



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, or a student enrolled in a home  
 93 education program, is presumed eligible to participate in  
 94 interscholastic extracurricular student activities. For purposes  
 95 of this section, the term "public school" includes the Florida  
 96 Virtual School, a full-time virtual instruction program pursuant  
 97 to s. 1002.45, a virtual charter school, and a charter school. A  
 98 student remains eligible to participate in interscholastic  
 99 extracurricular student activities if the student ~~To be eligible~~  
 100 ~~to participate in interscholastic extracurricular student~~  
 101 ~~activities, a student must:~~

102 1. Maintains ~~Maintain~~ a grade point average of 2.0 or  
 103 above on a 4.0 scale, or its equivalent, in the previous  
 104 semester or a cumulative grade point average of 2.0 or above on  
 105 a 4.0 scale, or its equivalent, in the courses required by s.  
 106 1003.43(1).

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



113 | ~~entered the 9th grade prior to the 1997-1998 school year, if the~~  
114 | ~~student's cumulative grade point average falls below 2.0 on a~~  
115 | ~~4.0 scale, or its equivalent, in the courses required by s.~~  
116 | ~~1003.43(1) which are taken after July 1, 1997.~~ At a minimum, the  
117 | contract must require that the student attend summer school, or  
118 | its graded equivalent, between grades 9 and 10 or grades 10 and  
119 | 11, as necessary.

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

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

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



141 such activity is provided by the student's charter school, if  
142 the following conditions are met:

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

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

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

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

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

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



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

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

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

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

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

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



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

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

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

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



225 activity at a private school, limited to one additional  
226 extracurricular activity at a different school each academic  
227 year, if the student:

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

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

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

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

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

248 (g) The parents of a student who participates in an  
249 extracurricular activity under paragraph (f) are responsible for  
250 transporting their child to and from the school at which the  
251 student participates. The public school the student attends, the  
252 school at which the student participates in the extracurricular



253 activity, the district school board, and the Florida High School  
254 Athletic Association (FHSAA) are exempt from civil liability  
255 arising from any injury that occurs to the student during such  
256 transportation.

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

260 (a) Shall permit home education associations to join as  
261 member schools.

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

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

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

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

280 a. A deadline for each sport by which the private school



281 student's parents must register with the public school in  
282 writing their intent for their child to participate at that  
283 school in the sport.

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

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

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

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

307 (e) Any non-FHSAA member private school that has a student  
308 who wishes to participate in this program must make all student



309 records, including, but not limited to, academic, financial,  
 310 disciplinary, and attendance records, available upon request of  
 311 the FHSAA.

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

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

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

322 1006.19 Audit of records of nonprofit corporations and  
 323 associations handling interscholastic activities; annual  
 324 report.-

325 (1) Each nonprofit association or corporation that  
 326 operates for the purpose of supervising and controlling  
 327 interscholastic activities of public high schools and whose  
 328 membership is composed of duly certified representatives of  
 329 public high schools, and whose rules and regulations are  
 330 established by members thereof, shall have an annual financial  
 331 and compliance audit of its accounts and records by an  
 332 independent certified public accountant retained by it and paid  
 333 from its funds, in accordance with rules adopted by the Auditor  
 334 General. The audit must be conducted in compliance with  
 335 generally accepted auditing standards and include a report on  
 336 financial statements presented in accordance with generally



337 accepted accounting principles set forth by the American  
 338 Institute of Certified Public Accountants for not-for-profit  
 339 organizations and a determination of compliance with the  
 340 statutory eligibility and expenditure requirements of s.  
 341 1006.20. Audits shall be submitted to the Auditor General, the  
 342 Speaker of the House of Representatives, and the Senate  
 343 President within 180 days after the end of each fiscal year. The  
 344 ~~accountant shall furnish a copy of the audit report to the~~  
 345 ~~Auditor General.~~

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

356 Section 4. Subsections (1), (2), (4), and (5) of section  
 357 1006.20, Florida Statutes, are amended, and paragraph (f) is  
 358 added to subsection (6) of that section to read:

359 1006.20 Athletics in public K-12 schools.-

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



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



393 Federation of State High School Associations submitted by any  
394 other organization that governs interscholastic athletic  
395 competition in this state. The bylaws of the FHSAA are the rules  
396 by which high school athletic programs in its member schools,  
397 and the students who participate in them, are governed, unless  
398 otherwise specifically provided by statute. For the purposes of  
399 this section, "high school" includes grades 6 through 12.

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

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

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

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

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

420 4. An otherwise eligible student athlete is not unfairly



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

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

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

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

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

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

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

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



449 objectives.

450

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



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

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

503 (c) The FHSAA shall adopt bylaws that require all students  
504 participating in interscholastic athletic competition or who are



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



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

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

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



561 investigator to:

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

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

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

575 2. Be appointed as an investigator by the executive  
576 director.

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

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

581 ~~5.4.~~ Adhere to the following guidelines:

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

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

587 c. Notify at least 24 hours before the interview at least  
588 one custodial parent of a student being interviewed of the right



589 to be present during the interview and delay the interview upon  
590 the good-faith request of the parent for a reasonable period of  
591 time if necessary for the parent to attend the interview.

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

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

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

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

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

616 1. Major violations include, but are not limited to,



617 knowingly allowing an ineligible student to participate in a  
618 contest representing a member school in an interscholastic  
619 contest, ~~or~~ committing a violation of the FHSAA's recruiting or  
620 sportsmanship policies, or colluding with a coach to prevent a  
621 member or non-member school from scheduling competitions among  
622 themselves.

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

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

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

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

644 1. Ineligibility must be established by clear and



645 convincing evidence;

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



673 ~~affairs;~~

674 3. An investigator may not determine matters of  
675 eligibility but must submit information and evidence to the  
676 executive director or a person designated by the executive  
677 director or by the board of directors for an unbiased and  
678 objective determination of eligibility; and

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

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

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



701 not be forfeited for inadvertent eligibility violations unless  
702 the coach or a school administrator should have known of the  
703 violation. Contests may not be forfeited for other eligibility  
704 violations or recruiting violations in excess of the number of  
705 contests that the coaches and adult representatives responsible  
706 for the violations are prospectively suspended.

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

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

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



729 longer exhibits signs, symptoms, or behaviors consistent with a  
730 concussion or other head injury. Medical clearance must be  
731 authorized by the appropriate health care practitioner trained  
732 in the diagnosis, evaluation, and management of concussions as  
733 defined by the Sports Medicine Advisory Committee of the Florida  
734 High School Athletic Association.

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

738 1. Eight physicians licensed under chapter 458 or chapter  
739 459 with at least one member licensed under chapter 459.

740 2. One chiropractor licensed under chapter 460.

741 3. One podiatrist licensed under chapter 461.

742 4. One dentist licensed under chapter 466.

743 5. Three athletic trainers licensed under part XIII of  
744 chapter 468.

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

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

754 (o)1. The FHSAA may challenge the student's eligibility to  
755 participate in a high school athletic competition pursuant to  
756 paragraph (n) by filing a petition for a hearing with the



757 Division of Administrative Hearings pursuant to s. 120.569, with  
758 a copy of the petition contemporaneously provided to the  
759 student, parent, coach, and school. The student remains eligible  
760 unless a final order finding the student's ineligibility is  
761 rendered. The Division of Administrative Hearings may assess a  
762 fee, payable by the FHSAA, sufficient to cover the cost of the  
763 administration of such proceedings.

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

772 (4) BOARD OF DIRECTORS.—

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

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



785 ~~regions.~~

786       2. One ~~Four~~ nonpublic member school representative  
787 ~~representatives, one elected from among its nonpublic school~~  
788 ~~representative members within each of the four administrative~~  
789 ~~regions.~~

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

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

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

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

809       ~~7.6.~~ The commissioner or his or her designee from the  
810 department executive staff.

811       8. One representative appointed by the President of the  
812 Senate.



813           9. One representative appointed by the Speaker of the  
814 House of Representatives.

815           10. One representative appointed by the Executive Director  
816 of the Florida Athletic Coaches Association.

817           11. One home school member representative elected from  
818 among its home school representative members.

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

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

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

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

840           1. To act as the incorporated FHSAA's board of directors



841 and to fulfill its obligations as required by the FHSAA's  
842 charter and articles of incorporation.

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

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

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

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

868 b. At least 30 percent for the FHSAA to provide



869 postsecondary scholarships to students who meet qualifications  
870 established by the FHSAA.

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

877 5. To approve the budget of the FHSAA.

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

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

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

896 (5) REPRESENTATIVE ASSEMBLY.—



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

899 (b) The representative assembly shall be composed of the  
 900 following:

901 1. An equal number of member school representatives from  
 902 each of the four administrative regions.

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

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

909 4. The commissioner or his or her designee from the  
 910 department executive staff.

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

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

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

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



925 | 4 ~~6~~ consecutive years in the representative assembly.

926 | (g) A quorum of the representative assembly consists of  
927 | one more than half of its members.

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

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

934 | (6) PUBLIC LIAISON ADVISORY COMMITTEE.—

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

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