

By the Committee on Education Pre-K - 12; and Senator Simmons

581-02156-16

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1 A bill to be entitled

2 An act relating to high school athletics; amending s.
3 1006.20, F.S.; providing requirements regarding fees
4 and contest receipts collected by the Florida High
5 School Athletic Association (FHSAA); requiring the
6 FHSAA to allow a school to join the FHSAA as a full-
7 time member or on a per-sport basis; prohibiting the
8 FHSAA from taking any retributory or discriminatory
9 action against specified schools; authorizing the
10 Commissioner of Education to identify other
11 associations in compliance with specified provisions;
12 providing a process for resolving student eligibility
13 disputes; conforming a cross-reference; providing an
14 effective date.

15
16 Be It Enacted by the Legislature of the State of Florida:

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18 Section 1. Subsection (1) and present paragraph (h) of
19 subsection (2) of section 1006.20, Florida Statutes, are
20 amended, present paragraphs (g) through (m) of that subsection
21 are redesignated as paragraphs (h) through (n), respectively,
22 and a new paragraph (g) is added to that subsection, to read:

23 1006.20 Athletics in public K-12 schools.—

24 (1) GOVERNING NONPROFIT ORGANIZATION.—The Florida High
25 School Athletic Association (FHSAA) is designated as the
26 governing nonprofit organization of athletics in Florida public
27 schools. If the FHSAA fails to meet the provisions of this
28 section, the commissioner shall designate a nonprofit
29 organization to govern athletics with the approval of the State
30 Board of Education. The FHSAA is not a state agency as defined
31 in s. 120.52 but is. ~~The FHSAA shall be subject to ss. 1006.15-~~
32 1006.19. Any special event fees; sanctioning fees, including

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33 third-party sanctioning fees; or contest receipts collected
34 annually by the FHSAA may not exceed its actual costs to perform
35 the function or duty that is the subject of or justification for
36 the fee ~~the provisions of s. 1006.19. A private school that~~
37 ~~wishes to engage in high school athletic competition with a~~
38 ~~public high school may become a member of the FHSAA.~~ Any high
39 school in the state, including private schools, traditional
40 public schools, charter schools, virtual schools, and home
41 education cooperatives, may become a member of the FHSAA and
42 participate in the activities of the FHSAA. ~~However,~~ Membership
43 in the FHSAA is not mandatory for any school. The FHSAA shall
44 allow a school the option of joining the association as a full-
45 time member or on a per-sport basis and may not prohibit or
46 discourage any school from simultaneously maintaining membership
47 in the FHSAA and another athletic association. The FHSAA may not
48 deny or discourage interscholastic competition between its
49 member schools and nonmember ~~non-FHSAA member Florida~~ schools,
50 including members of another athletic association ~~governing~~
51 ~~organization,~~ and may not take any retributory or discriminatory
52 action against any of its member schools that seek to
53 participate in interscholastic competition with nonmember ~~non-~~
54 ~~FHSAA member Florida~~ schools or any of its member schools that
55 seek membership in other associations for a sport for which they
56 are not a member of the FHSAA. The FHSAA may not unreasonably
57 withhold its approval of an application to become an affiliate
58 member of the National Federation of State High School
59 Associations submitted by any other association ~~organization~~
60 that governs interscholastic athletic competition in this state
61 which meets the requirements of this section. The commissioner

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62 may identify other associations that govern interscholastic
63 athletic competition in compliance with this section ~~The bylaws~~
64 ~~of the FHSAA are the rules by which high school athletic~~
65 ~~programs in its member schools, and the students who participate~~
66 ~~in them, are governed, unless otherwise specifically provided by~~
67 ~~statute.~~ For the purposes of this section, "high school"
68 includes grades 6 through 12.

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

70 (g) The FHSAA shall provide a process for the resolution of
71 student eligibility disputes which includes the opportunity to
72 use an informal conference procedure.

73 1. The FHSAA must provide written notice to the student
74 athlete, parent, and member school stating specific findings of
75 fact that support a determination of ineligibility. The student
76 athlete, parent, or member school must request an informal
77 conference within 10 days after receipt of such notice if
78 intending to contest the determination. The informal conference
79 must be held within 10 days after receipt of the request. The
80 informal conference may be held by telephone or by video
81 conference and, if video conference equipment is available, may
82 be conducted at the student's school.

83 2. If the eligibility dispute is not resolved at the
84 informal conference and if requested by the student athlete,
85 parent, or member school, the FHSAA must provide a formal
86 process for the timely and cost-effective resolution of an
87 eligibility dispute by a neutral third party whose decision is
88 binding on the parties to the dispute. The neutral third party
89 must be mutually agreed to by the parties and may be a retired
90 or former judge, a dispute resolution professional approved by

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91 The Florida Bar or by the court in the circuit in which the
92 dispute arose, or a certified mediator or arbitrator in the
93 jurisdiction in which the dispute arose. If the parties cannot
94 mutually agree on a neutral third party, the FHSAA must select a
95 neutral third party at random from a list of dispute resolution
96 professionals maintained by The Florida Bar.

97 3. A final determination regarding the eligibility dispute
98 must be issued no later than 30 days after the informal
99 conference, unless an extension is agreed upon by both parties.

100 (i)~~(h)~~ In lieu of bylaws adopted under paragraph (h) ~~(g)~~,
101 the FHSAA may adopt bylaws providing as a minimum the procedural
102 safeguards of ss. 120.569 and 120.57, making appropriate
103 provision for appointment of unbiased and qualified hearing
104 officers.

105 Section 2. This act shall take effect July 1, 2016.