

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	_____	(Y/N)
ADOPTED AS AMENDED	_____	(Y/N)
ADOPTED W/O OBJECTION	_____	(Y/N)
FAILED TO ADOPT	_____	(Y/N)
WITHDRAWN	_____	(Y/N)
OTHER		

1 Committee/Subcommittee hearing bill: Education Quality
 2 Subcommittee

3 Representative Hawkins offered the following:

4

5 **Amendment (with title amendment)**

6 Remove lines 85-608 and insert:

7 athletic association. Any approved athletic association must
 8 afford the same benefits to schools joining by sport as schools
 9 that maintain full membership with the association. Approved
 10 athletic associations ~~The FHSAA may allow a public school the~~
 11 ~~option to apply for consideration to join another athletic~~
 12 ~~association. the FHSAA~~ may not deny or discourage
 13 interscholastic competition between its member schools and
 14 nonmember non-FHSAA member Florida schools, including members of
 15 another approved athletic association governing organization,
 16 and may not take any retributory or discriminatory action

Amendment No. 1

17 against any of its member schools that participate in
18 interscholastic competition with nonmember ~~non-FHSAA member~~
19 Florida schools. The FHSAA may not ~~unreasonably~~ withhold its
20 approval of an application to become an affiliate member of the
21 National Federation of State High School Associations submitted
22 by any other approved athletic association ~~organization~~ that
23 governs interscholastic athletic competition in this state. The
24 bylaws of each approved athletic association ~~the FHSAA~~ are the
25 rules by which high school athletic programs in its member
26 schools, and the students who participate in them, are governed,
27 unless otherwise specifically provided by statute. For the
28 purposes of this section, the term "high school" includes grades
29 6 through 12.

30 (3)~~(2)~~ ADOPTION OF BYLAWS, POLICIES, OR GUIDELINES.—

31 (a) Each approved athletic association ~~the FHSAA~~ shall
32 adopt bylaws that, unless specifically provided by statute,
33 establish eligibility requirements for all students who
34 participate in high school athletic competition in its member
35 schools. The bylaws governing residence and transfer shall allow
36 the student to be immediately eligible in the school in which he
37 or she first enrolls each school year or the school in which the
38 student makes himself or herself a candidate for an athletic
39 team by engaging in a practice before ~~prior to~~ enrolling in the
40 school. The bylaws shall also allow the student to be
41 immediately eligible in the school to which the student has

364047 - h0225-line 85.docx

Published On: 2/14/2023 6:15:16 PM

Amendment No. 1

42 transferred. The student shall be eligible in that school so
43 long as he or she remains enrolled in that school. Subsequent
44 eligibility shall be determined and enforced through the
45 association's ~~FHSAA's~~ bylaws. Requirements governing eligibility
46 and transfer between member schools shall be applied similarly
47 to public school students and private school students.

48 (b) Each approved athletic association ~~the FHSAA~~ shall
49 adopt bylaws that specifically prohibit the recruiting of
50 students for athletic purposes. The bylaws shall prescribe
51 penalties and an appeals process for athletic recruiting
52 violations.

53 1. If it is determined that a school has recruited a
54 student in violation of association ~~FHSAA~~ bylaws, the
55 association ~~FHSAA~~ may require the school to participate in a
56 higher classification for the sport in which the recruited
57 student competes for a minimum of one classification cycle, in
58 addition to the penalties in subparagraphs 2. and 3. and any
59 other appropriate fine or sanction imposed on the school, its
60 coaches, or adult representatives who violate recruiting rules.

61 2. Any recruitment by a school district employee or
62 contractor in violation of association ~~FHSAA~~ bylaws results in
63 escalating punishments as follows:

64 a. For a first offense, a \$5,000 forfeiture of pay for the
65 school district employee or contractor who committed the
66 violation.

Amendment No. 1

67 b. For a second offense, suspension without pay for 12
68 months from coaching, directing, or advertising an
69 extracurricular activity and a \$5,000 forfeiture of pay for the
70 school district employee or contractor who committed the
71 violation.

72 c. For a third offense, a \$5,000 forfeiture of pay for the
73 school district employee or contractor who committed the
74 violation. If the individual who committed the violation holds
75 an educator certificate, the association ~~FHSAA~~ shall also refer
76 the violation to the department for review pursuant to s.
77 1012.796 to determine whether probable cause exists, and, if
78 there is a finding of probable cause, the commissioner shall
79 file a formal complaint against the individual. If the complaint
80 is upheld, the individual's educator certificate shall be
81 revoked for 3 years, in addition to any penalties available
82 under s. 1012.796. Additionally, the department shall revoke any
83 adjunct teaching certificates issued pursuant to s. 1012.57 and
84 all permissions under ss. 1012.39 and 1012.43, and the educator
85 is ineligible for such certificates or permissions for a period
86 of time equal to the period of revocation of his or her state-
87 issued certificate.

88 3. Notwithstanding any other provision of law, a school,
89 team, or activity shall forfeit all competitions, including
90 honors resulting from such competitions, in which a student who

Amendment No. 1

91 participated in any fashion was recruited in a manner prohibited
92 pursuant to state law or the association ~~FHSAA~~ bylaws.

93 4. A student may not be declared ineligible based on
94 violation of recruiting rules unless the student or parent has
95 falsified any enrollment or eligibility document or accepted any
96 benefit if such benefit is not generally available to the
97 school's students or family members or is based in any way on
98 athletic interest, potential, or performance.

99 5. A student's eligibility to participate in any
100 interscholastic or intrascholastic extracurricular activity, as
101 determined by a district school board pursuant to s.
102 1006.195(1)(a)3., may not be affected by any alleged recruiting
103 violation until final disposition of the allegation.

104 (c) Each approved athletic association ~~the FHSAA~~ shall
105 adopt bylaws that require all students participating in
106 interscholastic athletic competition or who are candidates for
107 an interscholastic athletic team to satisfactorily pass a
108 medical evaluation each year before participating in
109 interscholastic athletic competition or engaging in any
110 practice, tryout, workout, conditioning, or other physical
111 activity associated with the student's candidacy for an
112 interscholastic athletic team, including activities that occur
113 outside of the school year. Such medical evaluation may be
114 administered only by a practitioner licensed under chapter 458,
115 chapter 459, chapter 460, or s. 464.012 or registered under s.

364047 - h0225-line 85.docx

Published On: 2/14/2023 6:15:16 PM

Amendment No. 1

116 464.0123 and in good standing with the practitioner's regulatory
117 board. The bylaws shall establish requirements for eliciting a
118 student's medical history and performing the medical evaluation
119 required under this paragraph, which shall include a physical
120 assessment of the student's physical capabilities to participate
121 in interscholastic athletic competition as contained in a
122 uniform preparticipation physical evaluation and history form.
123 The evaluation form shall incorporate the recommendations of the
124 American Heart Association for participation cardiovascular
125 screening and shall provide a place for the signature of the
126 practitioner performing the evaluation with an attestation that
127 each examination procedure listed on the form was performed by
128 the practitioner or by someone under the direct supervision of
129 the practitioner. The form shall also contain a place for the
130 practitioner to indicate if a referral to another practitioner
131 was made in lieu of completion of a certain examination
132 procedure. The form shall provide a place for the practitioner
133 to whom the student was referred to complete the remaining
134 sections and attest to that portion of the examination. The
135 preparticipation physical evaluation form shall advise students
136 to complete a cardiovascular assessment and shall include
137 information concerning alternative cardiovascular evaluation and
138 diagnostic tests. Results of such medical evaluation must be
139 provided to the school. A student is not eligible to
140 participate, as provided in s. 1006.15(3), in any

Amendment No. 1

141 interscholastic athletic competition or engage in any practice,
142 tryout, workout, or other physical activity associated with the
143 student's candidacy for an interscholastic athletic team until
144 the results of the medical evaluation have been received and
145 approved by the school.

146 (d) Notwithstanding ~~the provisions of~~ paragraph (c), a
147 student may participate in interscholastic athletic competition
148 or be a candidate for an interscholastic athletic team if the
149 parent of the student objects in writing to the student
150 undergoing a medical evaluation because such evaluation is
151 contrary to his or her religious tenets or practices. However,
152 in such case, there shall be no liability on the part of any
153 person or entity in a position to otherwise rely on the results
154 of such medical evaluation for any damages resulting from the
155 student's injury or death arising directly from the student's
156 participation in interscholastic athletics where an undisclosed
157 medical condition that would have been revealed in the medical
158 evaluation is a proximate cause of the injury or death.

159 (e) Each approved athletic association ~~the FHSAA~~ shall
160 adopt bylaws that regulate persons who conduct investigations on
161 behalf of the association ~~FHSAA~~. The bylaws shall include
162 provisions that require an investigator to:

163 1. Undergo level 2 background screening under s. 435.04,
164 establishing that the investigator has not committed any
165 disqualifying offense listed in s. 435.04, unless the

Amendment No. 1

166 investigator can provide proof of compliance with level 2
167 screening standards submitted within the previous 5 years to
168 meet any professional licensure requirements, provided:

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

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

176 2. Be appointed as an investigator by the executive
177 director.

178 3. Carry a photo identification card that shows the
179 association's FHSAA name and logo and the investigator's
180 official title.

181 4. Adhere to the following guidelines:

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

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

187 c. Allow the parent of any student being interviewed to be
188 present during the interview.

189 d. Search residences or other private areas only with the
190 permission of the executive director and the written consent of

Amendment No. 1

191 the student's parent and only with a parent or a representative
192 of the parent present.

193 (f) Each approved athletic association ~~the FHSAA~~ shall
194 adopt bylaws that establish sanctions for coaches who have
195 committed major violations of the association's ~~FHSAA's~~ bylaws
196 and policies.

197 1. Major violations include, but are not limited to,
198 knowingly allowing an ineligible student to participate in a
199 contest representing a member school in an interscholastic
200 contest or committing a violation of the association's ~~FHSAA's~~
201 recruiting or sportsmanship policies.

202 2. Sanctions placed upon an individual coach may include,
203 but are not limited to, prohibiting or suspending the coach from
204 coaching, participating in, or attending any athletic activity
205 sponsored, recognized, or sanctioned by the association ~~FHSAA~~
206 and the member school for which the coach committed the
207 violation. If a coach is sanctioned by the association ~~FHSAA~~ and
208 the coach transfers to another member school, those sanctions
209 remain in full force and effect during the term of the sanction.

210 3. If a member school is assessed a financial penalty as a
211 result of a coach committing a major violation, the coach shall
212 reimburse the member school before being allowed to coach,
213 participate in, or attend any athletic activity sponsored,
214 recognized, or sanctioned by the association ~~FHSAA~~ and a member
215 school.

364047 - h0225-line 85.docx

Published On: 2/14/2023 6:15:16 PM

Amendment No. 1

216 4. The association ~~FHSAA~~ shall establish a due process
217 procedure for coaches sanctioned under this paragraph,
218 consistent with the appeals procedures set forth in subsection
219 (8) ~~(7)~~.

220 (g) Each approved athletic association ~~the FHSAA~~ shall
221 adopt bylaws establishing the process and standards by which the
222 association's ~~FHSAA~~ determinations of eligibility are made. Such
223 bylaws shall provide that:

224 1. Ineligibility must be established by a preponderance of
225 the evidence;

226 2. Student athletes, parents, and schools must have notice
227 of the initiation of any investigation or other inquiry into
228 eligibility and may present, to the investigator and to the
229 individual making the eligibility determination, any information
230 or evidence that is credible, persuasive, and of a kind
231 reasonably prudent persons rely upon in the conduct of serious
232 affairs;

233 3. An investigator may not determine matters of
234 eligibility but must submit information and evidence to the
235 executive director or a person designated by the executive
236 director or by the board of directors for an unbiased and
237 objective determination of eligibility; and

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

364047 - h0225-line 85.docx

Published On: 2/14/2023 6:15:16 PM

Amendment No. 1

241 (h) In lieu of bylaws adopted under paragraph (g), an
242 approved athletic association ~~the FHSAA~~ may adopt bylaws
243 providing as a minimum the procedural safeguards of ss. 120.569
244 and 120.57, making appropriate provision for appointment of
245 unbiased and qualified hearing officers.

246 (i) An approved athletic association's ~~the FHSAA~~ bylaws
247 may not limit the competition of student athletes prospectively
248 for rule violations of their school or its coaches or their
249 adult representatives. The association ~~FHSAA~~ bylaws may not
250 unfairly punish student athletes for eligibility or recruiting
251 violations perpetrated by a teammate, coach, or administrator.
252 Contests may not be forfeited for inadvertent eligibility
253 violations unless the coach or a school administrator should
254 have known of the violation. Contests may not be forfeited for
255 other eligibility violations or recruiting violations in excess
256 of the number of contests that the coaches and adult
257 representatives responsible for the violations are prospectively
258 suspended.

259 (j) Each approved athletic association ~~the FHSAA~~ shall
260 adopt guidelines to educate athletic coaches, officials,
261 administrators, and student athletes and their parents of the
262 nature and risk of concussion and head injury.

263 (k) Each approved athletic association ~~the FHSAA~~ shall
264 adopt bylaws or policies that require the parent of a student
265 who is participating in interscholastic athletic competition or

Amendment No. 1

266 | who is a candidate for an interscholastic athletic team to sign
267 | and return an informed consent that explains the nature and risk
268 | of concussion and head injury, including the risk of continuing
269 | to play after concussion or head injury, each year before
270 | participating in interscholastic athletic competition or
271 | engaging in any practice, tryout, workout, or other physical
272 | activity associated with the student's candidacy for an
273 | interscholastic athletic team.

274 | (1) Each approved athletic association ~~the FHSAA~~ shall
275 | adopt bylaws or policies that require each student athlete who
276 | is suspected of sustaining a concussion or head injury in a
277 | practice or competition to be immediately removed from the
278 | activity. A student athlete who has been removed from an
279 | activity may not return to practice or competition until the
280 | student submits to the school a written medical clearance to
281 | return stating that the student athlete no longer exhibits
282 | signs, symptoms, or behaviors consistent with a concussion or
283 | other head injury. Medical clearance must be authorized by the
284 | appropriate health care practitioner trained in the diagnosis,
285 | evaluation, and management of concussions as defined by a ~~the~~
286 | sports medicine advisory committee established pursuant to
287 | paragraph (m) of the Florida High School Athletic Association.

288 | (m)1. The FHSAA shall adopt bylaws for the establishment
289 | and duties of a sports medicine advisory committee composed of
290 | the following members:

Amendment No. 1

291 ~~a.1.~~ Eight physicians licensed under chapter 458 or
292 chapter 459 with at least one member licensed under chapter 459.

293 ~~b.2.~~ One chiropractor licensed under chapter 460.

294 ~~c.3.~~ One podiatrist licensed under chapter 461.

295 ~~d.4.~~ One dentist licensed under chapter 466.

296 ~~e.5.~~ Three athletic trainers licensed under part XIII of
297 chapter 468.

298 ~~f.6.~~ One member who is a current or retired head coach of
299 a high school in the state.

300 2. An approved athletic association that does not rely on
301 the recommendations of the sports medicine advisory committee of
302 the FHSAA shall establish a sports medicine advisory committee
303 whose membership satisfies the requirements of subparagraph 1.

304 ~~(4)(3)~~ GOVERNING STRUCTURE OF THE FHSAA.—

305 (a) The FHSAA shall operate as a representative democracy
306 in which the sovereign authority is within its member schools.
307 Except as provided in this section, the FHSAA shall govern its
308 affairs through its bylaws.

309 (b) Each member school, on its annual application for
310 membership, shall name its official representative to the FHSAA.
311 This representative must be either the school principal or his
312 or her designee. That designee must either be an assistant
313 principal or athletic director housed within that same school.

314 (c) The FHSAA's membership shall be divided along existing
315 county lines into four contiguous and compact administrative

Amendment No. 1

316 regions, each containing an equal or nearly equal number of
317 member schools to ensure equitable representation on the FHSAA's
318 board of directors, representative assembly, and appeals
319 committees.

320 ~~(5)~~(4) FHSAA BOARD OF DIRECTORS.—

321 (a) The executive and legislative authority of the FHSAA
322 shall be vested in its board of directors. ~~Any entity that~~
323 ~~appoints members to the board of directors shall examine the~~
324 ~~ethnic and demographic composition of the board when selecting~~
325 ~~candidates for appointment and shall, to the greatest extent~~
326 ~~possible, make appointments that reflect state demographic and~~
327 ~~population trends.~~ The board of directors shall be composed of
328 nine members ~~16 persons~~, as follows:

329 1. Two ~~Four~~ public member school representatives appointed
330 by the Governor, ~~one elected from different among its public~~
331 ~~school representative members within each of the four~~
332 administrative regions.

333 2. Two ~~Four~~ nonpublic member school representatives
334 appointed by the Governor, ~~one elected from different among its~~
335 ~~nonpublic school representative members within each of the four~~
336 administrative regions as well as different administrative
337 regions from which representatives were appointed under
338 subparagraph 1.

339 3. Two ~~Three~~ representatives appointed by the Governor
340 ~~commissioner~~, one appointed from the two northernmost

Amendment No. 1

341 administrative regions and one appointed from the two
342 southernmost administrative regions. ~~The third representative~~
343 ~~shall be appointed to balance the board for diversity or state~~
344 ~~population trends, or both.~~

345 4. One ~~Two~~ district school superintendent appointed by the
346 Governor ~~superintendents, one elected~~ from one of the two
347 northernmost administrative regions ~~by the members in those~~
348 ~~regions and one elected from the two southernmost administrative~~
349 ~~regions by the members in those regions.~~

350 5. One ~~Two~~ district school board member appointed by the
351 Governor ~~members, one elected~~ from one of the ~~two northernmost~~
352 ~~administrative regions by the members in those regions and one~~
353 ~~elected from the two southernmost administrative regions by the~~
354 ~~members in those regions.~~

355 6. The commissioner or his or her designee from the
356 department executive staff.

357 (b) A quorum of the board of directors shall consist of
358 five ~~nine~~ members.

359 (c) The board of directors shall elect a president and a
360 vice president from among its members. These officers shall also
361 serve as officers of the FHSAA.

362 (d) Members of the board of directors shall serve terms of
363 3 years and are eligible to succeed themselves only once. A
364 member of the board of directors, other than the commissioner or
365 his or her designee, may serve a maximum of 6 consecutive years.

364047 - h0225-line 85.docx

Published On: 2/14/2023 6:15:16 PM

Amendment No. 1

366 The FHSAA's bylaws shall establish a rotation of terms to ensure
367 that a majority of the members' terms do not expire
368 concurrently.

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

372 1. To act as the incorporated FHSAA's board of directors
373 and to fulfill its obligations as required by the FHSAA's
374 charter and articles of incorporation.

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

377 3. To employ an FHSAA executive director, who shall have
378 the authority to waive the bylaws of the FHSAA in order to
379 comply with statutory changes. The executive director must be
380 approved by the State Board of Education.

381 4. To levy annual dues and other fees and to set the
382 percentage of contest receipts to be collected by the FHSAA.

383 5. To approve the budget of the FHSAA. The FHSAA's budget
384 must also be approved by the State Board of Education.

385 6. To organize and conduct statewide interscholastic
386 competitions, which may or may not lead to state championships,
387 and to establish the terms and conditions for these
388 competitions.

389 7. To act as an administrative board in the interpretation
390 of, and final decision on, all questions and appeals arising

Amendment No. 1

391 from the directing of interscholastic athletics of member
392 schools.

393 8. To approve, reject, or amend any legislative
394 recommendations from the representative assembly. Approval of a
395 recommendation from the representative assembly requires a
396 majority vote of the board of directors.

397 ~~(6)(5)~~ FHSAA REPRESENTATIVE ASSEMBLY.—

398 (a) ~~The legislative authority of the FHSAA is vested in~~
399 ~~its~~ representative assembly may provide legislative
400 recommendations to the board of directors.

401 (b) The representative assembly shall be composed of the
402 following:

403 1. An equal number of member school representatives from
404 each of the four administrative regions.

405 2. Four district school superintendents, one elected from
406 each of the four administrative regions by the district school
407 superintendents in their respective administrative regions.

408 3. Four district school board members, one elected from
409 each of the four administrative regions by the district school
410 board members in their respective administrative regions.

411 4. The commissioner or his or her designee from the
412 department executive staff.

413 (c) The FHSAA's bylaws shall establish the number of
414 member school representatives to serve in the representative

Amendment No. 1

415 assembly from each of the four administrative regions and shall
416 establish the method for their selection.

417 (d) No member of the board of directors other than the
418 commissioner or his or her designee can serve in the
419 representative assembly.

420 (e) The representative assembly shall elect a chairperson
421 and a vice chairperson from among its members.

422 (f) Elected members of the representative assembly shall
423 serve terms of 2 years and are eligible to succeed themselves
424 for two additional terms. An elected member, other than the
425 commissioner or his or her designee, may serve a maximum of 6
426 consecutive years in the representative assembly.

427 (g) A quorum of the representative assembly consists of
428 one more than half of its members.

429 (h) The authority of the representative assembly is
430 limited to its sole duty, which is to consider, adopt, or reject
431 any recommended ~~proposed~~ amendments to the FHSAA's bylaws and
432 provide such amendments to the board of directors for approval.

433 (i) The representative assembly shall meet as a body
434 annually. A two-thirds majority of the votes cast by members
435 present is required for passage of any proposal.

436 ~~(7)+(6)~~ FHSAA PUBLIC LIAISON ADVISORY COMMITTEE.—

437 (a) The FHSAA shall establish, sustain, fund, and provide
438 staff support to a public liaison advisory committee composed of
439 the following:

364047 - h0225-line 85.docx

Published On: 2/14/2023 6:15:16 PM

Amendment No. 1

- 440 1. The commissioner or his or her designee.
441 2. A member public school principal.
442 3. A member private school principal.
443 4. A member school principal who is a member of a racial
444 minority.
445 5. An active athletic director.
446 6. An active coach, who is employed full time by a member
447 school.
448 7. A student athlete.
449 8. A district school superintendent.
450 9. A district school board member.
451 10. A member of the Florida House of Representatives.
452 11. A member of the Florida Senate.
453 12. A parent of a high school student.
454 13. A member of a home education association.
455 14. A representative of the business community.
456 15. A representative of the news media.
457 (b) A ~~No~~ member of the board of directors or the
458 committee on appeals, ~~or representative assembly~~ is not eligible
459 to serve on the public liaison advisory committee.
460 (c) The public liaison advisory committee shall elect a
461 chairperson and vice chairperson from among its members.
462 (d) The authority and duties of the public liaison
463 advisory committee are as follows:

Amendment No. 1

464 1. To act as a conduit through which the general public
465 may have input into the decisionmaking process of the FHSAA and
466 to assist the FHSAA in the development of procedures regarding
467 the receipt of public input and disposition of complaints
468 related to high school athletic and competition programs.

469 2. To conduct public hearings annually in each of the four
470 administrative regions during which interested parties may
471 address issues regarding the effectiveness of the rules,
472 operation, and management of the FHSAA.

473 3. To conduct an annual evaluation of the FHSAA as a whole
474 and present a report of its findings, conclusion, and
475 recommendations to the board of directors, to the commissioner,
476 and to the respective education committees of the Florida Senate
477 and the Florida House of Representatives. The recommendations
478 must delineate policies and procedures that will improve the
479 implementation and oversight of high school athletic programs by
480 the FHSAA.

481 (e) The public liaison advisory committee shall meet four
482 times annually. Additional meetings may be called by the
483 committee chairperson, the FHSAA president, or the FHSAA
484 executive director.

485 (8)-(7) APPEALS.-

486 (a) Each approved athletic association ~~the FHSAA~~ shall
487 establish a procedure of due process which ensures each student
488 the opportunity to appeal an unfavorable ruling with regard to

Amendment No. 1

489 his or her eligibility to compete. The initial appeal shall be
490 made to a committee on appeals within the administrative region
491 in which the student lives. The approved athletic association's
492 ~~FHSAA's~~ bylaws shall establish the number, size, and composition
493 of each committee on appeals.

494 (b) No member of the board of directors is eligible to
495 serve on a committee on appeals.

496 (c) Members of a committee on appeals shall serve terms of
497 3 years and are eligible to succeed themselves only once. A
498 member of a committee on appeals may serve a maximum of 6
499 consecutive years. The approved athletic association's ~~FHSAA's~~
500 bylaws shall establish a rotation of terms to ensure that a
501 majority of the members' terms do not expire concurrently.

502 (d) The authority and duties of a committee on appeals
503 shall be to consider requests by member schools seeking
504 exceptions to bylaws and regulations, to hear undue hardship
505 eligibility cases filed by member schools on behalf of student
506 athletes, and to hear appeals filed by member schools or student
507 athletes.

508 (e) A student athlete or member school that receives an
509 unfavorable ruling from a committee on appeals shall be entitled
510 to appeal that decision to the board of directors at its next
511 regularly scheduled meeting or called meeting. The board of
512 directors shall have the authority to uphold, reverse, or amend

Amendment No. 1

513 the decision of the committee on appeals. In all such cases, the
514 decision of the board of directors shall be final.

515 (f) The approved athletic association ~~FHSAA~~ shall expedite
516 the appeals process on determinations of ineligibility so that
517 disposition of the appeal can be made before the end of the
518 applicable sports season, if possible.

519 (g) In any appeal from a decision on eligibility made by
520 the executive director or a designee, a school or student
521 athlete filing the appeal must be permitted to present
522 information and evidence that was not available at the time of
523 the initial determination or if the determination was not made
524 by an unbiased, objective individual using a process allowing
525 full due process rights to be heard and to present evidence. If
526 evidence is presented on appeal, a de novo decision must be made
527 by the committee or board hearing the appeal, or the
528 determination may be suspended and the matter remanded for a new
529 determination based on all the evidence. If a de novo decision
530 is made on appeal, the decision must be made in writing, setting
531 forth the findings of fact and specific violation upon which the
532 decision is based. If a de novo decision is not required, the
533 decision appealed must be set aside if the decision on
534 ineligibility was not based on clear and convincing evidence.
535 Any further appeal shall be considered on a record that includes
536 all evidence presented.

537 (9)-(8) APPROVAL AND AMENDMENT OF FHSAA BYLAWS.-

364047 - h0225-line 85.docx

Published On: 2/14/2023 6:15:16 PM

Amendment No. 1

538 (a)1. The commissioner may, at any time, direct the board
539 of directors to amend the FHSAA's bylaws.

540 2. The State Board of Education must approve any amendment
541 to the FHSAA's bylaws. A bylaw adopted by the board of directors
542 may not take effect until the state board approves such bylaw.

543 (b) Each member school representative, the board of
544 directors acting as a whole or as members acting individually,
545 any advisory committee acting as a whole to be established by
546 the FHSAA, the commissioner, and the FHSAA's executive director
547 are empowered to propose amendments to the bylaws. Any other
548 individual may propose an amendment by securing the sponsorship
549 of any of the aforementioned individuals or bodies. All proposed
550 amendments must be submitted directly to the representative
551 assembly for its consideration. The representative assembly must
552 provide a recommendation to the board of directors who will,
553 ~~while empowered to adopt, reject, or revise proposed amendments.~~
554 Any amendment to the bylaws must be approved by the State Board
555 ~~of Education, may not, in and of itself, as a body be allowed to~~
556 ~~propose any amendment for its own consideration.~~

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558
559 **T I T L E A M E N D M E N T**

560 Remove lines 16-23 and insert:
561 requirements; requiring approved athletic associations
562 to afford the same benefits to member schools;

Amendment No. 1

563 requiring approved athletic associations to adopt
564 certain bylaws; requiring approved athletic
565 associations to establish a certain appeals process;
566 authorizing certain sports medicine advisory
567 committees to establish specified definitions related
568 to concussions; authorizing certain approved athletic
569 associations to establish sports medicine advisory
570 committees that meet certain membership requirements;
571 providing that the FHSAA's board of directors has the
572 legislative authority of the association and must
573 approve, reject, or amend any legislative
574 recommendations; revising the membership requirements
575 for the FHSAA's board of directors; requiring the
576 FHSAA's executive director and budget to be approved
577 by the State Board of Education; revising the duties
578 of the FHSAA's representative assembly; authorizing
579 members of the FHSAA's representative assembly to
580 serve on a specified committee; revising requirements
581 for amending the FHSAA's bylaws; authorizing the
582 Commissioner of Education to direct the FHSAA's board
583 of directors to amend its bylaws; requiring the State
584 Board of Education to approve any amendment to such
585 bylaws;