

Amendment No.

CHAMBER ACTION

Senate

House

.

Representative Diaz, M. offered the following:

**Amendment (with title amendment)**

Remove lines 70-332 and insert:

~~schools.~~ Following completion of each operational audit  
conducted pursuant to s. 1006.19, the Commissioner of Education  
shall review the FHSAA's performance in governing  
interscholastic athletic competition in compliance with this  
part, including the guiding principles for student eligibility  
for extracurricular activities. If, at any time, the FHSAA fails  
to meet the provisions of this part ~~section,~~ the commissioner,  
with the approval of the State Board of Education, shall  
designate another ~~a~~ nonprofit association ~~organization~~ to govern  
interscholastic athletic competition in this state and serve as

387189

Approved For Filing: 4/20/2015 11:35:53 AM

Amendment No.

15 Florida's voting member association of the National Federation  
16 of State High School Associations ~~athletics with the approval of~~  
17 ~~the State Board of Education.~~ The FHSAA is not a state agency as  
18 defined in s. 120.52 but is. ~~The FHSAA shall be subject to ss.~~  
19 1006.15-1006.19. Any special event fees, sanctioning fees,  
20 including third-party sanctioning fees, or contest receipts  
21 collected annually by the FHSAA may not exceed its actual costs  
22 to perform the function or duty that is the subject of or  
23 justification for the fee ~~the provisions of s. 1006.19.~~ The  
24 FHSAA shall offer spectators seeking admission to  
25 interscholastic athletic competitions the option of purchasing a  
26 single-day pass or a multiple-day pass that is at a cost below  
27 that which one would pay on a per-event basis for the same  
28 number of contests. ~~A private school that wishes to engage in~~  
29 ~~high school athletic competition with a public high school may~~  
30 ~~become a member of the FHSAA.~~ Any high school in the state,  
31 including private schools, traditional public schools, charter  
32 schools, virtual schools, and home education cooperatives, may  
33 become a member of the FHSAA and participate in the activities  
34 of the FHSAA. ~~However,~~ Membership in the FHSAA is not mandatory  
35 for any school. The FHSAA shall allow a school the option of  
36 joining the association as a full-time member or on a per-sport  
37 basis and may not prohibit or discourage any school from  
38 simultaneously maintaining membership in the FHSAA and another  
39 athletic association. The FHSAA may not deny or discourage  
40 interscholastic athletic competition between its member schools

387189

Approved For Filing: 4/20/2015 11:35:53 AM

Amendment No.

41 and nonmember ~~non-FHSAA member Florida~~ schools, including  
42 members of another athletic association ~~governing organization~~,  
43 and may not take any retributory or discriminatory action  
44 against any of its member schools that participate in  
45 interscholastic athletic competition with nonmember ~~non-FHSAA~~  
46 ~~member Florida~~ schools. The FHSAA may not unreasonably withhold  
47 its approval of an application to become an affiliate member of  
48 the National Federation of State High School Associations  
49 submitted by any other association ~~organization~~ that governs  
50 interscholastic athletic competition in this state which meets  
51 the requirements of this section. The commissioner may identify  
52 other associations that govern interscholastic athletic  
53 competition in compliance with this section. ~~The bylaws of the~~  
54 ~~FHSAA are the rules by which high school athletic programs in~~  
55 ~~its member schools, and the students who participate in them,~~  
56 ~~are governed, unless otherwise specifically provided by statute.~~  
57 For the purposes of this section, "high school" includes grades  
58 6 through 12.

59 (2) STUDENT ELIGIBILITY REQUIREMENTS; RECRUITING ADOPTION  
60 ~~OF BYLAWS, POLICIES; ELIGIBILITY DISPUTE RESOLUTION, OR~~  
61 ~~GUIDELINES.~~ The FHSAA shall:

62 (a) ~~The FHSAA shall adopt bylaws that, unless specifically~~  
63 ~~provided by statute,~~ Establish eligibility requirements for all  
64 students who participate in interscholastic ~~high school~~ athletic  
65 competition in its member schools. A ~~The bylaws governing~~  
66 ~~residence and transfer shall allow the student~~ is ~~to be~~ eligible

387189

Approved For Filing: 4/20/2015 11:35:53 AM

Amendment No.

67 in the school in which he or she first enrolls each school year  
68 or the school in which the student makes himself or herself a  
69 candidate for an athletic team by engaging in a practice before  
70 ~~prior to enrolling in the school. A student who transfers~~ The  
71 ~~bylaws shall also allow the student to be eligible in the school~~  
72 ~~to which the student has transferred during the school year~~ is  
73 eligible in the school to which he or she transfers ~~if the~~  
74 ~~transfer is made by a deadline established by the FHSAA, which~~  
75 ~~may not be prior to the date authorized for the beginning of~~  
76 ~~practice for the sport. These transfers shall be allowed~~  
77 ~~pursuant to the district school board policies in the case of~~  
78 ~~transfer to a public school or pursuant to the private school~~  
79 ~~policies in the case of transfer to a private school. The~~  
80 ~~student shall be eligible in that school so long as he or she~~  
81 ~~remains enrolled in that school. Subsequent eligibility shall be~~  
82 ~~determined and enforced through the FHSAA's bylaws. Requirements~~  
83 ~~governing eligibility and transfer between member schools shall~~  
84 ~~be applied similarly to public school students and private~~  
85 ~~school students.~~

86 (b) ~~The FHSAA shall adopt bylaws that specifically~~  
87 ~~Prohibit the recruiting of students for athletic purposes~~ and-  
88 ~~The bylaws shall prescribe penalties and an appeals process for~~  
89 ~~athletic recruiting violations. If it is determined that a~~  
90 ~~school has recruited a student in violation of FHSAA bylaws, the~~  
91 ~~FHSAA may require the school to participate in a higher~~  
92 ~~classification for the sport in which the recruited student~~

387189

Approved For Filing: 4/20/2015 11:35:53 AM

Amendment No.

93 competes for a minimum of one classification cycle, in addition  
94 to any other appropriate fine and sanction imposed on the  
95 school, its coaches, or adult representatives who commit ~~violate~~  
96 recruiting violations ~~rules~~. A student may only ~~not~~ be declared  
97 ineligible based on a recruiting violation ~~if of recruiting~~  
98 ~~rules unless~~ the student or parent has committed an act  
99 specified in s. 1006.15(4)(b)1.b. or the FHSAA has imposed  
100 sanctions against the individuals or member school engaging in  
101 recruiting and the student or the parent has committed an act  
102 specified in s. 1006.15(4)(b)1.c. The FHSAA may not limit the  
103 competition of a student athlete prospectively for a violation  
104 by his or her school, the school's coach, or the student  
105 athlete's adult representative. The FHSAA may not punish a  
106 student athlete for an eligibility or recruiting violation  
107 perpetrated by a teammate, coach, or administrator. A contest  
108 may not be forfeited for an inadvertent eligibility violation  
109 unless the coach or a school administrator should have known of  
110 the violation. Contests may not be forfeited for other  
111 eligibility violations or recruiting violations in excess of the  
112 number of contests from which the coaches and adult  
113 representatives responsible for the violations are prospectively  
114 suspended. The mass distribution of untargeted mailings,  
115 electronic mailings, or printed guides or booklets by or on  
116 behalf of a member school which include detailed information  
117 regarding the member school's interscholastic athletic programs  
118 may not be considered violations of the FHSAA's policies

387189

Approved For Filing: 4/20/2015 11:35:53 AM

Amendment No.

119 ~~falsified any enrollment or eligibility document or accepted any~~  
120 ~~benefit or any promise of benefit if such benefit is not~~  
121 ~~generally available to the school's students or family members~~  
122 ~~or is based in any way on athletic interest, potential, or~~  
123 ~~performance.~~

124 (c) ~~The FHSAA shall adopt bylaws that~~ Require all students  
125 participating in interscholastic athletic competition or who are  
126 candidates for an interscholastic athletic team to  
127 satisfactorily pass a medical evaluation each year before ~~prior~~  
128 ~~to~~ participating in interscholastic athletic competition or  
129 engaging in any practice, tryout, workout, or other physical  
130 activity associated with the student's candidacy for an  
131 interscholastic athletic team. Such medical evaluation may be  
132 administered only by a practitioner licensed under chapter 458,  
133 chapter 459, chapter 460, or s. 464.012, and in good standing  
134 with the practitioner's regulatory board. The FHSAA ~~bylaws~~ shall  
135 establish requirements for eliciting a student's medical history  
136 and performing the medical evaluation required under this  
137 paragraph, which shall include a physical assessment of the  
138 student's physical capabilities to participate in  
139 interscholastic athletic competition as contained in a uniform  
140 preparticipation physical evaluation and history form. The  
141 evaluation form shall incorporate the recommendations of the  
142 American Heart Association for participation in cardiovascular  
143 screening and shall provide a place for the signature of the  
144 practitioner performing the evaluation with an attestation that

387189

Approved For Filing: 4/20/2015 11:35:53 AM

Amendment No.

145 each examination procedure listed on the form was performed by  
146 the practitioner or by someone under the direct supervision of  
147 the practitioner. The form shall also contain a place for the  
148 practitioner to indicate if a referral to another practitioner  
149 was made in lieu of completion of a certain examination  
150 procedure. The form shall provide a place for the practitioner  
151 to whom the student was referred to complete the remaining  
152 sections and attest to that portion of the examination. The  
153 preparticipation physical evaluation form shall advise students  
154 to complete a cardiovascular assessment and shall include  
155 information concerning alternative cardiovascular evaluation and  
156 diagnostic tests. Results of such medical evaluation must be  
157 provided to the school. A ~~No~~ student is not ~~shall be~~ eligible to  
158 participate in any interscholastic athletic competition or  
159 engage in any practice, tryout, workout, or other physical  
160 activity associated with the student's candidacy for an  
161 interscholastic athletic team until the results of the medical  
162 evaluation are ~~have been~~ received and approved by the school.

163 (d) Notwithstanding ~~the provisions of~~ paragraph (c), allow  
164 a student to ~~may~~ participate in interscholastic athletic  
165 competition or be a candidate for an interscholastic athletic  
166 team if the parent of the student objects in writing to the  
167 student undergoing a medical evaluation because such evaluation  
168 is contrary to his or her religious tenets or practices.  
169 However, in such case, there shall be no liability on the part  
170 of any person or entity in a position to otherwise rely on the

387189

Approved For Filing: 4/20/2015 11:35:53 AM

Amendment No.

171 results of such medical evaluation for any damages resulting  
172 from the student's injury or death arising directly from the  
173 student's participation in interscholastic athletics where an  
174 undisclosed medical condition that would have been revealed in  
175 the medical evaluation is a proximate cause of the injury or  
176 death.

177 (e) ~~The FHSAA shall adopt bylaws that~~ Regulate persons who  
178 conduct investigations on behalf of the FHSAA. ~~The bylaws shall~~  
179 ~~include provisions that require~~ An investigator must ~~to~~:

180 1. Undergo level 2 background screening under s. 435.04,  
181 establishing that the investigator has not committed any  
182 disqualifying offense listed in s. 435.04, unless the  
183 investigator can provide proof of compliance with level 2  
184 screening standards submitted within the previous 5 years to  
185 meet any professional licensure requirements, provided:

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

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

193 2. Be appointed as an investigator by the FHSAA ~~executive~~  
194 ~~director~~.

195 3. Carry a photo identification card that shows the FHSAA  
196 name and ~~logo~~ and the investigator's official title.

387189

Approved For Filing: 4/20/2015 11:35:53 AM

Amendment No.

- 197 4. Adhere to the following guidelines:
- 198 a. Investigate only those alleged violations assigned by
- 199 the FHSAA ~~executive director or the board of directors~~.
- 200 b. Conduct interviews on Monday through Friday between the
- 201 hours of 9 a.m. and 7 p.m. only, unless previously agreed to by
- 202 the interviewee.
- 203 c. Allow the parent of any student being interviewed to be
- 204 present during the interview.
- 205 d. Search residences or other private areas only with the
- 206 permission of the FHSAA ~~executive director~~ and the written
- 207 consent of the student's parent and only with a parent or a
- 208 representative of the parent present.
- 209 (f) ~~The FHSAA shall adopt bylaws that~~ Establish sanctions
- 210 for coaches who have committed major violations ~~of the FHSAA's~~
- 211 ~~bylaws and policies~~.
- 212 1. Major violations include, but are not limited to,
- 213 knowingly allowing an ineligible student to participate in a
- 214 contest representing a member school in an interscholastic
- 215 contest or committing a violation of the FHSAA's recruiting or
- 216 sports ethics ~~sportsmanship~~ policies.
- 217 2. Sanctions placed upon an individual coach may include,
- 218 but are not limited to, prohibiting or suspending the coach from
- 219 coaching, participating in, or attending any athletic activity
- 220 sponsored, recognized, or sanctioned by the FHSAA and the member
- 221 school for which the coach committed the violation. If a coach
- 222 is sanctioned by the FHSAA and the coach transfers to another

387189

Approved For Filing: 4/20/2015 11:35:53 AM

Amendment No.

223 member school, those sanctions remain in full force and effect  
224 during the term of the sanction.

225 3. If a member school is assessed a financial penalty as a  
226 result of a coach committing a major violation, the coach shall  
227 reimburse the member school before being allowed to coach,  
228 participate in, or attend any athletic activity sponsored,  
229 recognized, or sanctioned by the FHSAA and a member school.

230 4. The FHSAA shall establish a due process procedure for  
231 coaches sanctioned under this paragraph, ~~consistent with the~~  
232 ~~appeals procedures set forth in subsection (7).~~

233 (g) Provide a process for the resolution of student  
234 eligibility disputes. The FHSAA shall provide an opportunity to  
235 resolve eligibility issues through an informal conference  
236 procedure. The FHSAA must provide written notice to the student  
237 athlete, parent, and member school stating specific findings of  
238 fact that support a determination of ineligibility. The student  
239 athlete must request an informal conference if he or she intends  
240 to contest the charges. The informal conference must be held  
241 within 10 days after receipt of the student athlete's request.  
242 If the eligibility dispute is not resolved at the informal  
243 conference, the FHSAA shall provide a process for the timely and  
244 cost-effective resolution of an eligibility dispute using a  
245 neutral third party, including the use of retired or former  
246 judges, mediation, or arbitration. The neutral third party shall  
247 be selected by the parent of the student athlete from a list  
248 maintained by the FHSAA. A final determination regarding the

387189

Approved For Filing: 4/20/2015 11:35:53 AM

Amendment No.

249 eligibility dispute must be issued no later than 30 days after  
250 the informal conference. The ~~FHSAA shall adopt bylaws~~  
251 ~~establishing the process~~ for resolving eligibility disputes must  
252 ~~and standards by which FHSAA determinations of eligibility are~~  
253 ~~made.~~ Such ~~bylaws shall~~ provide that:

254 1. Ineligibility must be established by clear and  
255 convincing evidence.†

256 2. Student athletes, parents, and schools must have notice  
257 of the initiation of any investigation or other inquiry into  
258 eligibility and may present, to the investigator and to the  
259 individual or body making the eligibility determination, any  
260 information or evidence that is credible, persuasive, and of a  
261 kind reasonably prudent persons rely upon in the conduct of  
262 serious affairs.†

263 3. An investigator may not determine matters of  
264 eligibility but must submit information and evidence to the  
265 individual or body designated by the FHSAA executive director or  
266 ~~a person designated by the executive director or by the board of~~  
267 ~~directors~~ for an unbiased and objective determination of  
268 eligibility.† ~~and~~

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

272 5. Any proceedings concerning student athlete eligibility  
273 must be held in the county in which the student athlete resides

387189

Approved For Filing: 4/20/2015 11:35:53 AM

Amendment No.

274 and may be conducted by telephone, videoconference, or other  
275 electronic means.

276 6. A student athlete may not be declared ineligible to  
277 participate in interscholastic athletic competition until a  
278 final decision is issued by the neutral third party unless the  
279 determination of ineligibility is based on s. 1006.15(4)(b)1.a.,  
280 e., or f. It is

281  
282 -----  
283 **T I T L E A M E N D M E N T**

284 Remove lines 3-5 and insert:

285 amending s. 1006.20, F.S.; providing for periodic  
286 review of the Florida High School Athletic  
287 Association's performance of its duties; providing  
288 requirements regarding fees and admission prices;  
289 revising provisions regarding eligibility, transfer,  
290 and recruiting;

387189

Approved For Filing: 4/20/2015 11:35:53 AM