



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; defining the term "public  
7           school"; authorizing certain students to participate  
8           in an extracurricular activity at another school  
9           subject to certain requirements; amending s. 1006.19,  
10          F.S.; providing requirements for an annual financial  
11          and compliance audit of an association that supervises  
12          interscholastic activities of public high schools;  
13          requiring that an association or corporation that  
14          supervises interscholastic activities of public high  
15          schools complete a report; specifying report  
16          requirements; requiring the report to be submitted to  
17          the Commissioner of Education and the Legislature  
18          annually; amending s. 1006.20, F.S.; providing that  
19          the designation of the Florida High School Athletic  
20          Association (FHSAA) as the governing nonprofit  
21          organization of athletics expires on a specified date;  
22          specifying that the FHSAA is subject to the provisions  
23          of chs. 119 and 286, F.S.; revising the criteria for  
24          bylaws, policies, or guidelines adopted by the FHSAA;  
25          requiring the FHSAA to complete a review by a  
26          specified date; requiring that the FHSAA submit a  
27          report to the Commissioner of Education, the Governor,  
28          and the Legislature; providing requirements for



29 | investigations and investigators; authorizing the  
30 | assessment of fees to cover costs for certain  
31 | proceedings; establishing notice requirements;  
32 | providing procedures for student attendance and  
33 | transfer approvals; providing for hearings before the  
34 | Division of Administrative Hearings (DOAH);  
35 | authorizing DOAH to assess fees payable by the  
36 | nonprevailing party to administer the hearings;  
37 | providing that the burden is on the FHSAA to  
38 | demonstrate by clear and convincing evidence that a  
39 | student is ineligible to participate in a high school  
40 | athletic competition; requiring that the FHSAA pay  
41 | costs and attorney fees in certain circumstances;  
42 | revising the composition of the board of directors of  
43 | the FHSAA and terms of office; revising what  
44 | constitutes a quorum of the board of directors;  
45 | providing that the appointment of the executive  
46 | director is subject to Senate confirmation; providing  
47 | restrictions on the salary, per diem, and travel  
48 | expenses of the FHSAA's executive director; providing  
49 | restrictions on the levy of dues and fees and the  
50 | collection of contest receipts; providing authority to  
51 | levy fines, penalties, and sanctions against schools  
52 | and coaches; revising provisions relating to the  
53 | FHSAA's representative assembly; providing that  
54 | members of the FHSAA's public liaison advisory  
55 | committee are entitled to reimbursement for per diem  
56 | and travel expenses at the same rate as state



57 employees; providing an effective date.

58  
59 Be It Enacted by the Legislature of the State of Florida:

60  
61 Section 1. Subsection (17) of section 1002.20, Florida  
62 Statutes, is reenacted and amended to read:

63 1002.20 K-12 student and parent rights.—Parents of public  
64 school students must receive accurate and timely information  
65 regarding their child's academic progress and must be informed  
66 of ways they can help their child to succeed in school. K-12  
67 students and their parents are afforded numerous statutory  
68 rights including, but not limited to, the following:

69 (17) ATHLETICS; PUBLIC HIGH SCHOOL.—

70 (a) *Eligibility*.—Eligibility requirements for all students  
71 participating in a high school athletic competition must allow a  
72 student to be eligible in the school in which he or she first  
73 enrolls each school year, the school in which the student makes  
74 himself or herself a candidate for an athletic team by engaging  
75 in practice before enrolling, or the school to which the student  
76 has transferred with approval of the district school board, in  
77 accordance with ~~the provisions of~~ s. 1006.20(2)(a).

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

83 Section 2. Paragraphs (a), (d), (e), (f), and (g) of  
84 subsection (3) and subsections (5) and (8) of section 1006.15,



85 Florida Statutes, are amended, and new paragraphs (f) and (g)  
 86 are added to subsection (3) of that section, to read:

87 1006.15 Student standards for participation in  
 88 interscholastic and intrascholastic extracurricular student  
 89 activities; regulation.—

90 (3) (a) Provided all eligibility requirements of this  
 91 section and s. 1006.20 are met, a student attending any school  
 92 identified in this section is presumed eligible to participate  
 93 in interscholastic extracurricular student activities. For  
 94 purposes of this section, the term "public school" includes the  
 95 Florida Virtual School, a full-time virtual instruction program  
 96 pursuant to s. 1002.45, a virtual charter school, and a charter  
 97 school. A student remains eligible to participate in  
 98 interscholastic extracurricular student activities if the  
 99 student ~~To be eligible to participate in interscholastic~~  
 100 ~~extracurricular student activities, a student must:~~

101 1. Maintains ~~Maintain~~ a grade point average of 2.0 or  
 102 above on a 4.0 scale, or its equivalent, in the previous  
 103 semester or a cumulative grade point average of 2.0 or above on  
 104 a 4.0 scale, or its equivalent, in the courses required by s.  
 105 1003.43(1).

106 2. Executes ~~Execute~~ and fulfills ~~fulfill~~ the requirements  
 107 of an academic performance contract between the student, the  
 108 district school board, the appropriate governing association,  
 109 and the student's parents, if the student's cumulative grade  
 110 point average falls below 2.0, or its equivalent, on a 4.0 scale  
 111 in the courses required by s. 1003.43(1) ~~or, for students who~~  
 112 ~~entered the 9th grade prior to the 1997-1998 school year, if the~~



113 ~~student's cumulative grade point average falls below 2.0 on a~~  
114 ~~4.0 scale, or its equivalent, in the courses required by s.~~  
115 ~~1003.43(1) which are taken after July 1, 1997.~~ At a minimum, the  
116 contract must require that the student attend summer school, or  
117 its graded equivalent, between grades 9 and 10 or grades 10 and  
118 11, as necessary.

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

122 4. Maintains ~~Maintain~~ satisfactory conduct, including  
123 adherence to appropriate dress and other codes of student  
124 conduct policies described in s. 1006.07(2). If a student is  
125 convicted of, or is found to have committed, a felony or a  
126 delinquent act that would have been a felony if committed by an  
127 adult, regardless of whether adjudication is withheld, the  
128 student's participation in interscholastic extracurricular  
129 activities is contingent upon established and published district  
130 school board policy.

131 (d) An individual charter school student pursuant to s.  
132 1002.33 is eligible to participate at the public school to which  
133 the student would be assigned according to district school board  
134 attendance area policies or which the student could choose to  
135 attend, pursuant to district or interdistrict controlled open-  
136 enrollment provisions, or a conversion charter school when the  
137 student resides within the conversion charter school's  
138 attendance zone as provided in s. 1002.33(10)(c), in any  
139 interscholastic extracurricular activity of that school, unless  
140 such activity is provided by the student's charter school, if



141 the following conditions are met:

142 1. The charter school student must meet the requirements  
143 of the charter school education program as determined by the  
144 charter school governing board.

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

148 3. The charter school student must meet the same residency  
149 requirements as other students in the school at which he or she  
150 participates.

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

154 5. The charter school student must register with the  
155 school his or her intent to participate in interscholastic  
156 extracurricular activities as a representative of the school  
157 before the beginning date of the season for the activity in  
158 which he or she wishes to participate. A charter school student  
159 must be able to participate in curricular activities if that is  
160 a requirement for an extracurricular activity.

161 6. A student who transfers from a charter school program  
162 to a traditional public school before or during the first  
163 grading period of the school year is academically eligible to  
164 participate in interscholastic extracurricular activities during  
165 the first grading period if the student has a successful  
166 evaluation from the previous school year, pursuant to  
167 subparagraph 2.

168 7. Any public school or private school student who has



169 | been unable to maintain academic eligibility for participation  
170 | in interscholastic extracurricular activities is ineligible to  
171 | participate in such activities as a charter school student until  
172 | the student has successfully completed one grading period in a  
173 | charter school pursuant to subparagraph 2. to become eligible to  
174 | participate as a charter school student.

175 |       (e) A student of the Florida Virtual School full-time  
176 | program is eligible to ~~may~~ participate in any interscholastic  
177 | extracurricular activity at the public school to which the  
178 | student would be assigned according to district school board  
179 | attendance area policies or which the student could choose to  
180 | attend, pursuant to district or interdistrict controlled open  
181 | enrollment policies, if the following conditions are met  
182 | ~~student~~:

183 |       1. During the period of participation in the  
184 | interscholastic extracurricular activity, the Florida Virtual  
185 | School student must meet ~~meets~~ the requirements in paragraph  
186 | (a).

187 |       2. The Florida Virtual School student must meet ~~meets~~ any  
188 | additional requirements as determined by the board of trustees  
189 | of the Florida Virtual School.

190 |       3. The Florida Virtual School student must meet ~~Meets~~ the  
191 | same residency requirements as other students in the school at  
192 | which he or she participates.

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

196 |       5. The Florida Virtual School student must register with



197 the school ~~Registers~~ his or her intent to participate in  
198 interscholastic extracurricular activities ~~with the school~~  
199 before the beginning date of the season for the activity in  
200 which he or she wishes to participate. A Florida Virtual School  
201 student must be able to participate in curricular activities if  
202 that is a requirement for an extracurricular activity.

203 6.~~(f)~~ A student who transfers from the Florida Virtual  
204 School full-time program to a traditional public school before  
205 or during the first grading period of the school year is  
206 academically eligible to participate in interscholastic  
207 extracurricular activities during the first grading period if  
208 the student has a successful evaluation from the previous school  
209 year pursuant to paragraph (a).

210 7.~~(g)~~ A public school or private school student who has  
211 been unable to maintain academic eligibility for participation  
212 in interscholastic extracurricular activities is ineligible to  
213 participate in such activities as a Florida Virtual School  
214 student until the student successfully completes one grading  
215 period in the Florida Virtual School pursuant to paragraph (a).

216 (f) A student who attends a public school or a private  
217 school that does not offer a particular extracurricular activity  
218 may participate in such an activity on a space-available basis  
219 if it is offered at any public school that the student could  
220 choose to attend pursuant to district or interdistrict  
221 controlled open enrollment provisions, or may develop an  
222 agreement to participate in that extracurricular activity at a  
223 private school, limited to one additional extracurricular  
224 activity at a different school each academic year, if the



225 student:

226 1. Meets the requirements for eligibility to participate  
227 in interscholastic extracurricular activities, as provided under  
228 paragraph (a);

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

231 3. Meets the same standards of acceptance, behavior, and  
232 performance that are required of other students in  
233 extracurricular activities;

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

236 5. Registers with the school that offers the  
237 extracurricular activity his or her intent to participate in the  
238 interscholastic extracurricular activity at that school before  
239 the beginning date of the season for the activity in which he or  
240 she wishes to participate. A public school student must  
241 participate in a curricular activity if it is a requirement for  
242 an extracurricular activity. The student may choose to  
243 participate in the required curricular activity at the school he  
244 or she attends or at the school in which he or she participates  
245 in the extracurricular activity.

246 (g) The parents of a student who participates in an  
247 extracurricular activity under paragraph (f) are responsible for  
248 transporting their child to and from the school at which the  
249 student participates. The public school the student attends, the  
250 school at which the student participates in the extracurricular  
251 activity, the district school board, and the Florida High School  
252 Athletic Association (FHSAA) are exempt from civil liability



253 arising from any injury that occurs to the student during such  
 254 transportation.

255 (5) An ~~Any~~ organization or entity that regulates or  
 256 governs interscholastic extracurricular activities of public  
 257 schools:

258 (a) Shall permit home education associations to join as  
 259 member schools.

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

263 (8) (a) The FHSAA ~~Florida High School Athletic Association~~  
 264 ~~(FHSAA)~~, in cooperation with each district school board, shall  
 265 facilitate a program in which a middle school or high school  
 266 student who attends a private school shall be eligible to  
 267 participate in an interscholastic or intrascholastic sport at a  
 268 public high school, a public middle school, or a 6-12 public  
 269 school that is zoned for the physical address at which the  
 270 student resides if:

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

274 2. The private school student meets the guidelines for the  
 275 conduct of the program established by the FHSAA's board of  
 276 directors and the district school board. At a minimum, such  
 277 guidelines shall provide:

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



281 school in the sport.

282       b. Requirements for a private school student to  
283 participate, including, but not limited to, meeting the same  
284 standards of eligibility, acceptance, behavior, educational  
285 progress, and performance which apply to other students  
286 participating in interscholastic or intrascholastic sports at a  
287 public school or FHSAA member private school.

288       (b) The parents of a private school student participating  
289 in a public school sport under this subsection are responsible  
290 for transporting their child to and from the public school at  
291 which the student participates. The private school the student  
292 attends, the public school at which the student participates in  
293 a sport, the district school board, and the FHSAA are exempt  
294 from civil liability arising from any injury that occurs to the  
295 student during such transportation.

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

301       (d) The athletic director of each participating FHSAA  
302 member public school shall maintain the student records  
303 necessary for eligibility, compliance, and participation in the  
304 program.

305       (e) Any non-FHSAA member private school that has a student  
306 who wishes to participate in this program must make all student  
307 records, including, but not limited to, academic, financial,  
308 disciplinary, and attendance records, available upon request of



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309 the FHSAA.

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

312 (g) Only students who are enrolled in non-FHSAA member  
313 private schools consisting of 125 students or fewer in the  
314 middle school grades or 125 students or fewer in the high school  
315 grades are eligible to participate in the program in any given  
316 academic year.

317 Section 3. Subsection (1) of section 1006.19, Florida  
318 Statutes, is amended, and subsection (3) is added to that  
319 section, to read:

320 1006.19 Audit of records of nonprofit corporations and  
321 associations handling interscholastic activities; annual  
322 report.—

323 (1) Each nonprofit association or corporation that  
324 operates for the purpose of supervising and controlling  
325 interscholastic activities of public high schools and whose  
326 membership is composed of duly certified representatives of  
327 public high schools, and whose rules and regulations are  
328 established by members thereof, shall have an annual financial  
329 and compliance audit of its accounts and records by an  
330 independent certified public accountant retained by it and paid  
331 from its funds, in accordance with rules adopted by the Auditor  
332 General. The audit must be conducted in compliance with  
333 generally accepted auditing standards and include a report on  
334 financial statements presented in accordance with generally  
335 accepted accounting principles set forth by the American  
336 Institute of Certified Public Accountants for not-for-profit



337 organizations and a determination of compliance with the  
 338 statutory eligibility and expenditure requirements of s.  
 339 1006.20. Audits shall be submitted to the Auditor General, the  
 340 Speaker of the House of Representatives, and the Senate  
 341 President within 180 days after the end of each fiscal year. The  
 342 accountant shall furnish a copy of the audit report to the  
 343 Auditor General.

344 (3) Any such nonprofit association or corporation shall  
 345 provide a report of the number of appeals and other cases  
 346 involving the FHSAA and the disposition of those matters. The  
 347 report must include how many cases were filed, either with the  
 348 FHSAA or another tribunal; the number of cases in which the  
 349 initial decision of the FHSAA or its members was affirmed,  
 350 reversed, or otherwise resolved; and a summary of the nature of  
 351 the issue in dispute. By October 1 of each year, the report must  
 352 be submitted to the Commissioner of Education, the President of  
 353 the Senate, and the Speaker of the House of Representatives.

354 Section 4. Subsections (1), (2), (4), and (5) of section  
 355 1006.20, Florida Statutes, are amended, and paragraph (f) is  
 356 added to subsection (6) of that section to read:

357 1006.20 Athletics in public K-12 schools.—

358 (1) GOVERNING NONPROFIT ORGANIZATION.—The Florida High  
 359 School Athletic Association (FHSAA) is designated as the  
 360 governing nonprofit organization of athletics in Florida public  
 361 schools. This designation expires July 1, 2017. If the FHSAA  
 362 fails to meet the provisions of this section or the Legislature  
 363 does not timely designate a successor, the commissioner shall  
 364 designate a nonprofit organization to govern athletics with the



365 approval of the State Board of Education for successive terms  
366 not to exceed 4 years each or until the Legislature designates a  
367 successor. The FHSAA is not a state agency as defined in s.  
368 120.52. The Legislature determines it is in the public interest  
369 and reflects the state's public policy that FHSAA operate in the  
370 most open and accessible manner consistent with its public  
371 purposes. To this end, the Legislature specifically declares  
372 that FHSAA and its divisions, boards, and advisory councils, or  
373 similar entities created or managed by FHSAA are subject to the  
374 provisions of chapter 119 relating to public records and those  
375 provisions of chapter 286 relating to public meetings. The FHSAA  
376 shall be subject to ~~the provisions of~~ s. 1006.19. A private  
377 school that wishes to engage in high school athletic competition  
378 with a public high school may become a member of the FHSAA. Any  
379 high school in the state, including charter schools, virtual  
380 schools, and home education cooperatives, may become a member of  
381 the FHSAA and participate in the activities of the FHSAA.  
382 However, membership in the FHSAA is not mandatory for any  
383 school. The FHSAA may not deny or discourage interscholastic  
384 competition between its member schools and non-FHSAA member  
385 Florida schools, including members of another athletic governing  
386 organization, and may not take any retributory or discriminatory  
387 action against any of its member schools that participate in  
388 interscholastic competition with non-FHSAA member Florida  
389 schools. The FHSAA may not unreasonably withhold its approval of  
390 an application to become an affiliate member of the National  
391 Federation of State High School Associations submitted by any  
392 other organization that governs interscholastic athletic



393 competition in this state. The bylaws of the FHSAA are the rules  
394 by which high school athletic programs in its member schools,  
395 and the students who participate in them, are governed, unless  
396 otherwise specifically provided by statute. For the purposes of  
397 this section, "high school" includes grades 6 through 12.

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

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

404 1. A student remains eligible in the school in which he or  
405 she first enrolls each school year or the school in which the  
406 student makes himself or herself a candidate for an athletic  
407 team by engaging in a practice before enrolling in the school.

408 2. A student remains eligible in the school to which the  
409 student has transferred during the school year if the transfer  
410 is made by a deadline established by the FHSAA, which may not be  
411 before the date authorized for the beginning of practice for the  
412 sport.

413 3. Once a student residence or transfer is approved by the  
414 district school board or private school, as applicable, the  
415 student remains eligible in the school if he or she remains  
416 enrolled in the school and complies with applicable  
417 requirements.

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



421 representative. Competition of otherwise eligible student  
422 athletes is not prospectively limited for rule, eligibility, or  
423 recruiting violations of a teammate, coach, administrator,  
424 school, or adult representative.

425 5. A student is ineligible if the student or parent  
426 intentionally and knowingly falsifies an enrollment or  
427 eligibility document or intentionally and knowingly accepts a  
428 significant benefit or a promise of significant benefit that is  
429 not reasonably available to the school's students or family  
430 members and that is provided based primarily on the student's  
431 athletic interest, potential, or performance.

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

434 a. Participated on a non-school team or non-school teams  
435 affiliated with the school in which the student ultimately  
436 enrolls; or

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

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

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

444 9. Prescribed violations must be substantially related to  
445 specific, important objectives and must be limited to address  
446 only the minimal requirements necessary to accomplish the  
447 objectives.

448



449 The FHSAA shall complete a comprehensive review and analysis of  
450 all existing bylaws, policies, and administrative procedures to  
451 determine compliance with this paragraph by October 1, 2013. The  
452 FHSAA shall provide a detailed report originating from its  
453 review and analysis, which must include, but need not be limited  
454 to, specifically articulating how each violation or requirement  
455 in the bylaws, policies, and administrative procedures is  
456 substantially related to an identified, important objective and  
457 any necessary corrective action. The FHSAA shall provide a copy  
458 of the report to the Commissioner of Education, the Governor,  
459 the President of the Senate, and the Speaker of the House of  
460 Representatives by October 15, 2013. Bylaws, policies, or  
461 administrative procedures that are noncompliant with this  
462 paragraph are void as of January 1, 2014 ~~The FHSAA shall adopt~~  
463 ~~bylaws that, unless specifically provided by statute, establish~~  
464 ~~eligibility requirements for all students who participate in~~  
465 ~~high school athletic competition in its member schools. The~~  
466 ~~bylaws governing residence and transfer shall allow the student~~  
467 ~~to be eligible in the school in which he or she first enrolls~~  
468 ~~each school year or the school in which the student makes~~  
469 ~~himself or herself a candidate for an athletic team by engaging~~  
470 ~~in a practice prior to enrolling in the school. The bylaws shall~~  
471 ~~also allow the student to be eligible in the school to which the~~  
472 ~~student has transferred during the school year if the transfer~~  
473 ~~is made by a deadline established by the FHSAA, which may not be~~  
474 ~~prior to the date authorized for the beginning of practice for~~  
475 ~~the sport. These transfers shall be allowed pursuant to the~~  
476 ~~district school board policies in the case of transfer to a~~



477 ~~public school or pursuant to the private school policies in the~~  
478 ~~ease of transfer to a private school. The student shall be~~  
479 ~~eligible in that school so long as he or she remains enrolled in~~  
480 ~~that school. Subsequent eligibility shall be determined and~~  
481 ~~enforced through the FHSAA's bylaws. Requirements governing~~  
482 ~~eligibility and transfer between member schools shall be applied~~  
483 ~~similarly to public school students and private school students.~~

484 (b) The FHSAA shall adopt bylaws that specifically  
485 prohibit the recruiting of students for athletic purposes. The  
486 bylaws must ~~shall~~ prescribe penalties and an appeals process for  
487 athletic recruiting violations. If it is determined that a  
488 school has recruited a student in violation of FHSAA bylaws, the  
489 FHSAA may require the school to participate in a higher  
490 classification for the sport in which the recruited student  
491 competes for a minimum of one classification cycle, in addition  
492 to any other appropriate fine and sanction imposed on the  
493 school, its coaches, or adult representatives who violate  
494 recruiting rules. ~~A student may not be declared ineligible based~~  
495 ~~on violation of recruiting rules unless the student or parent~~  
496 ~~has falsified any enrollment or eligibility document or accepted~~  
497 ~~any benefit or any promise of benefit if such benefit is not~~  
498 ~~generally available to the school's students or family members~~  
499 ~~or is based in any way on athletic interest, potential, or~~  
500 ~~performance.~~

501 (c) The FHSAA shall adopt bylaws that require all students  
502 participating in interscholastic athletic competition or who are  
503 candidates for an interscholastic athletic team to  
504 satisfactorily pass a medical evaluation each year before ~~prior~~



505 ~~to~~ participating in interscholastic athletic competition or  
506 engaging in any practice, tryout, workout, or other physical  
507 activity associated with the student's candidacy for an  
508 interscholastic athletic team. Such medical evaluation may be  
509 administered only by a practitioner licensed under chapter 458,  
510 chapter 459, chapter 460, or s. 464.012, and in good standing  
511 with the practitioner's regulatory board. The bylaws must ~~shall~~  
512 establish requirements for eliciting a student's medical history  
513 and performing the medical evaluation required under this  
514 paragraph, which must ~~shall~~ include a physical assessment of the  
515 student's physical capabilities to participate in  
516 interscholastic athletic competition as contained in a uniform  
517 preparticipation physical evaluation and history form. The  
518 evaluation form must ~~shall~~ incorporate the recommendations of  
519 the American Heart Association for participation cardiovascular  
520 screening and must ~~shall~~ provide a place for the signature of  
521 the practitioner performing the evaluation with an attestation  
522 that each examination procedure listed on the form was performed  
523 by the practitioner or by someone under the direct supervision  
524 of the practitioner. The form must ~~shall~~ also contain a place  
525 for the practitioner to indicate if a referral to another  
526 practitioner was made in lieu of completion of a certain  
527 examination procedure. The form must ~~shall~~ provide a place for  
528 the practitioner to whom the student was referred to complete  
529 the remaining sections and attest to that portion of the  
530 examination. The preparticipation physical evaluation form must  
531 ~~shall~~ advise students to complete a cardiovascular assessment  
532 and must ~~shall~~ include information concerning alternative



533 cardiovascular evaluation and diagnostic tests. Results of such  
534 medical evaluation must be provided to the school. No student  
535 shall be eligible to participate in any interscholastic athletic  
536 competition or engage in any practice, tryout, workout, or other  
537 physical activity associated with the student's candidacy for an  
538 interscholastic athletic team until the results of the medical  
539 evaluation have been received and approved by the school.

540 (d) Notwithstanding ~~the provisions of~~ paragraph (c), a  
541 student may participate in interscholastic athletic competition  
542 or be a candidate for an interscholastic athletic team if the  
543 parent of the student objects in writing to the student  
544 undergoing a medical evaluation because such evaluation is  
545 contrary to his or her religious tenets or practices. However,  
546 in such case, there shall be no liability on the part of any  
547 person or entity in a position to otherwise rely on the results  
548 of such medical evaluation for any damages resulting from the  
549 student's injury or death arising directly from the student's  
550 participation in interscholastic athletics where an undisclosed  
551 medical condition that would have been revealed in the medical  
552 evaluation is a proximate cause of the injury or death.

553 (e) The FHSAA shall adopt bylaws that regulate persons who  
554 conduct investigations on behalf of the FHSAA. A formal  
555 investigation must be completed within 90 days after the onset  
556 of the investigation, and the FHSAA may not contract or in any  
557 way pay for more than 520 hours of work for any investigation.  
558 The bylaws must ~~shall~~ include provisions that require an  
559 investigator to:

560 1. Undergo level 2 background screening under s. 435.04,



561 establishing that the investigator has not committed any  
562 disqualifying offense listed in s. 435.04, unless the  
563 investigator can provide proof of compliance with level 2  
564 screening standards submitted within the previous 5 years to  
565 meet any professional licensure requirements, provided:

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

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

573 2. Be appointed as an investigator by the executive  
574 director.

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

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

579 5.4. Adhere to the following guidelines:

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

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

585 c. Notify at least 24 hours before the interview at least  
586 one custodial parent of a student being interviewed of the right  
587 to be present during the interview and delay the interview upon  
588 the good-faith request of the parent for a reasonable period of



589 time if necessary for the parent to attend the interview.

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

592 ~~d. Search residences or other private areas only with the~~  
593 ~~permission of the executive director and the written consent of~~  
594 ~~the student's parent and only with a parent or a representative~~  
595 ~~of the parent present.~~

596 6. Provide notice to the affected student, parent, coach,  
597 and school within 2 business days after the assignment of a  
598 formal investigation into ineligibility or other violation of  
599 law or rule. If the executive director certifies in writing that  
600 a compelling need to withhold notice exists, identifying with  
601 specificity why notice must not be provided, the notice is not  
602 required until the investigator concludes the investigation. The  
603 executive director shall provide a copy of the certification to  
604 the Commissioner of Education within 1 business day after  
605 signing the certification.

606 7. Provide the affected student, parent, coach, and school  
607 within 5 business days after completion of the formal  
608 investigation a copy of the investigation report and any  
609 recommendation made by the investigator, executive director, or  
610 board of directors.

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

614 1. Major violations include, but are not limited to,  
615 knowingly allowing an ineligible student to participate in a  
616 contest representing a member school in an interscholastic



617 | contest, ~~or~~ committing a violation of the FHSAA's recruiting or  
618 | sportsmanship policies, or colluding with a coach to prevent a  
619 | member or non-member school from scheduling competitions among  
620 | themselves.

621 |         2. Sanctions placed upon an individual coach may include,  
622 | but are not limited to, prohibiting or suspending the coach from  
623 | coaching, participating in, or attending any athletic activity  
624 | sponsored, recognized, or sanctioned by the FHSAA and the member  
625 | school for which the coach committed the violation. If a coach  
626 | is sanctioned by the FHSAA and the coach transfers to another  
627 | member school, those sanctions remain in full force and effect  
628 | during the term of the sanction.

629 |         3. If a member school is assessed a financial penalty as a  
630 | result of a coach committing a major violation, the coach shall  
631 | reimburse the member school before being allowed to coach,  
632 | participate in, or attend any athletic activity sponsored,  
633 | recognized, or sanctioned by the FHSAA and a member school.

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

637 |         (g) The FHSAA shall adopt bylaws establishing the process  
638 | and standards by which FHSAA investigations into ineligibility  
639 | are initiated and determinations of eligibility or sanctions  
640 | against a student, coach, or school are made. Such bylaws must  
641 | shall provide that:

642 |             1. Ineligibility must be established by clear and  
643 | convincing evidence;

644 |             2. Initial investigations into allegations of



645 ineligibility may be initiated by the FHSAA only if supported by  
646 credible information from an identified source or from an  
647 anonymous source with credible corroboration and which, if  
648 proven true, would reasonably rebut the presumption of  
649 eligibility. An informal investigation is limited to determining  
650 whether there is a sufficient evidentiary basis to initiate a  
651 formal investigation and to produce the sworn testimony or  
652 affidavit necessary to do so as hereinafter provided. Formal  
653 investigations into ineligibility may not be initiated unless  
654 supported by sworn testimony or affidavits which, if proven  
655 true, would reasonably demonstrate ineligibility by clear and  
656 convincing evidence. The investigator and individual making the  
657 determination shall receive and consider, from students,  
658 parents, coaches, and schools, all evidence of a type commonly  
659 relied upon by reasonably prudent persons in the conduct of  
660 their affairs. Such evidence shall be admissible in the  
661 proceeding, whether or not such evidence would be admissible in  
662 a trial court in this state. An investigator or other agent of  
663 the FHSAA may not conduct searches of residences or other  
664 private areas during the course of an investigation. Student  
665 ~~athletes, parents, and schools must have notice of the~~  
666 ~~initiation of any investigation or other inquiry into~~  
667 ~~eligibility and may present, to the investigator and to the~~  
668 ~~individual making the eligibility determination, any information~~  
669 ~~or evidence that is credible, persuasive, and of a kind~~  
670 ~~reasonably prudent persons rely upon in the conduct of serious~~  
671 ~~affairs;~~

672 3. An investigator may not determine matters of



673 | eligibility but must submit information and evidence to the  
674 | executive director or a person designated by the executive  
675 | director or by the board of directors for an unbiased and  
676 | objective determination of eligibility; and

677 |       4. A determination of ineligibility must be made in  
678 | writing, setting forth the findings of fact and specific  
679 | violation upon which the decision is based.

680 |       (h) In lieu of bylaws adopted under paragraph (g), the  
681 | FHSAA may adopt bylaws providing as a minimum the procedural  
682 | safeguards of ss. 120.569 and 120.57, making appropriate  
683 | provision for appointment of unbiased and qualified hearing  
684 | officers.

685 |       (i) Any student, coach, or school found to be ineligible  
686 | has the option to challenge the ineligibility determination  
687 | through the FHSAA appeal process or pursuant to ss. 120.569 and  
688 | 120.57. The FHSAA shall notify in writing the student, coach, or  
689 | school of this option upon making the ineligibility  
690 | determination. Such an administrative hearing shall be  
691 | expedited. The Division of Administrative Hearings may assess a  
692 | fee, payable by the nonprevailing party, sufficient to cover the  
693 | cost of the administration of such proceedings ~~The FHSAA bylaws~~  
694 | ~~may not limit the competition of student athletes prospectively~~  
695 | ~~for rule violations of their school or its coaches or their~~  
696 | ~~adult representatives. The FHSAA bylaws may not unfairly punish~~  
697 | ~~student athletes for eligibility or recruiting violations~~  
698 | ~~perpetrated by a teammate, coach, or administrator.~~ Contests may  
699 | not be forfeited for inadvertent eligibility violations unless  
700 | the coach or a school administrator should have known of the



701 violation. Contests may not be forfeited for other eligibility  
702 violations or recruiting violations in excess of the number of  
703 contests that the coaches and adult representatives responsible  
704 for the violations are prospectively suspended.

705 (j) The FHSAA ~~organization~~ shall adopt guidelines to  
706 educate athletic coaches, officials, administrators, and student  
707 athletes and their parents of the nature and risk of concussion  
708 and head injury.

709 (k) The FHSAA ~~organization~~ shall adopt bylaws or policies  
710 that require the parent of a student who is participating in  
711 interscholastic athletic competition or who is a candidate for  
712 an interscholastic athletic team to sign and return an informed  
713 consent that explains the nature and risk of concussion and head  
714 injury, including the risk of continuing to play after  
715 concussion or head injury, each year before participating in  
716 interscholastic athletic competition or engaging in any  
717 practice, tryout, workout, or other physical activity associated  
718 with the student's candidacy for an interscholastic athletic  
719 team.

720 (l) The FHSAA ~~organization~~ shall adopt bylaws or policies  
721 that require each student athlete who is suspected of sustaining  
722 a concussion or head injury in a practice or competition to be  
723 immediately removed from the activity. A student athlete who has  
724 been removed from an activity may not return to practice or  
725 competition until the student submits to the school a written  
726 medical clearance to return stating that the student athlete no  
727 longer exhibits signs, symptoms, or behaviors consistent with a  
728 concussion or other head injury. Medical clearance must be



729 authorized by the appropriate health care practitioner trained  
730 in the diagnosis, evaluation, and management of concussions as  
731 defined by the Sports Medicine Advisory Committee of the Florida  
732 High School Athletic Association.

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

736 1. Eight physicians licensed under chapter 458 or chapter  
737 459 with at least one member licensed under chapter 459.

738 2. One chiropractor licensed under chapter 460.

739 3. One podiatrist licensed under chapter 461.

740 4. One dentist licensed under chapter 466.

741 5. Three athletic trainers licensed under part XIII of  
742 chapter 468.

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

745 (n) Student school attendance and transfer approvals shall  
746 be determined by the district school board in the case of a  
747 public school student and by the private school in the case of a  
748 private school student. If the district school board or private  
749 school approves the student school attendance or transfer, the  
750 student remains eligible to participate in high school athletic  
751 competition under the FHSAA jurisdiction.

752 (o)1. The FHSAA may challenge the student's eligibility to  
753 participate in a high school athletic competition pursuant to  
754 paragraph (n) by filing a petition for a hearing with the  
755 Division of Administrative Hearings pursuant to s. 120.569, with  
756 a copy of the petition contemporaneously provided to the



757 student, parent, coach, and school. The student remains eligible  
758 unless a final order finding the student's ineligibility is  
759 rendered. The Division of Administrative Hearings may assess a  
760 fee, payable by the FHSAA, sufficient to cover the cost of the  
761 administration of such proceedings.

762 2. The burden is on the FHSAA to demonstrate by clear and  
763 convincing evidence that the student is ineligible. The  
764 administrative law judge shall issue a final order pursuant to  
765 s. 120.68. If the administrative law judge finds that the  
766 student remains eligible, the final order shall award all  
767 reasonable costs and attorney fees to be paid to all respondents  
768 by the FHSAA. The FHSAA may not seek to recoup these costs and  
769 expenses from any other person, entity, or party.

770 (4) BOARD OF DIRECTORS.—

771 (a) The executive authority of the FHSAA shall be vested  
772 in its board of directors. Any entity that appoints members to  
773 the board of directors shall examine the ethnic and demographic  
774 composition of the board when selecting candidates for  
775 appointment and shall, to the greatest extent possible, make  
776 appointments that reflect state demographic and population  
777 trends. Effective October 1, 2013, the board of directors shall  
778 be composed of 17 ~~16~~ persons, as follows:

779 1. One charter school representative, elected from among  
780 its public school representative members ~~Four public member~~  
781 ~~school representatives, one elected from among its public school~~  
782 ~~representative members within each of the four administrative~~  
783 ~~regions.~~

784 2. One ~~Four~~ nonpublic member school representative



785 ~~representatives, one~~ elected from among its nonpublic school  
786 representative members ~~within each of the four administrative~~  
787 ~~regions.~~

788 3. Four ~~Three~~ representatives appointed by the  
789 commissioner, one appointed from each of the four administrative  
790 regions ~~one appointed from the two northernmost administrative~~  
791 ~~regions and one appointed from the two southernmost~~  
792 ~~administrative regions. The third representative shall be~~  
793 ~~appointed to balance the board for diversity or state population~~  
794 ~~trends, or both.~~

795 4. Two district school superintendents, one elected from  
796 the two northernmost administrative regions by the members in  
797 those regions and one elected from the two southernmost  
798 administrative regions by the members in those regions.

799 5. Two district school board members, one elected from the  
800 two northernmost administrative regions by the members in those  
801 regions and one elected from the two southernmost administrative  
802 regions by the members in those regions.

803 6. Two county athletic directors, one elected from the two  
804 northernmost administrative regions by the members in those  
805 regions and one elected from the two southernmost administrative  
806 regions by the members in those regions.

807 ~~7.6.~~ The commissioner or his or her designee from the  
808 department executive staff.

809 8. One representative appointed by the President of the  
810 Senate.

811 9. One representative appointed by the Speaker of the  
812 House of Representatives.



813 10. One representative appointed by the Executive Director  
814 of the Florida Athletic Coaches Association.

815 11. One home school member representative elected from  
816 among its home school representative members.

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

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

822 (d) Members of the board of directors shall serve terms of  
823 4 ~~3~~ years and are not eligible to succeed themselves ~~only once~~.  
824 A member of the board of directors, other than the commissioner  
825 or his or her designee, may serve a maximum of 4 ~~6~~ consecutive  
826 years. The FHSAA's bylaws shall establish a rotation of terms so  
827 that approximately one-third of the members other than the  
828 commissioner or his or her designee rotate off the board each  
829 year to ensure that a majority of the members' terms do not  
830 expire concurrently. For the purpose of ensuring staggered  
831 terms, board members appointed by the commissioner prior to July  
832 1, 2013, and the two district school superintendents elected  
833 prior to July 1, 2013, may continue to serve on the board  
834 through September 30, 2015.

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

838 1. To act as the incorporated FHSAA's board of directors  
839 and to fulfill its obligations as required by the FHSAA's  
840 charter and articles of incorporation.



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

843           3. To employ an FHSAA executive director, subject to  
844 Senate confirmation. The executive director has ~~who shall have~~  
845 the authority to waive the bylaws of the FHSAA in order to  
846 comply with statutory changes. The executive director's salary  
847 shall be no greater than that set by law for the Governor of  
848 this state. The executive director is not entitled to per diem  
849 and travel expenses in excess of the rate provided for state  
850 employees under s. 112.061.

851           4. To levy annual dues and other fees and to set the  
852 percentage of contest receipts to be collected by the FHSAA  
853 except that, beginning in the 2013-2014 fiscal year, all dues,  
854 fees, and percentages of contest receipts that the FHSAA is  
855 entitled to collect shall be fixed at the amount established in  
856 the FHSAA bylaws for 2012-2013 as published on the FHSAA website  
857 as of February 26, 2013, and may be increased only once annually  
858 in an amount necessary to reflect changes in the United States  
859 Department of Labor's Consumer Price Index for All Urban  
860 Consumers (CPI-U), all items, with the resulting calculation  
861 rounded to the nearest whole dollar amount. The aggregate of  
862 such dues, fees, and percentages of contest receipts shall be  
863 allocated as follows:

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

866           b. At least 30 percent for the FHSAA to provide  
867 postsecondary scholarships to students who meet qualifications  
868 established by the FHSAA.



869 c. At least 15 percent for the FHSAA to coordinate with  
870 the National Center for Sports Safety and provide for the  
871 education of coaches, parks and recreation staff, parents, and  
872 other volunteers on the basics of sports safety and injury  
873 prevention, and the well-being and health, safety, and welfare  
874 of athletes.

875 5. To approve the budget of the FHSAA.

876 6. To organize and conduct statewide interscholastic  
877 competitions, which may or may not lead to state championships,  
878 and to establish the terms and conditions for these  
879 competitions.

880 7. To act as an administrative board in the interpretation  
881 of, and final decision on, all questions and appeals arising  
882 from the directing of interscholastic athletics of member  
883 schools.

884 8. To levy fines, penalties, and sanctions against schools  
885 and coaches found to be in violation of student eligibility  
886 requirements and recruiting practices pursuant to subsection  
887 (2). However, fines, penalties, and sanctions may not exceed the  
888 cost to investigate reported violations and the cost of  
889 associated appeals processes. The board of directors shall  
890 submit an annual report to the Department of Education by  
891 October 1 each year which reconciles the costs of investigations  
892 and appeals with the fines, penalties, and sanctions charged to  
893 member schools and coaches for each fiscal year.

894 (5) REPRESENTATIVE ASSEMBLY.—

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



897 (b) The representative assembly shall be composed of the  
 898 following:

899 1. An equal number of member school representatives from  
 900 each of the four administrative regions.

901 2. Four district school superintendents, one elected from  
 902 each of the four administrative regions by the district school  
 903 superintendents in their respective administrative regions.

904 3. Four district school board members, one elected from  
 905 each of the four administrative regions by the district school  
 906 board members in their respective administrative regions.

907 4. The commissioner or his or her designee from the  
 908 department executive staff.

909 (c) The FHSAA's bylaws shall establish the number of  
 910 member school representatives to serve in the representative  
 911 assembly from each of the four administrative regions, not to  
 912 exceed six from each of the four regions, and shall establish  
 913 the method for their selection.

914 (d) No member of the board of directors other than the  
 915 commissioner or his or her designee can serve in the  
 916 representative assembly.

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

919 (f) Elected members of the representative assembly shall  
 920 serve terms of 2 years and are eligible to succeed themselves  
 921 for one ~~two~~ additional term ~~terms~~. An elected member, other than  
 922 the commissioner or his or her designee, may serve a maximum of  
 923 4 ~~6~~ consecutive years in the representative assembly.

924 (g) A quorum of the representative assembly consists of



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925 one more than half of its members.

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

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

932 (6) PUBLIC LIAISON ADVISORY COMMITTEE.—

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

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