

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

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| WITHDRAWN | _____ | (Y/N) |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

1 Committee/Subcommittee hearing bill: Education Appropriations
2 Subcommittee

3 Representative Metz offered the following:

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

6 Remove everything after the enacting clause and insert:

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

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

15 (17) ATHLETICS; PUBLIC HIGH SCHOOL.—

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

Amendment No. 1

20 himself or herself a candidate for an athletic team by engaging
21 in practice before enrolling, or the school to which the student
22 has transferred with approval of the district school board, in
23 accordance with ~~the provisions of~~ s. 1006.20(2) (a).

24 (b) Medical evaluation.—Students must satisfactorily pass
25 a medical evaluation each year before participating in
26 athletics, unless the parent objects in writing based on
27 religious tenets or practices, in accordance with ~~the provisions~~
28 ~~of~~ s. 1006.20(2) (d).

29 Section 2. Paragraphs (a), (d), and (f) of subsection (3)
30 and subsections (5) and (8) of section 1006.15, Florida
31 Statutes, are amended, and paragraphs (h), (i), and (j) are
32 added to subsection (3) of that section, to read:

33 1006.15 Student standards for participation in
34 interscholastic and intrascholastic extracurricular student
35 activities; regulation.—

36 (3) (a) A student attending a public school or a school
37 identified in this section is presumed eligible to participate
38 in interscholastic extracurricular student activities. For the
39 purposes of this section, a charter school is considered a
40 public school. A student remains eligible to participate in
41 interscholastic extracurricular student activities if the
42 student ~~To be eligible to participate in interscholastic~~
43 ~~extracurricular student activities, a student must:~~

44 1. Maintains ~~Maintain~~ a grade point average of 2.0 or
45 above on a 4.0 scale, or its equivalent, in the previous
46 semester or a cumulative grade point average of 2.0 or above on
47 a 4.0 scale, or its equivalent, in the courses required by s.

Amendment No. 1

48 1003.43(1).

49 2. Executes ~~Execute~~ and fulfills ~~fulfill~~ the requirements
50 of an academic performance contract between the student, the
51 district school board, the appropriate governing association,
52 and the student's parents, if the student's cumulative grade
53 point average falls below 2.0, or its equivalent, on a 4.0 scale
54 in the courses required by s. 1003.43(1) or, for students who
55 entered the 9th grade before ~~prior to~~ the 1997-1998 school year,
56 if the student's cumulative grade point average falls below 2.0
57 on a 4.0 scale, or its equivalent, in the courses required by s.
58 1003.43(1) which are taken after July 1, 1997. At a minimum, the
59 contract must require that the student attend summer school, or
60 its graded equivalent, between grades 9 and 10 or grades 10 and
61 11, as necessary.

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

65 4. Maintains ~~Maintain~~ satisfactory conduct, including
66 adherence to appropriate dress and other codes of student
67 conduct policies described in s. 1006.07(2). If a student is
68 convicted of, or is found to have committed, a felony or a
69 delinquent act that would have been a felony if committed by an
70 adult, regardless of whether adjudication is withheld, the
71 student's participation in interscholastic extracurricular
72 activities is contingent upon established and published district
73 school board policy.

74 (d) An individual public ~~charter~~ school student pursuant
75 ~~to s. 1002.33~~ is eligible to participate at the public school to

Amendment No. 1

76 which the student would be assigned, including a charter school,
77 according to district school board attendance area policies or
78 which the student could choose to attend, pursuant to district
79 or interdistrict controlled open-enrollment policies provisions,
80 in any interscholastic extracurricular activity of that school,
81 unless such activity is provided by the student's current
82 ~~charter~~ school, if the following conditions are met:

83 1. The ~~charter school~~ student must meet the requirements
84 of the student's current ~~charter~~ school education program ~~as~~
85 ~~determined by the charter school governing board.~~

86 2. During the period of participation at a school, the
87 ~~charter school~~ student must demonstrate educational progress as
88 required in paragraph (b).

89 3. The ~~charter school~~ student must meet the same residency
90 requirements as other students in the school at which he or she
91 participates.

92 4. The ~~charter school~~ student must meet the same standards
93 of acceptance, behavior, and performance which ~~that~~ are required
94 of other students in extracurricular activities.

95 5. The ~~charter school~~ student must register with the
96 school his or her intent to participate in interscholastic
97 extracurricular activities as a representative of the school
98 before the beginning date of the season for the activity in
99 which he or she wishes to participate. A ~~charter school~~ student
100 must be able to participate in curricular activities if there
101 ~~that~~ is a requirement for an extracurricular activity.

102 6. A student who transfers from a public ~~charter~~ school
103 ~~program~~ to a different ~~traditional~~ public school before or

Amendment No. 1

104 during the first grading period of the school year is
105 academically eligible to participate in interscholastic
106 extracurricular activities during the first grading period if
107 the student has a successful evaluation from the previous school
108 year, pursuant to subparagraph 2.

109 7. ~~A Any~~ public school or private school student who has
110 been unable to maintain academic eligibility for participation
111 in interscholastic extracurricular activities is ineligible to
112 participate in such activities as a public ~~charter~~ school
113 student until the student has successfully completed one grading
114 period in a ~~charter~~ school pursuant to subparagraph 2. ~~to become~~
115 ~~eligible to participate as a charter school student.~~

116 (f) A student who transfers from the Florida Virtual
117 School full-time program to a ~~traditional~~ public school before
118 or during the first grading period of the school year is
119 academically eligible to participate in interscholastic
120 extracurricular activities during the first grading period if
121 the student has a successful evaluation from the previous school
122 year pursuant to paragraph (a).

123 (h) A student who attends a public school that does not
124 offer a particular extracurricular activity may participate at
125 any public school that the student could choose to attend
126 pursuant to district or interdistrict controlled open enrollment
127 provisions, or may develop an agreement to participate in that
128 extracurricular activity at a private school, if the student:

129 1. Meets the requirements for eligibility to participate
130 in interscholastic extracurricular activities, as provided under
131 paragraph (a);

Amendment No. 1

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

134 3. Meets the same standards of acceptance, behavior, and
135 performance that are required of other students in
136 extracurricular activities;

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

139 5. Registers with the school that offers the
140 extracurricular activity his or her intent to participate in the
141 interscholastic extracurricular activity at that school before
142 the beginning date of the season for the activity in which he or
143 she wishes to participate. A public school student must
144 participate in a curricular activity if it is a requirement for
145 an extracurricular activity. The student may choose to
146 participate in the required curricular activity at the school he
147 or she attends or at the school in which he or she participates
148 in the extracurricular activity.

149 (i) A student who has been unable to maintain academic
150 eligibility for participation in interscholastic extracurricular
151 activities is ineligible to participate in such activities under
152 paragraph (h) until the student has successfully completed one
153 grading period.

154 (j) The parents of a student who participates in an
155 extracurricular activity under paragraph (h) are responsible for
156 transporting their child to and from the school at which the
157 student participates. The public school the student attends, the
158 school at which the student participates in the extracurricular
159 activity, the district school board, and the Florida High School

Amendment No. 1

160 Athletic Association (FHSAA) are exempt from civil liability
161 arising from any injury that occurs to the student during such
162 transportation.

163 (5) An ~~Any~~ organization or entity that regulates or
164 governs interscholastic extracurricular activities of public
165 schools:

166 (a) Shall permit home education associations to join as
167 member schools.

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

171 (8) (a) The FHSAA ~~Florida High School Athletic Association~~
172 ~~(FHSAA)~~, in cooperation with each district school board, shall
173 facilitate a program in which a middle school or high school
174 student who attends a private school shall be eligible to
175 participate in an interscholastic or intrascholastic sport at a
176 public high school, a public middle school, or a 6-12 public
177 school that is zoned for the physical address at which the
178 student resides if:

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

182 2. The private school student meets the guidelines for the
183 conduct of the program established by the FHSAA's board of
184 directors and the district school board. At a minimum, such
185 guidelines shall provide:

186 a. A deadline for each sport by which the private school
187 student's parents must register with the public school in

Amendment No. 1

188 writing their intent for their child to participate at that
189 school in the sport.

190 b. Requirements for a private school student to
191 participate, including, but not limited to, meeting the same
192 standards of eligibility, acceptance, behavior, educational
193 progress, and performance which apply to other students
194 participating in interscholastic or intrascholastic sports at a
195 public school or FHSAA member private school.

196 (b) The parents of a private school student participating
197 in a public school sport under this subsection are responsible
198 for transporting their child to and from the public school at
199 which the student participates. The private school the student
200 attends, the public school at which the student participates in
201 a sport, the district school board, and the FHSAA are exempt
202 from civil liability arising from any injury that occurs to the
203 student during such transportation.

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

209 (d) The athletic director of each participating FHSAA
210 member public school shall maintain the student records
211 necessary for eligibility, compliance, and participation in the
212 program.

213 (e) Any non-FHSAA member private school that has a student
214 who wishes to participate in this program must make all student
215 records, including, but not limited to, academic, financial,

Amendment No. 1

216 disciplinary, and attendance records, available upon request of
217 the FHSAA.

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

220 (g) Only students who are enrolled in non-FHSAA member
221 private schools consisting of 125 students or fewer in the
222 middle school grades and 125 students in the high school grades
223 are eligible to participate in the program in any given academic
224 year.

225 Section 3. Subsection (1) of section 1006.19, Florida
226 Statutes, is amended to read:

227 1006.19 Audit of records of nonprofit corporations and
228 associations handling interscholastic activities.—

229 (1) Each nonprofit association or corporation that
230 operates for the purpose of supervising and controlling
231 interscholastic activities of public high schools and whose
232 membership is composed of duly certified representatives of
233 public high schools, and whose rules and regulations are
234 established by members thereof, shall have an annual financial
235 and compliance audit of its accounts and records by an
236 independent certified public accountant retained by it and paid
237 from its funds, in accordance with rules adopted by the Auditor
238 General. The audit must be conducted in compliance with
239 generally accepted auditing standards and include a report on
240 financial statements presented in accordance with generally
241 accepted accounting principles set forth by the American
242 Institute of Certified Public Accountants for not-for-profit
243 organizations and a determination of compliance with the

Amendment No. 1

244 statutory eligibility and expenditure requirements of s.
245 1006.20. Audits shall be submitted to the Auditor General, the
246 Speaker of the House of Representatives, and the Senate
247 President within 180 days after the end of each fiscal year. The
248 ~~accountant shall furnish a copy of the audit report to the~~
249 ~~Auditor General.~~

250 Section 4. Subsections (1) through (4) of section 1006.20,
251 Florida Statutes, are amended, and paragraph (f) is added to
252 subsection (6) of that section to read:

253 1006.20 Athletics in public K-12 schools.—

254 (1) GOVERNING NONPROFIT ORGANIZATION.—The Florida High
255 School Athletic Association (FHSAA) is designated as the
256 governing nonprofit organization of athletics in Florida public
257 schools. This designation expires July 1, 2017. If the FHSAA
258 fails to meet the provisions of this section or the Legislature
259 does not timely designate a successor, the commissioner shall
260 designate a nonprofit organization to govern athletics with the
261 approval of the State Board of Education for successive terms
262 not to exceed 4 years each or until the Legislature designates a
263 successor. The FHSAA is not a state agency as defined in s.
264 120.52. The FHSAA shall be subject to ~~the provisions of s.~~
265 1006.19. A private school that wishes to engage in high school
266 athletic competition with a public high school may become a
267 member of the FHSAA. Any high school in the state, including
268 charter schools, virtual schools, and home education
269 cooperatives, may become a member of the FHSAA and participate
270 in the activities of the FHSAA. However, membership in the FHSAA
271 is not mandatory for any school. The FHSAA may not deny or

Amendment No. 1

272 discourage interscholastic competition between its member
273 schools and non-FHSAA member Florida schools, including members
274 of another athletic governing organization, and may not take any
275 retributory or discriminatory action against any of its member
276 schools that participate in interscholastic competition with
277 non-FHSAA member Florida schools. The FHSAA may not unreasonably
278 withhold its approval of an application to become an affiliate
279 member of the National Federation of State High School
280 Associations submitted by any other organization that governs
281 interscholastic athletic competition in this state. The bylaws
282 of the FHSAA are the rules by which high school athletic
283 programs in its member schools, and the students who participate
284 in them, are governed, unless otherwise specifically provided by
285 statute. For the purposes of this section, "high school"
286 includes grades 6 through 12.

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

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

293 1. A student remains eligible in the school in which he or
294 she first enrolls each school year or the school in which the
295 student makes himself or herself a candidate for an athletic
296 team by engaging in a practice before enrolling in the school.

297 2. A student remains eligible in the school to which the
298 student has transferred during the school year if the transfer
299 is made by a deadline established by the FHSAA, which may not be

Amendment No. 1

300 before the date authorized for the beginning of practice for the
301 sport.

302 3. Once a student residence or transfer is approved by the
303 district school board or private school, as applicable, the
304 student remains eligible in the school if he or she remains
305 enrolled in the school and complies with applicable
306 requirements.

307 4. Rule, eligibility, and recruiting violations by a
308 teammate, coach, administrator, school, or adult representative
309 may not be used against a student.

310 5. A student is ineligible if the student or parent
311 intentionally and knowingly falsifies an enrollment or
312 eligibility document or intentionally and knowingly accepts a
313 significant benefit or a promise of significant benefit that is
314 not reasonably available to the school's students or family
315 members and that is provided based primarily on the student's
316 athletic interest, potential, or performance.

317 6. Ineligibility based upon recruitment is not
318 demonstrated merely because a student participates in a
319 nonschool-sponsored extracurricular activity after the end of
320 one school year and before the beginning of the next school year
321 that is coached by a person who the student knows from having
322 participated in a different school-sponsored extracurricular
323 activity in the past or who the student seeks to participate
324 with in the future in a different school-sponsored activity.

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

327 8. Ineligibility requirements shall be applied to transfer

Amendment No. 1

328 students on an equal basis with nontransfer students.

329 9. Prescribed violations must be substantially related to
330 specific, important objectives and must be limited to address
331 only the minimal requirements necessary to accomplish the
332 objectives.

333
334 The FHSAA shall complete a comprehensive review and analysis of
335 all existing bylaws, policies, and administrative procedures to
336 determine compliance with this paragraph by October 1, 2013. The
337 FHSAA shall provide a detailed report originating from its
338 review and analysis, which must include, but need not be limited
339 to, specifically articulating how each violation or requirement
340 in the bylaws, policies, and administrative procedures is
341 substantially related to an identified, important objective and
342 any necessary corrective action. The FHSAA shall provide a copy
343 of the report to the Commissioner of Education, the Governor,
344 the President of the Senate, and the Speaker of the House of
345 Representatives by October 15, 2013. Bylaws, policies, or
346 administrative procedures that are noncompliant with this
347 paragraph are void as of January 1, 2014 ~~The FHSAA shall adopt~~
348 ~~bylaws that, unless specifically provided by statute, establish~~
349 ~~eligibility requirements for all students who participate in~~
350 ~~high school athletic competition in its member schools. The~~
351 ~~bylaws governing residence and transfer shall allow the student~~
352 ~~to be eligible in the school in which he or she first enrolls~~
353 ~~each school year or the school in which the student makes~~
354 ~~himself or herself a candidate for an athletic team by engaging~~
355 ~~in a practice prior to enrolling in the school. The bylaws shall~~

Amendment No. 1

356 ~~also allow the student to be eligible in the school to which the~~
357 ~~student has transferred during the school year if the transfer~~
358 ~~is made by a deadline established by the FHSAA, which may not be~~
359 ~~prior to the date authorized for the beginning of practice for~~
360 ~~the sport. These transfers shall be allowed pursuant to the~~
361 ~~district school board policies in the case of transfer to a~~
362 ~~public school or pursuant to the private school policies in the~~
363 ~~case of transfer to a private school. The student shall be~~
364 ~~eligible in that school so long as he or she remains enrolled in~~
365 ~~that school. Subsequent eligibility shall be determined and~~
366 ~~enforced through the FHSAA's bylaws. Requirements governing~~
367 ~~eligibility and transfer between member schools shall be applied~~
368 ~~similarly to public school students and private school students.~~

369 (b) The FHSAA shall adopt bylaws that specifically
370 prohibit the recruiting of students for athletic purposes. The
371 bylaws must ~~shall~~ prescribe penalties and an appeals process for
372 athletic recruiting violations. If it is determined that a
373 school has recruited a student in violation of FHSAA bylaws, the
374 FHSAA may require the school to participate in a higher
375 classification for the sport in which the recruited student
376 competes for a minimum of one classification cycle, in addition
377 to any other appropriate fine and sanction imposed on the
378 school, its coaches, or adult representatives who violate
379 recruiting rules. ~~A student may not be declared ineligible based~~
380 ~~on violation of recruiting rules unless the student or parent~~
381 ~~has falsified any enrollment or eligibility document or accepted~~
382 ~~any benefit or any promise of benefit if such benefit is not~~
383 ~~generally available to the school's students or family members~~

Amendment No. 1

384 ~~er is based in any way on athletic interest, potential, or~~
385 ~~performance.~~

386 (c) The FHSAA shall adopt bylaws that require all students
387 participating in interscholastic athletic competition or who are
388 candidates for an interscholastic athletic team to
389 satisfactorily pass a medical evaluation each year before ~~prior~~
390 ~~to~~ participating in interscholastic athletic competition or
391 engaging in any practice, tryout, workout, or other physical
392 activity associated with the student's candidacy for an
393 interscholastic athletic team. Such medical evaluation may be
394 administered only by a practitioner licensed under chapter 458,
395 chapter 459, chapter 460, or s. 464.012, and in good standing
396 with the practitioner's regulatory board. The bylaws must ~~shall~~
397 establish requirements for eliciting a student's medical history
398 and performing the medical evaluation required under this
399 paragraph, which must ~~shall~~ include a physical assessment of the
400 student's physical capabilities to participate in
401 interscholastic athletic competition as contained in a uniform
402 preparticipation physical evaluation and history form. The
403 evaluation form must ~~shall~~ incorporate the recommendations of
404 the American Heart Association for participation cardiovascular
405 screening and must ~~shall~~ provide a place for the signature of
406 the practitioner performing the evaluation with an attestation
407 that each examination procedure listed on the form was performed
408 by the practitioner or by someone under the direct supervision
409 of the practitioner. The form must ~~shall~~ also contain a place
410 for the practitioner to indicate if a referral to another
411 practitioner was made in lieu of completion of a certain

Amendment No. 1

412 examination procedure. The form must ~~shall~~ provide a place for
413 the practitioner to whom the student was referred to complete
414 the remaining sections and attest to that portion of the
415 examination. The preparticipation physical evaluation form must
416 ~~shall~~ advise students to complete a cardiovascular assessment
417 and must ~~shall~~ include information concerning alternative
418 cardiovascular evaluation and diagnostic tests. Results of such
419 medical evaluation must be provided to the school. No student
420 shall be eligible to participate in any interscholastic athletic
421 competition or engage in any practice, tryout, workout, or other
422 physical activity associated with the student's candidacy for an
423 interscholastic athletic team until the results of the medical
424 evaluation have been received and approved by the school.

425 (d) Notwithstanding ~~the provisions of~~ paragraph (c), a
426 student may participate in interscholastic athletic competition
427 or be a candidate for an interscholastic athletic team if the
428 parent of the student objects in writing to the student
429 undergoing a medical evaluation because such evaluation is
430 contrary to his or her religious tenets or practices. However,
431 in such case, there shall be no liability on the part of any
432 person or entity in a position to otherwise rely on the results
433 of such medical evaluation for any damages resulting from the
434 student's injury or death arising directly from the student's
435 participation in interscholastic athletics where an undisclosed
436 medical condition that would have been revealed in the medical
437 evaluation is a proximate cause of the injury or death.

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

Amendment No. 1

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

443 The bylaws must ~~shall~~ include provisions that require an
444 investigator to:

445 1. Undergo level 2 background screening under s. 435.04,
446 establishing that the investigator has not committed any
447 disqualifying offense listed in s. 435.04, unless the
448 investigator can provide proof of compliance with level 2
449 screening standards submitted within the previous 5 years to
450 meet any professional licensure requirements, provided:

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

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

458 2. Be appointed as an investigator by the executive
459 director.

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

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

464 ~~5.4.~~ Adhere to the following guidelines:

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

467 b. Conduct interviews on Monday through Friday between the

Amendment No. 1

468 hours of 9 a.m. and 7 p.m. only, unless previously agreed to by
469 the interviewee.

470 c. Advise at least one ~~Allow the~~ parent of any student
471 being interviewed that one or more parents are entitled to be
472 present during the interview.

473 ~~d. Search residences or other private areas only with the~~
474 ~~permission of the executive director and the written consent of~~
475 ~~the student's parent and only with a parent or a representative~~
476 ~~of the parent present.~~

477 6. Provide notice to the affected student, parent, coach,
478 and school within 2 business days after the assignment of a
479 formal investigation into ineligibility or other violation of
480 law or rule. If the executive director certifies in writing that
481 a compelling need to withhold notice exists, identifying with
482 specificity why notice must not be provided, the notice is not
483 required until the investigator concludes the investigation. The
484 executive director shall provide a copy of the certification to
485 the Commissioner of Education within 1 business day after
486 signing the certification.

487 7. Provide the affected student, parent, coach, and school
488 within 5 business days after completion of the formal
489 investigation a copy of the investigation, report, and any
490 recommendation made by the investigator, executive director, or
491 board of directors.

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

495 1. Major violations include, but are not limited to,

Amendment No. 1

496 knowingly allowing an ineligible student to participate in a
497 contest representing a member school in an interscholastic
498 contest or committing a violation of the FHSAA's recruiting or
499 sportsmanship policies.

500 2. Sanctions placed upon an individual coach may include,
501 but are not limited to, prohibiting or suspending the coach from
502 coaching, participating in, or attending any athletic activity
503 sponsored, recognized, or sanctioned by the FHSAA and the member
504 school for which the coach committed the violation. If a coach
505 is sanctioned by the FHSAA and the coach transfers to another
506 member school, those sanctions remain in full force and effect
507 during the term of the sanction.

508 3. If a member school is assessed a financial penalty as a
509 result of a coach committing a major violation, the coach shall
510 reimburse the member school before being allowed to coach,
511 participate in, or attend any athletic activity sponsored,
512 recognized, or sanctioned by the FHSAA and a member school.

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

516 (g) The FHSAA shall adopt bylaws establishing the process
517 and standards by which FHSAA investigations into ineligibility
518 are initiated and determinations of sanctions or eligibility
519 determinations against a coach or school eligibility are made.
520 Such bylaws must ~~shall~~ provide that:

521 1. Ineligibility must be established by clear and
522 convincing evidence;

523 2. Initial investigations into allegations of

Amendment No. 1

524 ineligibility may be initiated by the FHSAA only if supported by
525 credible information from an identified source or from an
526 anonymous source with credible corroboration and which, if
527 proven true, would reasonably rebut the presumption of
528 ineligibility. An informal investigation is limited to
529 determining whether there is a sufficient evidentiary basis to
530 initiate a formal investigation and to produce the sworn
531 testimony or affidavit necessary to do so as hereinafter
532 provided. Formal investigations into ineligibility may not be
533 initiated unless supported by sworn testimony or affidavits
534 which, if proven true, would reasonably demonstrate
535 ineligibility by clear and convincing evidence. The investigator
536 and individual making the determination shall receive and
537 consider, from students, parents, coaches, and schools, all
538 evidence of a type commonly relied upon by reasonably prudent
539 persons in the conduct of their affairs. Such evidence shall be
540 admissible in the proceeding, whether or not such evidence would
541 be admissible in a trial court in this state. An investigator or
542 other agent of the FHSAA may not conduct searches of residences
543 or other private areas during the course of an investigation.
544 ~~Student athletes, parents, and schools must have notice of the~~
545 ~~initiation of any investigation or other inquiry into~~
546 ~~eligibility and may present, to the investigator and to the~~
547 ~~individual making the eligibility determination, any information~~
548 ~~or evidence that is credible, persuasive, and of a kind~~
549 ~~reasonably prudent persons rely upon in the conduct of serious~~
550 ~~affairs;~~

551 3. An investigator may not determine matters of

Amendment No. 1

552 eligibility but must submit information and evidence to the
553 executive director or a person designated by the executive
554 director or by the board of directors for an unbiased and
555 objective determination of eligibility; and

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

559 (h) In lieu of bylaws adopted under paragraph (g), the
560 FHSAA may adopt bylaws providing as a minimum the procedural
561 safeguards of ss. 120.569 and 120.57, making appropriate
562 provision for appointment of unbiased and qualified hearing
563 officers.

564 (i) ~~The FHSAA bylaws may not limit the competition of~~
565 ~~student athletes prospectively for rule violations of their~~
566 ~~school or its coaches or their adult representatives. The FHSAA~~
567 ~~bylaws may not unfairly punish student athletes for eligibility~~
568 ~~or recruiting violations perpetrated by a teammate, coach, or~~
569 ~~administrator.~~ Contests may not be forfeited for inadvertent
570 eligibility violations unless the coach or a school
571 administrator should have known of the violation. Contests may
572 not be forfeited for other eligibility violations or recruiting
573 violations in excess of the number of contests that the coaches
574 and adult representatives responsible for the violations are
575 prospectively suspended.

576 (j) The FHSAA ~~organization~~ shall adopt guidelines to
577 educate athletic coaches, officials, administrators, and student
578 athletes and their parents of the nature and risk of concussion
579 and head injury.

Amendment No. 1

580 (k) The FHSAA ~~organization~~ shall adopt bylaws or policies
581 that require the parent of a student who is participating in
582 interscholastic athletic competition or who is a candidate for
583 an interscholastic athletic team to sign and return an informed
584 consent that explains the nature and risk of concussion and head
585 injury, including the risk of continuing to play after
586 concussion or head injury, each year before participating in
587 interscholastic athletic competition or engaging in any
588 practice, tryout, workout, or other physical activity associated
589 with the student's candidacy for an interscholastic athletic
590 team.

591 (l) The FHSAA ~~organization~~ shall adopt bylaws or policies
592 that require each student athlete who is suspected of sustaining
593 a concussion or head injury in a practice or competition to be
594 immediately removed from the activity. A student athlete who has
595 been removed from an activity may not return to practice or
596 competition until the student submits to the school a written
597 medical clearance to return stating that the student athlete no
598 longer exhibits signs, symptoms, or behaviors consistent with a
599 concussion or other head injury. Medical clearance must be
600 authorized by the appropriate health care practitioner trained
601 in the diagnosis, evaluation, and management of concussions as
602 defined by the Sports Medicine Advisory Committee of the Florida
603 High School Athletic Association.

604 (m) The FHSAA ~~organization~~ shall adopt bylaws for the
605 establishment and duties of a sports medicine advisory committee
606 composed of the following members:

607 1. Eight physicians licensed under chapter 458 or chapter

Amendment No. 1

- 608 459 with at least one member licensed under chapter 459.
609 2. One chiropractor licensed under chapter 460.
610 3. One podiatrist licensed under chapter 461.
611 4. One dentist licensed under chapter 466.
612 5. Three athletic trainers licensed under part XIII of
613 chapter 468.
614 6. One member who is a current or retired head coach of a
615 high school in the state.

616 (n) Student residence and transfer approvals shall be
617 determined by the district school board in the case of a public
618 school student and by the private school in the case of a
619 private school student. Such approvals shall uphold the
620 eligibility standards in subparagraphs (a)1. and 2. unless the
621 district school board or private school finds that compelling
622 facts and circumstances are demonstrated and that the best
623 interests of the student outweigh all other considerations and
624 justify a waiver. Otherwise, the district school board or
625 private school may determine such approvals in its reasonable
626 discretion. If the district school board or private school
627 approves the student residence or transfer, the student remains
628 eligible to participate in high school athletic competition
629 under the FHSAA jurisdiction.

630 1. The FHSAA may challenge the student's eligibility to
631 participate in a high school athletic competition under its
632 jurisdiction by filing a petition for a hearing with the
633 Division of Administrative Hearings pursuant to s. 120.569, with
634 a copy of the petition contemporaneously provided to the
635 student, parent, coach, and school. The student remains eligible

Amendment No. 1

636 unless a final order finding the student's ineligibility is
637 rendered.

638 2. The burden is on the FHSAA to demonstrate by clear and
639 convincing evidence that the student is ineligible. The
640 administrative law judge shall issue a final order pursuant to
641 s. 120.68. If the administrative law judge finds that the
642 student remains eligible, the final order shall award all
643 reasonable costs and attorney fees to be paid to all respondents
644 by the FHSAA. The FHSAA may not seek to recoup these costs and
645 expenses from any other person, entity, or party.

646 (3) GOVERNING STRUCTURE OF THE ORGANIZATION.—

647 (a) The FHSAA shall operate as a representative democracy
648 in which the sovereign authority is within its member schools.
649 Except as provided in this section, the FHSAA shall govern its
650 affairs through its bylaws.

651 (b) Each member school, on its annual application for
652 membership, shall name its official representative to the FHSAA.
653 This representative must be either the school principal or his
654 or her designee. That designee must either be an assistant
655 principal or athletic director housed within that same school.

656 (c) The FHSAA's membership shall be divided along existing
657 county lines into four contiguous and compact administrative
658 regions, each containing an equal or nearly equal number of
659 member schools to ensure equitable representation on the FHSAA's
660 board of directors, representative assembly, and appeals
661 committees.

662 (4) BOARD OF DIRECTORS.—

663 (a) The executive authority of the FHSAA shall be vested

Amendment No. 1

664 in its board of directors. Any entity that appoints members to
665 the board of directors shall examine the ethnic and demographic
666 composition of the board when selecting candidates for
667 appointment and shall, to the greatest extent possible, make
668 appointments that reflect state demographic and population
669 trends. Effective October 1, 2013, the board of directors shall
670 be composed of 19 ~~16~~ persons, as follows:

671 1. Four public member school representatives, one elected
672 from among its public school representative members within each
673 of the four administrative regions.

674 2. Four nonpublic member school representatives, one
675 elected from among its nonpublic school representative members
676 within each of the four administrative regions.

677 3. Four ~~Three~~ representatives appointed by the
678 commissioner, one appointed from each of the four administrative
679 regions ~~one appointed from the two northernmost administrative~~
680 ~~regions and one appointed from the two southernmost~~
681 ~~administrative regions. The third representative shall be~~
682 ~~appointed to balance the board for diversity or state population~~
683 ~~trends, or both.~~

684 4. Two district school superintendents, one elected from
685 the two northernmost administrative regions by the members in
686 those regions and one elected from the two southernmost
687 administrative regions by the members in those regions.

688 5. Two district school board members, one elected from the
689 two northernmost administrative regions by the members in those
690 regions and one elected from the two southernmost administrative
691 regions by the members in those regions.

Amendment No. 1

692 6. The commissioner or his or her designee from the
693 department executive staff.

694 7. One representative appointed by the President of the
695 Senate.

696 8. One representative appointed by the Speaker of the
697 House of Representatives.

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

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

703 (d) Members of the board of directors shall serve terms of
704 3 years and are not eligible to succeed themselves ~~only once~~. A
705 member of the board of directors, other than the commissioner or
706 his or her designee, may serve a maximum of 3 ~~6~~ consecutive
707 years. ~~The FHSAA's bylaws shall establish a rotation of terms to~~
708 ~~ensure that a majority of the members' terms do not expire~~
709 ~~concurrently.~~

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

713 1. To act as the incorporated FHSAA's board of directors
714 and to fulfill its obligations as required by the FHSAA's
715 charter and articles of incorporation.

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

718 3. To employ an FHSAA executive director, as approved by
719 the Commissioner of Education. The executive director has ~~who~~

Amendment No. 1

720 ~~shall have~~ the authority to waive the bylaws of the FHSAA in
721 order to comply with statutory changes. The executive director's
722 salary shall be no greater than that set by law for the Governor
723 of this state. The executive director may not receive a car
724 allowance as a result of his or her employment. The executive
725 director is not entitled to per diem and travel expenses in
726 excess of the rate provided for state employees under s.
727 112.061.

728 4. To levy annual dues and other fees and to set the
729 percentage of contest receipts to be collected by the FHSAA,
730 except that beginning in the 2013-2014 fiscal year, all dues,
731 fees, and percentages of contest receipts shall be 50 percent of
732 the amount established in the FHSAA bylaws for 2012-2013 as
733 published on the FHSAA website as of February 26, 2013, and may
734 not be increased.

735 5. To approve the budget of the FHSAA.

736 6. To organize and conduct statewide interscholastic
737 competitions, which may or may not lead to state championships,
738 and to establish the terms and conditions for these
739 competitions.

740 7. To act as an administrative board in the interpretation
741 of, and final decision on, all questions and appeals arising
742 from the directing of interscholastic athletics of member
743 schools.

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

Amendment No. 1

748 cost to investigate reported violations and the cost of
749 associated appeals processes. The board of directors shall
750 submit an annual report to the Department of Education by
751 October 1 each year which reconciles the costs of investigations
752 and appeals with the fines, penalties, and sanctions charged to
753 member schools and coaches for each fiscal year.

754 (6) PUBLIC LIAISON ADVISORY COMMITTEE.—

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

758 Section 5. The terms of the members of the 2012-2013
759 Florida High School Athletic Association board of directors
760 shall expire September 30, 2013, and such members are not
761 eligible for reappointment to the board of directors pursuant to
762 s. 1006.20(4), Florida Statutes, as amended by this act.

763 Section 6. This act shall take effect July 1, 2013.

764 -----
765
766 **T I T L E A M E N D M E N T**

767 Remove everything before the enacting clause and insert:

768 A bill to be entitled
769 An act relating to high school athletics; reenacting
770 and amending s. 1002.20(17), F.S.; making technical
771 changes; amending s. 1006.15, F.S.; revising criteria
772 for student eligibility for participation in
773 extracurricular activities to include students in
774 charter schools; authorizing public school students
775 attending a public school that does not offer a

Amendment No. 1

776 particular extracurricular activity to participate in
777 that activity at another school subject to certain
778 requirements; amending s. 1006.19, F.S.; providing
779 requirements for an annual financial and compliance
780 audit of an association that supervises
781 interscholastic activities of public high schools;
782 amending s. 1006.20, F.S.; providing that the
783 designation of the Florida High School Athletic
784 Association as the governing nonprofit organization of
785 athletics expires on a specified date; revising the
786 criteria for bylaws, policies, or guidelines adopted
787 by the association; requiring the association to
788 complete a review by a specified date; requiring that
789 the association submit a report to the Commissioner of
790 Education, the Governor, and the Legislature;
791 providing requirements for investigations and
792 investigators; establishing notice requirements to
793 specified parties; providing procedures for student
794 residence and transfer approvals; providing that the
795 burden is on the association to demonstrate by clear
796 and convincing evidence that a student is ineligible
797 to participate in a high school athletic competition;
798 requiring that the association pay costs and attorney
799 fees in certain circumstances; revising the
800 composition of the board of directors of the
801 association and terms of office; revising what
802 constitutes a quorum of the board of directors;
803 providing for the appointment of an executive

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1279 (2013)

Amendment No. 1

804 director; providing restrictions for the salary,
805 benefits, per diem, and travel expenses of the
806 association's executive director; providing that
807 members of the association's public liaison advisory
808 committee are entitled to reimbursement for per diem
809 and travel expenses at the same rate as state
810 employees; providing restrictions on the levy of dues
811 and fees and the collection of contest receipts;
812 providing authority to levy fines, penalties, and
813 sanctions against schools and coaches; providing for
814 expiration of the terms of members of the 2012-2013
815 board of directors; providing an effective date.