

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; authorizing public school students  
8           attending a public school that does not offer a  
9           particular extracurricular activity to participate in  
10          that activity at another school subject to certain  
11          requirements; amending s. 1006.19, F.S.; providing  
12          requirements for an annual financial and compliance  
13          audit of an association that supervises  
14          interscholastic activities of public high schools;  
15          amending s. 1006.20, F.S.; providing that the  
16          designation of the Florida High School Athletic  
17          Association as the governing nonprofit organization of  
18          athletics expires on a specified date; revising the  
19          criteria for bylaws, policies, or guidelines adopted  
20          by the association; requiring the association to  
21          complete a review by a specified date; requiring that  
22          the association submit a report to the Commissioner of  
23          Education, the Governor, and the Legislature;  
24          providing requirements for investigations and  
25          investigators; establishing notice requirements to  
26          specified parties; providing procedures for student  
27          residence and transfer approvals; providing that the  
28          burden is on the association to demonstrate by clear

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29 | and convincing evidence that a student is ineligible  
30 | to participate in a high school athletic competition;  
31 | requiring that the association pay costs and attorney  
32 | fees in certain circumstances; revising the  
33 | composition of the board of directors of the  
34 | association and terms of office; revising what  
35 | constitutes a quorum of the board of directors;  
36 | providing for the appointment of an executive  
37 | director; providing restrictions for the salary,  
38 | benefits, per diem, and travel expenses of the  
39 | association's executive director; providing that  
40 | members of the association's public liaison advisory  
41 | committee are entitled to reimbursement for per diem  
42 | and travel expenses at the same rate as state  
43 | employees; providing restrictions on the levy of dues  
44 | and fees and the collection of contest receipts;  
45 | providing authority to levy fines, penalties, and  
46 | sanctions against schools and coaches; providing for  
47 | expiration of the terms of members of the 2012-2013  
48 | board of directors; providing an effective date.

49 |  
50 | Be It Enacted by the Legislature of the State of Florida:

51 |  
52 | Section 1. Subsection (17) of section 1002.20, Florida  
53 | Statutes, is reenacted and amended to read:

54 | 1002.20 K-12 student and parent rights.—Parents of public  
55 | school students must receive accurate and timely information  
56 | regarding their child's academic progress and must be informed

57 of ways they can help their child to succeed in school. K-12  
 58 students and their parents are afforded numerous statutory  
 59 rights including, but not limited to, the following:

60 (17) ATHLETICS; PUBLIC HIGH SCHOOL.—

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

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

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

78 1006.15 Student standards for participation in  
 79 interscholastic and intrascholastic extracurricular student  
 80 activities; regulation.—

81 (3)(a) A student attending a public school or a school  
 82 identified in this section is presumed eligible to participate  
 83 in interscholastic extracurricular student activities. For the  
 84 purposes of this section, a charter school is considered a

85 public school. A student remains eligible to participate in  
86 interscholastic extracurricular student activities if the  
87 student ~~To be eligible to participate in interscholastic~~  
88 ~~extracurricular student activities, a student must:~~

89 1. Maintains ~~Maintain~~ a grade point average of 2.0 or  
90 above on a 4.0 scale, or its equivalent, in the previous  
91 semester or a cumulative grade point average of 2.0 or above on  
92 a 4.0 scale, or its equivalent, in the courses required by s.  
93 1003.43(1).

94 2. Executes ~~Execute~~ and fulfills ~~fulfill~~ the requirements  
95 of an academic performance contract between the student, the  
96 district school board, the appropriate governing association,  
97 and the student's parents, if the student's cumulative grade  
98 point average falls below 2.0, or its equivalent, on a 4.0 scale  
99 in the courses required by s. 1003.43(1) or, for students who  
100 entered the 9th grade before ~~prior to~~ the 1997-1998 school year,  
101 if the student's cumulative grade point average falls below 2.0  
102 on a 4.0 scale, or its equivalent, in the courses required by s.  
103 1003.43(1) which are taken after July 1, 1997. At a minimum, the  
104 contract must require that the student attend summer school, or  
105 its graded equivalent, between grades 9 and 10 or grades 10 and  
106 11, as necessary.

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

110 4. Maintains ~~Maintain~~ satisfactory conduct, including  
111 adherence to appropriate dress and other codes of student  
112 conduct policies described in s. 1006.07(2). If a student is

113 convicted of, or is found to have committed, a felony or a  
114 delinquent act that would have been a felony if committed by an  
115 adult, regardless of whether adjudication is withheld, the  
116 student's participation in interscholastic extracurricular  
117 activities is contingent upon established and published district  
118 school board policy.

119 (d) An individual public ~~charter~~ school student ~~pursuant~~  
120 ~~to s. 1002.33~~ is eligible to participate at the public school to  
121 which the student would be assigned, including a charter school,  
122 according to district school board attendance area policies or  
123 which the student could choose to attend, pursuant to district  
124 or interdistrict controlled open-enrollment policies ~~provisions,~~  
125 in any interscholastic extracurricular activity of that school,  
126 unless such activity is provided by the student's current  
127 ~~charter~~ school, if the following conditions are met:

128 1. The ~~charter school~~ student must meet the requirements  
129 of the student's current ~~charter~~ school education program ~~as~~  
130 ~~determined by the charter school governing board.~~

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

134 3. The ~~charter school~~ student must meet the same residency  
135 requirements as other students in the school at which he or she  
136 participates.

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

140 5. The ~~charter school~~ student must register with the

141 school his or her intent to participate in interscholastic  
142 extracurricular activities as a representative of the school  
143 before the beginning date of the season for the activity in  
144 which he or she wishes to participate. A ~~charter school~~ student  
145 must be able to participate in curricular activities if there  
146 ~~that~~ is a requirement for an extracurricular activity.

147 6. A student who transfers from a public ~~charter~~ school  
148 ~~program~~ to a different ~~traditional~~ public school before or  
149 during the first grading period of the school year is  
150 academically eligible to participate in interscholastic  
151 extracurricular activities during the first grading period if  
152 the student has a successful evaluation from the previous school  
153 year, pursuant to subparagraph 2.

154 7. A ~~Any~~ public school or private school student who has  
155 been unable to maintain academic eligibility for participation  
156 in interscholastic extracurricular activities is ineligible to  
157 participate in such activities as a public ~~charter~~ school  
158 student until the student has successfully completed one grading  
159 period in a ~~charter~~ school pursuant to subparagraph 2. ~~to become~~  
160 ~~eligible to participate as a charter school student.~~

161 (f) A student who transfers from the Florida Virtual  
162 School full-time program to a ~~traditional~~ public school before  
163 or during the first grading period of the school year is  
164 academically eligible to participate in interscholastic  
165 extracurricular activities during the first grading period if  
166 the student has a successful evaluation from the previous school  
167 year pursuant to paragraph (a).

168       (h) A student who attends a public school that does not  
169 offer a particular extracurricular activity may participate at  
170 any public school that the student could choose to attend  
171 pursuant to district or interdistrict controlled open enrollment  
172 provisions, or may develop an agreement to participate in that  
173 extracurricular activity at a private school, if the student:

174       1. Meets the requirements for eligibility to participate  
175 in interscholastic extracurricular activities, as provided under  
176 paragraph (a);

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

179       3. Meets the same standards of acceptance, behavior, and  
180 performance that are required of other students in  
181 extracurricular activities;

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

184       5. Registers with the school that offers the  
185 extracurricular activity his or her intent to participate in the  
186 interscholastic extracurricular activity at that school before  
187 the beginning date of the season for the activity in which he or  
188 she wishes to participate. A public school student must  
189 participate in a curricular activity if it is a requirement for  
190 an extracurricular activity. The student may choose to  
191 participate in the required curricular activity at the school he  
192 or she attends or at the school in which he or she participates  
193 in the extracurricular activity.

194       (i) A student who has been unable to maintain academic  
195 eligibility for participation in interscholastic extracurricular

196 activities is ineligible to participate in such activities under  
 197 paragraph (h) until the student has successfully completed one  
 198 grading period.

199 (j) The parents of a student who participates in an  
 200 extracurricular activity under paragraph (h) are responsible for  
 201 transporting their child to and from the school at which the  
 202 student participates. The public school the student attends, the  
 203 school at which the student participates in the extracurricular  
 204 activity, the district school board, and the Florida High School  
 205 Athletic Association (FHSAA) are exempt from civil liability  
 206 arising from any injury that occurs to the student during such  
 207 transportation.

208 (5) An ~~Any~~ organization or entity that regulates or  
 209 governs interscholastic extracurricular activities of public  
 210 schools:

211 (a) Shall permit home education associations to join as  
 212 member schools.

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

216 (8) (a) The FHSAA ~~Florida High School Athletic Association~~  
 217 ~~(FHSAA)~~, in cooperation with each district school board, shall  
 218 facilitate a program in which a middle school or high school  
 219 student who attends a private school shall be eligible to  
 220 participate in an interscholastic or intrascholastic sport at a  
 221 public high school, a public middle school, or a 6-12 public  
 222 school that is zoned for the physical address at which the  
 223 student resides if:

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

227 2. The private school student meets the guidelines for the  
228 conduct of the program established by the FHSAA's board of  
229 directors and the district school board. At a minimum, such  
230 guidelines shall provide:

231 a. A deadline for each sport by which the private school  
232 student's parents must register with the public school in  
233 writing their intent for their child to participate at that  
234 school in the sport.

235 b. Requirements for a private school student to  
236 participate, including, but not limited to, meeting the same  
237 standards of eligibility, acceptance, behavior, educational  
238 progress, and performance which apply to other students  
239 participating in interscholastic or intrascholastic sports at a  
240 public school or FHSAA member private school.

241 (b) The parents of a private school student participating  
242 in a public school sport under this subsection are responsible  
243 for transporting their child to and from the public school at  
244 which the student participates. The private school the student  
245 attends, the public school at which the student participates in  
246 a sport, the district school board, and the FHSAA are exempt  
247 from civil liability arising from any injury that occurs to the  
248 student during such transportation.

249 (c) For each academic year, a private school student may  
250 only participate at the public school in which the student is  
251 first registered under sub-subparagraph (a)2.a. or makes himself

252 or herself a candidate for an athletic team by engaging in a  
253 practice.

254 (d) The athletic director of each participating FHSAA  
255 member public school shall maintain the student records  
256 necessary for eligibility, compliance, and participation in the  
257 program.

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

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

265 (g) Only students who are enrolled in non-FHSAA member  
266 private schools consisting of 125 students or fewer in the  
267 middle school grades and 125 students in the high school grades  
268 are eligible to participate in the program in any given academic  
269 year.

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

272 1006.19 Audit of records of nonprofit corporations and  
273 associations handling interscholastic activities.—

274 (1) Each nonprofit association or corporation that  
275 operates for the purpose of supervising and controlling  
276 interscholastic activities of public high schools and whose  
277 membership is composed of duly certified representatives of  
278 public high schools, and whose rules and regulations are  
279 established by members thereof, shall have an annual financial

280 and compliance audit of its accounts and records by an  
281 independent certified public accountant retained by it and paid  
282 from its funds, in accordance with rules adopted by the Auditor  
283 General. The audit must be conducted in compliance with  
284 generally accepted auditing standards and include a report on  
285 financial statements presented in accordance with generally  
286 accepted accounting principles set forth by the American  
287 Institute of Certified Public Accountants for not-for-profit  
288 organizations and a determination of compliance with the  
289 statutory eligibility and expenditure requirements of s.  
290 1006.20. Audits shall be submitted to the Auditor General, the  
291 Speaker of the House of Representatives, and the Senate  
292 President within 180 days after the end of each fiscal year. The  
293 ~~accountant shall furnish a copy of the audit report to the~~  
294 ~~Auditor General.~~

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

298 1006.20 Athletics in public K-12 schools.—

299 (1) GOVERNING NONPROFIT ORGANIZATION.—The Florida High  
300 School Athletic Association (FHSAA) is designated as the  
301 governing nonprofit organization of athletics in Florida public  
302 schools. This designation expires July 1, 2017. If the FHSAA  
303 fails to meet the provisions of this section or the Legislature  
304 does not timely designate a successor, the commissioner shall  
305 designate a nonprofit organization to govern athletics with the  
306 approval of the State Board of Education for successive terms  
307 not to exceed 4 years each or until the Legislature designates a

308 successor. The FHSAA is not a state agency as defined in s.  
309 120.52. The FHSAA shall be subject to ~~the provisions of~~ s.  
310 1006.19. A private school that wishes to engage in high school  
311 athletic competition with a public high school may become a  
312 member of the FHSAA. Any high school in the state, including  
313 charter schools, virtual schools, and home education  
314 cooperatives, may become a member of the FHSAA and participate  
315 in the activities of the FHSAA. However, membership in the FHSAA  
316 is not mandatory for any school. The FHSAA may not deny or  
317 discourage interscholastic competition between its member  
318 schools and non-FHSAA member Florida schools, including members  
319 of another athletic governing organization, and may not take any  
320 retributory or discriminatory action against any of its member  
321 schools that participate in interscholastic competition with  
322 non-FHSAA member Florida schools. The FHSAA may not unreasonably  
323 withhold its approval of an application to become an affiliate  
324 member of the National Federation of State High School  
325 Associations submitted by any other organization that governs  
326 interscholastic athletic competition in this state. The bylaws  
327 of the FHSAA are the rules by which high school athletic  
328 programs in its member schools, and the students who participate  
329 in them, are governed, unless otherwise specifically provided by  
330 statute. For the purposes of this section, "high school"  
331 includes grades 6 through 12.

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

333 (a) The FHSAA shall adopt bylaws that, unless otherwise  
334 provided by statute, presume the eligibility of students and  
335 specify limited violations that result in ineligibility for

336 students who participate in high school athletic competition in  
337 its member schools. The bylaws must ensure that:

338 1. A student remains eligible in the school in which he or  
339 she first enrolls each school year or the school in which the  
340 student makes himself or herself a candidate for an athletic  
341 team by engaging in a practice before enrolling in the school.

342 2. A student remains eligible in the school to which the  
343 student has transferred during the school year if the transfer  
344 is made by a deadline established by the FHSAA, which may not be  
345 before the date authorized for the beginning of practice for the  
346 sport.

347 3. Once a student residence or transfer is approved by the  
348 district school board or private school, as applicable, the  
349 student remains eligible in the school if he or she remains  
350 enrolled in the school and complies with applicable  
351 requirements.

352 4. Rule, eligibility, and recruiting violations by a  
353 teammate, coach, administrator, school, or adult representative  
354 may not be used against a student.

355 5. A student is ineligible if the student or parent  
356 intentionally and knowingly falsifies an enrollment or  
357 eligibility document or intentionally and knowingly accepts a  
358 significant benefit or a promise of significant benefit that is  
359 not reasonably available to the school's students or family  
360 members and that is provided based primarily on the student's  
361 athletic interest, potential, or performance.

362 6. Ineligibility based upon recruitment is not  
363 demonstrated merely because a student participates in a

364 nonschool-sponsored extracurricular activity after the end of  
365 one school year and before the beginning of the next school year  
366 that is coached by a person who the student knows from having  
367 participated in a different school-sponsored extracurricular  
368 activity in the past or who the student seeks to participate  
369 with in the future in a different school-sponsored activity.

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

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

374 9. Prescribed violations must be substantially related to  
375 specific, important objectives and must be limited to address  
376 only the minimal requirements necessary to accomplish the  
377 objectives.

378  
379 The FHSAA shall complete a comprehensive review and analysis of  
380 all existing bylaws, policies, and administrative procedures to  
381 determine compliance with this paragraph by October 1, 2013. The  
382 FHSAA shall provide a detailed report originating from its  
383 review and analysis, which must include, but need not be limited  
384 to, specifically articulating how each violation or requirement  
385 in the bylaws, policies, and administrative procedures is  
386 substantially related to an identified, important objective and  
387 any necessary corrective action. The FHSAA shall provide a copy  
388 of the report to the Commissioner of Education, the Governor,  
389 the President of the Senate, and the Speaker of the House of  
390 Representatives by October 15, 2013. Bylaws, policies, or  
391 administrative procedures that are noncompliant with this

392 paragraph are void as of January 1, 2014 ~~The FHSAA shall adopt~~  
393 ~~bylaws that, unless specifically provided by statute, establish~~  
394 ~~eligibility requirements for all students who participate in~~  
395 ~~high school athletic competition in its member schools. The~~  
396 ~~bylaws governing residence and transfer shall allow the student~~  
397 ~~to be eligible in the school in which he or she first enrolls~~  
398 ~~each school year or the school in which the student makes~~  
399 ~~himself or herself a candidate for an athletic team by engaging~~  
400 ~~in a practice prior to enrolling in the school. The bylaws shall~~  
401 ~~also allow the student to be eligible in the school to which the~~  
402 ~~student has transferred during the school year if the transfer~~  
403 ~~is made by a deadline established by the FHSAA, which may not be~~  
404 ~~prior to the date authorized for the beginning of practice for~~  
405 ~~the sport. These transfers shall be allowed pursuant to the~~  
406 ~~district school board policies in the case of transfer to a~~  
407 ~~public school or pursuant to the private school policies in the~~  
408 ~~case of transfer to a private school. The student shall be~~  
409 ~~eligible in that school so long as he or she remains enrolled in~~  
410 ~~that school. Subsequent eligibility shall be determined and~~  
411 ~~enforced through the FHSAA's bylaws. Requirements governing~~  
412 ~~eligibility and transfer between member schools shall be applied~~  
413 ~~similarly to public school students and private school students.~~

414 (b) The FHSAA shall adopt bylaws that specifically  
415 prohibit the recruiting of students for athletic purposes. The  
416 bylaws must ~~shall~~ prescribe penalties and an appeals process for  
417 athletic recruiting violations. If it is determined that a  
418 school has recruited a student in violation of FHSAA bylaws, the  
419 FHSAA may require the school to participate in a higher

420 classification for the sport in which the recruited student  
421 competes for a minimum of one classification cycle, in addition  
422 to any other appropriate fine and sanction imposed on the  
423 school, its coaches, or adult representatives who violate  
424 recruiting rules. ~~A student may not be declared ineligible based  
425 on violation of recruiting rules unless the student or parent  
426 has falsified any enrollment or eligibility document or accepted  
427 any benefit or any promise of benefit if such benefit is not  
428 generally available to the school's students or family members  
429 or is based in any way on athletic interest, potential, or  
430 performance.~~

431 (c) The FHSAA shall adopt bylaws that require all students  
432 participating in interscholastic athletic competition or who are  
433 candidates for an interscholastic athletic team to  
434 satisfactorily pass a medical evaluation each year before ~~prior~~  
435 ~~to~~ participating in interscholastic athletic competition or  
436 engaging in any practice, tryout, workout, or other physical  
437 activity associated with the student's candidacy for an  
438 interscholastic athletic team. Such medical evaluation may be  
439 administered only by a practitioner licensed under chapter 458,  
440 chapter 459, chapter 460, or s. 464.012, and in good standing  
441 with the practitioner's regulatory board. The bylaws must ~~shall~~  
442 establish requirements for eliciting a student's medical history  
443 and performing the medical evaluation required under this  
444 paragraph, which must ~~shall~~ include a physical assessment of the  
445 student's physical capabilities to participate in  
446 interscholastic athletic competition as contained in a uniform  
447 preparticipation physical evaluation and history form. The

448 | evaluation form must ~~shall~~ incorporate the recommendations of  
449 | the American Heart Association for participation cardiovascular  
450 | screening and must ~~shall~~ provide a place for the signature of  
451 | the practitioner performing the evaluation with an attestation  
452 | that each examination procedure listed on the form was performed  
453 | by the practitioner or by someone under the direct supervision  
454 | of the practitioner. The form must ~~shall~~ also contain a place  
455 | for the practitioner to indicate if a referral to another  
456 | practitioner was made in lieu of completion of a certain  
457 | examination procedure. The form must ~~shall~~ provide a place for  
458 | the practitioner to whom the student was referred to complete  
459 | the remaining sections and attest to that portion of the  
460 | examination. The preparticipation physical evaluation form must  
461 | ~~shall~~ advise students to complete a cardiovascular assessment  
462 | and must ~~shall~~ include information concerning alternative  
463 | cardiovascular evaluation and diagnostic tests. Results of such  
464 | medical evaluation must be provided to the school. No student  
465 | shall be eligible to participate in any interscholastic athletic  
466 | competition or engage in any practice, tryout, workout, or other  
467 | physical activity associated with the student's candidacy for an  
468 | interscholastic athletic team until the results of the medical  
469 | evaluation have been received and approved by the school.

470 | (d) Notwithstanding ~~the provisions of~~ paragraph (c), a  
471 | student may participate in interscholastic athletic competition  
472 | or be a candidate for an interscholastic athletic team if the  
473 | parent of the student objects in writing to the student  
474 | undergoing a medical evaluation because such evaluation is  
475 | contrary to his or her religious tenets or practices. However,

476 in such case, there shall be no liability on the part of any  
477 person or entity in a position to otherwise rely on the results  
478 of such medical evaluation for any damages resulting from the  
479 student's injury or death arising directly from the student's  
480 participation in interscholastic athletics where an undisclosed  
481 medical condition that would have been revealed in the medical  
482 evaluation is a proximate cause of the injury or death.

483 (e) The FHSAA shall adopt bylaws that regulate persons who  
484 conduct investigations on behalf of the FHSAA. A formal  
485 investigation must be completed within 90 days after the onset  
486 of the investigation, and the FHSAA may not contract or in any  
487 way pay for more than 520 hours of work for any investigation.  
488 The bylaws must ~~shall~~ include provisions that require an  
489 investigator to:

490 1. Undergo level 2 background screening under s. 435.04,  
491 establishing that the investigator has not committed any  
492 disqualifying offense listed in s. 435.04, unless the  
493 investigator can provide proof of compliance with level 2  
494 screening standards submitted within the previous 5 years to  
495 meet any professional licensure requirements, provided:

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

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

503 2. Be appointed as an investigator by the executive

504 director.

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

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

509 5.4. Adhere to the following guidelines:

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

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

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

518 ~~d. Search residences or other private areas only with the~~  
519 ~~permission of the executive director and the written consent of~~  
520 ~~the student's parent and only with a parent or a representative~~  
521 ~~of the parent present.~~

522 6. Provide notice to the affected student, parent, coach,  
523 and school within 2 business days after the assignment of a  
524 formal investigation into ineligibility or other violation of  
525 law or rule. If the executive director certifies in writing that  
526 a compelling need to withhold notice exists, identifying with  
527 specificity why notice must not be provided, the notice is not  
528 required until the investigator concludes the investigation. The  
529 executive director shall provide a copy of the certification to  
530 the Commissioner of Education within 1 business day after  
531 signing the certification.

532           7. Provide the affected student, parent, coach, and school  
533 within 5 business days after completion of the formal  
534 investigation a copy of the investigation, report, and any  
535 recommendation made by the investigator, executive director, or  
536 board of directors.

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

540           1. Major violations include, but are not limited to,  
541 knowingly allowing an ineligible student to participate in a  
542 contest representing a member school in an interscholastic  
543 contest or committing a violation of the FHSAA's recruiting or  
544 sportsmanship policies.

545           2. Sanctions placed upon an individual coach may include,  
546 but are not limited to, prohibiting or suspending the coach from  
547 coaching, participating in, or attending any athletic activity  
548 sponsored, recognized, or sanctioned by the FHSAA and the member  
549 school for which the coach committed the violation. If a coach  
550 is sanctioned by the FHSAA and the coach transfers to another  
551 member school, those sanctions remain in full force and effect  
552 during the term of the sanction.

553           3. If a member school is assessed a financial penalty as a  
554 result of a coach committing a major violation, the coach shall  
555 reimburse the member school before being allowed to coach,  
556 participate in, or attend any athletic activity sponsored,  
557 recognized, or sanctioned by the FHSAA and a member school.

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

560 appeals procedures set forth in subsection (7).

561 (g) The FHSAA shall adopt bylaws establishing the process  
562 and standards by which FHSAA investigations into ineligibility  
563 are initiated and determinations of sanctions or eligibility  
564 determinations against a coach or school eligibility are made.

565 Such bylaws must ~~shall~~ provide that:

566 1. Ineligibility must be established by clear and  
567 convincing evidence;

568 2. Initial investigations into allegations of  
569 ineligibility may be initiated by the FHSAA only if supported by  
570 credible information from an identified source or from an  
571 anonymous source with credible corroboration and which, if  
572 proven true, would reasonably rebut the presumption of  
573 ineligibility. An informal investigation is limited to  
574 determining whether there is a sufficient evidentiary basis to  
575 initiate a formal investigation and to produce the sworn  
576 testimony or affidavit necessary to do so as hereinafter  
577 provided. Formal investigations into ineligibility may not be  
578 initiated unless supported by sworn testimony or affidavits  
579 which, if proven true, would reasonably demonstrate  
580 ineligibility by clear and convincing evidence. The investigator  
581 and individual making the determination shall receive and  
582 consider, from students, parents, coaches, and schools, all  
583 evidence of a type commonly relied upon by reasonably prudent  
584 persons in the conduct of their affairs. Such evidence shall be  
585 admissible in the proceeding, whether or not such evidence would  
586 be admissible in a trial court in this state. An investigator or  
587 other agent of the FHSAA may not conduct searches of residences

588 or other private areas during the course of an investigation.  
589 ~~Student athletes, parents, and schools must have notice of the~~  
590 ~~initiation of any investigation or other inquiry into~~  
591 ~~eligibility and may present, to the investigator and to the~~  
592 ~~individual making the eligibility determination, any information~~  
593 ~~or evidence that is credible, persuasive, and of a kind~~  
594 ~~reasonably prudent persons rely upon in the conduct of serious~~  
595 ~~affairs;~~

596 3. An investigator may not determine matters of  
597 eligibility but must submit information and evidence to the  
598 executive director or a person designated by the executive  
599 director or by the board of directors for an unbiased and  
600 objective determination of eligibility; and

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

604 (h) In lieu of bylaws adopted under paragraph (g), the  
605 FHSAA may adopt bylaws providing as a minimum the procedural  
606 safeguards of ss. 120.569 and 120.57, making appropriate  
607 provision for appointment of unbiased and qualified hearing  
608 officers.

609 (i) ~~The FHSAA bylaws may not limit the competition of~~  
610 ~~student athletes prospectively for rule violations of their~~  
611 ~~school or its coaches or their adult representatives. The FHSAA~~  
612 ~~bylaws may not unfairly punish student athletes for eligibility~~  
613 ~~or recruiting violations perpetrated by a teammate, coach, or~~  
614 ~~administrator.~~ Contests may not be forfeited for inadvertent  
615 eligibility violations unless the coach or a school

616 administrator should have known of the violation. Contests may  
617 not be forfeited for other eligibility violations or recruiting  
618 violations in excess of the number of contests that the coaches  
619 and adult representatives responsible for the violations are  
620 prospectively suspended.

621 (j) The FHSAA ~~organization~~ shall adopt guidelines to  
622 educate athletic coaches, officials, administrators, and student  
623 athletes and their parents of the nature and risk of concussion  
624 and head injury.

625 (k) The FHSAA ~~organization~~ shall adopt bylaws or policies  
626 that require the parent of a student who is participating in  
627 interscholastic athletic competition or who is a candidate for  
628 an interscholastic athletic team to sign and return an informed  
629 consent that explains the nature and risk of concussion and head  
630 injury, including the risk of continuing to play after  
631 concussion or head injury, each year before participating in  
632 interscholastic athletic competition or engaging in any  
633 practice, tryout, workout, or other physical activity associated  
634 with the student's candidacy for an interscholastic athletic  
635 team.

636 (l) The FHSAA ~~organization~~ shall adopt bylaws or policies  
637 that require each student athlete who is suspected of sustaining  
638 a concussion or head injury in a practice or competition to be  
639 immediately removed from the activity. A student athlete who has  
640 been removed from an activity may not return to practice or  
641 competition until the student submits to the school a written  
642 medical clearance to return stating that the student athlete no  
643 longer exhibits signs, symptoms, or behaviors consistent with a

644 concussion or other head injury. Medical clearance must be  
645 authorized by the appropriate health care practitioner trained  
646 in the diagnosis, evaluation, and management of concussions as  
647 defined by the Sports Medicine Advisory Committee of the Florida  
648 High School Athletic Association.

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

652 1. Eight physicians licensed under chapter 458 or chapter  
653 459 with at least one member licensed under chapter 459.

654 2. One chiropractor licensed under chapter 460.

655 3. One podiatrist licensed under chapter 461.

656 4. One dentist licensed under chapter 466.

657 5. Three athletic trainers licensed under part XIII of  
658 chapter 468.

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

661 (n) Student residence and transfer approvals shall be  
662 determined by the district school board in the case of a public  
663 school student and by the private school in the case of a  
664 private school student. Such approvals shall uphold the  
665 eligibility standards in subparagraphs (a)1. and 2. unless the  
666 district school board or private school finds that compelling  
667 facts and circumstances are demonstrated and that the best  
668 interests of the student outweigh all other considerations and  
669 justify a waiver. Otherwise, the district school board or  
670 private school may determine such approvals in its reasonable  
671 discretion. If the district school board or private school

672 approves the student residence or transfer, the student remains  
673 eligible to participate in high school athletic competition  
674 under the FHSAA jurisdiction.

675 1. The FHSAA may challenge the student's eligibility to  
676 participate in a high school athletic competition under its  
677 jurisdiction by filing a petition for a hearing with the  
678 Division of Administrative Hearings pursuant to s. 120.569, with  
679 a copy of the petition contemporaneously provided to the  
680 student, parent, coach, and school. The student remains eligible  
681 unless a final order finding the student's ineligibility is  
682 rendered.

683 2. The burden is on the FHSAA to demonstrate by clear and  
684 convincing evidence that the student is ineligible. The  
685 administrative law judge shall issue a final order pursuant to  
686 s. 120.68. If the administrative law judge finds that the  
687 student remains eligible, the final order shall award all  
688 reasonable costs and attorney fees to be paid to all respondents  
689 by the FHSAA. The FHSAA may not seek to recoup these costs and  
690 expenses from any other person, entity, or party.

691 (3) GOVERNING STRUCTURE OF THE ORGANIZATION.—

692 (a) The FHSAA shall operate as a representative democracy  
693 in which the sovereign authority is within its member schools.  
694 Except as provided in this section, the FHSAA shall govern its  
695 affairs through its bylaws.

696 (b) Each member school, on its annual application for  
697 membership, shall name its official representative to the FHSAA.  
698 This representative must be either the school principal or his  
699 or her designee. That designee must either be an assistant

700 principal or athletic director housed within that same school.

701 (c) The FHSAA's membership shall be divided along existing  
 702 county lines into four contiguous and compact administrative  
 703 regions, each containing an equal or nearly equal number of  
 704 member schools to ensure equitable representation on the FHSAA's  
 705 board of directors, representative assembly, and appeals  
 706 committees.

707 (4) BOARD OF DIRECTORS.—

708 (a) The executive authority of the FHSAA shall be vested  
 709 in its board of directors. Any entity that appoints members to  
 710 the board of directors shall examine the ethnic and demographic  
 711 composition of the board when selecting candidates for  
 712 appointment and shall, to the greatest extent possible, make  
 713 appointments that reflect state demographic and population  
 714 trends. Effective October 1, 2013, the board of directors shall  
 715 be composed of 19 ~~16~~ persons, as follows:

716 1. Four public member school representatives, one elected  
 717 from among its public school representative members within each  
 718 of the four administrative regions.

719 2. Four nonpublic member school representatives, one  
 720 elected from among its nonpublic school representative members  
 721 within each of the four administrative regions.

722 3. Four ~~Three~~ representatives appointed by the  
 723 commissioner, one appointed from each of the four administrative  
 724 regions ~~one appointed from the two northernmost administrative~~  
 725 ~~regions and one appointed from the two southernmost~~  
 726 ~~administrative regions. The third representative shall be~~  
 727 ~~appointed to balance the board for diversity or state population~~

728 | ~~trends, or both.~~

729 |       4. Two district school superintendents, one elected from  
730 | the two northernmost administrative regions by the members in  
731 | those regions and one elected from the two southernmost  
732 | administrative regions by the members in those regions.

733 |       5. Two district school board members, one elected from the  
734 | two northernmost administrative regions by the members in those  
735 | regions and one elected from the two southernmost administrative  
736 | regions by the members in those regions.

737 |       6. The commissioner or his or her designee from the  
738 | department executive staff.

739 |       7. One representative who is the parent of a home  
740 | education student, appointed by the President of the Senate.

741 |       8. One representative who is the parent of a home  
742 | education student, appointed by the Speaker of the House of  
743 | Representatives.

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

746 |       (c) The board of directors shall elect a president and a  
747 | vice president from among its members. These officers shall also  
748 | serve as officers of the FHSAA.

749 |       (d) Members of the board of directors shall serve terms of  
750 | 3 years and are not eligible to succeed themselves ~~only once~~. A  
751 | member of the board of directors, other than the commissioner or  
752 | his or her designee, may serve a maximum of 3 ~~6~~ consecutive  
753 | years. ~~The FHSAA's bylaws shall establish a rotation of terms to~~  
754 | ~~ensure that a majority of the members' terms do not expire~~  
755 | ~~concurrently.~~

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

759 1. To act as the incorporated FHSAA's board of directors  
760 and to fulfill its obligations as required by the FHSAA's  
761 charter and articles of incorporation.

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

764 3. To employ an FHSAA executive director, as approved by  
765 the Commissioner of Education. The executive director has ~~who~~  
766 ~~shall have~~ the authority to waive the bylaws of the FHSAA in  
767 order to comply with statutory changes. The executive director's  
768 salary shall be no greater than that set by law for the Governor  
769 of this state. The executive director may not receive a car  
770 allowance as a result of his or her employment. The executive  
771 director is not entitled to per diem and travel expenses in  
772 excess of the rate provided for state employees under s.  
773 112.061.

774 4. To levy annual dues and other fees and to set the  
775 percentage of contest receipts to be collected by the FHSAA  
776 except that, beginning in the 2013-2014 fiscal year, all dues,  
777 fees, and percentages of contest receipts shall be fixed at the  
778 amount established in the FHSAA bylaws for 2012-2013 as  
779 published on the FHSAA website as of February 26, 2013, and may  
780 not be increased. The aggregate of such dues, fees, and  
781 percentages of contest receipts shall be allocated as follows:

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

784 b. At least 30 percent for the FHSAA to provide  
785 postsecondary scholarships to students who meet qualifications  
786 established by the FHSAA.

787 c. At least 15 percent for the FHSAA to coordinate with  
788 the National Center for Sports Safety and provide for the  
789 education of coaches, parks and recreation staff, parents, and  
790 other volunteers on the basics of sports safety and injury  
791 prevention, and the well-being and health, safety, and welfare  
792 of athletes.

793 5. To approve the budget of the FHSAA.

794 6. To organize and conduct statewide interscholastic  
795 competitions, which may or may not lead to state championships,  
796 and to establish the terms and conditions for these  
797 competitions.

798 7. To act as an administrative board in the interpretation  
799 of, and final decision on, all questions and appeals arising  
800 from the directing of interscholastic athletics of member  
801 schools.

802 8. To levy fines, penalties, and sanctions against schools  
803 and coaches found to be in violation of student eligibility  
804 requirements and recruiting practices pursuant to subsection  
805 (2). However, fines, penalties, and sanctions may not exceed the  
806 cost to investigate reported violations and the cost of  
807 associated appeals processes. The board of directors shall  
808 submit an annual report to the Department of Education by  
809 October 1 each year which reconciles the costs of investigations  
810 and appeals with the fines, penalties, and sanctions charged to  
811 member schools and coaches for each fiscal year.

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812 (6) PUBLIC LIAISON ADVISORY COMMITTEE.—

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

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

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