

Amendment No.

CHAMBER ACTION

Senate

House

.

Representative Metz offered the following:

**Amendment (with title amendment)**

Remove 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.—

(a) *Eligibility*.—Eligibility requirements for all students participating in a high school athletic competition must allow a student to be eligible in the school in which he or she first

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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  
23 a medical evaluation each year before participating in  
24 athletics, unless the parent objects in writing based on  
25 religious tenets or practices, in accordance with ~~the provisions~~  
26 ~~of~~ s. 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  
43 student ~~To be eligible to participate in interscholastic~~  
44 ~~extracurricular student activities, a student must:~~

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45 1. Maintains ~~Maintain~~ a grade point average of 2.0 or  
46 above on a 4.0 scale, or its equivalent, in the previous  
47 semester or a cumulative grade point average of 2.0 or above on  
48 a 4.0 scale, or its equivalent, in the courses required by s.  
49 1003.43(1).

50 2. Executes ~~Execute~~ and fulfills ~~fulfill~~ the requirements  
51 of an academic performance contract between the student, the  
52 district school board, the appropriate governing association,  
53 and the student's parents, if the student's cumulative grade  
54 point average falls below 2.0, or its equivalent, on a 4.0 scale  
55 in the courses required by s. 1003.43(1) ~~or, for students who~~  
56 ~~entered the 9th grade prior to the 1997-1998 school year, if the~~  
57 ~~student's cumulative grade point average falls below 2.0 on a~~  
58 ~~4.0 scale, or its equivalent, in the courses required by s.~~  
59 ~~1003.43(1) which are taken after July 1, 1997.~~ At a minimum, the  
60 contract must require that the student attend summer school, or  
61 its graded equivalent, between grades 9 and 10 or grades 10 and  
62 11, as necessary.

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

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

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

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

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

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

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

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

98 5. The charter school student must register with the  
99 school his or her intent to participate in interscholastic  
100 extracurricular activities as a representative of the school

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

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

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

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

127 1. During the period of participation in the  
128 interscholastic extracurricular activity, the Florida Virtual

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129 School student must meet ~~meets~~ the requirements in paragraph

130 (a).

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

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

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

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

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

154 ~~7.(g)~~ A public school or private school student who has  
155 been unable to maintain academic eligibility for participation  
156 in interscholastic extracurricular activities is ineligible to

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157 participate in such activities as a Florida Virtual School  
158 student until the student successfully completes one grading  
159 period in the Florida Virtual School pursuant to paragraph (a).

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

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

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

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

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

180 5. Registers with the school that offers the  
181 extracurricular activity his or her intent to participate in the  
182 interscholastic extracurricular activity at that school before  
183 the beginning date of the season for the activity in which he or  
184 she wishes to participate. A public school student must

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185 participate in a curricular activity if it is a requirement for  
186 an extracurricular activity. The student may choose to  
187 participate in the required curricular activity at the school he  
188 or she attends or at the school in which he or she participates  
189 in the extracurricular activity.

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

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

202 (a) Shall permit home education associations to join as  
203 member schools.

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

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

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213 school that is zoned for the physical address at which the  
214 student resides if:

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

218 2. The private school student meets the guidelines for the  
219 conduct of the program established by the FHSAA's board of  
220 directors and the district school board. At a minimum, such  
221 guidelines shall provide:

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

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

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

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

245 (d) The athletic director of each participating FHSAA  
246 member public school shall maintain the student records  
247 necessary for eligibility, compliance, and participation in the  
248 program.

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

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

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

261 Section 3. Subsection (1) of section 1006.19, Florida  
262 Statutes, is amended, and subsection (3) is added to that  
263 section, to read:

264 1006.19 Audit of records of nonprofit corporations and  
265 associations handling interscholastic activities; annual  
266 report.-

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267 (1) Each nonprofit association or corporation that  
268 operates for the purpose of supervising and controlling  
269 interscholastic activities of public high schools and whose  
270 membership is composed of duly certified representatives of  
271 public high schools, and whose rules and regulations are  
272 established by members thereof, shall have an annual financial  
273 and compliance audit of its accounts and records by an  
274 independent certified public accountant retained by it and paid  
275 from its funds, in accordance with rules adopted by the Auditor  
276 General. The audit must be conducted in compliance with  
277 generally accepted auditing standards and include a report on  
278 financial statements presented in accordance with generally  
279 accepted accounting principles set forth by the American  
280 Institute of Certified Public Accountants for not-for-profit  
281 organizations and a determination of compliance with the  
282 statutory eligibility and expenditure requirements of s.  
283 1006.20. Audits shall be submitted to the Auditor General, the  
284 Speaker of the House of Representatives, and the Senate  
285 President within 180 days after the end of each fiscal year. The  
286 accountant shall furnish a copy of the audit report to the  
287 Auditor General.

288 (3) Any such nonprofit association or corporation shall  
289 provide a report of the number of appeals and other cases  
290 involving the FHSAA and the disposition of those matters. The  
291 report must include how many cases were filed, either with the  
292 FHSAA or another tribunal; the number of cases in which the  
293 initial decision of the FHSAA or its members was affirmed,  
294 reversed, or otherwise resolved; and a summary of the nature of

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295 the issue in dispute. By October 1 of each year, the report must  
296 be submitted to the Commissioner of Education, the President of  
297 the Senate, and the Speaker of the House of Representatives.

298 Section 4. Subsections (1), (2), (4), and (5) of section  
299 1006.20, Florida Statutes, are amended, and paragraph (f) is  
300 added to subsection (6) of that section to read:

301 1006.20 Athletics in public K-12 schools.—

302 (1) GOVERNING NONPROFIT ORGANIZATION.—The Florida High  
303 School Athletic Association (FHSAA) is designated as the  
304 governing nonprofit organization of athletics in Florida public  
305 schools. This designation expires July 1, 2017. If the FHSAA  
306 fails to meet the provisions of this section or the Legislature  
307 does not timely designate a successor, the commissioner shall  
308 designate a nonprofit organization to govern athletics with the  
309 approval of the State Board of Education for successive terms  
310 not to exceed 4 years each or until the Legislature designates a  
311 successor. The FHSAA is not a state agency as defined in s.  
312 120.52. The Legislature determines it is in the public interest  
313 and reflects the state's public policy that FHSAA operate in the  
314 most open and accessible manner consistent with its public  
315 purposes. To this end, the Legislature specifically declares  
316 that FHSAA and its divisions, boards, and advisory councils, or  
317 similar entities created or managed by FHSAA are subject to the  
318 provisions of chapter 119 relating to public records and those  
319 provisions of chapter 286 relating to public meetings. The FHSAA  
320 shall be subject to ~~the provisions of~~ s. 1006.19. A private  
321 school that wishes to engage in high school athletic competition  
322 with a public high school may become a member of the FHSAA. Any

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323 high school in the state, including charter schools, virtual  
324 schools, and home education cooperatives, may become a member of  
325 the FHSAA and participate in the activities of the FHSAA.  
326 However, membership in the FHSAA is not mandatory for any  
327 school. The FHSAA may not deny or discourage interscholastic  
328 competition between its member schools and non-FHSAA member  
329 Florida schools, including members of another athletic governing  
330 organization, and may not take any retributory or discriminatory  
331 action against any of its member schools that participate in  
332 interscholastic competition with non-FHSAA member Florida  
333 schools. The FHSAA may not unreasonably withhold its approval of  
334 an application to become an affiliate member of the National  
335 Federation of State High School Associations submitted by any  
336 other organization that governs interscholastic athletic  
337 competition in this state. The bylaws of the FHSAA are the rules  
338 by which high school athletic programs in its member schools,  
339 and the students who participate in them, are governed, unless  
340 otherwise specifically provided by statute. For the purposes of  
341 this section, "high school" includes grades 6 through 12.

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

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

348 1. A student remains eligible in the school in which he or  
349 she first enrolls each school year or the school in which the

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350 student makes himself or herself a candidate for an athletic  
351 team by engaging in a practice before enrolling in the school.

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

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

362 4. An otherwise eligible student athlete is not unfairly  
363 punished for rule, eligibility, or recruiting violations  
364 committed by a teammate, coach, administrator, school, or adult  
365 representative. Competition of otherwise eligible student  
366 athletes is not prospectively limited for rule, eligibility, or  
367 recruiting violations of a teammate, coach, administrator,  
368 school, or adult representative.

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

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

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378 a. Participated on a non-school team or non-school teams  
379 affiliated with the school in which the student ultimately  
380 enrolls; or

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

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

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

388 9. Prescribed violations must be substantially related to  
389 specific, important objectives and must be limited to address  
390 only the minimal requirements necessary to accomplish the  
391 objectives.

392  
393 The FHSAA shall complete a comprehensive review and analysis of  
394 all existing bylaws, policies, and administrative procedures to  
395 determine compliance with this paragraph by October 1, 2013. The  
396 FHSAA shall provide a detailed report originating from its  
397 review and analysis, which must include, but need not be limited  
398 to, specifically articulating how each violation or requirement  
399 in the bylaws, policies, and administrative procedures is  
400 substantially related to an identified, important objective and  
401 any necessary corrective action. The FHSAA shall provide a copy  
402 of the report to the Commissioner of Education, the Governor,  
403 the President of the Senate, and the Speaker of the House of  
404 Representatives by October 15, 2013. Bylaws, policies, or  
405 administrative procedures that are noncompliant with this

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406 ~~paragraph are void as of January 1, 2014 The FHSAA shall adopt~~  
407 ~~bylaws that, unless specifically provided by statute, establish~~  
408 ~~eligibility requirements for all students who participate in~~  
409 ~~high school athletic competition in its member schools. The~~  
410 ~~bylaws governing residence and transfer shall allow the student~~  
411 ~~to be eligible in the school in which he or she first enrolls~~  
412 ~~each school year or the school in which the student makes~~  
413 ~~himself or herself a candidate for an athletic team by engaging~~  
414 ~~in a practice prior to enrolling in the school. The bylaws shall~~  
415 ~~also allow the student to be eligible in the school to which the~~  
416 ~~student has transferred during the school year if the transfer~~  
417 ~~is made by a deadline established by the FHSAA, which may not be~~  
418 ~~prior to the date authorized for the beginning of practice for~~  
419 ~~the sport. These transfers shall be allowed pursuant to the~~  
420 ~~district school board policies in the case of transfer to a~~  
421 ~~public school or pursuant to the private school policies in the~~  
422 ~~case of transfer to a private school. The student shall be~~  
423 ~~eligible in that school so long as he or she remains enrolled in~~  
424 ~~that school. Subsequent eligibility shall be determined and~~  
425 ~~enforced through the FHSAA's bylaws. Requirements governing~~  
426 ~~eligibility and transfer between member schools shall be applied~~  
427 ~~similarly to public school students and private school students.~~

428 (b) The FHSAA shall adopt bylaws that specifically  
429 prohibit the recruiting of students for athletic purposes. The  
430 bylaws must ~~shall~~ prescribe penalties and an appeals process for  
431 athletic recruiting violations. If it is determined that a  
432 school has recruited a student in violation of FHSAA bylaws, the  
433 FHSAA may require the school to participate in a higher

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434 classification for the sport in which the recruited student  
435 competes for a minimum of one classification cycle, in addition  
436 to any other appropriate fine and sanction imposed on the  
437 school, its coaches, or adult representatives who violate  
438 recruiting rules. ~~A student may not be declared ineligible based  
439 on violation of recruiting rules unless the student or parent  
440 has falsified any enrollment or eligibility document or accepted  
441 any benefit or any promise of benefit if such benefit is not  
442 generally available to the school's students or family members  
443 or is based in any way on athletic interest, potential, or  
444 performance.~~

445 (c) The FHSAA shall adopt bylaws that require all students  
446 participating in interscholastic athletic competition or who are  
447 candidates for an interscholastic athletic team to  
448 satisfactorily pass a medical evaluation each year before ~~prior~~  
449 ~~to~~ participating in interscholastic athletic competition or  
450 engaging in any practice, tryout, workout, or other physical  
451 activity associated with the student's candidacy for an  
452 interscholastic athletic team. Such medical evaluation may be  
453 administered only by a practitioner licensed under chapter 458,  
454 chapter 459, chapter 460, or s. 464.012, and in good standing  
455 with the practitioner's regulatory board. The bylaws must ~~shall~~  
456 establish requirements for eliciting a student's medical history  
457 and performing the medical evaluation required under this  
458 paragraph, which must ~~shall~~ include a physical assessment of the  
459 student's physical capabilities to participate in  
460 interscholastic athletic competition as contained in a uniform  
461 preparticipation physical evaluation and history form. The

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462 evaluation form must ~~shall~~ incorporate the recommendations of  
463 the American Heart Association for participation cardiovascular  
464 screening and must ~~shall~~ provide a place for the signature of  
465 the practitioner performing the evaluation with an attestation  
466 that each examination procedure listed on the form was performed  
467 by the practitioner or by someone under the direct supervision  
468 of the practitioner. The form must ~~shall~~ also contain a place  
469 for the practitioner to indicate if a referral to another  
470 practitioner was made in lieu of completion of a certain  
471 examination procedure. The form must ~~shall~~ provide a place for  
472 the practitioner to whom the student was referred to complete  
473 the remaining sections and attest to that portion of the  
474 examination. The preparticipation physical evaluation form must  
475 ~~shall~~ advise students to complete a cardiovascular assessment  
476 and must ~~shall~~ include information concerning alternative  
477 cardiovascular evaluation and diagnostic tests. Results of such  
478 medical evaluation must be provided to the school. No student  
479 shall be eligible to participate in any interscholastic athletic  
480 competition or engage in any practice, tryout, workout, or other  
481 physical activity associated with the student's candidacy for an  
482 interscholastic athletic team until the results of the medical  
483 evaluation have been received and approved by the school.

484 (d) Notwithstanding ~~the provisions of~~ paragraph (c), a  
485 student may participate in interscholastic athletic competition  
486 or be a candidate for an interscholastic athletic team if the  
487 parent of the student objects in writing to the student  
488 undergoing a medical evaluation because such evaluation is  
489 contrary to his or her religious tenets or practices. However,

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490 in such case, there shall be no liability on the part of any  
491 person or entity in a position to otherwise rely on the results  
492 of such medical evaluation for any damages resulting from the  
493 student's injury or death arising directly from the student's  
494 participation in interscholastic athletics where an undisclosed  
495 medical condition that would have been revealed in the medical  
496 evaluation is a proximate cause of the injury or death.

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

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

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

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

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517 2. Be appointed as an investigator by the executive  
518 director.

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

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

523 5.4. Adhere to the following guidelines:

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

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

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

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

536 ~~d. Search residences or other private areas only with the~~  
537 ~~permission of the executive director and the written consent of~~  
538 ~~the student's parent and only with a parent or a representative~~  
539 ~~of the parent present.~~

540 6. Provide notice to the affected student, parent, coach,  
541 and school within 2 business days after the assignment of a  
542 formal investigation into ineligibility or other violation of  
543 law or rule. If the executive director certifies in writing that  
544 a compelling need to withhold notice exists, identifying with

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545 specificity why notice must not be provided, the notice is not  
546 required until the investigator concludes the investigation. The  
547 executive director shall provide a copy of the certification to  
548 the Commissioner of Education within 1 business day after  
549 signing the certification.

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

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

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

565 2. Sanctions placed upon an individual coach may include,  
566 but are not limited to, prohibiting or suspending the coach from  
567 coaching, participating in, or attending any athletic activity  
568 sponsored, recognized, or sanctioned by the FHSAA and the member  
569 school for which the coach committed the violation. If a coach  
570 is sanctioned by the FHSAA and the coach transfers to another  
571 member school, those sanctions remain in full force and effect  
572 during the term of the sanction.

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

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

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

586 1. Ineligibility must be established by clear and  
587 convincing evidence;

588 2. Initial investigations into allegations of  
589 ineligibility may be initiated by the FHSAA only if supported by  
590 credible information from an identified source or from an  
591 anonymous source with credible corroboration and which, if  
592 proven true, would reasonably rebut the presumption of  
593 eligibility. An informal investigation is limited to determining  
594 whether there is a sufficient evidentiary basis to initiate a  
595 formal investigation and to produce the sworn testimony or  
596 affidavit necessary to do so as hereinafter provided. Formal  
597 investigations into ineligibility may not be initiated unless  
598 supported by sworn testimony or affidavits which, if proven  
599 true, would reasonably demonstrate ineligibility by clear and  
600 convincing evidence. The investigator and individual making the

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601 determination shall receive and consider, from students,  
602 parents, coaches, and schools, all evidence of a type commonly  
603 relied upon by reasonably prudent persons in the conduct of  
604 their affairs. Such evidence shall be admissible in the  
605 proceeding, whether or not such evidence would be admissible in  
606 a trial court in this state. An investigator or other agent of  
607 the FHSAA may not conduct searches of residences or other  
608 private areas during the course of an investigation. Student  
609 ~~athletes, parents, and schools must have notice of the~~  
610 ~~initiation of any investigation or other inquiry into~~  
611 ~~eligibility and may present, to the investigator and to the~~  
612 ~~individual making the eligibility determination, any information~~  
613 ~~or evidence that is credible, persuasive, and of a kind~~  
614 ~~reasonably prudent persons rely upon in the conduct of serious~~  
615 ~~affairs;~~

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

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

624 (h) In lieu of bylaws adopted under paragraph (g), the  
625 FHSAA may adopt bylaws providing as a minimum the procedural  
626 safeguards of ss. 120.569 and 120.57, making appropriate  
627 provision for appointment of unbiased and qualified hearing  
628 officers.

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

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

653 (k) The FHSAA organization shall adopt bylaws or policies  
654 that require the parent of a student who is participating in  
655 interscholastic athletic competition or who is a candidate for  
656 an interscholastic athletic team to sign and return an informed

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657 consent that explains the nature and risk of concussion and head  
658 injury, including the risk of continuing to play after  
659 concussion or head injury, each year before participating in  
660 interscholastic athletic competition or engaging in any  
661 practice, tryout, workout, or other physical activity associated  
662 with the student's candidacy for an interscholastic athletic  
663 team.

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

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

- 680 1. Eight physicians licensed under chapter 458 or chapter  
681 459 with at least one member licensed under chapter 459.
- 682 2. One chiropractor licensed under chapter 460.
- 683 3. One podiatrist licensed under chapter 461.
- 684 4. One dentist licensed under chapter 466.

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685 5. Three athletic trainers licensed under part XIII of  
686 chapter 468.

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

689 (n) Student school attendance and transfer approvals shall  
690 be determined by the district school board in the case of a  
691 public school student and by the private school in the case of a  
692 private school student. If the district school board or private  
693 school approves the student school attendance or transfer, the  
694 student remains eligible to participate in high school athletic  
695 competition under the FHSAA jurisdiction.

696 (o)1. The FHSAA may challenge the student's eligibility to  
697 participate in a high school athletic competition pursuant to  
698 paragraph (n) by filing a petition for a hearing with the  
699 Division of Administrative Hearings pursuant to s. 120.569, with  
700 a copy of the petition contemporaneously provided to the  
701 student, parent, coach, and school. The student remains eligible  
702 unless a final order finding the student's ineligibility is  
703 rendered. The Division of Administrative Hearings may assess a  
704 fee, payable by the FHSAA, sufficient to cover the cost of the  
705 administration of such proceedings.

706 2. The burden is on the FHSAA to demonstrate by clear and  
707 convincing evidence that the student is ineligible. The  
708 administrative law judge shall issue a final order pursuant to  
709 s. 120.68. If the administrative law judge finds that the  
710 student remains eligible, the final order shall award all  
711 reasonable costs and attorney fees to be paid to all respondents

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712 by the FHSAA. The FHSAA may not seek to recoup these costs and  
713 expenses from any other person, entity, or party.

714 (4) BOARD OF DIRECTORS.—

715 (a) The executive authority of the FHSAA shall be vested  
716 in its board of directors. Any entity that appoints members to  
717 the board of directors shall examine the ethnic and demographic  
718 composition of the board when selecting candidates for  
719 appointment and shall, to the greatest extent possible, make  
720 appointments that reflect state demographic and population  
721 trends. Effective October 1, 2013, the board of directors shall  
722 be composed of 17 ~~16~~ persons, as follows:

723 1. One charter school representative, elected from among  
724 its public school representative members ~~Four public member~~  
725 ~~school representatives, one elected from among its public school~~  
726 ~~representative members within each of the four administrative~~  
727 ~~regions.~~

728 2. One ~~Four~~ nonpublic member school representative  
729 ~~representatives,~~ ~~one~~ elected from among its nonpublic school  
730 representative members ~~within each of the four administrative~~  
731 ~~regions.~~

732 3. Four ~~Three~~ representatives appointed by the  
733 commissioner, one appointed from each of the four administrative  
734 regions ~~one appointed from the two northernmost administrative~~  
735 ~~regions and one appointed from the two southernmost~~  
736 ~~administrative regions. The third representative shall be~~  
737 ~~appointed to balance the board for diversity or state population~~  
738 ~~trends, or both.~~

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739 4. Two district school superintendents, one elected from  
740 the two northernmost administrative regions by the members in  
741 those regions and one elected from the two southernmost  
742 administrative regions by the members in those regions.

743 5. Two district school board members, one elected from the  
744 two northernmost administrative regions by the members in those  
745 regions and one elected from the two southernmost administrative  
746 regions by the members in those regions.

747 6. Two county athletic directors, one elected from the two  
748 northernmost administrative regions by the members in those  
749 regions and one elected from the two southernmost administrative  
750 regions by the members in those regions.

751 7.6. The commissioner or his or her designee from the  
752 department executive staff.

753 8. One representative appointed by the President of the  
754 Senate.

755 9. One representative appointed by the Speaker of the  
756 House of Representatives.

757 10. One representative appointed by the Executive Director  
758 of the Florida Athletic Coaches Association.

759 11. One home school member representative elected from  
760 among its home school representative members.

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

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

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766 (d) Members of the board of directors shall serve terms of  
767 4 ~~3~~ years and are not eligible to succeed themselves ~~only once~~.  
768 A member of the board of directors, other than the commissioner  
769 or his or her designee, may serve a maximum of 4 ~~6~~ consecutive  
770 years. The FHSAA's bylaws shall establish a rotation of terms so  
771 that approximately one-third of the members other than the  
772 commissioner or his or her designee rotate off the board each  
773 year to ensure that a majority of the members' terms do not  
774 expire concurrently. For the purpose of ensuring staggered  
775 terms, board members appointed by the commissioner prior to July  
776 1, 2013, and the two district school superintendents elected  
777 prior to July 1, 2013, may continue to serve on the board  
778 through September 30, 2015.

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

782 1. To act as the incorporated FHSAA's board of directors  
783 and to fulfill its obligations as required by the FHSAA's  
784 charter and articles of incorporation.

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

787 3. To employ an FHSAA executive director, subject to  
788 Senate confirmation. The executive director has ~~who shall have~~  
789 the authority to waive the bylaws of the FHSAA in order to  
790 comply with statutory changes. The executive director's salary  
791 shall be no greater than that set by law for the Governor of  
792 this state. The executive director is not entitled to per diem

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793 and travel expenses in excess of the rate provided for state  
794 employees under s. 112.061.

795 4. To levy annual dues and other fees and to set the  
796 percentage of contest receipts to be collected by the FHSAA  
797 except that, beginning in the 2013-2014 fiscal year, all dues,  
798 fees, and percentages of contest receipts that the FHSAA is  
799 entitled to collect shall be fixed at the amount established in  
800 the FHSAA bylaws for 2012-2013 as published on the FHSAA website  
801 as of February 26, 2013, and may be increased only once annually  
802 in an amount necessary to reflect changes in the United States  
803 Department of Labor's Consumer Price Index for All Urban  
804 Consumers (CPI-U), all items, with the resulting calculation  
805 rounded to the nearest whole dollar amount. The aggregate of  
806 such dues, fees, and percentages of contest receipts shall be  
807 allocated as follows:

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

810 b. At least 30 percent for the FHSAA to provide  
811 postsecondary scholarships to students who meet qualifications  
812 established by the FHSAA.

813 c. At least 15 percent for the FHSAA to coordinate with  
814 the National Center for Sports Safety and provide for the  
815 education of coaches, parks and recreation staff, parents, and  
816 other volunteers on the basics of sports safety and injury  
817 prevention, and the well-being and health, safety, and welfare  
818 of athletes.

819 5. To approve the budget of the FHSAA.

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820           6. To organize and conduct statewide interscholastic  
821 competitions, which may or may not lead to state championships,  
822 and to establish the terms and conditions for these  
823 competitions.

824           7. To act as an administrative board in the interpretation  
825 of, and final decision on, all questions and appeals arising  
826 from the directing of interscholastic athletics of member  
827 schools.

828           8. To levy fines, penalties, and sanctions against schools  
829 and coaches found to be in violation of student eligibility  
830 requirements and recruiting practices pursuant to subsection  
831 (2). However, fines, penalties, and sanctions may not exceed the  
832 cost to investigate reported violations and the cost of  
833 associated appeals processes. The board of directors shall  
834 submit an annual report to the Department of Education by  
835 October 1 each year which reconciles the costs of investigations  
836 and appeals with the fines, penalties, and sanctions charged to  
837 member schools and coaches for each fiscal year.

838           (5) REPRESENTATIVE ASSEMBLY.—

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

841           (b) The representative assembly shall be composed of the  
842 following:

843           1. An equal number of member school representatives from  
844 each of the four administrative regions.

845           2. Four district school superintendents, one elected from  
846 each of the four administrative regions by the district school  
847 superintendents in their respective administrative regions.

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848 3. Four district school board members, one elected from  
849 each of the four administrative regions by the district school  
850 board members in their respective administrative regions.

851 4. The commissioner or his or her designee from the  
852 department executive staff.

853 (c) The FHSAA's bylaws shall establish the number of  
854 member school representatives to serve in the representative  
855 assembly from each of the four administrative regions, not to  
856 exceed six from each of the four regions, and shall establish  
857 the method for their selection.

858 (d) No member of the board of directors other than the  
859 commissioner or his or her designee can serve in the  
860 representative assembly.

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

863 (f) Elected members of the representative assembly shall  
864 serve terms of 2 years and are eligible to succeed themselves  
865 for one ~~two~~ additional term ~~terms~~. An elected member, other than  
866 the commissioner or his or her designee, may serve a maximum of  
867 4 ~~6~~ consecutive years in the representative assembly.

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

870 (h) The authority of the representative assembly is  
871 limited to its sole duty, which is to consider, adopt, or reject  
872 any proposed amendments to the FHSAA's bylaws.

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

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876 (6) PUBLIC LIAISON ADVISORY COMMITTEE.—

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

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

881

882 -----

883 **T I T L E A M E N D M E N T**

884 Remove everything before the enacting clause and insert:

885 A bill to be entitled

886 An act relating to high school athletics; reenacting  
887 and amending s. 1002.20(17), F.S.; making technical  
888 changes; amending s. 1006.15, F.S.; revising criteria  
889 for student eligibility for participation in  
890 extracurricular activities; defining the term "public  
891 school"; authorizing certain students to participate  
892 in an extracurricular activity at another school  
893 subject to certain requirements; amending s. 1006.19,  
894 F.S.; providing requirements for an annual financial  
895 and compliance audit of an association that supervises  
896 interscholastic activities of public high schools;  
897 requiring that an association or corporation that  
898 supervises interscholastic activities of public high  
899 schools complete a report; specifying report  
900 requirements; requiring the report to be submitted to  
901 the Commissioner of Education and the Legislature  
902 annually; amending s. 1006.20, F.S.; providing that  
903 the designation of the Florida High School Athletic

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904 Association (FHSAA) as the governing nonprofit  
905 organization of athletics expires on a specified date;  
906 specifying that the FHSAA is subject to the provisions  
907 of chs. 119 and 286, F.S.; revising the criteria for  
908 bylaws, policies, or guidelines adopted by the FHSAA;  
909 requiring the FHSAA to complete a review by a  
910 specified date; requiring that the FHSAA submit a  
911 report to the Commissioner of Education, the Governor,  
912 and the Legislature; providing requirements for  
913 investigations and investigators; authorizing the  
914 assessment of fees to cover costs for certain  
915 proceedings; establishing notice requirements;  
916 providing procedures for student attendance and  
917 transfer approvals; providing for hearings before the  
918 Division of Administrative Hearings (DOAH);  
919 authorizing DOAH to assess fees payable by the  
920 nonprevailing party to administer the hearings;  
921 providing that the burden is on the FHSAA to  
922 demonstrate by clear and convincing evidence that a  
923 student is ineligible to participate in a high school  
924 athletic competition; requiring that the FHSAA pay  
925 costs and attorney fees in certain circumstances;  
926 revising the composition of the board of directors of  
927 the FHSAA and terms of office; revising what  
928 constitutes a quorum of the board of directors;  
929 providing that the appointment of the executive  
930 director is subject to Senate confirmation; providing  
931 restrictions on the salary, per diem, and travel

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932 expenses of the FHSAA's executive director; providing  
933 restrictions on the levy of dues and fees and the  
934 collection of contest receipts; providing authority to  
935 levy fines, penalties, and sanctions against schools  
936 and coaches; revising provisions relating to the  
937 FHSAA's representative assembly; providing that  
938 members of the FHSAA's public liaison advisory  
939 committee are entitled to reimbursement for per diem  
940 and travel expenses at the same rate as state  
941 employees; providing an effective date.