

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** CS/HB 1279 High School Athletics  
**SPONSOR(S):** Education Appropriations Subcommittee, Metz  
**TIED BILLS:** **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Choice & Innovation Subcommittee	12 Y, 0 N	Fudge	Fudge
2) Education Appropriations Subcommittee	12 Y, 0 N, As CS	Heflin	Heflin
3) Education Committee	18 Y, 0 N	Fudge	Mizereck

### SUMMARY ANALYSIS

The bill revises the policies and procedures the Florida High School Athletic Association (FHSAA) and its investigators must follow when conducting investigations and eligibility determinations. The FHSAA must adopt bylaws regarding the eligibility status of students who are enrolled and assigned to that public school or who transfer from another public school or private school. The bylaws must ensure the student remains eligible as long as the student has complied with enrollment and transfer deadlines, and rule, eligibility, and recruiting violations by a teammate, coach, administrator, school, or adult representative may not be used against a student.

Bylaws must specify that a student is ineligible if the student or parent intentionally and knowingly falsifies an enrollment or eligibility document or accepts a significant benefit or promise of such benefit that is not available to other students or family members at the school. The bylaws must apply ineligibility requirements equally to transfer students, public school students, and private school students. The FHSAA must also adopt bylaws establishing the process and standards for determining sanctions or eligibility determinations against a coach or school.

The bill revises investigative procedures by:

- Requiring an investigation to be completed within 90 days of its onset and limiting contracts or payments to no more than 520 hours per investigation.
- Requiring FHSAA to provide specific notification to the affected student, parent, coach and school within two days of the assignment of an investigation and the results, including recommendations, within 5 business days upon completion of the investigation.
- Requiring investigators to maintain a valid class "C" license as established in Chapter 493.
- Requiring investigators to advise one or more of the parents that they are entitled to accompany the student during interviews.
- Prohibiting investigators from searching residences or other private areas during the investigation.

The bill increases the FHSAA's Board of Directors from 16 to 19 with specific assignments by the Commissioner of Education, Speaker of the House of Representatives, and the Senate President. It revises term limits, requires the Commissioner of Education to appoint the Executive Director, and limits the Executive Director's salary and compensation for travel.

The bill requires the FHSAA to conduct a compliance audit and include a report on financial statements presented in accordance with generally accepted accounting principles. The audits must also determine compliance with specific statutory eligibility and expenditure requirements and be submitted to the Auditor General, the Speaker of the House of Representatives, and the Senate President within 180 days after the end of each fiscal year.

The bill does not have a fiscal impact on state government.

The effective date of the bill is July 1, 2013.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

#### **Florida High School Athletic Association**

##### Present Situation

Founded in 1920, the Florida High School Athletic Association (FHSAA) is a non-profit organization that governs interscholastic athletics in Florida public schools serving grades 6 through 12. Private schools that wish to engage in interscholastic athletic competition are authorized to become FHSAA member schools. In 1997, the Florida Legislature codified FHSAA's organizational structure and governing authority in statute and designated the organization as the governing nonprofit organization of athletics in Florida public schools.<sup>1</sup>

FHSAA's sixteen member Board of Directors (board) is the organization's executive governing body. Board membership is statutorily required to include representatives of public schools, nonpublic schools, school superintendents, school board members, and each administrative region. The Commissioner of Education (or designee) also sits on the board. Among other things, the board is responsible for organizing, establishing the rules for, and conducting statewide interscholastic athletic competitions, including those competitions that lead to state championships. The board is also required to appoint FHSAA's Executive Director.<sup>2</sup>

FHSAA has broad authority to adopt bylaws governing member school and student participation in interscholastic athletics, unless regulation of a particular matter is specifically provided by statute.<sup>3</sup> The law specifically requires FHSAA to adopt bylaws regulating student eligibility, residency and transfer, and recruiting.<sup>4</sup> The bylaws are developed and adopted by FHSAA's Representative Assembly.<sup>5</sup>

FHSAA bylaws "are to be the rules by which high school athletic programs, and the students who participate in them, are governed."<sup>6</sup> Each member school must, as a condition of membership in FHSAA, annually adopt the bylaws as the rules governing its interscholastic athletic programs.<sup>7</sup> The adoption of the bylaws acts as a contract between the FHSAA and the member school.<sup>8</sup>

Member schools that violate the bylaws are subject to any disciplinary action determined to be appropriate by FHSAA.<sup>9</sup> In this context, FHSAA bylaws define a member school to include not just the institution, but also "its administration, faculty, athletic staff, students, student body, and any other individual or group engaged in activities representing, supporting or promoting the athletic interests of the school."<sup>10</sup> FHSAA member schools may only compete against other member schools, non-member schools approved by the FHSAA's board, or out-of-state schools that are members of the state's high school athletic association.<sup>11</sup>

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<sup>1</sup> Section 1006.20(1), F.S.; Florida High School Athletic Association, *About the FHSAA*, <http://www.fhsaa.org/about> (last visited Feb. 1, 2012).

<sup>2</sup> Section 1006.20(4), F.S.

<sup>3</sup> Section 1006.20(1), F.S.; *see also* Florida High School Athletic Association, *About the FHSAA*, <http://www.fhsaa.org/about> (last visited Jan. 27, 2012).

<sup>4</sup> Section 1006.20(2), F.S.

<sup>5</sup> Section 1006.20(5), F.S.

<sup>6</sup> Section 1006.20(1), F.S. Senior high schools, middle/junior high schools, combination schools, or home education cooperatives may be members of FHSAA. Section 3.1.1 of Bylaw 3.1, *FHSAA Handbook*. Member senior high schools, middle/junior high schools, and combination schools may include traditional public schools, charter schools, private schools, and university lab schools. Section 3.2.2 of Bylaw 3.2, *FHSAA Handbook*.

<sup>7</sup> Section 3.3.1(d) of Bylaw 3.3, *FHSAA Handbook*.

<sup>8</sup> *Sult v. Gilbert*, 148 Fla. 31, 35 (1941).

<sup>9</sup> *Sult*, 148 Fla. at 35; Bylaw 2.6, *FHSAA Handbook*.

<sup>10</sup> Section 3.2.1 of Bylaw 3.2, *FHSAA Handbook*.

<sup>11</sup> Section 8.3.1 of Bylaw 8.3, *FHSAA Handbook*.

## Effect of Proposed Changes

The bill establishes an expiration date on which the designation of the FHSAA as the governing nonprofit organization of athletics in Florida public schools will expire. The date the designation will expire is July 1, 2017. If the Legislature does not designate a successor organization prior to the expiration date, the bill allows for the Commissioner of Education to designate a successor organization.

In addition to the financial audit required by s. 1006.19, the bill requires the FHSAA to conduct a compliance audit. The audits must be conducted in compliance with generally accepted auditing standards and include a report on financial statements presented in accordance with generally accepted accounting principles. The audits must also determine compliance with statutory eligibility and expenditure requirements of s. 1006.20. These audits must be submitted to the Auditor General, the Speaker of the House of Representatives, and the Senate President within 180 days after the end of each fiscal year.

The bill revises the membership of the Board of Directors by increasing the number of members from 16 to 19. One additional member is appointed by the commissioner from each of the four administrative regions for a total of four. Two additional members are added who are parents of home education students; one representative appointed by the President of the Senate; one representative appointed by the Speaker of the House of Representatives.

Members may no longer serve successive terms and may only serve a maximum of three years. The executive director is no longer appointed by the board, but by the commissioner and the executive director's salary may be no greater than that set by law for the Governor. The executive director may not receive a car allowance as a result of his or her employment, nor may the executive director receive per diem and travel expenses in excess of the rate provided for state employees under s. 112.061.

Beginning with the 2013-14 fiscal year, all dues, fees and percentages of contest receipts shall be established at the same level as in the FHSAA bylaws for 2012-13 and may not be increased. Furthermore, all revenues collected from dues, fees and percentages of contest receipts shall be used as follows:

- Up to 55 percent for the operations of the organization as provided in law;
- At least 30 percent to provide postsecondary scholarships to student athletes based on criteria established by the FHSAA; and
- At least 15 percent to coordinate with and provide for trainings and education of officials, coaches and volunteers.

Fines, sanctions, and penalties may not exceed the cost to investigate reported violations and the cost of associated appeals processes. The board must submit to the department, by October 1 each year, a report that reconciles the costs of investigations and appeals with the fines, penalties, and sanctions charged to member schools and coaches for each fiscal year.

## **Student Eligibility**

### Present Situation

To be eligible for participation in interscholastic extracurricular activities, a high school student must:

- Maintain either a 2.0 grade point average (GPA) or above on a 4.0 scale in the semester preceding participation; or a cumulative 2.0 GPA or above in the courses required for high school graduation;<sup>12</sup>
- Execute and fulfill the requirements of an academic performance contract if the student's GPA falls below 2.0 in the courses required for graduation. An academic performance contract is an agreement between the student, the district school board, the appropriate governing association, and the student's

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<sup>12</sup> Section 1006.15(3)(a)1., F.S.

parents, which at a minimum requires the student to attend summer school or its graded equivalent, between grades nine and 10 or grades 10 and 11, as necessary;<sup>13</sup>

- Have a cumulative GPA of 2.0 or above in the courses required for graduation in his or her junior or senior year;<sup>14</sup> and
- Demonstrate satisfactory conduct to be eligible to participate in interscholastic extracurricular activities. The eligibility of a student who is convicted of, or found to have committed, a felony or delinquent act that would have been a felony if committed by an adult is governed by district school board policy.<sup>15</sup>

A school district may set additional eligibility requirements, but the requirements must not make participation less accessible to home education students than to other students.<sup>16</sup> An eligible student may participate in high school athletics at the school in which he or she first enrolls each school year or, at the school in which the student becomes a candidate for an athletic team by engaging in a practice prior to enrolling in the school.<sup>17</sup>

A high school student may be eligible to participate in interscholastic extracurricular activities in the school to which the student has transferred during the school year if the transfer is made by a deadline established by the FHSAA,<sup>18</sup> which may not be prior to the date authorized for the beginning of practice for the sport.<sup>19</sup>

A student who transfers from a charter school or a home education program to a public school before or during the first grading period of the school year is academically eligible to participate in interscholastic extracurricular activities during the first grading period provided the student has a successful evaluation from the previous school year.<sup>20</sup>

A public or private school student who has not maintained academic eligibility may not participate in interscholastic extracurricular activities as a charter school or a home education student until the student successfully demonstrates educational progress for one grading period.<sup>21</sup>

#### *Charter School and Homeschool Student Participation*

A charter school or home education student may participate in interscholastic extracurricular activities at the public school to which the student would be assigned, the public school that the student could choose to attend pursuant to the school district's open enrollment policy, or a private school that the student could choose to attend pursuant to a participation agreement.<sup>22</sup> To be eligible for such participation, a charter school or home education student must:

- Demonstrate educational progress by an agreed upon method of evaluation;<sup>23</sup>
- Meet the same residency requirements as other students in the school;<sup>24</sup>
- Meet the same standards of acceptance, behavior, and performance required of other participating students;<sup>25</sup> and
- Register his or her intent to participate in interscholastic extracurricular activities with the school before the beginning date of the season for the activity for which he or she wishes to participate. The student

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<sup>13</sup> Section 1006.15(3)(a)2., F.S.

<sup>14</sup> Section 1006.15(3)(a)3., F.S.

<sup>15</sup> Section 1006.15(3)(a)4., F.S.

<sup>16</sup> Section 1006.15(4), F.S.

<sup>17</sup> Section 1006.20(2)(a), F.S.

<sup>18</sup> The FHSAA is the designated governing nonprofit organization of athletics in Florida public schools. Section 1006.20(1), F.S.

<sup>19</sup> Section 1006.20(2)(a), F.S.

<sup>20</sup> Sections 1006.15(3)(c)6. and 1006.15(3)(d)6., F.S.

<sup>21</sup> Sections 1006.15(3)(c)7. and 1006.15(3)(d)7., F.S.

<sup>22</sup> Sections 1002.41(4) and 1006.15(3)(c), F.S.

<sup>23</sup> Section 1006.15(3)(c)2., F.S.

<sup>24</sup> Section 1006.15(3)(c)3., F.S.

<sup>25</sup> Section 1006.15(3)(c)4., F.S.

must be able to participate in curricular activities if such participation is a requirement for an extracurricular activity.<sup>26</sup>

In addition, a home education student must be in a home education program<sup>27</sup> that meets the requirements of Florida law,<sup>28</sup> while a charter school student must meet all of the charter school education program requirements established by the charter school governing board.<sup>29</sup>

### *Private School Student Participation*

A student attending a private middle school or high school may participate in interscholastic or intrascholastic sports at a public school that is zoned for the physical address at which the student resides if the private school where the student is enrolled is not a member of the FHSAA (non-FHSAA member) and does not offer an interscholastic or intrascholastic athletic program.<sup>30</sup> Only students attending a non-FHSAA member private school with enrollment of 125 or fewer students may participate in a public school athletic program.<sup>31</sup> A private school that has a student who wishes to participate in a public school athletic program must make all student records, including, but not limited to, academic, financial, disciplinary, and attendance records, available upon request by the FHSAA.<sup>32</sup>

The FHSAA and district school board must adopt guidelines that establish:

- Registration deadlines and procedures for each sport;<sup>33</sup> and
- Student participation requirements that include, but are not limited to, the same standards of eligibility, acceptance, behavior, educational progress, and performance which apply to students attending FHSAA member public and private schools.<sup>34</sup>

A private school student may only participate at the public school in which the student first registers or is a candidate for participation by engaging in a practice.<sup>35</sup>

The parents of a private school student who participates in athletics at a public school are responsible for transporting the student to and from the public school. The student's private school, the public school where the student participates in athletics, the district school board, and the FHSAA are exempt from liability arising from any injury that occurs during such transportation.<sup>36</sup>

### Effect of Proposed Changes

The bill allows a student who attends a public school that does not offer a particular extracurricular activity to participate at any public school that offers the extracurricular activity that the student could choose to attend through district or interdistrict controlled open enrollment. The student may also develop an agreement to participate at a private school. The student must meet requirements for participation identified above, demonstrate education progress, and meet the same standards of acceptance, behavior, and performance that are required of other students in extracurricular activities and pay any fee required of other students participating in the extracurricular activity. The student must also register with his or her intent to participate in the activity at the school before the beginning date of the season for the activity. A public school student must

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<sup>26</sup> Section 1006.15(3)(c)5., F.S.

<sup>27</sup> Sections 1002.01(1) and 1002.41, F.S.

<sup>28</sup> Section 1006.15(3)(c)1., F.S.

<sup>29</sup> Section 1006.15(3)(d)1., F.S.

<sup>30</sup> Section 1006.15(8)(a), F.S.

<sup>31</sup> Section 1006.15(8)(a)1., F.S.

<sup>32</sup> Section 1006.15(8)(e), F.S.

<sup>33</sup> Section 1006.15(8)(a)2.a., F.S.

<sup>34</sup> Section 1006.15(8)(a)2.b., F.S.

<sup>35</sup> Section 1006.15(8)(c), F.S.

<sup>36</sup> Section 1006.15(8)(b), F.S.

be able to participate in the curricular activity if it is a requirement for an extracurricular activity. The public school student may choose to participate in the required activity at the school he or she attends or at the school in which he or she participates in the extracurricular activity.

The parents of a student who participates in extracurricular activities pursuant to these new requirements must transport the student to and from the school at which the student participates. The public school, the district school board, and the FHSAA are exempt from civil liability arising from any injury that occurs due to such transportation.

## **Recruiting**

Florida law requires the FHSAA to adopt bylaws prohibiting the recruitment of student athletes. Currently, the bylaws prohibit member schools from recruiting student athletes for athletic purposes. "Athletic recruiting" is "any effort by a school employee, athletic department staff member, or representative of a school's athletic interests to pressure, urge or entice a student to attend that school for the purpose of participating in interscholastic athletics."<sup>37</sup> The bylaws set forth specific behaviors that constitute recruiting, as well as identify persons who are considered to represent a school's athletic interests.<sup>38</sup>

If it is determined that a school has recruited a student in violation of FHSAA bylaws, the FHSAA may require the school to participate in a higher classification for the sport in which the recruited student competes for a minimum of one classification cycle, in addition to any other appropriate fine and sanction imposed on the school, its coaches, or adult representative.<sup>39</sup> A student may be declared ineligible based upon violation of recruiting rules only if the student or parent has:

- Falsified any enrollment or eligibility document; or
- Accepted any benefit or any promise of benefit not generally available to the school's students or family members or is based in any way on athletic interest, potential, or performance.<sup>40</sup>

The bylaws may not prospectively limit the competition of student athletes for rule violations of their adult representatives, their school or its coaches. A student athlete may not be unfairly punished for eligibility or recruiting violations perpetrated by a teammate, coach, or administrator. Contests may not be forfeited for inadvertent eligibility violations unless the coach or a school administrator should have known of the violation. Contests may not be forfeited for other eligibility violations or recruiting violations in excess of the number of contests that the coaches and adult representatives responsible for the violations are prospectively suspended.<sup>41</sup>

## **Effect of Proposed Changes**

The bill declares that a student is presumed eligible to participate in interscholastic extracurricular activities and remains eligible if the student remains in compliance with the eligibility criteria. The FHSAA must adopt bylaws that ensure that a student remains eligible once enrolled in school so long as the student remains enrolled and complies with applicable requirements. Any rule, eligibility, and recruiting violations by a teammate, coach, administrator, school, or adult representative may not be used against a student.

A student may be declared ineligible if the student or parent has intentionally and knowingly:

- Falsified an enrollment or eligibility document; or
- Accepted any significant benefit or a promise of significant benefit not reasonably available to the school's students or family members and is provided based primarily on the student's athletic interest, potential, or performance.

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<sup>37</sup> Section 36.2.1 of Policy 36 of the *FHSAA Handbook*.

<sup>38</sup> Policy 36 of the *FHSAA Handbook*.

<sup>39</sup> Section 1006.20(2)(b), F.S.

<sup>40</sup> *Id.*

<sup>41</sup> Section 1006.20(2)(h), F.S.

Ineligibility requirements must be applied to public and private school students as well as to transfer and nontransfer students equally. Violations must be substantially related to specific, important objectives and must be limited to address only the minimal requirements necessary to accomplish the objectives.

A student may not be deemed ineligible solely on the participation in a non-school-sponsored extracurricular activity after the end of one school year and before the beginning of the next school year if the activity was coached by a person who the student knows from having participated in a different school-sponsored activity.

By October 1, 2013, the FHSAA must conduct a comprehensive review of its bylaws, policies, and administrative procedures to determine compliance with these requirements. The FHSAA must provide to the Commissioner, the Governor, the President of the Senate, and the Speaker of the House of Representatives a detailed report articulating how each violation or requirement in the bylaws, policies, and administrative procedures is substantially related to an identified, important objective and any necessary corrective action. Any bylaws, policies, or administrative procedures that are noncompliant are void as of July 1, 2013.

## **Process and Standards for Eligibility Determinations and Investigations**

### **Present Situation**

The FHSAA must adopt bylaws that regulate persons who conduct investigations on behalf of the FHSAA. The bylaws must require an investigator to:

- Undergo level 2 background screening under s. 435.04, F.S., establishing that the investigator has not committed any disqualifying offense listed in s. 435.04, F.S.;<sup>42</sup>
- Be appointed as an investigator by the executive director;
- Carry a photo identification card that shows the FHSAA name, logo, and the investigator's official title; and
- Adhere to specified guidelines.

The guidelines require investigators to: investigate only those alleged violations assigned by the executive director or the board of directors, conduct interviews on Monday through Friday between the hours of 9 a.m. and 7 p.m. only, unless previously agreed to by the interviewee, allow the parent of any student being interviewed to be present during the interview, and search residences or other private areas only with the consent of the student's parent and only with a parent or a representative of the parent present.

The FHSAA must adopt bylaws for the process and standards for FHSAA eligibility determinations. The bylaws must provide that:

- Ineligibility must be established by clear and convincing evidence;<sup>43</sup>
- Student athletes, parents, and schools must have notice of the initiation of any investigation or other eligibility inquiry and may present information or evidence to the investigator and to the individual making the eligibility determination;<sup>44</sup>
- Eligibility determinations must be made by the executive director or designee for an unbiased and objective determination of eligibility;<sup>45</sup> and
- A determination of ineligibility must be made in writing, setting forth the findings of fact and specific violation upon which the decision is based.<sup>46;47</sup>

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<sup>42</sup> The investigator may provide proof of compliance with level 2 screening standards submitted within the previous 5 years to meet any professional licensure requirements so long as the investigator has not had a break in service from a position that requires level 2 screening for more than 90 days, and the investigator submits, under penalty of perjury, an affidavit verifying that the investigator has not committed any disqualifying offense listed in s. 435.04 and is in full compliance with s. 1006.20(2)(e).

<sup>43</sup> Section 1006.20(2)(g)1., F.S.

<sup>44</sup> Section 1006.20(2)(g)2., F.S.

<sup>45</sup> Section 1006.20(2)(g)3., F.S.

<sup>46</sup> Section 1006.20(2)(g)4., F.S.

Appeals of ineligibility determinations must be expedited so that disposition of the appeal can be made before the end of the applicable sports season, if possible.<sup>48</sup> A school or student filing the appeal may present information and evidence that was not available at the time of the initial determination or if the determination was not made by an unbiased, objective individual using a process allowing full due process rights to be heard and to present evidence. If such evidence is presented, a de novo decision must be made by the committee on appeals or board hearing the appeal; or the determination may be suspended and remanded for a new determination based on all the evidence. A de novo decision made on appeal must set forth, in writing, the findings of fact and specific violation upon which the decision is based. If a de novo decision is not required, the decision appealed must be set aside if the ineligibility determination was not based on clear and convincing evidence. Any further appeal must be considered on a record that includes all evidence presented.<sup>49</sup>

### Effect of Proposed Changes

The bill requires that initial investigations into allegations of ineligibility may only be initiated if supported by credible information from an identified source or an anonymous source with credible corroboration. Initial investigations are limited to determining whether there is a sufficient evidentiary basis to initiate a formal investigation. Formal investigations may not be initiated unless supported by sworn testimony or affidavits which would reasonably demonstrate ineligibility by clear and convincing evidence.

In addition to the requirements stated above, investigators retained by the FHSAA must maintain a valid class "C" license as established in chapter 493. The investigator must advise at least one parent of any student being interviewed that one or more parents are entitled to be present during the interview. The bill prohibits an investigator or other employee of the FHSAA to conduct searches of residences or other private areas during the course of an investigation.

The student, parent, coach, and school must be provided notice of the assignment of an investigation within two business days unless the executive director certifies in writing that a compelling need to withhold notice exists. The executive director must provide a copy of the certification to the commissioner within one business day after signing the certification.

During the investigation, the investigator and the individual making the determination must receive and consider all evidence of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs and such evidence shall be admissible in the proceeding even if it would not be admissible in a trial court. The student, parent, coach, and school must be provided a copy of the investigation, report, and any recommendation made by the investigator, executive director, or board, within five business days after completion of the investigation.

The bill requires a formal investigation conducted by the FHSAA to be completed within 90 days after the onset of the investigation, and prohibits the FHSAA from contracting or paying for more than 520 hours of work for any investigation.

Student residence and transfer approvals must be determined by the school district in the case of a public school student or by the private school in the case of a private school student. Once the student residence or transfer is approved, the student remains eligible to participate in competitions under the jurisdiction of the FHSAA. The FHSAA may challenge eligibility determinations by filing a petition for a hearing with the Division of Administrative Hearings, with a copy provided to the student, parent, coach, and school. The FHSAA must demonstrate by clear and convincing evidence that the student is ineligible. The student remains eligible unless a final order finding the student ineligible is rendered. If the student remains eligible, the final order shall award all reasonable costs and attorney fees to be paid to all respondents by the FHSAA. The FHSAA may not seek to recoup these costs from any other person, entity, or party.

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<sup>47</sup> In lieu of the bylaws the FHSAA may adopt bylaws providing as a minimum the procedural safeguards of ss. 120.569 and 120.57, making appropriate provision for appointment of unbiased and qualified hearing officers. Section 1006.20(2)(h), F.S.

<sup>48</sup> Section 1006.20(7)(f), F.S.

<sup>49</sup> Section 1006.20(7)(g), F.S.



**B. SECTION DIRECTORY:**

**Section 1.** Reenacts and amends s. 1002.20(17), F.S.; making technical changes.

**Section 2.** Amends s. 1006.15, F.S.; revising criteria for student eligibility for participation in extracurricular activities to include students in charter schools.

**Section 3.** Amends s. 1006.19, F.S.; revising the requirements for audits of nonprofit corporations and associations handling interscholastic activities.

**Section 4.** Amends s. 1006.20, F.S.; revising the criteria for bylaws, policies, or guidelines adopted by the Florida High School Athletic Association; requiring the association to complete a review by a specified date; requiring that the association submit a report to the Commissioner of Education, the Governor, and the Legislature; providing requirements for investigations and investigators; establishing notice requirements to specified parties; providing procedures for student residence and transfer approvals; providing that the burden is on the FHSAA to demonstrate by clear and convincing evidence that a student is ineligible to participate in a high school athletic competition; requiring that the FHSAA pay costs and attorney fees in certain circumstances; revising the composition of the board of directors of the association and terms of office; revising what constitutes a quorum of the board of directors; providing for the appointment of an executive director; providing restrictions for the salary, benefits, per diem, and travel expenses of the association's executive director; providing that members of the association's public liaison advisory committee are entitled to reimbursement for per diem and travel expenses at the same rate as state employees; providing restrictions on the levy of dues and fees and the collection of contest receipts; providing authority to levy fines, penalties, and sanctions against schools and coaches.

**Section 5.** Establishes an expiration date of September 30, 2013, for the terms of the current Board of Directors of the FHSAA and prohibits the current members from being reappointed.

**Section 6.** Provides an effective date of July 1, 2013.

**II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

**A. FISCAL IMPACT ON STATE GOVERNMENT:**

1. Revenues:

None.

2. Expenditures:

None.

**B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

1. Revenues:

The bill limits the ability of the FHSAA to increase the levy of dues and fees and the collection of contest receipts and defines the use of revenues collected by the organization which will result in decreased revenue available for the organization's operations.

2. Expenditures:

The bill provides restrictions on the levy of dues and fees and the collection of contest receipts which should reduce expenditures for local school districts.

**C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

None.

D. FISCAL COMMENTS:

None.

### III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

### IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On April 4, 2013, the Education Appropriations Subcommittee adopted a strike-all amendment, which was amended by two amendments to the strike-all, and reported CS/HB 1279 favorably as a committee substitute. Specifically the strike-all amendment, as amended:

- Establishes an expiration date on which the designation of the FHSAA as the governing nonprofit organization of athletics in Florida public schools will expire;
- Clarifies the limitation on the levy of fees, dues, and the collection of gate receipts and provides expenditure requirements for the organizations revenues;
- Modifies the makeup of the board of directors to increase the size of the board from 16 to 19; adding a member from one of the four administrative regions, and two parents of home education students, one each to be appointed by the Speaker of the House of Representatives and by the President of the Senate;
- Allows a public school student who attends a public school that does not offer a particular extracurricular activity to participate at any public school that offers the extracurricular activity that the student would be allowed to attend through district or inter-district controlled open enrollment;
- Provides guidelines for initial investigations and formal investigations into determinations of eligibility; and
- Restricts a student from being deemed ineligible solely on the participation in a non-school-sponsored extracurricular activity after the end of one school year and before the beginning of the next school year if the activity was coached by a person who the student knows from having participated in a different school-sponsored activity.

The analysis is drafted to the committee substitute.