

By Senator Braynon

36-01405B-14

20141282__

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
27 coaching staff involved in intercollegiate athletics
28 be trained on the prevention of prohibited conduct;
29 providing for consultation with the Commissioner of

36-01405B-14

20141282__

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.

51
52 Be It Enacted by the Legislature of the State of Florida:

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

56 Section 2. Legislative findings and purpose.—

57 (1) FINDINGS.—The Legislature finds that:

58 (a) The education of students in Florida schools is vital

36-01405B-14

20141282__

59 to the future social and economic development of this state.

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

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

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

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

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

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

78 (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

36-01405B-14

20141282__

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 athletics
103 at the college and professional levels will reinforce and more
104 effectively communicate the anti-bullying and anti-harassment
105 policies of this state, and prevent the serious harms that can
106 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 harassment,
115 in athletics.

116 (b) Educate athletes, coaches, and other participants in

36-01405B-14

20141282__

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 bullying
124 and harassment in interscholastic athletics. The bylaws must
125 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.

36-01405B-14

20141282__

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.

36-01405B-14

20141282__

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

36-01405B-14

20141282__

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 bullying
212 or harassment in intercollegiate athletics to the Commissioner
213 of Education, or in the case of a state university, the
214 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 the
220 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

36-01405B-14

20141282__

233 \$10,000 per violation, payable to the state.

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

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

237 760.101 Unlawful employment practices in professional
238 athletics.—

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

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

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

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

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

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

258 (3) The Attorney General may bring a civil action seeking
259 injunctive relief to enforce this section. In addition to
260 injunctive relief, or in lieu thereof, for any employer or other
261 person found to have willfully violated this section, the

36-01405B-14

20141282__

262 Attorney General may seek to impose a fine of \$10,000 per
263 violation, payable to the state.

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

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

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

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

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

280 Section 7. Nothing in this act shall be construed or
281 implemented to infringe upon the right of free speech under the
282 First Amendment to the United States Constitution, as
283 incorporated by the Fourteenth Amendment to the United States
284 Constitution, or under Article I, Section 4 of the State
285 Constitution.

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

36-01405B-14

20141282__

291 declared severable.

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