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2014

1 A bill to be entitled

2 An act relating to athletic safety, education, and
3 training; providing a short title; providing
4 legislative findings and purpose; amending s. 1006.20,
5 F.S.; requiring the Florida High School Athletic
6 Association to adopt specified bylaws regarding the
7 promotion of respectful conduct in interscholastic
8 athletics; requiring that participants in
9 interscholastic athletics sign a pledge; requiring
10 that interscholastic athletics coaching staff be
11 trained in policies promoting mutual respect in
12 athletics; requiring that schools create a reporting
13 procedure; requiring reports; creating s. 760.12,
14 F.S.; requiring specified organizations using
15 specified facilities to comply with policies regarding
16 the promotion of respectful conduct for certain non-
17 interscholastic athletic events; defining terms;
18 creating s. 1006.74, F.S.; prohibiting bullying or
19 harassment in intercollegiate athletics; defining
20 terms; requiring specified public and nonpublic
21 postsecondary educational institutions to adopt
22 written policies regarding the promotion of respectful
23 conduct in intercollegiate athletics; providing
24 requirements for such policy; requiring that
25 participants in intercollegiate athletics sign a
26 pledge against prohibited conduct; requiring that

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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27 coaching staff involved in intercollegiate athletics
28 be trained on the prevention of prohibited conduct;
29 providing for consultation with the Commissioner of
30 Education or the Chancellor of the State University
31 System in formulating policies regarding the promotion
32 of respectful conduct in intercollegiate athletics;
33 providing for the reporting of incidents of prohibited
34 conduct in intercollegiate athletics; requiring the
35 commissioner and the chancellor to make annual
36 assessments of compliance with policies regarding
37 prohibited conduct in intercollegiate athletics;
38 providing for enforcement by the Attorney General in a
39 civil action; providing that there is no private right
40 of action; creating s. 760.101, F.S.; providing that
41 it is an unlawful employment practice for a
42 professional sports franchise to fail to take
43 reasonable measures to prevent abusive conduct;
44 defining terms; providing for enforcement by the
45 Attorney General in a civil action; providing an
46 affirmative defense to a civil action; providing that
47 there is no private right of action; providing that
48 the act may not be construed or implemented to
49 infringe upon the right of free speech; providing for
50 severability; providing an effective date.

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

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Section 1. This act may be cited as the "Safe Athletics Education and Training Act of 2014."

Section 2. Legislative findings and purpose.—

(1) FINDINGS.—The Legislature finds that:

(a) The education of students in Florida schools is vital to the future social and economic development of this state.

(b) Education in childhood and adolescence takes place beyond the classroom, including in organized athletic events where students learn the importance of personal responsibility, sportsmanship, and teamwork.

(c) Participation in organized interscholastic athletics is a central part of the education of students in preparation for adulthood.

(d) Organized athletic events outside the context of scholastic competition also play an important role in the development of children and adolescents.

(e) The physical and emotional development of student athletes will guide their behavior when they reach adulthood.

(f) The physical and emotional well-being of student athletes is threatened by abusive conduct by other student athletes.

(g) Racial harassment is a prevalent and under-reported form of abusive conduct in youth community settings, including athletics.

(h) Racial stereotypes regarding athletic ability

79 contribute to abusive conduct, especially when athletes deviate
80 from unjustified expectations for sports performance based on
81 race.

82 (i) Abusive conduct, including racial harassment, in
83 college and professional athletics is detrimental to
84 participants in those settings.

85 (j) Organized athletics at the college and professional
86 levels offer role models and object lessons to younger athletes,
87 and abusive conduct, including racial harassment, which takes
88 place at those levels can negatively influence the behavior of
89 children and adolescents.

90 (k) It is the policy of this state to end abusive conduct
91 in athletics in Florida.

92 (l) The failure to discourage abusive conduct in athletic
93 programs undermines other anti-bullying and anti-harassment
94 efforts in Florida schools.

95 (m) Intervention to promote respectful conduct during
96 athletes' formative years reduces the incidence of such
97 detrimental behavior when they mature into adulthood.

98 (n) Incidents of racial harassment in professional
99 athletics are particularly detrimental and contrary to the
100 policy of this state to end bullying and harassment in athletics
101 in Florida.

102 (o) Intervention to promote respectful conduct in
103 athletics at the college and professional levels will reinforce
104 and more effectively communicate the anti-bullying and anti-

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105 harassment policies of this state, and prevent the serious harms
106 that can result from such conduct when engaged in by adults.

107 (p) Abusive conduct in athletics can be curbed by efforts
108 to educate coaches and athletes about the dangers of such
109 conduct, and the policies of this state against such conduct.

110 (q) Requiring athletes to pledge not to engage in abusive
111 conduct is an effective means of reinforcing efforts to educate
112 them about respectful conduct in athletics.

113 (2) PURPOSE.—It is the purpose of this act to:

114 (a) Eliminate abusive conduct, including racial
115 harassment, in athletics.

116 (b) Educate athletes, coaches, and other participants in
117 athletic programs in order to promote respectful conduct in
118 athletics.

119 Section 3. Paragraph (n) is added to subsection (2) of
120 section 1006.20, Florida Statutes, to read:

121 1006.20 Athletics in public K-12 schools.—

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

123 (n) The FHSAA shall adopt bylaws on the subject of
124 bullying and harassment in interscholastic athletics. The bylaws
125 must include provisions that:

126 1. Require as a condition of participation in
127 interscholastic athletics that all member schools, effective
128 July 1, 2014:

129 a. Prohibit a student athlete from participating in
130 interscholastic athletics unless that athlete signs a pledge not

131 to engage in bullying or harassment as those terms are defined
132 in s. 1006.147 in the course of interscholastic athletics. The
133 pledge must be taken at the start of each school year by an
134 athlete participating in interscholastic athletics and must be
135 reinforced throughout the school year at regular intervals. The
136 FHSAA shall involve students, parents, teachers, administrators,
137 and coaching staff in the process of drafting the pledge.

138 b. Train coaching staff involved in interscholastic
139 athletics on the prevention of bullying and harassment in
140 athletics. Such training must include instruction on
141 identifying, preventing, and responding to bullying and
142 harassment in athletics, including instruction on recognizing
143 behaviors that lead to bullying and harassment in athletics and
144 taking appropriate preventive action based on those
145 observations.

146 2. Require all member schools to create a procedure for
147 reporting incidents of bullying or harassment in interscholastic
148 athletics to the FHSAA. The FHSAA shall aggregate information
149 contained in the reports from member schools.

150 3. Require the FHSAA to report to the Commissioner of
151 Education:

152 a. No later than 1 year after the effective date of this
153 act, the FHSAA's efforts to implement it.

154 b. On September 1 of each year, aggregate information on
155 incidents of bullying or harassment in interscholastic athletics
156 collected by the FHSAA in the preceding 12-month period.

157 Section 4. Section 760.12, Florida Statutes, is created to
 158 read:

159 760.12 Promotion of respectful conduct in athletics using
 160 public accommodations.-

161 (1) An organization permitted to use any state, county, or
 162 municipal playing field, athletic facility, or other public
 163 accommodations for the purpose of sponsored non-interscholastic
 164 athletic competition by persons younger than 18 years of age
 165 must, as a condition of such use, comply with the bylaws of the
 166 Florida High School Athletic Association described in s.
 167 1006.20(2)(n).

168 (2) As used in this section, the term:

169 (a) "Public accommodations" has the same meaning as
 170 provided in s. 760.02.

171 (b) "Sponsored non-interscholastic athletic competition"
 172 means an athletic competition organized and supervised by a
 173 group, league, or similar organization other than a public or
 174 private school.

175 Section 5. Section 1006.74, Florida Statutes, is created
 176 to read:

177 1006.74 Abusive conduct in intercollegiate athletics
 178 prohibited.-

179 (1) Bullying or harassment of any student in
 180 intercollegiate athletics is prohibited. As used in this
 181 section, the terms "bullying" and "harassment" have the same
 182 meanings as provided in s. 1006.147.

183 (2) Public and nonpublic postsecondary educational
184 institutions whose students receive state student financial
185 assistance shall, if those students participate in
186 intercollegiate athletics, adopt a written policy on the subject
187 of bullying and harassment in intercollegiate athletics. Such
188 policy must:

189 (a) Include rules prohibiting students from engaging in
190 bullying or harassment in intercollegiate athletics.

191 (b) Require, as a condition of participation in
192 intercollegiate athletics, that each athlete sign a pledge not
193 to engage in bullying or harassment in the course of
194 intercollegiate athletics. The pledge must be taken at the start
195 of each athletic season in which the student will participate,
196 and must be reinforced throughout the season at regular
197 intervals.

198 (c) Require the training of coaching staff involved in
199 intercollegiate athletics on the prevention of bullying and
200 harassment in athletics. Such training must include instruction
201 on identifying, preventing, and responding to bullying and
202 harassment in athletics, including instruction on recognizing
203 behaviors that lead to bullying and harassment in athletics and
204 taking appropriate preventive action based on those
205 observations.

206 (d) Provide for consultation with, and approval by, the
207 Commissioner of Education, or in the case of a state university,
208 the Chancellor of the State University System, in formulating

209 the pledge required by paragraph (b) and the training policy
 210 required by paragraph (c).

211 (e) Provide a procedure for reporting incidents of
 212 bullying or harassment in intercollegiate athletics to the
 213 Commissioner of Education, or in the case of a state university,
 214 the Chancellor of the State University System.

215 (3) Upon approval by the Commissioner of Education or the
 216 Chancellor of the State University System, as appropriate, of
 217 the policy described in subsection (2), a copy shall be provided
 218 to each student participating in intercollegiate athletics.

219 (4) The Commissioner of Education shall annually assess
 220 the policy against bullying and harassment in intercollegiate
 221 athletics of each public and nonpublic postsecondary educational
 222 institution, other than a state university, and advise the State
 223 Board of Education and the Legislature regarding compliance.

224 (5) The Chancellor of the State University System shall
 225 annually assess the policy against bullying and harassment in
 226 intercollegiate athletics of each state university and advise
 227 the Board of Governors and the Legislature regarding compliance.

228 (6) The Attorney General may bring a civil action seeking
 229 injunctive relief to enforce this section. In addition to
 230 injunctive relief, or in lieu thereof, for any postsecondary
 231 educational institution found to have willfully violated this
 232 section, the Attorney General may seek to impose a fine of
 233 \$10,000 per violation, payable to the state.

234 (7) This section does not create a private right of

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235 action.

236 Section 6. Section 760.101, Florida Statutes, is created
237 to read:

238 760.101 Unlawful employment practices in professional
239 athletics.—

240 (1) It is an unlawful employment practice for a
241 professional sports franchise to fail to take reasonable
242 measures to prevent abusive conduct targeted at any player,
243 including abusive conduct inflicted by another player.

244 (2) As used in this section, the term "abusive conduct"
245 means a pattern of behavior or a single act of an employer or
246 employee of a professional sports franchise which is performed
247 with malice and is unrelated to the employer's or employee's
248 legitimate business and which a reasonable person would find
249 hostile or offensive considering the severity, nature, and
250 frequency of the conduct, or the severity and egregiousness of
251 the conduct. The term includes, but is not limited to:

252 (a) Repeated infliction of verbal abuse, such as the use
253 of racially derogatory remarks, insults, and epithets.

254 (b) Verbal or physical conduct that a reasonable person
255 would find threatening, intimidating, or humiliating.

256 (c) Sabotaging or undermining an employee's performance.

257 (d) Attempting to exploit an employee's known
258 psychological or physical vulnerability.

259 (3) The Attorney General may bring a civil action seeking
260 injunctive relief to enforce this section. In addition to

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261 injunctive relief, or in lieu thereof, for any employer or other
262 person found to have willfully violated this section, the
263 Attorney General may seek to impose a fine of \$10,000 per
264 violation, payable to the state.

265 (4) In a civil action brought by the Attorney General
266 under this section, a professional sports franchise shall have
267 an affirmative defense that it took reasonable measures to
268 prevent a violation of this statute if the professional sports
269 franchise:

270 (a) Adopted and enforced a written policy prohibiting
271 abusive conduct.

272 (b) Required players to receive the policy and to pledge
273 not to engage in abusive conduct toward other players.

274 (c) Required coaching staff to be trained in the
275 prevention of abusive conduct. Such training must include
276 instruction on identifying, preventing, and responding to
277 abusive conduct in athletics, including instruction on
278 recognizing behaviors that lead to abusive conduct in athletics
279 and taking appropriate preventive action based on those
280 observations.

281 (5) This section does not create a private right of
282 action.

283 Section 7. Nothing in this act shall be construed or
284 implemented to infringe upon the right of free speech under the
285 First Amendment to the United States Constitution, as
286 incorporated by the Fourteenth Amendment to the United States

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287 Constitution, or under Article I, Section 4 of the State
288 Constitution.

289 Section 8. If any provision of this act or the application
290 thereof to any person or circumstance is held invalid, the
291 invalidity shall not affect other provisions or applications of
292 the act which can be given effect without the invalid provision
293 or application, and to this end the provisions of this act are
294 declared severable.

295 Section 9. This act shall take effect upon becoming a law.