



261788

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/22/2013	.	
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	.	
	.	

The Committee on Education (Stargel) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsection (17) of section 1002.20, Florida
Statutes, is reenacted and amended to read:

1002.20 K-12 student and parent rights.—Parents of public
school students must receive accurate and timely information
regarding their child's academic progress and must be informed
of ways they can help their child to succeed in school. K-12
students and their parents are afforded numerous statutory
rights including, but not limited to, the following:

(17) ATHLETICS; PUBLIC HIGH SCHOOL.—



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14 (a) *Eligibility.*—Eligibility requirements for all students
15 participating in a high school athletic competition must allow a
16 student to be eligible in the school in which he or she first
17 enrolls each school year, the school in which the student makes
18 himself or herself a candidate for an athletic team by engaging
19 in practice before enrolling, or the school to which the student
20 has transferred with approval of the district school board, in
21 accordance with ~~the provisions of~~ s. 1006.20(2) (a).

22 (b) *Medical evaluation.*—Students must satisfactorily pass a
23 medical evaluation each year before participating in athletics,
24 unless the parent objects in writing based on religious tenets
25 or practices, in accordance with ~~the provisions of~~ s.
26 1006.20(2) (d).

27 Section 2. Paragraphs (a), (d), (e), (f), and (g) of
28 subsection (3) and subsections (5) and (8) of section 1006.15,
29 Florida Statutes, are amended, and new paragraphs (f) and (g)
30 are added to subsection (3) of that section, to read:

31 1006.15 Student standards for participation in
32 interscholastic and intrascholastic extracurricular student
33 activities; regulation.—

34 (3) (a) Provided all eligibility requirements of this
35 section and s. 1006.20 are met, a student attending any school
36 identified in this section is presumed eligible to participate
37 in interscholastic extracurricular student activities. For
38 purposes of this section, the term “public school” includes the
39 Florida Virtual School, a full-time virtual instruction program
40 pursuant to s. 1002.45, a virtual charter school, and a charter
41 school. A student remains eligible to participate in
42 interscholastic extracurricular student activities if the



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43 ~~student To be eligible to participate in interscholastic~~
44 ~~extracurricular student activities, a student must:~~

45 1. Maintains ~~Maintain~~ a grade point average of 2.0 or above
46 on a 4.0 scale, or its equivalent, in the previous semester or a
47 cumulative grade point average of 2.0 or above on a 4.0 scale,
48 or its equivalent, in the courses required by s. 1003.43(1).

49 2. Executes ~~Execute~~ and fulfills ~~fulfill~~ the requirements
50 of an academic performance contract between the student, the
51 district school board, the appropriate governing association,
52 and the student's parents, if the student's cumulative grade
53 point average falls below 2.0, or its equivalent, on a 4.0 scale
54 in the courses required by s. 1003.43(1) ~~or, for students who~~
55 ~~entered the 9th grade prior to the 1997-1998 school year, if the~~
56 ~~student's cumulative grade point average falls below 2.0 on a~~
57 ~~4.0 scale, or its equivalent, in the courses required by s.~~
58 ~~1003.43(1) which are taken after July 1, 1997.~~ At a minimum, the
59 contract must require that the student attend summer school, or
60 its graded equivalent, between grades 9 and 10 or grades 10 and
61 11, as necessary.

62 3. Has ~~Have~~ a cumulative grade point average of 2.0 or
63 above on a 4.0 scale, or its equivalent, in the courses required
64 by s. 1003.43(1) during his or her junior or senior year.

65 4. Maintains ~~Maintain~~ satisfactory conduct, including
66 adherence to appropriate dress and other codes of student
67 conduct policies described in s. 1006.07(2). If a student is
68 convicted of, or is found to have committed, a felony or a
69 delinquent act that would have been a felony if committed by an
70 adult, regardless of whether adjudication is withheld, the
71 student's participation in interscholastic extracurricular



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72 activities is contingent upon established and published district
73 school board policy.

74 (d) An individual charter school student pursuant to s.
75 1002.33 is eligible to participate at the public school to which
76 the student would be assigned according to district school board
77 attendance area policies or which the student could choose to
78 attend, pursuant to district or interdistrict controlled open-
79 enrollment provisions, or a conversion charter school when the
80 student resides within the conversion charter school's
81 attendance zone as provided in s. 1002.33(10)(c), in any
82 interscholastic extracurricular activity of that school, unless
83 such activity is provided by the student's charter school, if
84 the following conditions are met:

85 1. The charter school student must meet the requirements of
86 the charter school education program as determined by the
87 charter school governing board.

88 2. During the period of participation at a school, the
89 charter school student must demonstrate educational progress as
90 required in paragraph (b).

91 3. The charter school student must meet the same residency
92 requirements as other students in the school at which he or she
93 participates.

94 4. The charter school student must meet the same standards
95 of acceptance, behavior, and performance that are required of
96 other students in extracurricular activities.

97 5. The charter school student must register with the school
98 his or her intent to participate in interscholastic
99 extracurricular activities as a representative of the school
100 before the beginning date of the season for the activity in



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101 which he or she wishes to participate. A charter school student
102 must be able to participate in curricular activities if that is
103 a requirement for an extracurricular activity.

104 6. A student who transfers from a charter school program to
105 a traditional public school before or during the first grading
106 period of the school year is academically eligible to
107 participate in interscholastic extracurricular activities during
108 the first grading period if the student has a successful
109 evaluation from the previous school year, pursuant to
110 subparagraph 2.

111 7. Any public school or private school student who has been
112 unable to maintain academic eligibility for participation in
113 interscholastic extracurricular activities is ineligible to
114 participate in such activities as a charter school student until
115 the student has successfully completed one grading period in a
116 charter school pursuant to subparagraph 2. to become eligible to
117 participate as a charter school student.

118 (e) A student of the Florida Virtual School full-time
119 program is eligible to ~~may~~ participate in any interscholastic
120 extracurricular activity at the public school to which the
121 student would be assigned according to district school board
122 attendance area policies or which the student could choose to
123 attend, pursuant to district or interdistrict controlled open
124 enrollment policies, if the following conditions are met
125 ~~student~~:

126 1. During the period of participation in the
127 interscholastic extracurricular activity, the Florida Virtual
128 School student must meet ~~meets~~ the requirements in paragraph
129 (a).



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130 2. The Florida Virtual School student must meet ~~meets~~ any
131 additional requirements as determined by the board of trustees
132 of the Florida Virtual School.

133 3. The Florida Virtual School student must meet ~~Meets~~ the
134 same residency requirements as other students in the school at
135 which he or she participates.

136 4. The Florida Virtual School student must meet ~~Meets~~ the
137 same standards of acceptance, behavior, and performance that are
138 required of other students in extracurricular activities.

139 5. The Florida Virtual School student must register with
140 the school ~~Registers~~ his or her intent to participate in
141 interscholastic extracurricular activities ~~with the school~~
142 before the beginning date of the season for the activity in
143 which he or she wishes to participate. A Florida Virtual School
144 student must be able to participate in curricular activities if
145 that is a requirement for an extracurricular activity.

146 6.~~(f)~~ A student who transfers from the Florida Virtual
147 School full-time program to a traditional public school before
148 or during the first grading period of the school year is
149 academically eligible to participate in interscholastic
150 extracurricular activities during the first grading period if
151 the student has a successful evaluation from the previous school
152 year pursuant to paragraph (a).

153 7.~~(g)~~ A public school or private school student who has
154 been unable to maintain academic eligibility for participation
155 in interscholastic extracurricular activities is ineligible to
156 participate in such activities as a Florida Virtual School
157 student until the student successfully completes one grading
158 period in the Florida Virtual School pursuant to paragraph (a).



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159 (f) A student who attends a public school or a private
160 school that does not offer a particular extracurricular activity
161 may participate in such an activity on a space-available basis
162 if it is offered at any public school that the student could
163 choose to attend pursuant to district or interdistrict
164 controlled open enrollment provisions, or may develop an
165 agreement to participate in that extracurricular activity at a
166 private school, limited to one additional extracurricular
167 activity at a different school each academic year, if the
168 student:

169 1. Meets the requirements for eligibility to participate in
170 interscholastic extracurricular activities, as provided under
171 paragraph (a);

172 2. Demonstrates educational progress at the school he or
173 she attends as required in paragraph (b);

174 3. Meets the same standards of acceptance, behavior, and
175 performance that are required of other students in
176 extracurricular activities;

177 4. Pays any fees required of other students who participate
178 in the extracurricular activity; and

179 5. Registers with the school that offers the
180 extracurricular activity his or her intent to participate in the
181 interscholastic extracurricular activity at that school before
182 the beginning date of the season for the activity in which he or
183 she wishes to participate. A public school student must
184 participate in a curricular activity if it is a requirement for
185 an extracurricular activity. The student may choose to
186 participate in the required curricular activity at the school he
187 or she attends or at the school in which he or she participates



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188 in the extracurricular activity.

189 (g) The parents of a student who participates in an
190 extracurricular activity under paragraph (f) are responsible for
191 transporting their child to and from the school at which the
192 student participates. The public school the student attends, the
193 school at which the student participates in the extracurricular
194 activity, the district school board, and the Florida High School
195 Athletic Association (FHSAA) are exempt from civil liability
196 arising from any injury that occurs to the student during such
197 transportation.

198 (5) An ~~Any~~ organization or entity that regulates or governs
199 interscholastic extracurricular activities of public schools:

200 (a) Shall permit home education associations to join as
201 member schools.

202 (b) May ~~Shall~~ not discriminate against any eligible student
203 based on an educational choice of public, private, or home
204 education.

205 (8) (a) The FHSAA ~~Florida High School Athletic Association~~
206 ~~(FHSAA)~~, in cooperation with each district school board, shall
207 facilitate a program in which a middle school or high school
208 student who attends a private school shall be eligible to
209 participate in an interscholastic or intrascholastic sport at a
210 public high school, a public middle school, or a 6-12 public
211 school that is zoned for the physical address at which the
212 student resides if:

213 1. The private school in which the student is enrolled is
214 not a member of the FHSAA and does not offer an interscholastic
215 or intrascholastic athletic program.

216 2. The private school student meets the guidelines for the



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217 conduct of the program established by the FHSAA's board of
218 directors and the district school board. At a minimum, such
219 guidelines shall provide:

220 a. A deadline for each sport by which the private school
221 student's parents must register with the public school in
222 writing their intent for their child to participate at that
223 school in the sport.

224 b. Requirements for a private school student to
225 participate, including, but not limited to, meeting the same
226 standards of eligibility, acceptance, behavior, educational
227 progress, and performance which apply to other students
228 participating in interscholastic or intrascholastic sports at a
229 public school or FHSAA member private school.

230 (b) The parents of a private school student participating
231 in a public school sport under this subsection are responsible
232 for transporting their child to and from the public school at
233 which the student participates. The private school the student
234 attends, the public school at which the student participates in
235 a sport, the district school board, and the FHSAA are exempt
236 from civil liability arising from any injury that occurs to the
237 student during such transportation.

238 (c) For each academic year, a private school student may
239 only participate at the public school in which the student is
240 first registered under sub-subparagraph (a)2.a. or makes himself
241 or herself a candidate for an athletic team by engaging in a
242 practice.

243 (d) The athletic director of each participating FHSAA
244 member public school shall maintain the student records
245 necessary for eligibility, compliance, and participation in the



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246 program.

247 (e) Any non-FHSAA member private school that has a student
248 who wishes to participate in this program must make all student
249 records, including, but not limited to, academic, financial,
250 disciplinary, and attendance records, available upon request of
251 the FHSAA.

252 (f) A student must apply to participate in this program
253 through the FHSAA program application process.

254 (g) Only students who are enrolled in non-FHSAA member
255 private schools consisting of 125 students or fewer in the
256 middle school grades or 125 students or fewer in the high school
257 grades are eligible to participate in the program in any given
258 academic year.

259 Section 3. Subsections (1) of section 1006.19, Florida
260 Statutes, is amended, and a new subsection (3) is added to that
261 section to read:

262 1006.19 Audit of records of nonprofit corporations and
263 associations handling interscholastic activities; annual
264 report.—

265 (1) Each nonprofit association or corporation that operates
266 for the purpose of supervising and controlling interscholastic
267 activities of public high schools and whose membership is
268 composed of duly certified representatives of public high
269 schools, and whose rules and regulations are established by
270 members thereof, shall have an annual financial and compliance
271 audit of its accounts and records by an independent certified
272 public accountant retained by it and paid from its funds, in
273 accordance with rules adopted by the Auditor General. The audit
274 must be conducted in compliance with generally accepted auditing



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275 standards and include a report on financial statements presented
276 in accordance with generally accepted accounting principles set
277 forth by the American Institute of Certified Public Accountants
278 for not-for-profit organizations and a determination of
279 compliance with the statutory eligibility and expenditure
280 requirements of s. 1006.20. Audits shall be submitted to the
281 Auditor General, the Speaker of the House of Representatives,
282 and the Senate President within 180 days after the end of each
283 fiscal year. ~~The accountant shall furnish a copy of the audit~~
284 ~~report to the Auditor General.~~

285 (3) Any such nonprofit association or corporation shall
286 provide a report of the number of appeals and other cases
287 involving the FHSAA and the disposition of those matters. The
288 report must include how many cases were filed, either with the
289 FHSAA or another tribunal, the number of cases that the initial
290 decision of the FHSAA or its member were affirmed, reversed, or
291 otherwise resolved, and a summary of the nature of the issue in
292 dispute. By October 1 of each year, the report must be submitted
293 to the Commissioner of Education, the President of the Senate,
294 and the Speaker of the House of Representatives.

295 Section 4. Subsections (1) through (5) of section 1006.20,
296 Florida Statutes, are amended, and paragraph (f) is added to
297 subsection (6) of that section to read:

298 1006.20 Athletics in public K-12 schools.—

299 (1) GOVERNING NONPROFIT ORGANIZATION.—The Florida High
300 School Athletic Association (FHSAA) is designated as the
301 governing nonprofit organization of athletics in Florida public
302 schools. This designation expires July 1, 2017. If the FHSAA
303 fails to meet the provisions of this section or the Legislature



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304 does not timely designate a successor, the commissioner shall
305 designate a nonprofit organization to govern athletics with the
306 approval of the State Board of Education for successive terms
307 not to exceed 4 years each or until the Legislature designates a
308 successor. The FHSAA is not a state agency as defined in s.
309 120.52. The Legislature determines it is in the public interest
310 and reflects the state's public policy that FHSAA operate in the
311 most open and accessible manner consistent with its public
312 purposes. To this end, the Legislature specifically declares
313 that FHSAA and its divisions, boards, and advisory councils, or
314 similar entities created or managed by FHSAA are subject to the
315 provisions of chapter 119 relating to public records and those
316 provisions of chapter 286 relating to public meetings. The FHSAA
317 shall be subject to ~~the provisions of~~ s. 1006.19. A private
318 school that wishes to engage in high school athletic competition
319 with a public high school may become a member of the FHSAA. Any
320 high school in the state, including charter schools, virtual
321 schools, and home education cooperatives, may become a member of
322 the FHSAA and participate in the activities of the FHSAA.
323 However, membership in the FHSAA is not mandatory for any
324 school. The FHSAA may not deny or discourage interscholastic
325 competition between its member schools and non-FHSAA member
326 Florida schools, including members of another athletic governing
327 organization, and may not take any retributory or discriminatory
328 action against any of its member schools that participate in
329 interscholastic competition with non-FHSAA member Florida
330 schools. The FHSAA may not unreasonably withhold its approval of
331 an application to become an affiliate member of the National
332 Federation of State High School Associations submitted by any



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333 other organization that governs interscholastic athletic
334 competition in this state. The bylaws of the FHSAA are the rules
335 by which high school athletic programs in its member schools,
336 and the students who participate in them, are governed, unless
337 otherwise specifically provided by statute. For the purposes of
338 this section, "high school" includes grades 6 through 12.

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

340 (a) The FHSAA shall adopt bylaws that, unless otherwise
341 provided by statute, presume the eligibility of students and
342 specify limited violations that result in ineligibility for
343 students who participate in high school athletic competition in
344 its member schools. The bylaws must ensure that:

345 1. A student remains eligible in the school in which he or
346 she first enrolls each school year or the school in which the
347 student makes himself or herself a candidate for an athletic
348 team by engaging in a practice before enrolling in the school.

349 2. A student remains eligible in the school to which the
350 student has transferred during the school year if the transfer
351 is made by a deadline established by the FHSAA, which may not be
352 before the date authorized for the beginning of practice for the
353 sport.

354 3. Once a student residence or transfer is approved by the
355 district school board or private school, as applicable, the
356 student remains eligible in the school if he or she remains
357 enrolled in the school and complies with applicable
358 requirements.

359 4. An otherwise eligible student athlete is not unfairly
360 punished for rule, eligibility, or recruiting violations
361 committed by a teammate, coach, administrator, school, or adult



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362 representative. Competition of otherwise eligible student
363 athletes is not prospectively limited for rule, eligibility, or
364 recruiting violations of a teammate, coach, administrator,
365 school, or adult representative.

366 5. A student is ineligible if the student or parent
367 intentionally and knowingly falsifies an enrollment or
368 eligibility document or intentionally and knowingly accepts a
369 significant benefit or a promise of significant benefit that is
370 not reasonably available to the school's students or family
371 members and that is provided based primarily on the student's
372 athletic interest, potential, or performance.

373 6. A student may not be ineligible based upon recruitment
374 or otherwise only because the student:

375 a. Participated on a non-school team or non-school teams
376 affiliated with the school in which the student ultimately
377 enrolls; or

378 b. Participated in activities sponsored by a member school
379 if, after participating, the student registers for, enrolls in
380 or applies to attend the sponsoring school.

381 7. Ineligibility requirements shall be applied to public
382 school students on an equal basis with private school students.

383 8. Ineligibility requirements shall be applied to transfer
384 students on an equal basis with nontransfer students.

385 9. Prescribed violations must be substantially related to
386 specific, important objectives and must be limited to address
387 only the minimal requirements necessary to accomplish the
388 objectives.

389
390 The FHSAA shall complete a comprehensive review and analysis of



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391 all existing bylaws, policies, and administrative procedures to
392 determine compliance with this paragraph by October 1, 2013. The
393 FHSAA shall provide a detailed report originating from its
394 review and analysis, which must include, but need not be limited
395 to, specifically articulating how each violation or requirement
396 in the bylaws, policies, and administrative procedures is
397 substantially related to an identified, important objective and
398 any necessary corrective action. The FHSAA shall provide a copy
399 of the report to the Commissioner of Education, the Governor,
400 the President of the Senate, and the Speaker of the House of
401 Representatives by October 15, 2013. Bylaws, policies, or
402 administrative procedures that are noncompliant with this
403 paragraph are void as of January 1, 2014 ~~The FHSAA shall adopt~~
404 ~~bylaws that, unless specifically provided by statute, establish~~
405 ~~eligibility requirements for all students who participate in~~
406 ~~high school athletic competition in its member schools. The~~
407 ~~bylaws governing residence and transfer shall allow the student~~
408 ~~to be eligible in the school in which he or she first enrolls~~
409 ~~each school year or the school in which the student makes~~
410 ~~himself or herself a candidate for an athletic team by engaging~~
411 ~~in a practice prior to enrolling in the school. The bylaws shall~~
412 ~~also allow the student to be eligible in the school to which the~~
413 ~~student has transferred during the school year if the transfer~~
414 ~~is made by a deadline established by the FHSAA, which may not be~~
415 ~~prior to the date authorized for the beginning of practice for~~
416 ~~the sport. These transfers shall be allowed pursuant to the~~
417 ~~district school board policies in the case of transfer to a~~
418 ~~public school or pursuant to the private school policies in the~~
419 ~~case of transfer to a private school. The student shall be~~



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420 ~~eligible in that school so long as he or she remains enrolled in~~
421 ~~that school. Subsequent eligibility shall be determined and~~
422 ~~enforced through the FHSAA's bylaws. Requirements governing~~
423 ~~eligibility and transfer between member schools shall be applied~~
424 ~~similarly to public school students and private school students.~~

425 (b) The FHSAA shall adopt bylaws that specifically prohibit
426 the recruiting of students for athletic purposes. The bylaws
427 must ~~shall~~ prescribe penalties and an appeals process for
428 athletic recruiting violations. If it is determined that a
429 school has recruited a student in violation of FHSAA bylaws, the
430 FHSAA may require the school to participate in a higher
431 classification for the sport in which the recruited student
432 competes for a minimum of one classification cycle, in addition
433 to any other appropriate fine and sanction imposed on the
434 school, its coaches, or adult representatives who violate
435 recruiting rules. ~~A student may not be declared ineligible based~~
436 ~~on violation of recruiting rules unless the student or parent~~
437 ~~has falsified any enrollment or eligibility document or accepted~~
438 ~~any benefit or any promise of benefit if such benefit is not~~
439 ~~generally available to the school's students or family members~~
440 ~~or is based in any way on athletic interest, potential, or~~
441 ~~performance.~~

442 (c) The FHSAA shall adopt bylaws that require all students
443 participating in interscholastic athletic competition or who are
444 candidates for an interscholastic athletic team to
445 satisfactorily pass a medical evaluation each year before ~~prior~~
446 ~~to~~ participating in interscholastic athletic competition or
447 engaging in any practice, tryout, workout, or other physical
448 activity associated with the student's candidacy for an



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449 interscholastic athletic team. Such medical evaluation may be
450 administered only by a practitioner licensed under chapter 458,
451 chapter 459, chapter 460, or s. 464.012, and in good standing
452 with the practitioner's regulatory board. The bylaws must ~~shall~~
453 establish requirements for eliciting a student's medical history
454 and performing the medical evaluation required under this
455 paragraph, which must ~~shall~~ include a physical assessment of the
456 student's physical capabilities to participate in
457 interscholastic athletic competition as contained in a uniform
458 preparticipation physical evaluation and history form. The
459 evaluation form must ~~shall~~ incorporate the recommendations of
460 the American Heart Association for participation cardiovascular
461 screening and must ~~shall~~ provide a place for the signature of
462 the practitioner performing the evaluation with an attestation
463 that each examination procedure listed on the form was performed
464 by the practitioner or by someone under the direct supervision
465 of the practitioner. The form must ~~shall~~ also contain a place
466 for the practitioner to indicate if a referral to another
467 practitioner was made in lieu of completion of a certain
468 examination procedure. The form must ~~shall~~ provide a place for
469 the practitioner to whom the student was referred to complete
470 the remaining sections and attest to that portion of the
471 examination. The preparticipation physical evaluation form must
472 ~~shall~~ advise students to complete a cardiovascular assessment
473 and must ~~shall~~ include information concerning alternative
474 cardiovascular evaluation and diagnostic tests. Results of such
475 medical evaluation must be provided to the school. No student
476 shall be eligible to participate in any interscholastic athletic
477 competition or engage in any practice, tryout, workout, or other



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478 physical activity associated with the student's candidacy for an
479 interscholastic athletic team until the results of the medical
480 evaluation have been received and approved by the school.

481 (d) Notwithstanding ~~the provisions of~~ paragraph (c), a
482 student may participate in interscholastic athletic competition
483 or be a candidate for an interscholastic athletic team if the
484 parent of the student objects in writing to the student
485 undergoing a medical evaluation because such evaluation is
486 contrary to his or her religious tenets or practices. However,
487 in such case, there shall be no liability on the part of any
488 person or entity in a position to otherwise rely on the results
489 of such medical evaluation for any damages resulting from the
490 student's injury or death arising directly from the student's
491 participation in interscholastic athletics where an undisclosed
492 medical condition that would have been revealed in the medical
493 evaluation is a proximate cause of the injury or death.

494 (e) The FHSAA shall adopt bylaws that regulate persons who
495 conduct investigations on behalf of the FHSAA. A formal
496 investigation must be completed within 90 days after the onset
497 of the investigation, and the FHSAA may not contract or in any
498 way pay for more than 520 hours of work for any investigation.
499 The bylaws must ~~shall~~ include provisions that require an
500 investigator to:

501 1. Undergo level 2 background screening under s. 435.04,
502 establishing that the investigator has not committed any
503 disqualifying offense listed in s. 435.04, unless the
504 investigator can provide proof of compliance with level 2
505 screening standards submitted within the previous 5 years to
506 meet any professional licensure requirements, provided:



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

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

514 2. Be appointed as an investigator by the executive
515 director.

516 3. Carry a photo identification card that shows the FHSAA
517 name, logo, and the investigator's official title.

518 4. Notwithstanding s. 493.6102, maintain a valid class "C"
519 license as established in chapter 493.

520 5.4. Adhere to the following guidelines:

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

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

526 c. Notify at least 24 hours before the interview at least
527 one custodial parent of a student being interviewed of the right
528 to be present during the interview upon the good-faith request
529 of the parent for a reasonable period of time if necessary for
530 the parent to attend the interview.

531 ~~d.e.~~ Allow both parents ~~the parent~~ of any student being
532 interviewed to be present during the interview.

533 ~~d. Search residences or other private areas only with the~~
534 ~~permission of the executive director and the written consent of~~
535 ~~the student's parent and only with a parent or a representative~~



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536 ~~of the parent present.~~

537 6. Provide notice to the affected student, parent, coach,
538 and school within 2 business days after the assignment of a
539 formal investigation into ineligibility or other violation of
540 law or rule. If the executive director certifies in writing that
541 a compelling need to withhold notice exists, identifying with
542 specificity why notice must not be provided, the notice is not
543 required until the investigator concludes the investigation. The
544 executive director shall provide a copy of the certification to
545 the Commissioner of Education within 1 business day after
546 signing the certification.

547 7. Provide the affected student, parent, coach, and school
548 within 5 business days after completion of the formal
549 investigation a copy of the investigation report and any
550 recommendation made by the investigator, executive director, or
551 board of directors.

552 (f) The FHSAA shall adopt bylaws that establish sanctions
553 for coaches who have committed major violations of the FHSAA's
554 bylaws and policies.

555 1. Major violations include, but are not limited to,
556 knowingly allowing an ineligible student to participate in a
557 contest representing a member school in an interscholastic
558 contest, ~~or~~ committing a violation of the FHSAA's recruiting or
559 sportsmanship policies, or colluding with a coach to prevent a
560 member or non-member school from scheduling competitions among
561 themselves.

562 2. Sanctions placed upon an individual coach may include,
563 but are not limited to, prohibiting or suspending the coach from
564 coaching, participating in, or attending any athletic activity



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565 sponsored, recognized, or sanctioned by the FHSAA and the member
566 school for which the coach committed the violation. If a coach
567 is sanctioned by the FHSAA and the coach transfers to another
568 member school, those sanctions remain in full force and effect
569 during the term of the sanction.

570 3. If a member school is assessed a financial penalty as a
571 result of a coach committing a major violation, the coach shall
572 reimburse the member school before being allowed to coach,
573 participate in, or attend any athletic activity sponsored,
574 recognized, or sanctioned by the FHSAA and a member school.

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

578 (g) The FHSAA shall adopt bylaws establishing the process
579 and standards by which FHSAA investigations into ineligibility
580 are initiated and determinations of sanctions or eligibility
581 determinations against a student, coach, or school eligibility
582 are made. Such bylaws must ~~shall~~ provide that:

583 1. Ineligibility must be established by clear and
584 convincing evidence;

585 2. Initial investigations into allegations of ineligibility
586 may be initiated by the FHSAA only if supported by credible
587 information from an identified source or from an anonymous
588 source with credible corroboration and which, if proven true,
589 would reasonably rebut the presumption of ineligibility. An
590 informal investigation is limited to determining whether there
591 is a sufficient evidentiary basis to initiate a formal
592 investigation and to produce the sworn testimony or affidavit
593 necessary to do so as hereinafter provided. Formal



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594 investigations into ineligibility may not be initiated unless
595 supported by sworn testimony or affidavits which, if proven
596 true, would reasonably demonstrate ineligibility by clear and
597 convincing evidence. The investigator and individual making the
598 determination shall receive and consider, from students,
599 parents, coaches, and schools, all evidence of a type commonly
600 relied upon by reasonably prudent persons in the conduct of
601 their affairs. Such evidence shall be admissible in the
602 proceeding, whether or not such evidence would be admissible in
603 a trial court in this state. An investigator or other agent of
604 the FHSAA may not conduct searches of residences or other
605 private areas during the course of an investigation. ~~Student~~
606 ~~athletes, parents, and schools must have notice of the~~
607 ~~initiation of any investigation or other inquiry into~~
608 ~~eligibility and may present, to the investigator and to the~~
609 ~~individual making the eligibility determination, any information~~
610 ~~or evidence that is credible, persuasive, and of a kind~~
611 ~~reasonably prudent persons rely upon in the conduct of serious~~
612 ~~affairs;~~

613 3. An investigator may not determine matters of eligibility
614 but must submit information and evidence to the executive
615 director or a person designated by the executive director or by
616 the board of directors for an unbiased and objective
617 determination of eligibility; and

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

621 (h) In lieu of bylaws adopted under paragraph (g), the
622 FHSAA may adopt bylaws providing as a minimum the procedural



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623 safeguards of ss. 120.569 and 120.57, making appropriate
624 provision for appointment of unbiased and qualified hearing
625 officers.

626 (i) Any student, coach, or school found to be ineligible
627 has the option to challenge the ineligibility determination
628 through the FHSAA appeal process or pursuant to ss. 120.569 and
629 120.57. The FHSAA shall notify in writing the student, coach, or
630 school of this option upon making the ineligibility
631 determination. Such an administrative hearing shall be
632 expedited. The Division of Administrative Hearings may assess a
633 fee, payable by the nonprevailing party, sufficient to cover the
634 cost of the administration of such proceedings ~~The FHSAA bylaws~~
635 ~~may not limit the competition of student athletes prospectively~~
636 ~~for rule violations of their school or its coaches or their~~
637 ~~adult representatives. The FHSAA bylaws may not unfairly punish~~
638 ~~student athletes for eligibility or recruiting violations~~
639 ~~perpetrated by a teammate, coach, or administrator. Contests may~~
640 not be forfeited for inadvertent eligibility violations unless
641 the coach or a school administrator should have known of the
642 violation. Contests may not be forfeited for other eligibility
643 violations or recruiting violations in excess of the number of
644 contests that the coaches and adult representatives responsible
645 for the violations are prospectively suspended.

646 (j) The FHSAA organization shall adopt guidelines to
647 educate athletic coaches, officials, administrators, and student
648 athletes and their parents of the nature and risk of concussion
649 and head injury.

650 (k) The FHSAA organization shall adopt bylaws or policies
651 that require the parent of a student who is participating in



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652 interscholastic athletic competition or who is a candidate for
653 an interscholastic athletic team to sign and return an informed
654 consent that explains the nature and risk of concussion and head
655 injury, including the risk of continuing to play after
656 concussion or head injury, each year before participating in
657 interscholastic athletic competition or engaging in any
658 practice, tryout, workout, or other physical activity associated
659 with the student's candidacy for an interscholastic athletic
660 team.

661 (1) The FHSAA ~~organization~~ shall adopt bylaws or policies
662 that require each student athlete who is suspected of sustaining
663 a concussion or head injury in a practice or competition to be
664 immediately removed from the activity. A student athlete who has
665 been removed from an activity may not return to practice or
666 competition until the student submits to the school a written
667 medical clearance to return stating that the student athlete no
668 longer exhibits signs, symptoms, or behaviors consistent with a
669 concussion or other head injury. Medical clearance must be
670 authorized by the appropriate health care practitioner trained
671 in the diagnosis, evaluation, and management of concussions as
672 defined by the Sports Medicine Advisory Committee of the Florida
673 High School Athletic Association.

674 (m) The FHSAA ~~organization~~ shall adopt bylaws for the
675 establishment and duties of a sports medicine advisory committee
676 composed of the following members:

- 677 1. Eight physicians licensed under chapter 458 or chapter
678 459 with at least one member licensed under chapter 459.
- 679 2. One chiropractor licensed under chapter 460.
- 680 3. One podiatrist licensed under chapter 461.



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681 4. One dentist licensed under chapter 466.
682 5. Three athletic trainers licensed under part XIII of
683 chapter 468.
684 6. One member who is a current or retired head coach of a
685 high school in the state.
686 (n) Student school attendance and transfer approvals shall
687 be determined by the district school board in the case of a
688 public school student and by the private school in the case of a
689 private school student. If the district school board or private
690 school approves the student school attendance or transfer, the
691 student remains eligible to participate in high school athletic
692 competition under the FHSAA jurisdiction.
693 (o)1. The FHSAA may challenge the student's eligibility to
694 participate in a high school athletic competition pursuant to
695 paragraph (n) by filing a petition for a hearing with the
696 Division of Administrative Hearings pursuant to s. 120.569, with
697 a copy of the petition contemporaneously provided to the
698 student, parent, coach, and school. The student remains eligible
699 unless a final order finding the student's ineligibility is
700 rendered. The Division of Administrative Hearings may assess a
701 fee, payable by the FHSAA, sufficient to cover the cost of the
702 administration of such proceedings.
703 2. The burden is on the FHSAA to demonstrate by clear and
704 convincing evidence that the student is ineligible. The
705 administrative law judge shall issue a final order pursuant to
706 s. 120.68. If the administrative law judge finds that the
707 student remains eligible, the final order shall award all
708 reasonable costs and attorney fees to be paid to all respondents
709 by the FHSAA. The FHSAA may not seek to recoup these costs and



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710 expenses from any other person, entity, or party.

711 (3) GOVERNING STRUCTURE OF THE ORGANIZATION.—

712 (a) The FHSAA shall operate as a representative democracy
713 in which the sovereign authority is within its member schools.
714 Except as provided in this section, the FHSAA shall govern its
715 affairs through its bylaws.

716 (b) Each member school, on its annual application for
717 membership, shall name its official representative to the FHSAA.
718 This representative must be either the school principal or his
719 or her designee. That designee must either be an assistant
720 principal or athletic director housed within that same school.

721 (c) The FHSAA's membership shall be divided along existing
722 county lines into four contiguous and compact administrative
723 regions, each containing an equal or nearly equal number of
724 member schools to ensure equitable representation on the FHSAA's
725 board of directors, representative assembly, and appeals
726 committees.

727 (4) BOARD OF DIRECTORS.—

728 (a) The executive authority of the FHSAA shall be vested in
729 its board of directors. Any entity that appoints members to the
730 board of directors shall examine the ethnic and demographic
731 composition of the board when selecting candidates for
732 appointment and shall, to the greatest extent possible, make
733 appointments that reflect state demographic and population
734 trends. Effective October 1, 2013, the board of directors shall
735 be composed of 17 ~~16~~ persons, as follows:

736 1. One charter school representative, elected from among
737 its public school representative members ~~Four public member~~
738 ~~school representatives, one elected from among its public school~~



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739 ~~representative members within each of the four administrative~~
740 ~~regions.~~

741 2. One ~~Four~~ nonpublic member school representative
742 ~~representatives, one~~ elected from among its nonpublic school
743 ~~representative members within each of the four administrative~~
744 ~~regions.~~

745 3. Four ~~Three~~ representatives appointed by the
746 commissioner, one appointed from each of the four administrative
747 regions ~~one appointed from the two northernmost administrative~~
748 ~~regions and one appointed from the two southernmost~~
749 ~~administrative regions. The third representative shall be~~
750 ~~appointed to balance the board for diversity or state population~~
751 ~~trends, or both.~~

752 4. Two district school superintendents, one elected from
753 the two northernmost administrative regions by the members in
754 those regions and one elected from the two southernmost
755 administrative regions by the members in those regions.

756 5. Two district school board members, one elected from the
757 two northernmost administrative regions by the members in those
758 regions and one elected from the two southernmost administrative
759 regions by the members in those regions.

760 6. Two county athletic directors, one elected from the two
761 northernmost administrative regions by the members in those
762 regions and one elected from the two southernmost administrative
763 regions by the members in those regions.

764 ~~7.6.~~ The commissioner or his or her designee from the
765 department executive staff.

766 8. One representative appointed by the President of the
767 Senate.



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768 9. One representative appointed by the Speaker of the House
769 of Representatives.

770 10. One representative appointed by the Executive Director
771 of the Florida Athletic Coaches Association.

772 11. One home school member representative elected from
773 among its home school representative members.

774 (b) A quorum of the board of directors shall consist of one
775 more than half of its ~~nine~~ members.

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

779 (d) Members of the board of directors shall serve terms of
780 4 ~~3~~ years and are not eligible to succeed themselves ~~only once~~.
781 A member of the board of directors, other than the commissioner
782 or his or her designee, may serve a maximum of 4 ~~6~~ consecutive
783 years. The FHSAA's bylaws shall establish a rotation of terms so
784 that approximately one-third of the members other than the
785 commissioner or his or her designee rotate off the board each
786 year to ensure that a majority of the members' terms do not
787 expire concurrently. For the purpose of ensuring staggered
788 terms, board members appointed by the commissioner prior to July
789 1, 2013, and the two district school superintendents elected
790 prior to July 1, 2013, may continue to serve on the board
791 through September 30, 2015.

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

795 1. To act as the incorporated FHSAA's board of directors
796 and to fulfill its obligations as required by the FHSAA's



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797 charter and articles of incorporation.

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

800 3. To employ an FHSAA executive director, subject to Senate
801 confirmation. The executive director has ~~who shall have~~ the
802 authority to waive the bylaws of the FHSAA in order to comply
803 with statutory changes. The executive director's salary shall be
804 no greater than that set by law for the Governor of this state.
805 The executive director is not entitled to per diem and travel
806 expenses in excess of the rate provided for state employees
807 under s. 112.061.

808 4. To levy annual dues and other fees and to set the
809 percentage of contest receipts to be collected by the FHSAA
810 except that, beginning in the 2013-2014 fiscal year, all dues,
811 fees, and percentages of contest receipts that the FHSAA is
812 entitled to collect shall be fixed at the amount established in
813 the FHSAA bylaws for 2012-2013 as published on the FHSAA website
814 as of February 26, 2013, and may be increased only once annually
815 in an amount necessary to reflect changes in the United States
816 Department of Labor's Consumer Price Index for All Urban
817 Consumers (CPI-U), all items, with the resulting calculation
818 rounded to the nearest whole dollar amount. The aggregate of
819 such dues, fees, and percentages of contest receipts shall be
820 allocated as follows:

821 a. Up to 55 percent for the FHSAA to be used for
822 organization operations as allowed by law.

823 b. At least 30 percent for the FHSAA to provide
824 postsecondary scholarships to students who meet qualifications
825 established by the FHSAA.



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826 c. At least 15 percent for the FHSAA to coordinate with the
827 National Center for Sports Safety and provide for the education
828 of coaches, parks and recreation staff, parents, and other
829 volunteers on the basics of sports safety and injury prevention,
830 and the well-being and health, safety, and welfare of athletes.

831 5. To approve the budget of the FHSAA.

832 6. To organize and conduct statewide interscholastic
833 competitions, which may or may not lead to state championships,
834 and to establish the terms and conditions for these
835 competitions.

836 7. To act as an administrative board in the interpretation
837 of, and final decision on, all questions and appeals arising
838 from the directing of interscholastic athletics of member
839 schools.

840 8. To levy fines, penalties, and sanctions against schools
841 and coaches found to be in violation of student eligibility
842 requirements and recruiting practices pursuant to subsection
843 (2). However, fines, penalties, and sanctions may not exceed the
844 cost to investigate reported violations and the cost of
845 associated appeals processes. The board of directors shall
846 submit an annual report to the Department of Education by
847 October 1 each year which reconciles the costs of investigations
848 and appeals with the fines, penalties, and sanctions charged to
849 member schools and coaches for each fiscal year.

850 (5) REPRESENTATIVE ASSEMBLY.—

851 (a) The legislative authority of the FHSAA is vested in its
852 representative assembly.

853 (b) The representative assembly shall be composed of the
854 following:



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855 1. An equal number of member school representatives from
856 each of the four administrative regions.

857 2. Four district school superintendents, one elected from
858 each of the four administrative regions by the district school
859 superintendents in their respective administrative regions.

860 3. Four district school board members, one elected from
861 each of the four administrative regions by the district school
862 board members in their respective administrative regions.

863 4. The commissioner or his or her designee from the
864 department executive staff.

865 (c) The FHSAA's bylaws shall establish the number of member
866 school representatives to serve in the representative assembly
867 from each of the four administrative regions, not to exceed six
868 from each of the four regions, and shall establish the method
869 for their selection.

870 (d) No member of the board of directors other than the
871 commissioner or his or her designee can serve in the
872 representative assembly.

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

875 (f) Elected members of the representative assembly shall
876 serve terms of 2 years and are eligible to succeed themselves
877 for one ~~two~~ additional term ~~terms~~. An elected member, other than
878 the commissioner or his or her designee, may serve a maximum of
879 4 ~~6~~ consecutive years in the representative assembly.

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

882 (h) The authority of the representative assembly is limited
883 to its sole duty, which is to consider, adopt, or reject any



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884 proposed amendments to the FHSAA's bylaws.

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

888 (6) PUBLIC LIAISON ADVISORY COMMITTEE.-

889 (f) Members of the public liaison advisory committee are
890 entitled to per diem and travel expenses at the same rate
891 provided for state employees under s. 112.061.

892 Section 5. This act shall take effect July 1, 2013.

893

894 ===== T I T L E A M E N D M E N T =====

895 And the title is amended as follows:

896 Delete everything before the enacting clause
897 and insert:

898 A bill to be entitled
899 An act relating to high school athletics; reenacting
900 and amending s. 1002.20(17), F.S.; making technical
901 changes; amending s. 1006.15, F.S.; revising criteria
902 for student eligibility for participation in
903 extracurricular activities; defining the term "public
904 school"; authorizing certain students to participate
905 in an extracurricular activity at another school
906 subject to certain requirements; amending s. 1006.19,
907 F.S.; providing requirements for an annual financial
908 and compliance audit of an association that supervises
909 interscholastic activities of public high schools;
910 requiring that an association or corporation that
911 supervises interscholastic activities of public high
912 schools complete a report; specifying report



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913 requirements; requiring the report to be submitted to
914 the Commissioner of Education and the Legislature
915 annually; amending s. 1006.20, F.S.; providing that
916 the designation of the Florida High School Athletic
917 Association (FHSAA) as the governing nonprofit
918 organization of athletics expires on a specified date;
919 specifying that the FHSAA is subject to the provisions
920 of chs. 119 and 286, F.S.; revising the criteria for
921 bylaws, policies, or guidelines adopted by the FHSAA;
922 requiring the FHSAA to complete a review by a
923 specified date; requiring that the FHSAA submit a
924 report to the Commissioner of Education, the Governor,
925 and the Legislature; providing requirements for
926 investigations and investigators; authorizing the
927 assessment of fees to cover costs for certain
928 proceedings; establishing notice requirements;
929 providing procedures for student residence and
930 transfer approvals; providing for hearings before the
931 Division of Administrative Hearings (DOAH);
932 authorizing DOAH to assess fees payable by the
933 nonprevailing party to administer the hearings;
934 providing that the burden is on the FHSAA to
935 demonstrate by clear and convincing evidence that a
936 student is ineligible to participate in a high school
937 athletic competition; requiring that the FHSAA pay
938 costs and attorney fees in certain circumstances;
939 revising the composition of the board of directors of
940 the FHSAA and terms of office; revising what
941 constitutes a quorum of the board of directors;



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942 providing that the appointment of the executive
943 director is subject to Senate confirmation; providing
944 restrictions on the salary, per diem, and travel
945 expenses of the FHSAA's executive director; revising
946 provisions relating to the FHSAA's representative
947 assembly; providing restrictions on the levy of dues
948 and fees and the collection of contest receipts;
949 providing authority to levy fines, penalties, and
950 sanctions against schools and coaches; providing that
951 members of the FHSAA's public liaison advisory
952 committee are entitled to reimbursement for per diem
953 and travel expenses at the same rate as state
954 employees; providing an effective date.