

By Senator Stargel

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1                                   A bill to be entitled  
2           An act relating to high school athletics; reenacting  
3           and amending s. 1002.20(17), F.S.; making technical  
4           changes; amending s. 1006.15, F.S.; revising criteria  
5           for student eligibility for participation in  
6           extracurricular activities to include students in  
7           charter schools; amending s. 1006.20, F.S.; revising  
8           the criteria for bylaws, policies, or guidelines  
9           adopted by the Florida High School Athletic  
10          Association; requiring the association to complete a  
11          review by a specified date; requiring that the  
12          association submit a report to the Commissioner of  
13          Education, the Governor, and the Legislature;  
14          establishing notice requirements to specified parties;  
15          providing procedures for student residence and  
16          transfer approvals; providing that the burden is on  
17          the FHSAA to demonstrate by clear and convincing  
18          evidence that a student is ineligible to participate  
19          in a high school athletic competition; requiring that  
20          the FHSAA pay costs and attorney fees in certain  
21          circumstances; revising the composition of the board  
22          of directors of the association; revising what  
23          constitutes a quorum of the board of directors;  
24          providing restrictions for the salary, benefits, per  
25          diem, and travel expenses of the association's  
26          executive director; providing that members of the  
27          association's public liaison advisory committee are  
28          entitled to reimbursement for per diem and travel  
29          expenses at the same rate as state employees;

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30 providing an effective date.

31  
32 Be It Enacted by the Legislature of the State of Florida:

33  
34 Section 1. Subsection (17) of section 1002.20, Florida  
35 Statutes, is reenacted and amended to read:

36 1002.20 K-12 student and parent rights.—Parents of public  
37 school students must receive accurate and timely information  
38 regarding their child's academic progress and must be informed  
39 of ways they can help their child to succeed in school. K-12  
40 students and their parents are afforded numerous statutory  
41 rights including, but not limited to, the following:

42 (17) ATHLETICS; PUBLIC HIGH SCHOOL.—

43 (a) *Eligibility*.—Eligibility requirements for all students  
44 participating in a high school athletic competition must allow a  
45 student to be eligible in the school in which he or she first  
46 enrolls each school year, the school in which the student makes  
47 himself or herself a candidate for an athletic team by engaging  
48 in practice before enrolling, or the school to which the student  
49 has transferred with approval of the district school board, in  
50 accordance with ~~the provisions of~~ s. 1006.20(2)(a).

51 (b) *Medical evaluation*.—Students must satisfactorily pass a  
52 medical evaluation each year before participating in athletics,  
53 unless the parent objects in writing based on religious tenets  
54 or practices, in accordance with ~~the provisions of~~ s.  
55 1006.20(2)(d).

56 Section 2. Paragraphs (a), (d), and (f) of subsection (3)  
57 and subsection (5) of section 1006.15, Florida Statutes, are  
58 amended to read:

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59 1006.15 Student standards for participation in  
60 interscholastic and intrascholastic extracurricular student  
61 activities; regulation.—

62 (3) (a) A student attending a public school or a school  
63 identified in this section is presumed eligible to participate  
64 in interscholastic extracurricular student activities. For the  
65 purposes of this section, a charter school is considered a  
66 public school. A student remains eligible to participate in  
67 interscholastic extracurricular student activities if the  
68 student ~~To be eligible to participate in interscholastic~~  
69 ~~extracurricular student activities, a student must:~~

70 1. Maintains ~~Maintain~~ a grade point average of 2.0 or above  
71 on a 4.0 scale, or its equivalent, in the previous semester or a  
72 cumulative grade point average of 2.0 or above on a 4.0 scale,  
73 or its equivalent, in the courses required by s. 1003.43(1).

74 2. Executes ~~Execute~~ and fulfills ~~fulfill~~ the requirements  
75 of an academic performance contract between the student, the  
76 district school board, the appropriate governing association,  
77 and the student's parents, if the student's cumulative grade  
78 point average falls below 2.0, or its equivalent, on a 4.0 scale  
79 in the courses required by s. 1003.43(1) or, for students who  
80 entered the 9th grade before ~~prior to~~ the 1997-1998 school year,  
81 if the student's cumulative grade point average falls below 2.0  
82 on a 4.0 scale, or its equivalent, in the courses required by s.  
83 1003.43(1) which are taken after July 1, 1997. At a minimum, the  
84 contract must require that the student attend summer school, or  
85 its graded equivalent, between grades 9 and 10 or grades 10 and  
86 11, as necessary.

87 3. Has ~~Have~~ a cumulative grade point average of 2.0 or

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88 above on a 4.0 scale, or its equivalent, in the courses required  
89 by s. 1003.43(1) during his or her junior or senior year.

90 4. Maintains ~~Maintain~~ satisfactory conduct, including  
91 adherence to appropriate dress and other codes of student  
92 conduct policies described in s. 1006.07(2). If a student is  
93 convicted of, or is found to have committed, a felony or a  
94 delinquent act that would have been a felony if committed by an  
95 adult, regardless of whether adjudication is withheld, the  
96 student's participation in interscholastic extracurricular  
97 activities is contingent upon established and published district  
98 school board policy.

99 (d) An individual public ~~charter~~ school student ~~pursuant to~~  
100 ~~s. 1002.33~~ is eligible to participate at the public school to  
101 which the student would be assigned, including a charter school,  
102 according to district school board attendance area policies or  
103 which the student could choose to attend, pursuant to district  
104 or interdistrict controlled open-enrollment policies ~~provisions,~~  
105 in any interscholastic extracurricular activity of that school,  
106 unless such activity is provided by the student's current  
107 ~~charter~~ school, if the following conditions are met:

108 1. The ~~charter school~~ student must meet the requirements of  
109 the student's current ~~charter~~ school education program ~~as~~  
110 ~~determined by the charter school governing board.~~

111 2. During the period of participation at a school, the  
112 ~~charter school~~ student must demonstrate educational progress as  
113 required in paragraph (b).

114 3. The ~~charter school~~ student must meet the same residency  
115 requirements as other students in the school at which he or she  
116 participates.

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117 4. The ~~charter school~~ student must meet the same standards  
118 of acceptance, behavior, and performance which ~~that~~ are required  
119 of other students in extracurricular activities.

120 5. The ~~charter school~~ student must register with the school  
121 his or her intent to participate in interscholastic  
122 extracurricular activities as a representative of the school  
123 before the beginning date of the season for the activity in  
124 which he or she wishes to participate. A ~~charter school~~ student  
125 must be able to participate in curricular activities if there  
126 ~~that~~ is a requirement for an extracurricular activity.

127 6. A student who transfers from a public ~~charter~~ school  
128 ~~program~~ to a different ~~traditional~~ public school before or  
129 during the first grading period of the school year is  
130 academically eligible to participate in interscholastic  
131 extracurricular activities during the first grading period if  
132 the student has a successful evaluation from the previous school  
133 year, pursuant to subparagraph 2.

134 7. A ~~Any~~ public school or private school student who has  
135 been unable to maintain academic eligibility for participation  
136 in interscholastic extracurricular activities is ineligible to  
137 participate in such activities as a public ~~charter~~ school  
138 student until the student has successfully completed one grading  
139 period in a ~~charter~~ school pursuant to subparagraph 2. ~~to become~~  
140 ~~eligible to participate as a charter school student.~~

141 (f) A student who transfers from the Florida Virtual School  
142 full-time program to a ~~traditional~~ public school before or  
143 during the first grading period of the school year is  
144 academically eligible to participate in interscholastic  
145 extracurricular activities during the first grading period if

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146 the student has a successful evaluation from the previous school  
147 year pursuant to paragraph (a).

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

150 (a) Shall permit home education associations to join as  
151 member schools.

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

155 Section 3. Subsections (1) through (4) of section 1006.20,  
156 Florida Statutes, are amended, and paragraph (f) is added to  
157 subsection (6) of that section to read:

158 1006.20 Athletics in public K-12 schools.—

159 (1) GOVERNING NONPROFIT ORGANIZATION.—The Florida High  
160 School Athletic Association (FHSAA) is designated as the  
161 governing nonprofit organization of athletics in Florida public  
162 schools. If the FHSAA fails to meet the provisions of this  
163 section, the commissioner shall designate a nonprofit  
164 organization to govern athletics with the approval of the State  
165 Board of Education. The FHSAA is not a state agency as defined  
166 in s. 120.52. The FHSAA shall be subject to ~~the provisions of s.~~  
167 1006.19. A private school that wishes to engage in high school  
168 athletic competition with a public high school may become a  
169 member of the FHSAA. Any high school in the state, including  
170 charter schools, virtual schools, and home education  
171 cooperatives, may become a member of the FHSAA and participate  
172 in the activities of the FHSAA. However, membership in the FHSAA  
173 is not mandatory for any school. The FHSAA may not deny or  
174 discourage interscholastic competition between its member

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175 schools and non-FHSAA member Florida schools, including members  
176 of another athletic governing organization, and may not take any  
177 retributory or discriminatory action against any of its member  
178 schools that participate in interscholastic competition with  
179 non-FHSAA member Florida schools. The FHSAA may not unreasonably  
180 withhold its approval of an application to become an affiliate  
181 member of the National Federation of State High School  
182 Associations submitted by any other organization that governs  
183 interscholastic athletic competition in this state. The bylaws  
184 of the FHSAA are the rules by which high school athletic  
185 programs in its member schools, and the students who participate  
186 in them, are governed, unless otherwise specifically provided by  
187 statute. For the purposes of this section, "high school"  
188 includes grades 6 through 12.

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

190 (a) The FHSAA shall adopt bylaws that, unless otherwise  
191 provided by statute, establish limited violations that result in  
192 ineligibility for students who participate in high school  
193 athletic competition in its member schools. The bylaws must  
194 ensure that:

195 1. A student remains eligible in the school in which he or  
196 she first enrolls each school year or the school in which the  
197 student makes himself or herself a candidate for an athletic  
198 team by engaging in a practice before enrolling in the school.

199 2. A student remains eligible in the school to which the  
200 student has transferred during the school year if the transfer  
201 is made by a deadline established by the FHSAA, which may not be  
202 before the date authorized for the beginning of practice for the  
203 sport.

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204 3. Once a student residence or transfer is approved by the  
205 district school board or private school, as applicable, the  
206 student remains eligible in the school if he or she remains  
207 enrolled in the school and complies with applicable  
208 requirements.

209 4. Rule, eligibility, and recruiting violations by a  
210 teammate, coach, administrator, school, or adult representative  
211 may not be used against a student.

212 5. A student is ineligible if the student or parent  
213 intentionally and knowingly falsifies an enrollment or  
214 eligibility document or intentionally and knowingly accepts a  
215 significant benefit or a promise of significant benefit that is  
216 not reasonably available to the school's students or family  
217 members and that is provided based primarily on the student's  
218 athletic interest, potential, or performance.

219 6. Ineligibility requirements shall be applied to public  
220 school students on an equal basis with private school students.

221 7. Ineligibility requirements shall be applied to transfer  
222 students on an equal basis with nontransfer students.

223 8. Prescribed violations must be substantially related to  
224 specific, important objectives and must be limited to address  
225 only the minimal requirements necessary to accomplish the  
226 objectives.

227  
228 The FHSAA shall complete a comprehensive review and analysis of  
229 all existing bylaws, policies, and administrative procedures to  
230 determine compliance with this paragraph by October 1, 2013. The  
231 FHSAA shall provide a detailed report originating from its  
232 review and analysis, which must include, but need not be limited



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233 to, specifically articulating how each violation or requirement  
234 in the bylaws, policies, and administrative procedures is  
235 substantially related to an identified, important objective and  
236 any necessary corrective action. The FHSAA shall provide a copy  
237 of the report to the Commissioner of Education, the Governor,  
238 the President of the Senate, and the Speaker of the House of  
239 Representatives by October 15, 2013. Bylaws, policies, or  
240 administrative procedures that are noncompliant with this  
241 paragraph are void as of July 1, 2013 ~~The FHSAA shall adopt~~  
242 ~~bylaws that, unless specifically provided by statute, establish~~  
243 ~~eligibility requirements for all students who participate in~~  
244 ~~high school athletic competition in its member schools. The~~  
245 ~~bylaws governing residence and transfer shall allow the student~~  
246 ~~to be eligible in the school in which he or she first enrolls~~  
247 ~~each school year or the school in which the student makes~~  
248 ~~himself or herself a candidate for an athletic team by engaging~~  
249 ~~in a practice prior to enrolling in the school. The bylaws shall~~  
250 ~~also allow the student to be eligible in the school to which the~~  
251 ~~student has transferred during the school year if the transfer~~  
252 ~~is made by a deadline established by the FHSAA, which may not be~~  
253 ~~prior to the date authorized for the beginning of practice for~~  
254 ~~the sport. These transfers shall be allowed pursuant to the~~  
255 ~~district school board policies in the case of transfer to a~~  
256 ~~public school or pursuant to the private school policies in the~~  
257 ~~ease of transfer to a private school. The student shall be~~  
258 ~~eligible in that school so long as he or she remains enrolled in~~  
259 ~~that school. Subsequent eligibility shall be determined and~~  
260 ~~enforced through the FHSAA's bylaws. Requirements governing~~  
261 ~~eligibility and transfer between member schools shall be applied~~

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262 ~~similarly to public school students and private school students.~~

263 (b) The FHSAA shall adopt bylaws that specifically prohibit  
264 the recruiting of students for athletic purposes. The bylaws  
265 must ~~shall~~ prescribe penalties and an appeals process for  
266 athletic recruiting violations. If it is determined that a  
267 school has recruited a student in violation of FHSAA bylaws, the  
268 FHSAA may require the school to participate in a higher  
269 classification for the sport in which the recruited student  
270 competes for a minimum of one classification cycle, in addition  
271 to any other appropriate fine and sanction imposed on the  
272 school, its coaches, or adult representatives who violate  
273 recruiting rules. ~~A student may not be declared ineligible based  
274 on violation of recruiting rules unless the student or parent  
275 has falsified any enrollment or eligibility document or accepted  
276 any benefit or any promise of benefit if such benefit is not  
277 generally available to the school's students or family members  
278 or is based in any way on athletic interest, potential, or  
279 performance.~~

280 (c) The FHSAA shall adopt bylaws that require all students  
281 participating in interscholastic athletic competition or who are  
282 candidates for an interscholastic athletic team to  
283 satisfactorily pass a medical evaluation each year before ~~prior~~  
284 ~~to~~ participating in interscholastic athletic competition or  
285 engaging in any practice, tryout, workout, or other physical  
286 activity associated with the student's candidacy for an  
287 interscholastic athletic team. Such medical evaluation may be  
288 administered only by a practitioner licensed under chapter 458,  
289 chapter 459, chapter 460, or s. 464.012, and in good standing  
290 with the practitioner's regulatory board. The bylaws must ~~shall~~

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291 establish requirements for eliciting a student's medical history  
292 and performing the medical evaluation required under this  
293 paragraph, which must ~~shall~~ include a physical assessment of the  
294 student's physical capabilities to participate in  
295 interscholastic athletic competition as contained in a uniform  
296 preparticipation physical evaluation and history form. The  
297 evaluation form must ~~shall~~ incorporate the recommendations of  
298 the American Heart Association for participation cardiovascular  
299 screening and must ~~shall~~ provide a place for the signature of  
300 the practitioner performing the evaluation with an attestation  
301 that each examination procedure listed on the form was performed  
302 by the practitioner or by someone under the direct supervision  
303 of the practitioner. The form must ~~shall~~ also contain a place  
304 for the practitioner to indicate if a referral to another  
305 practitioner was made in lieu of completion of a certain  
306 examination procedure. The form must ~~shall~~ provide a place for  
307 the practitioner to whom the student was referred to complete  
308 the remaining sections and attest to that portion of the  
309 examination. The preparticipation physical evaluation form must  
310 ~~shall~~ advise students to complete a cardiovascular assessment  
311 and must ~~shall~~ include information concerning alternative  
312 cardiovascular evaluation and diagnostic tests. Results of such  
313 medical evaluation must be provided to the school. No student  
314 shall be eligible to participate in any interscholastic athletic  
315 competition or engage in any practice, tryout, workout, or other  
316 physical activity associated with the student's candidacy for an  
317 interscholastic athletic team until the results of the medical  
318 evaluation have been received and approved by the school.

319 (d) Notwithstanding ~~the provisions of~~ paragraph (c), a

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320 student may participate in interscholastic athletic competition  
321 or be a candidate for an interscholastic athletic team if the  
322 parent of the student objects in writing to the student  
323 undergoing a medical evaluation because such evaluation is  
324 contrary to his or her religious tenets or practices. However,  
325 in such case, there shall be no liability on the part of any  
326 person or entity in a position to otherwise rely on the results  
327 of such medical evaluation for any damages resulting from the  
328 student's injury or death arising directly from the student's  
329 participation in interscholastic athletics where an undisclosed  
330 medical condition that would have been revealed in the medical  
331 evaluation is a proximate cause of the injury or death.

332 (e) The FHSAA shall adopt bylaws that regulate persons who  
333 conduct investigations on behalf of the FHSAA. The bylaws must  
334 ~~shall~~ include provisions that require an investigator to:

335 1. Undergo level 2 background screening under s. 435.04,  
336 establishing that the investigator has not committed any  
337 disqualifying offense listed in s. 435.04, unless the  
338 investigator can provide proof of compliance with level 2  
339 screening standards submitted within the previous 5 years to  
340 meet any professional licensure requirements, provided:

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

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

348 2. Be appointed as an investigator by the executive

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349 director.

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

352 4. Adhere to the following guidelines:

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

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

358 c. Allow the parent of any student being interviewed to be  
359 present during the interview.

360 d. Search residences or other private areas only with the  
361 permission of the executive director and the written consent of  
362 the student's parent and only with a parent or a representative  
363 of the parent present.

364 5. Provide notice to the affected student, parent, coach,  
365 and school within 2 business days after the assignment of an  
366 investigation into ineligibility or other violation of law or  
367 rule. If the executive director certifies in writing that a  
368 compelling need to withhold notice exists, identifying with  
369 specificity why notice must not be provided, the notice is not  
370 required until the investigator concludes the investigation. The  
371 executive director shall provide a copy of the certification to  
372 the Commissioner of Education within 1 business day after  
373 signing the certification.

374 6. Provide the affected student, parent, coach, and school  
375 within 5 business days after completion of the investigation a  
376 copy of the investigation, report, and any recommendation made  
377 by the investigator, executive director, or board of directors.

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

381 1. Major violations include, but are not limited to,  
382 knowingly allowing an ineligible student to participate in a  
383 contest representing a member school in an interscholastic  
384 contest or committing a violation of the FHSAA's recruiting or  
385 sportsmanship policies.

386 2. Sanctions placed upon an individual coach may include,  
387 but are not limited to, prohibiting or suspending the coach from  
388 coaching, participating in, or attending any athletic activity  
389 sponsored, recognized, or sanctioned by the FHSAA and the member  
390 school for which the coach committed the violation. If a coach  
391 is sanctioned by the FHSAA and the coach transfers to another  
392 member school, those sanctions remain in full force and effect  
393 during the term of the sanction.

394 3. If a member school is assessed a financial penalty as a  
395 result of a coach committing a major violation, the coach shall  
396 reimburse the member school before being allowed to coach,  
397 participate in, or attend any athletic activity sponsored,  
398 recognized, or sanctioned by the FHSAA and a member school.

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

402 (g) The FHSAA shall adopt bylaws establishing the process  
403 and standards by which FHSAA determinations of sanctions or  
404 eligibility determinations against a coach or school ~~eligibility~~  
405 are made. Such bylaws must ~~shall~~ provide that:

406 1. Ineligibility must be established by clear and

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407 convincing evidence;

408       2. The investigator and individual making the determination  
409 shall receive and consider, from students, parents, coaches, and  
410 schools, all evidence of a type commonly relied upon by  
411 reasonably prudent persons in the conduct of their affairs. Such  
412 evidence shall be admissible in the proceeding, whether or not  
413 such evidence would be admissible in a trial court in this state  
414 ~~Student athletes, parents, and schools must have notice of the~~  
415 ~~initiation of any investigation or other inquiry into~~  
416 ~~eligibility and may present, to the investigator and to the~~  
417 ~~individual making the eligibility determination, any information~~  
418 ~~or evidence that is credible, persuasive, and of a kind~~  
419 ~~reasonably prudent persons rely upon in the conduct of serious~~  
420 ~~affairs;~~

421       3. An investigator may not determine matters of eligibility  
422 but must submit information and evidence to the executive  
423 director or a person designated by the executive director or by  
424 the board of directors for an unbiased and objective  
425 determination of eligibility; and

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

429       (h) In lieu of bylaws adopted under paragraph (g), the  
430 FHSAA may adopt bylaws providing as a minimum the procedural  
431 safeguards of ss. 120.569 and 120.57, making appropriate  
432 provision for appointment of unbiased and qualified hearing  
433 officers.

434       (i) ~~The FHSAA bylaws may not limit the competition of~~  
435 ~~student athletes prospectively for rule violations of their~~

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436 ~~school or its coaches or their adult representatives. The FHSAA~~  
437 ~~bylaws may not unfairly punish student athletes for eligibility~~  
438 ~~or recruiting violations perpetrated by a teammate, coach, or~~  
439 ~~administrator.~~ Contests may not be forfeited for inadvertent  
440 eligibility violations unless the coach or a school  
441 administrator should have known of the violation. Contests may  
442 not be forfeited for other eligibility violations or recruiting  
443 violations in excess of the number of contests that the coaches  
444 and adult representatives responsible for the violations are  
445 prospectively suspended.

446 (j) The FHSAA ~~organization~~ shall adopt guidelines to  
447 educate athletic coaches, officials, administrators, and student  
448 athletes and their parents of the nature and risk of concussion  
449 and head injury.

450 (k) The FHSAA ~~organization~~ shall adopt bylaws or policies  
451 that require the parent of a student who is participating in  
452 interscholastic athletic competition or who is a candidate for  
453 an interscholastic athletic team to sign and return an informed  
454 consent that explains the nature and risk of concussion and head  
455 injury, including the risk of continuing to play after  
456 concussion or head injury, each year before participating in  
457 interscholastic athletic competition or engaging in any  
458 practice, tryout, workout, or other physical activity associated  
459 with the student's candidacy for an interscholastic athletic  
460 team.

461 (l) The FHSAA ~~organization~~ shall adopt bylaws or policies  
462 that require each student athlete who is suspected of sustaining  
463 a concussion or head injury in a practice or competition to be  
464 immediately removed from the activity. A student athlete who has



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465 been removed from an activity may not return to practice or  
466 competition until the student submits to the school a written  
467 medical clearance to return stating that the student athlete no  
468 longer exhibits signs, symptoms, or behaviors consistent with a  
469 concussion or other head injury. Medical clearance must be  
470 authorized by the appropriate health care practitioner trained  
471 in the diagnosis, evaluation, and management of concussions as  
472 defined by the Sports Medicine Advisory Committee of the Florida  
473 High School Athletic Association.

474 (m) The FHSAA organization shall adopt bylaws for the  
475 establishment and duties of a sports medicine advisory committee  
476 composed of the following members:

477 1. Eight physicians licensed under chapter 458 or chapter  
478 459 with at least one member licensed under chapter 459.

479 2. One chiropractor licensed under chapter 460.

480 3. One podiatrist licensed under chapter 461.

481 4. One dentist licensed under chapter 466.

482 5. Three athletic trainers licensed under part XIII of  
483 chapter 468.

484 6. One member who is a current or retired head coach of a  
485 high school in the state.

486 (n) Student residence and transfer approvals shall be  
487 determined by the district school board in the case of a public  
488 school student, and by the private school in the case of a  
489 private school student. If the school district or private school  
490 approves the student residence or transfer, the student remains  
491 eligible to participate in high school athletic competition  
492 under the FHSAA jurisdiction.

493 1. The FHSAA may challenge the student's eligibility to

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494 participate in a high school athletic competition under its  
495 jurisdiction by filing a petition for a hearing with the  
496 Division of Administrative Hearings pursuant to s. 120.569, with  
497 a copy of the petition contemporaneously provided to the  
498 student, parent, coach, and school. The student remains eligible  
499 unless a final order finding the student's ineligibility is  
500 rendered.

501 2. The burden is on the FHSAA to demonstrate by clear and  
502 convincing evidence that the student is ineligible. The  
503 administrative law judge shall issue a final order pursuant to  
504 s. 120.68. If the administrative law judge finds that the  
505 student remains eligible, the final order shall award all  
506 reasonable costs and attorney fees to be paid to all respondents  
507 by the FHSAA. The FHSAA may not seek to recoup these costs and  
508 expenses from any other person, entity, or party.

509 (3) GOVERNING STRUCTURE OF THE FLORIDA HIGH SCHOOL ATHLETIC  
510 ASSOCIATION ORGANIZATION.—

511 (a) The FHSAA shall operate as a representative democracy  
512 in which the sovereign authority is within its member schools.  
513 Except as provided in this section, the FHSAA shall govern its  
514 affairs through its bylaws.

515 (b) Each member school, on its annual application for  
516 membership, shall name its official representative to the FHSAA.  
517 This representative must be either the school principal or his  
518 or her designee. That designee must either be an assistant  
519 principal or athletic director housed within that same school.

520 (c) The FHSAA's membership shall be divided along existing  
521 county lines into four contiguous and compact administrative  
522 regions, each containing an equal or nearly equal number of

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523 member schools to ensure equitable representation on the FHSAA's  
524 board of directors, representative assembly, and appeals  
525 committees.

526 (4) BOARD OF DIRECTORS.—

527 (a) The executive authority of the FHSAA shall be vested in  
528 its board of directors. Any entity that appoints members to the  
529 board of directors shall examine the ethnic and demographic  
530 composition of the board when selecting candidates for  
531 appointment and shall, to the greatest extent possible, make  
532 appointments that reflect state demographic and population  
533 trends. The board of directors shall be composed of 25 ~~16~~  
534 persons, as follows:

535 1. Four public member school representatives, one elected  
536 from among its public school representative members within each  
537 of the four administrative regions.

538 2. Four nonpublic member school representatives, one  
539 elected from among its nonpublic school representative members  
540 within each of the four administrative regions.

541 3. Four ~~Three~~ representatives appointed by the  
542 commissioner, one appointed from each of the four administrative  
543 regions ~~one appointed from the two northernmost administrative~~  
544 ~~regions and one appointed from the two southernmost~~  
545 ~~administrative regions. The third representative shall be~~  
546 ~~appointed to balance the board for diversity or state population~~  
547 ~~trends, or both.~~

548 4. Two district school superintendents, one elected from  
549 the two northernmost administrative regions by the members in  
550 those regions and one elected from the two southernmost  
551 administrative regions by the members in those regions.

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552 5. Two district school board members, one elected from the  
553 two northernmost administrative regions by the members in those  
554 regions and one elected from the two southernmost administrative  
555 regions by the members in those regions.

556 6. The commissioner or his or her designee from the  
557 department executive staff.

558 7. Four representatives appointed by the President of the  
559 Senate, one appointed from each of the four administrative  
560 regions.

561 8. Four representatives appointed by the Speaker of the  
562 House of Representatives, one appointed from each of the four  
563 administrative regions.

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

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

569 (d) Members of the board of directors shall serve terms of  
570 3 years and are eligible to succeed themselves only once. A  
571 member of the board of directors, other than the commissioner or  
572 his or her designee, may serve a maximum of 6 consecutive years.  
573 The FHSAA's bylaws shall establish a rotation of terms to ensure  
574 that a majority of the members' terms do not expire  
575 concurrently.

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

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

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581 charter and articles of incorporation.

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

584 3. To employ an FHSAA executive director, who has ~~shall~~  
585 ~~have~~ the authority to waive the bylaws of the FHSAA in order to  
586 comply with statutory changes. The executive director's salary  
587 shall be no greater than that set by law for the Governor of  
588 this state. The executive director may not receive a car  
589 allowance or cellular telephone as a result of his or her  
590 employment. The executive director is not entitled to per diem  
591 and travel expenses in excess of the rate provided for state  
592 employees under s. 112.061.

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

595 5. To approve the budget of the FHSAA.

596 6. To organize and conduct statewide interscholastic  
597 competitions, which may or may not lead to state championships,  
598 and to establish the terms and conditions for these  
599 competitions.

600 7. To act as an administrative board in the interpretation  
601 of, and final decision on, all questions and appeals arising  
602 from the directing of interscholastic athletics of member  
603 schools.

604 (6) PUBLIC LIAISON ADVISORY COMMITTEE.—

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

608 Section 4. This act shall take effect July 1, 2013.