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576-03414-16

Proposed Committee Substitute by the Committee on Appropriations
(Appropriations Subcommittee on Education)

A bill to be entitled

An act relating to high school athletics; amending s.
1006.20, F.S.; requiring the Florida High School
Athletic Association (FHSAA) to allow a private school
to join the association as a full-time member or to
join by sport; prohibiting the FHSAA from discouraging
a private school from maintaining membership in the
FHSAA and another athletic association; authorizing
the FHSAA to allow a public school to apply for
consideration to join another athletic association;
prohibiting the FHSAA from taking any retributory or
discriminatory action against specified schools;
authorizing the Commissioner of Education to identify
other associations in compliance with specified
provisions; providing a process for resolving student
eligibility disputes; conforming a cross-reference;
providing an effective date.

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

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

1006.20 Athletics in public K-12 schools.—

(1) GOVERNING NONPROFIT ORGANIZATION.—The Florida High



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28 School Athletic Association (FHSAA) is designated as the
29 governing nonprofit organization of athletics in Florida public
30 schools. If the FHSAA fails to meet the provisions of this
31 section, the commissioner shall designate a nonprofit
32 organization to govern athletics with the approval of the State
33 Board of Education. The FHSAA is not a state agency as defined
34 in s. 120.52 but is. ~~The FHSAA shall be subject to ss. 1006.15-~~
35 ~~1006.19 the provisions of s. 1006.19. A private school that~~
36 ~~wishes to engage in high school athletic competition with a~~
37 ~~public high school may become a member of the FHSAA.~~ Any high
38 school in the state, including private schools, traditional
39 public schools, charter schools, virtual schools, and home
40 education cooperatives, may become a member of the FHSAA and
41 participate in the activities of the FHSAA. ~~However,~~ Membership
42 in the FHSAA is not mandatory for any school. The FHSAA must
43 allow a private school the option of joining the association as
44 a full-time member or on a per-sport basis and may not prohibit
45 or discourage a private school from simultaneously maintaining
46 membership in the FHSAA and another athletic association. The
47 FHSAA may allow a public school the option to apply for
48 consideration to join another athletic association on a per-
49 sport basis. The FHSAA may not deny or discourage
50 interscholastic competition between its member schools and
51 nonmember non-FHSAA member Florida schools, including members of
52 another athletic association governing organization, and may not
53 take any retributory or discriminatory action against any of its
54 member schools that seek to participate in interscholastic
55 competition with nonmember non-FHSAA member Florida schools or
56 any of its member schools that seek membership in other



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57 associations for a sport for which they are not a member of the
58 FHSAA. The FHSAA may not unreasonably withhold its approval of
59 an application to become an affiliate member of the National
60 Federation of State High School Associations submitted by any
61 other association ~~organization~~ that governs interscholastic
62 athletic competition in this state which meets the requirements
63 of this section. The commissioner may identify other
64 associations that govern interscholastic athletic competition in
65 compliance with this section ~~The bylaws of the FHSAA are the~~
66 rules by which high school athletic programs in its member
67 schools, and the students who participate in them, are governed,
68 unless otherwise specifically provided by statute. For the
69 purposes of this section, "high school" includes grades 6
70 through 12.

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

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

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

85 2. If the eligibility dispute is not resolved at the



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86 informal conference and if requested by the student athlete,
87 parent, or member school, the FHSAA must provide a formal
88 process for the timely and cost-effective resolution of an
89 eligibility dispute by a neutral third party whose decision is
90 binding on the parties to the dispute. The neutral third party
91 must be mutually agreed to by the parties and may be a retired
92 or former judge, a dispute resolution professional approved by
93 The Florida Bar or by the court in the circuit in which the
94 dispute arose, or a certified mediator or arbitrator in the
95 jurisdiction in which the dispute arose. If the parties cannot
96 mutually agree on a neutral third party, the FHSAA must select a
97 neutral third party at random from a list of dispute resolution
98 professionals maintained by The Florida Bar.

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

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

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