissible in
659 a trial court in this state. An investigator or other agent of
660 the FHSAA may not conduct searches of residences or other
661 private areas during the course of an investigation. ~~Student~~
662 athletes, parents, and schools must have notice of the
663 initiation of any investigation or other inquiry into
664 eligibility and may present, to the investigator and to the
665 individual making the eligibility determination, any information
666 or evidence that is credible, persuasive, and of a kind
667 reasonably prudent persons rely upon in the conduct of serious

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668 ~~affairs;~~

669 3. An investigator may not determine matters of eligibility
670 but must submit information and evidence to the executive
671 director or a person designated by the executive director or by
672 the board of directors for an unbiased and objective
673 determination of eligibility; and

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

677 (h) In lieu of bylaws adopted under paragraph (g), the
678 FHSAA may adopt bylaws providing as a minimum the procedural
679 safeguards of ss. 120.569 and 120.57, making appropriate
680 provision for appointment of unbiased and qualified hearing
681 officers.

682 (i) Any student, coach, or school found to be ineligible
683 has the option to challenge the ineligibility determination
684 through the FHSAA appeal process or pursuant to ss. 120.569 and
685 120.57. The FHSAA shall notify in writing the student, coach, or
686 school of this option upon making the ineligibility
687 determination. Such an administrative hearing shall be
688 expedited. The Division of Administrative Hearings may assess a
689 fee, payable by the nonprevailing party, sufficient to cover the
690 cost of the administration of such proceedings ~~The FHSAA bylaws~~
691 ~~may not limit the competition of student athletes prospectively~~
692 ~~for rule violations of their school or its coaches or their~~
693 ~~adult representatives. The FHSAA bylaws may not unfairly punish~~
694 ~~student athletes for eligibility or recruiting violations~~
695 ~~perpetrated by a teammate, coach, or administrator. Contests may~~
696 not be forfeited for inadvertent eligibility violations unless

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697 the coach or a school administrator should have known of the
698 violation. Contests may not be forfeited for other eligibility
699 violations or recruiting violations in excess of the number of
700 contests that the coaches and adult representatives responsible
701 for the violations are prospectively suspended.

702 (j) The FHSAA ~~organization~~ shall adopt guidelines to
703 educate athletic coaches, officials, administrators, and student
704 athletes and their parents of the nature and risk of concussion
705 and head injury.

706 (k) The FHSAA ~~organization~~ shall adopt bylaws or policies
707 that require the parent of a student who is participating in
708 interscholastic athletic competition or who is a candidate for
709 an interscholastic athletic team to sign and return an informed
710 consent that explains the nature and risk of concussion and head
711 injury, including the risk of continuing to play after
712 concussion or head injury, each year before participating in
713 interscholastic athletic competition or engaging in any
714 practice, tryout, workout, or other physical activity associated
715 with the student's candidacy for an interscholastic athletic
716 team.

717 (l) The FHSAA ~~organization~~ shall adopt bylaws or policies
718 that require each student athlete who is suspected of sustaining
719 a concussion or head injury in a practice or competition to be
720 immediately removed from the activity. A student athlete who has
721 been removed from an activity may not return to practice or
722 competition until the student submits to the school a written
723 medical clearance to return stating that the student athlete no
724 longer exhibits signs, symptoms, or behaviors consistent with a
725 concussion or other head injury. Medical clearance must be

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726 authorized by the appropriate health care practitioner trained
727 in the diagnosis, evaluation, and management of concussions as
728 defined by the Sports Medicine Advisory Committee of the Florida
729 High School Athletic Association.

730 (m) The FHSAA organization shall adopt bylaws for the
731 establishment and duties of a sports medicine advisory committee
732 composed of the following members:

733 1. Eight physicians licensed under chapter 458 or chapter
734 459 with at least one member licensed under chapter 459.

735 2. One chiropractor licensed under chapter 460.

736 3. One podiatrist licensed under chapter 461.

737 4. One dentist licensed under chapter 466.

738 5. Three athletic trainers licensed under part XIII of
739 chapter 468.

740 6. One member who is a current or retired head coach of a
741 high school in the state.

742 (n) Student school attendance and transfer approvals shall
743 be determined by the district school board in the case of a
744 public school student and by the private school in the case of a
745 private school student. If the district school board or private
746 school approves the student school attendance or transfer, the
747 student remains eligible to participate in high school athletic
748 competition under the FHSAA jurisdiction.

749 (o) 1. The FHSAA may challenge the student's eligibility to
750 participate in a high school athletic competition pursuant to
751 paragraph (n) by filing a petition for a hearing with the
752 Division of Administrative Hearings pursuant to s. 120.569, with
753 a copy of the petition contemporaneously provided to the
754 student, parent, coach, and school. The student remains eligible

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755 unless a final order finding the student's ineligibility is
756 rendered. The Division of Administrative Hearings may assess a
757 fee, payable by the FHSAA, sufficient to cover the cost of the
758 administration of such proceedings.

759 2. The burden is on the FHSAA to demonstrate by clear and
760 convincing evidence that the student is ineligible. The
761 administrative law judge shall issue a final order pursuant to
762 s. 120.68. If the administrative law judge finds that the
763 student remains eligible, the final order shall award all
764 reasonable costs and attorney fees to be paid to all respondents
765 by the FHSAA. The FHSAA may not seek to recoup these costs and
766 expenses from any other person, entity, or party.

767 (3) GOVERNING STRUCTURE OF THE ORGANIZATION.—

768 (a) The FHSAA shall operate as a representative democracy
769 in which the sovereign authority is within its member schools.
770 Except as provided in this section, the FHSAA shall govern its
771 affairs through its bylaws.

772 (b) Each member school, on its annual application for
773 membership, shall name its official representative to the FHSAA.
774 This representative must be either the school principal or his
775 or her designee. That designee must either be an assistant
776 principal or athletic director housed within that same school.

777 (c) The FHSAA's membership shall be divided along existing
778 county lines into four contiguous and compact administrative
779 regions, each containing an equal or nearly equal number of
780 member schools to ensure equitable representation on the FHSAA's
781 board of directors, representative assembly, and appeals
782 committees.

783 (4) BOARD OF DIRECTORS.—

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784 (a) The executive authority of the FHSAA shall be vested in
785 its board of directors. Any entity that appoints members to the
786 board of directors shall examine the ethnic and demographic
787 composition of the board when selecting candidates for
788 appointment and shall, to the greatest extent possible, make
789 appointments that reflect state demographic and population
790 trends. Effective October 1, 2013, the board of directors shall
791 be composed of 17 ~~16~~ persons, as follows:

792 1. One charter school representative, elected from among
793 its public school representative members ~~Four public member~~
794 ~~school representatives, one elected from among its public school~~
795 ~~representative members within each of the four administrative~~
796 ~~regions.~~

797 2. One ~~Four~~ nonpublic member school representative
798 ~~representatives, one~~ elected from among its nonpublic school
799 representative members ~~within each of the four administrative~~
800 ~~regions.~~

801 3. Four ~~Three~~ representatives appointed by the
802 commissioner, one appointed from each of the four administrative
803 regions ~~one appointed from the two northernmost administrative~~
804 ~~regions and one appointed from the two southernmost~~
805 ~~administrative regions. The third representative shall be~~
806 ~~appointed to balance the board for diversity or state population~~
807 ~~trends, or both.~~

808 4. Two district school superintendents, one elected from
809 the two northernmost administrative regions by the members in
810 those regions and one elected from the two southernmost
811 administrative regions by the members in those regions.

812 5. Two district school board members, one elected from the

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813 two northernmost administrative regions by the members in those
814 regions and one elected from the two southernmost administrative
815 regions by the members in those regions.

816 6. Two county athletic directors, one elected from the two
817 northernmost administrative regions by the members in those
818 regions and one elected from the two southernmost administrative
819 regions by the members in those regions.

820 7.6. The commissioner or his or her designee from the
821 department executive staff.

822 8. One representative appointed by the President of the
823 Senate.

824 9. One representative appointed by the Speaker of the House
825 of Representatives.

826 10. One representative appointed by the Executive Director
827 of the Florida Athletic Coaches Association.

828 11. One home school member representative elected from
829 among its home school representative members.

830 (b) A quorum of the board of directors shall consist of one
831 more than half of its ~~nine~~ members.

832 (c) The board of directors shall elect a president and a
833 vice president from among its members. These officers shall also
834 serve as officers of the FHSAA.

835 (d) Members of the board of directors shall serve terms of
836 4 ~~3~~ years and are not eligible to succeed themselves ~~only once~~.
837 A member of the board of directors, other than the commissioner
838 or his or her designee, may serve a maximum of 4 ~~6~~ consecutive
839 years. The FHSAA's bylaws shall establish a rotation of terms so
840 that approximately one-third of the members other than the
841 commissioner or his or her designee rotate off the board each

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842 ~~year to ensure that a majority of the members' terms do not~~
843 ~~expire concurrently.~~ For the purpose of ensuring staggered
844 terms, board members appointed by the commissioner prior to July
845 1, 2013, and the two district school superintendents elected
846 prior to July 1, 2013, may continue to serve on the board
847 through September 30, 2015.

848 (e) The authority and duties of the board of directors,
849 acting as a body and in accordance with the FHSAA's bylaws, are
850 as follows:

851 1. To act as the incorporated FHSAA's board of directors
852 and to fulfill its obligations as required by the FHSAA's
853 charter and articles of incorporation.

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

856 3. To employ an FHSAA executive director, subject to Senate
857 confirmation. The executive director has ~~who shall have~~ the
858 authority to waive the bylaws of the FHSAA in order to comply
859 with statutory changes. The executive director's salary shall be
860 no greater than that set by law for the Governor of this state.
861 The executive director is not entitled to per diem and travel
862 expenses in excess of the rate provided for state employees
863 under s. 112.061.

864 4. To levy annual dues and other fees and to set the
865 percentage of contest receipts to be collected by the FHSAA
866 except that, beginning in the 2013-2014 fiscal year, all dues,
867 fees, and percentages of contest receipts that the FHSAA is
868 entitled to collect shall be fixed at the amount established in
869 the FHSAA bylaws for 2012-2013 as published on the FHSAA website
870 as of February 26, 2013, and may be increased only once annually

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871 in an amount necessary to reflect changes in the United States
872 Department of Labor's Consumer Price Index for All Urban
873 Consumers (CPI-U), all items, with the resulting calculation
874 rounded to the nearest whole dollar amount. The aggregate of
875 such dues, fees, and percentages of contest receipts shall be
876 allocated as follows:

877 a. Up to 55 percent for the FHSAA to be used for
878 organization operations as allowed by law.

879 b. At least 30 percent for the FHSAA to provide
880 postsecondary scholarships to students who meet qualifications
881 established by the FHSAA.

882 c. At least 15 percent for the FHSAA to coordinate with the
883 National Center for Sports Safety and provide for the education
884 of coaches, parks and recreation staff, parents, and other
885 volunteers on the basics of sports safety and injury prevention,
886 and the well-being and health, safety, and welfare of athletes.

887 5. To approve the budget of the FHSAA.

888 6. To organize and conduct statewide interscholastic
889 competitions, which may or may not lead to state championships,
890 and to establish the terms and conditions for these
891 competitions.

892 7. To act as an administrative board in the interpretation
893 of, and final decision on, all questions and appeals arising
894 from the directing of interscholastic athletics of member
895 schools.

896 8. To levy fines, penalties, and sanctions against schools
897 and coaches found to be in violation of student eligibility
898 requirements and recruiting practices pursuant to subsection
899 (2). However, fines, penalties, and sanctions may not exceed the

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900 cost to investigate reported violations and the cost of
901 associated appeals processes. The board of directors shall
902 submit an annual report to the Department of Education by
903 October 1 each year which reconciles the costs of investigations
904 and appeals with the fines, penalties, and sanctions charged to
905 member schools and coaches for each fiscal year.

906 (5) REPRESENTATIVE ASSEMBLY.—

907 (a) The legislative authority of the FHSAA is vested in its
908 representative assembly.

909 (b) The representative assembly shall be composed of the
910 following:

911 1. An equal number of member school representatives from
912 each of the four administrative regions.

913 2. Four district school superintendents, one elected from
914 each of the four administrative regions by the district school
915 superintendents in their respective administrative regions.

916 3. Four district school board members, one elected from
917 each of the four administrative regions by the district school
918 board members in their respective administrative regions.

919 4. The commissioner or his or her designee from the
920 department executive staff.

921 (c) The FHSAA's bylaws shall establish the number of member
922 school representatives to serve in the representative assembly
923 from each of the four administrative regions, not to exceed six
924 from each of the four regions, and shall establish the method
925 for their selection.

926 (d) No member of the board of directors other than the
927 commissioner or his or her designee can serve in the
928 representative assembly.

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

931 (f) Elected members of the representative assembly shall
932 serve terms of 2 years and are eligible to succeed themselves
933 for one ~~two~~ additional term ~~terms~~. An elected member, other than
934 the commissioner or his or her designee, may serve a maximum of
935 4 ~~6~~ consecutive years in the representative assembly.

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

938 (h) The authority of the representative assembly is limited
939 to its sole duty, which is to consider, adopt, or reject any
940 proposed amendments to the FHSAA's bylaws.

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

944 (6) PUBLIC LIAISON ADVISORY COMMITTEE.—

945 (f) Members of the public liaison advisory committee are
946 entitled to per diem and travel expenses at the same rate
947 provided for state employees under s. 112.061.

948 Section 5. This act shall take effect July 1, 2013.