

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 to include students in
7 charter schools; amending s. 1006.19, F.S.; providing
8 requirements for an annual financial and compliance
9 audit of an association that supervises
10 interscholastic activities of public high schools;
11 amending s. 1006.20, F.S.; revising the criteria for
12 bylaws, policies, or guidelines adopted by the Florida
13 High School Athletic Association; requiring the
14 association to complete a review by a specified date;
15 requiring that the association submit a report to the
16 Commissioner of Education, the Governor, and the
17 Legislature; providing requirements for investigations
18 and investigators; establishing notice requirements to
19 specified parties; providing procedures for student
20 residence and transfer approvals; providing that the
21 burden is on the FHSAA to demonstrate by clear and
22 convincing evidence that a student is ineligible to
23 participate in a high school athletic competition;
24 requiring that the FHSAA pay costs and attorney fees
25 in certain circumstances; revising the composition of
26 the board of directors of the association and terms of
27 office; revising what constitutes a quorum of the
28 board of directors; providing for the appointment of

29 | an executive director; providing restrictions for the
 30 | salary, benefits, per diem, and travel expenses of the
 31 | association's executive director; providing that
 32 | members of the association's public liaison advisory
 33 | committee are entitled to reimbursement for per diem
 34 | and travel expenses at the same rate as state
 35 | employees; providing restrictions on the levy of dues
 36 | and fees and the collection of contest receipts;
 37 | providing authority to levy fines, penalties, and
 38 | sanctions against schools and coaches; providing for
 39 | expiration of the terms of members of the 2012-2013
 40 | board of directors; providing an effective date.

41 |

42 | Be It Enacted by the Legislature of the State of Florida:

43 |

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

46 | 1002.20 K-12 student and parent rights.—Parents of public
 47 | school students must receive accurate and timely information
 48 | regarding their child's academic progress and must be informed
 49 | of ways they can help their child to succeed in school. K-12
 50 | students and their parents are afforded numerous statutory
 51 | rights including, but not limited to, the following:

52 | (17) ATHLETICS; PUBLIC HIGH SCHOOL.—

53 | (a) Eligibility.—Eligibility requirements for all students
 54 | participating in a high school athletic competition must allow a
 55 | student to be eligible in the school in which he or she first
 56 | enrolls each school year, the school in which the student makes

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

61 | (b) Medical evaluation.—Students must satisfactorily pass
62 | a medical evaluation each year before participating in
63 | athletics, unless the parent objects in writing based on
64 | religious tenets or practices, in accordance with ~~the provisions~~
65 | ~~of~~ s. 1006.20(2)(d).

66 | Section 2. Paragraphs (a), (d), and (f) of subsection (3)
67 | and subsection (5) of section 1006.15, Florida Statutes, are
68 | amended to read:

69 | 1006.15 Student standards for participation in
70 | interscholastic and intrascholastic extracurricular student
71 | activities; regulation.—

72 | (3)(a) A student attending a public school or a school
73 | identified in this section is presumed eligible to participate
74 | in interscholastic extracurricular student activities. For the
75 | purposes of this section, a charter school is considered a
76 | public school. A student remains eligible to participate in
77 | interscholastic extracurricular student activities if the
78 | student ~~To be eligible to participate in interscholastic~~
79 | ~~extracurricular student activities, a student must:~~

80 | 1. Maintains ~~Maintain~~ a grade point average of 2.0 or
81 | above on a 4.0 scale, or its equivalent, in the previous
82 | semester or a cumulative grade point average of 2.0 or above on
83 | a 4.0 scale, or its equivalent, in the courses required by s.
84 | 1003.43(1).

85 2. Executes ~~Execute~~ and fulfills ~~fulfill~~ the requirements
 86 of an academic performance contract between the student, the
 87 district school board, the appropriate governing association,
 88 and the student's parents, if the student's cumulative grade
 89 point average falls below 2.0, or its equivalent, on a 4.0 scale
 90 in the courses required by s. 1003.43(1) or, for students who
 91 entered the 9th grade before ~~prior to~~ the 1997-1998 school year,
 92 if the student's cumulative grade point average falls below 2.0
 93 on a 4.0 scale, or its equivalent, in the courses required by s.
 94 1003.43(1) which are taken after July 1, 1997. At a minimum, the
 95 contract must require that the student attend summer school, or
 96 its graded equivalent, between grades 9 and 10 or grades 10 and
 97 11, as necessary.

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

101 4. Maintains ~~Maintain~~ satisfactory conduct, including
 102 adherence to appropriate dress and other codes of student
 103 conduct policies described in s. 1006.07(2). If a student is
 104 convicted of, or is found to have committed, a felony or a
 105 delinquent act that would have been a felony if committed by an
 106 adult, regardless of whether adjudication is withheld, the
 107 student's participation in interscholastic extracurricular
 108 activities is contingent upon established and published district
 109 school board policy.

110 (d) An individual public ~~charter~~ school student ~~pursuant~~
 111 ~~to s. 1002.33~~ is eligible to participate at the public school to
 112 which the student would be assigned, including a charter school,

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113 according to district school board attendance area policies or
114 which the student could choose to attend, pursuant to district
115 or interdistrict controlled open-enrollment policies ~~provisions~~,
116 in any interscholastic extracurricular activity of that school,
117 unless such activity is provided by the student's current
118 ~~charter~~ school, if the following conditions are met:

119 1. The ~~charter school~~ student must meet the requirements
120 of the student's current ~~charter~~ school education program ~~as~~
121 ~~determined by the charter school governing board.~~

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

125 3. The ~~charter school~~ student must meet the same residency
126 requirements as other students in the school at which he or she
127 participates.

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

131 5. The ~~charter school~~ student must register with the
132 school his or her intent to participate in interscholastic
133 extracurricular activities as a representative of the school
134 before the beginning date of the season for the activity in
135 which he or she wishes to participate. A ~~charter school~~ student
136 must be able to participate in curricular activities if there
137 ~~that~~ is a requirement for an extracurricular activity.

138 6. A student who transfers from a public ~~charter~~ school
139 ~~program~~ to a different ~~traditional~~ public school before or
140 during the first grading period of the school year is

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141 academically eligible to participate in interscholastic
142 extracurricular activities during the first grading period if
143 the student has a successful evaluation from the previous school
144 year, pursuant to subparagraph 2.

145 7. A ~~Any~~ public school or private school student who has
146 been unable to maintain academic eligibility for participation
147 in interscholastic extracurricular activities is ineligible to
148 participate in such activities as a public ~~charter~~ school
149 student until the student has successfully completed one grading
150 period in a ~~charter~~ school pursuant to subparagraph 2. ~~to become~~
151 ~~eligible to participate as a charter school student.~~

152 (f) A student who transfers from the Florida Virtual
153 School full-time program to a ~~traditional~~ public school before
154 or during the first grading period of the school year is
155 academically eligible to participate in interscholastic
156 extracurricular activities during the first grading period if
157 the student has a successful evaluation from the previous school
158 year pursuant to paragraph (a).

159 (5) An ~~Any~~ organization or entity that regulates or
160 governs interscholastic extracurricular activities of public
161 schools:

162 (a) Shall permit home education associations to join as
163 member schools.

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

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

169 1006.19 Audit of records of nonprofit corporations and
170 associations handling interscholastic activities.—

171 (1) Each nonprofit association or corporation that
172 operates for the purpose of supervising and controlling
173 interscholastic activities of public high schools and whose
174 membership is composed of duly certified representatives of
175 public high schools, and whose rules and regulations are
176 established by members thereof, shall have an annual financial
177 and compliance audit of its accounts and records by an
178 independent certified public accountant retained by it and paid
179 from its funds, in accordance with rules adopted by the Auditor
180 General. The audit must be conducted in compliance with
181 generally accepted auditing standards and include a report on
182 financial statements presented in accordance with generally
183 accepted accounting principles set forth by the American
184 Institute of Certified Public Accountants for not-for-profit
185 organizations and a determination of compliance with the
186 statutory eligibility and expenditure requirements of s.
187 1006.20. Audits shall be submitted to the Auditor General, the
188 Speaker of the House of Representatives, and the Senate
189 President within 180 days after the end of each fiscal year. The
190 ~~accountant shall furnish a copy of the audit report to the~~
191 ~~Auditor General.~~

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

195 1006.20 Athletics in public K-12 schools.—

196 (1) GOVERNING NONPROFIT ORGANIZATION.—The Florida High

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197 School Athletic Association (FHSAA) is designated as the
198 governing nonprofit organization of athletics in Florida public
199 schools. If the FHSAA fails to meet the provisions of this
200 section, the commissioner shall designate a nonprofit
201 organization to govern athletics with the approval of the State
202 Board of Education. The FHSAA is not a state agency as defined
203 in s. 120.52. The FHSAA shall be subject to ~~the provisions of s.~~
204 1006.19. A private school that wishes to engage in high school
205 athletic competition with a public high school may become a
206 member of the FHSAA. Any high school in the state, including
207 charter schools, virtual schools, and home education
208 cooperatives, may become a member of the FHSAA and participate
209 in the activities of the FHSAA. However, membership in the FHSAA
210 is not mandatory for any school. The FHSAA may not deny or
211 discourage interscholastic competition between its member
212 schools and non-FHSAA member Florida schools, including members
213 of another athletic governing organization, and may not take any
214 retributory or discriminatory action against any of its member
215 schools that participate in interscholastic competition with
216 non-FHSAA member Florida schools. The FHSAA may not unreasonably
217 withhold its approval of an application to become an affiliate
218 member of the National Federation of State High School
219 Associations submitted by any other organization that governs
220 interscholastic athletic competition in this state. The bylaws
221 of the FHSAA are the rules by which high school athletic
222 programs in its member schools, and the students who participate
223 in them, are governed, unless otherwise specifically provided by
224 statute. For the purposes of this section, "high school"

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225 includes grades 6 through 12.

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

227 (a) The FHSAA shall adopt bylaws that, unless otherwise
228 provided by statute, establish limited violations that result in
229 ineligibility for students who participate in high school
230 athletic competition in its member schools. The bylaws must
231 ensure that:

232 1. A student remains eligible in the school in which he or
233 she first enrolls each school year or the school in which the
234 student makes himself or herself a candidate for an athletic
235 team by engaging in a practice before enrolling in the school.

236 2. A student remains eligible in the school to which the
237 student has transferred during the school year if the transfer
238 is made by a deadline established by the FHSAA, which may not be
239 before the date authorized for the beginning of practice for the
240 sport.

241 3. Once a student residence or transfer is approved by the
242 district school board or private school, as applicable, the
243 student remains eligible in the school if he or she remains
244 enrolled in the school and complies with applicable
245 requirements.

246 4. Rule, eligibility, and recruiting violations by a
247 teammate, coach, administrator, school, or adult representative
248 may not be used against a student.

249 5. A student is ineligible if the student or parent
250 intentionally and knowingly falsifies an enrollment or
251 eligibility document or intentionally and knowingly accepts a
252 significant benefit or a promise of significant benefit that is

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253 not reasonably available to the school's students or family
254 members and that is provided based primarily on the student's
255 athletic interest, potential, or performance.

256 6. Ineligibility requirements shall be applied to public
257 school students on an equal basis with private school students.

258 7. Ineligibility requirements shall be applied to transfer
259 students on an equal basis with nontransfer students.

260 8. Prescribed violations must be substantially related to
261 specific, important objectives and must be limited to address
262 only the minimal requirements necessary to accomplish the
263 objectives.

264
265 The FHSAA shall complete a comprehensive review and analysis of
266 all existing bylaws, policies, and administrative procedures to
267 determine compliance with this paragraph by October 1, 2013. The
268 FHSAA shall provide a detailed report originating from its
269 review and analysis, which must include, but need not be limited
270 to, specifically articulating how each violation or requirement
271 in the bylaws, policies, and administrative procedures is
272 substantially related to an identified, important objective and
273 any necessary corrective action. The FHSAA shall provide a copy
274 of the report to the Commissioner of Education, the Governor,
275 the President of the Senate, and the Speaker of the House of
276 Representatives by October 15, 2013. Bylaws, policies, or
277 administrative procedures that are noncompliant with this
278 paragraph are void as of July 1, 2013 ~~The FHSAA shall adopt~~
279 ~~bylaws that, unless specifically provided by statute, establish~~
280 ~~eligibility requirements for all students who participate in~~

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281 ~~high school athletic competition in its member schools. The~~
282 ~~bylaws governing residence and transfer shall allow the student~~
283 ~~to be eligible in the school in which he or she first enrolls~~
284 ~~each school year or the school in which the student makes~~
285 ~~himself or herself a candidate for an athletic team by engaging~~
286 ~~in a practice prior to enrolling in the school. The bylaws shall~~
287 ~~also allow the student to be eligible in the school to which the~~
288 ~~student has transferred during the school year if the transfer~~
289 ~~is made by a deadline established by the FHSAA, which may not be~~
290 ~~prior to the date authorized for the beginning of practice for~~
291 ~~the sport. These transfers shall be allowed pursuant to the~~
292 ~~district school board policies in the case of transfer to a~~
293 ~~public school or pursuant to the private school policies in the~~
294 ~~case of transfer to a private school. The student shall be~~
295 ~~eligible in that school so long as he or she remains enrolled in~~
296 ~~that school. Subsequent eligibility shall be determined and~~
297 ~~enforced through the FHSAA's bylaws. Requirements governing~~
298 ~~eligibility and transfer between member schools shall be applied~~
299 ~~similarly to public school students and private school students.~~

300 (b) The FHSAA shall adopt bylaws that specifically
301 prohibit the recruiting of students for athletic purposes. The
302 bylaws must ~~shall~~ prescribe penalties and an appeals process for
303 athletic recruiting violations. If it is determined that a
304 school has recruited a student in violation of FHSAA bylaws, the
305 FHSAA may require the school to participate in a higher
306 classification for the sport in which the recruited student
307 competes for a minimum of one classification cycle, in addition
308 to any other appropriate fine and sanction imposed on the

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309 school, its coaches, or adult representatives who violate
310 recruiting rules. ~~A student may not be declared ineligible based~~
311 ~~on violation of recruiting rules unless the student or parent~~
312 ~~has falsified any enrollment or eligibility document or accepted~~
313 ~~any benefit or any promise of benefit if such benefit is not~~
314 ~~generally available to the school's students or family members~~
315 ~~or is based in any way on athletic interest, potential, or~~
316 ~~performance.~~

317 (c) The FHSAA shall adopt bylaws that require all students
318 participating in interscholastic athletic competition or who are
319 candidates for an interscholastic athletic team to
320 satisfactorily pass a medical evaluation each year before ~~prior~~
321 ~~to~~ participating in interscholastic athletic competition or
322 engaging in any practice, tryout, workout, or other physical
323 activity associated with the student's candidacy for an
324 interscholastic athletic team. Such medical evaluation may be
325 administered only by a practitioner licensed under chapter 458,
326 chapter 459, chapter 460, or s. 464.012, and in good standing
327 with the practitioner's regulatory board. The bylaws must ~~shall~~
328 establish requirements for eliciting a student's medical history
329 and performing the medical evaluation required under this
330 paragraph, which must ~~shall~~ include a physical assessment of the
331 student's physical capabilities to participate in
332 interscholastic athletic competition as contained in a uniform
333 preparticipation physical evaluation and history form. The
334 evaluation form must ~~shall~~ incorporate the recommendations of
335 the American Heart Association for participation cardiovascular
336 screening and must ~~shall~~ provide a place for the signature of

337 the practitioner performing the evaluation with an attestation
338 that each examination procedure listed on the form was performed
339 by the practitioner or by someone under the direct supervision
340 of the practitioner. The form must ~~shall~~ also contain a place
341 for the practitioner to indicate if a referral to another
342 practitioner was made in lieu of completion of a certain
343 examination procedure. The form must ~~shall~~ provide a place for
344 the practitioner to whom the student was referred to complete
345 the remaining sections and attest to that portion of the
346 examination. The preparticipation physical evaluation form must
347 ~~shall~~ advise students to complete a cardiovascular assessment
348 and must ~~shall~~ include information concerning alternative
349 cardiovascular evaluation and diagnostic tests. Results of such
350 medical evaluation must be provided to the school. No student
351 shall be eligible to participate in any interscholastic athletic
352 competition or engage in any practice, tryout, workout, or other
353 physical activity associated with the student's candidacy for an
354 interscholastic athletic team until the results of the medical
355 evaluation have been received and approved by the school.

356 (d) Notwithstanding ~~the provisions of~~ paragraph (c), a
357 student may participate in interscholastic athletic competition
358 or be a candidate for an interscholastic athletic team if the
359 parent of the student objects in writing to the student
360 undergoing a medical evaluation because such evaluation is
361 contrary to his or her religious tenets or practices. However,
362 in such case, there shall be no liability on the part of any
363 person or entity in a position to otherwise rely on the results
364 of such medical evaluation for any damages resulting from the

365 student's injury or death arising directly from the student's
366 participation in interscholastic athletics where an undisclosed
367 medical condition that would have been revealed in the medical
368 evaluation is a proximate cause of the injury or death.

369 (e) The FHSAA shall adopt bylaws that regulate persons who
370 conduct investigations on behalf of the FHSAA. An investigation
371 must be completed within 90 days after the onset of the
372 investigation, and the FHSAA may not contract or in any way pay
373 for more than 520 hours of work for any investigation. The
374 bylaws must ~~shall~~ include provisions that require an
375 investigator to:

376 1. Undergo level 2 background screening under s. 435.04,
377 establishing that the investigator has not committed any
378 disqualifying offense listed in s. 435.04, unless the
379 investigator can provide proof of compliance with level 2
380 screening standards submitted within the previous 5 years to
381 meet any professional licensure requirements, provided:

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

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

389 2. Be appointed as an investigator by the executive
390 director.

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

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

395 ~~5.4.~~ Adhere to the following guidelines:

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

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

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

404 ~~d. Search residences or other private areas only with the~~
 405 ~~permission of the executive director and the written consent of~~
 406 ~~the student's parent and only with a parent or a representative~~
 407 ~~of the parent present.~~

408 6. Provide notice to the affected student, parent, coach,
 409 and school within 2 business days after the assignment of an
 410 investigation into ineligibility or other violation of law or
 411 rule. If the executive director certifies in writing that a
 412 compelling need to withhold notice exists, identifying with
 413 specificity why notice must not be provided, the notice is not
 414 required until the investigator concludes the investigation. The
 415 executive director shall provide a copy of the certification to
 416 the Commissioner of Education within 1 business day after
 417 signing the certification.

418 7. Provide the affected student, parent, coach, and school
 419 within 5 business days after completion of the investigation a
 420 copy of the investigation, report, and any recommendation made

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421 by the investigator, executive director, or board of directors.

422

423 An investigator or other employee of the FHSAA may not conduct
424 searches of residences or other private areas during the course
425 of an investigation.

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

429 1. Major violations include, but are not limited to,
430 knowingly allowing an ineligible student to participate in a
431 contest representing a member school in an interscholastic
432 contest or committing a violation of the FHSAA's recruiting or
433 sportsmanship policies.

434 2. Sanctions placed upon an individual coach may include,
435 but are not limited to, prohibiting or suspending the coach from
436 coaching, participating in, or attending any athletic activity
437 sponsored, recognized, or sanctioned by the FHSAA and the member
438 school for which the coach committed the violation. If a coach
439 is sanctioned by the FHSAA and the coach transfers to another
440 member school, those sanctions remain in full force and effect
441 during the term of the sanction.

442 3. If a member school is assessed a financial penalty as a
443 result of a coach committing a major violation, the coach shall
444 reimburse the member school before being allowed to coach,
445 participate in, or attend any athletic activity sponsored,
446 recognized, or sanctioned by the FHSAA and a member school.

447 4. The FHSAA shall establish a due process procedure for
448 coaches sanctioned under this paragraph, consistent with the

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449 | appeals procedures set forth in subsection (7).

450 | (g) The FHSAA shall adopt bylaws establishing the process
451 | and standards by which FHSAA determinations of sanctions or
452 | eligibility determinations against a coach or school eligibility
453 | are made. Such bylaws must ~~shall~~ provide that:

454 | 1. Ineligibility must be established by clear and
455 | convincing evidence;

456 | 2. The investigator and individual making the
457 | determination shall receive and consider, from students,
458 | parents, coaches, and schools, all evidence of a type commonly
459 | relied upon by reasonably prudent persons in the conduct of
460 | their affairs. Such evidence shall be admissible in the
461 | proceeding, whether or not such evidence would be admissible in
462 | a trial court in this state ~~Student athletes, parents, and~~
463 | ~~schools must have notice of the initiation of any investigation~~
464 | ~~or other inquiry into eligibility and may present, to the~~
465 | ~~investigator and to the individual making the eligibility~~
466 | ~~determination, any information or evidence that is credible,~~
467 | ~~persuasive, and of a kind reasonably prudent persons rely upon~~
468 | ~~in the conduct of serious affairs;~~

469 | 3. An investigator may not determine matters of
470 | eligibility but must submit information and evidence to the
471 | executive director or a person designated by the executive
472 | director or by the board of directors for an unbiased and
473 | objective determination of eligibility; and

474 | 4. A determination of ineligibility must be made in
475 | writing, setting forth the findings of fact and specific
476 | violation upon which the decision is based.

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477 (h) In lieu of bylaws adopted under paragraph (g), the
478 FHSAA may adopt bylaws providing as a minimum the procedural
479 safeguards of ss. 120.569 and 120.57, making appropriate
480 provision for appointment of unbiased and qualified hearing
481 officers.

482 (i) ~~The FHSAA bylaws may not limit the competition of~~
483 ~~student athletes prospectively for rule violations of their~~
484 ~~school or its coaches or their adult representatives. The FHSAA~~
485 ~~bylaws may not unfairly punish student athletes for eligibility~~
486 ~~or recruiting violations perpetrated by a teammate, coach, or~~
487 ~~administrator.~~ Contests may not be forfeited for inadvertent
488 eligibility violations unless the coach or a school
489 administrator should have known of the violation. Contests may
490 not be forfeited for other eligibility violations or recruiting
491 violations in excess of the number of contests that the coaches
492 and adult representatives responsible for the violations are
493 prospectively suspended.

494 (j) The FHSAA ~~organization~~ shall adopt guidelines to
495 educate athletic coaches, officials, administrators, and student
496 athletes and their parents of the nature and risk of concussion
497 and head injury.

498 (k) The FHSAA ~~organization~~ shall adopt bylaws or policies
499 that require the parent of a student who is participating in
500 interscholastic athletic competition or who is a candidate for
501 an interscholastic athletic team to sign and return an informed
502 consent that explains the nature and risk of concussion and head
503 injury, including the risk of continuing to play after
504 concussion or head injury, each year before participating in

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505 interscholastic athletic competition or engaging in any
506 practice, tryout, workout, or other physical activity associated
507 with the student's candidacy for an interscholastic athletic
508 team.

509 (l) The FHSAA ~~organization~~ shall adopt bylaws or policies
510 that require each student athlete who is suspected of sustaining
511 a concussion or head injury in a practice or competition to be
512 immediately removed from the activity. A student athlete who has
513 been removed from an activity may not return to practice or
514 competition until the student submits to the school a written
515 medical clearance to return stating that the student athlete no
516 longer exhibits signs, symptoms, or behaviors consistent with a
517 concussion or other head injury. Medical clearance must be
518 authorized by the appropriate health care practitioner trained
519 in the diagnosis, evaluation, and management of concussions as
520 defined by the Sports Medicine Advisory Committee of the Florida
521 High School Athletic Association.

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

- 525 1. Eight physicians licensed under chapter 458 or chapter
526 459 with at least one member licensed under chapter 459.
- 527 2. One chiropractor licensed under chapter 460.
- 528 3. One podiatrist licensed under chapter 461.
- 529 4. One dentist licensed under chapter 466.
- 530 5. Three athletic trainers licensed under part XIII of
531 chapter 468.
- 532 6. One member who is a current or retired head coach of a

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533 high school in the state.

534 (n) Student residence and transfer approvals shall be
535 determined by the district school board in the case of a public
536 school student, and by the private school in the case of a
537 private school student. If the school district or private school
538 approves the student residence or transfer, the student remains
539 eligible to participate in high school athletic competition
540 under the FHSAA jurisdiction.

541 1. The FHSAA may challenge the student's eligibility to
542 participate in a high school athletic competition under its
543 jurisdiction by filing a petition for a hearing with the
544 Division of Administrative Hearings pursuant to s. 120.569, with
545 a copy of the petition contemporaneously provided to the
546 student, parent, coach, and school. The student remains eligible
547 unless a final order finding the student's ineligibility is
548 rendered.

549 2. The burden is on the FHSAA to demonstrate by clear and
550 convincing evidence that the student is ineligible. The
551 administrative law judge shall issue a final order pursuant to
552 s. 120.68. If the administrative law judge finds that the
553 student remains eligible, the final order shall award all
554 reasonable costs and attorney fees to be paid to all respondents
555 by the FHSAA. The FHSAA may not seek to recoup these costs and
556 expenses from any other person, entity, or party.

557 (3) GOVERNING STRUCTURE OF THE FLORIDA HIGH SCHOOL
558 ATHLETIC ASSOCIATION ORGANIZATION.—

559 (a) The FHSAA shall operate as a representative democracy
560 in which the sovereign authority is within its member schools.

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561 Except as provided in this section, the FHSAA shall govern its
562 affairs through its bylaws.

563 (b) Each member school, on its annual application for
564 membership, shall name its official representative to the FHSAA.
565 This representative must be either the school principal or his
566 or her designee. That designee must either be an assistant
567 principal or athletic director housed within that same school.

568 (c) The FHSAA's membership shall be divided along existing
569 county lines into four contiguous and compact administrative
570 regions, each containing an equal or nearly equal number of
571 member schools to ensure equitable representation on the FHSAA's
572 board of directors, representative assembly, and appeals
573 committees.

574 (4) BOARD OF DIRECTORS.—

575 (a) The executive authority of the FHSAA shall be vested
576 in its board of directors. Any entity that appoints members to
577 the board of directors shall examine the ethnic and demographic
578 composition of the board when selecting candidates for
579 appointment and shall, to the greatest extent possible, make
580 appointments that reflect state demographic and population
581 trends. Effective October 1, 2013, the board of directors shall
582 be composed of 25 ~~16~~ persons, as follows:

583 1. Four public member school representatives, one elected
584 from among its public school representative members within each
585 of the four administrative regions.

586 2. Four nonpublic member school representatives, one
587 elected from among its nonpublic school representative members
588 within each of the four administrative regions.

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589 3. Four ~~Three~~ representatives appointed by the
590 commissioner, one appointed from each of the four administrative
591 regions ~~one appointed from the two northernmost administrative~~
592 ~~regions and one appointed from the two southernmost~~
593 ~~administrative regions. The third representative shall be~~
594 ~~appointed to balance the board for diversity or state population~~
595 ~~trends, or both.~~

596 4. Two district school superintendents, one elected from
597 the two northernmost administrative regions by the members in
598 those regions and one elected from the two southernmost
599 administrative regions by the members in those regions.

600 5. Two district school board members, one elected from the
601 two northernmost administrative regions by the members in those
602 regions and one elected from the two southernmost administrative
603 regions by the members in those regions.

604 6. The commissioner or his or her designee from the
605 department executive staff.

606 7. Four representatives appointed by the President of the
607 Senate, one appointed from each of the four administrative
608 regions.

609 8. Four representatives appointed by the Speaker of the
610 House of Representatives, one appointed from each of the four
611 administrative regions.

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

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

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617 (d) Members of the board of directors shall serve terms of
618 3 years and are not eligible to succeed themselves ~~only once~~. A
619 member of the board of directors, other than the commissioner or
620 his or her designee, may serve a maximum of 3 ~~6~~ consecutive
621 years. ~~The FHSAA's bylaws shall establish a rotation of terms to~~
622 ~~ensure that a majority of the members' terms do not expire~~
623 ~~concurrently.~~

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

627 1. To act as the incorporated FHSAA's board of directors
628 and to fulfill its obligations as required by the FHSAA's
629 charter and articles of incorporation.

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

632 3. To employ an FHSAA executive director, as appointed by
633 the Commissioner of Education, who ~~has~~ shall have the authority
634 to waive the bylaws of the FHSAA in order to comply with
635 statutory changes. The executive director's salary shall be no
636 greater than that set by law for the Governor of this state. The
637 executive director may not receive a car allowance or cellular
638 telephone as a result of his or her employment. The executive
639 director is not entitled to per diem and travel expenses in
640 excess of the rate provided for state employees under s.
641 112.061.

642 4. To levy annual dues and other fees and to set the
643 percentage of contest receipts to be collected by the FHSAA,
644 except that beginning in the 2013-2014 fiscal year, all dues,

645 fees, and percentages of contest receipts shall be 50 percent of
 646 the amount established in the FHSAA bylaws for 2012-2013 as
 647 published on the FHSAA website as of February 26, 2013, and may
 648 not be increased.

649 5. To approve the budget of the FHSAA.

650 6. To organize and conduct statewide interscholastic
 651 competitions, which may or may not lead to state championships,
 652 and to establish the terms and conditions for these
 653 competitions.

654 7. To act as an administrative board in the interpretation
 655 of, and final decision on, all questions and appeals arising
 656 from the directing of interscholastic athletics of member
 657 schools.

658 8. To levy fines, penalties, and sanctions against schools
 659 and coaches found to be in violation of student eligibility
 660 requirements and recruiting practices pursuant to subsection
 661 (2). However, fines, penalties, and sanctions may not exceed the
 662 cost to investigate reported violations and the cost of
 663 associated appeals processes. The board of directors shall
 664 submit an annual report to the Department of Education by
 665 October 1 each year which reconciles the costs of investigations
 666 and appeals with the fines, penalties, and sanctions charged to
 667 member schools and coaches for each fiscal year.

668 (6) PUBLIC LIAISON ADVISORY COMMITTEE.—

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

672 Section 5. The terms of the members of the 2012-2013

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673 | Florida High School Athletic Association board of directors
674 | shall expire September 30, 2013, and such members are not
675 | eligible for reappointment to the board of directors pursuant to
676 | s. 1006.20(4), Florida Statutes, as amended by this act.

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