

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

29 | expenses at the same rate as state employees;
 30 | providing an effective date.

31 |

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

33 |

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

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

42 | (17) ATHLETICS; PUBLIC HIGH SCHOOL.—

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

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

56 | Section 2. Paragraphs (a), (d), and (f) of subsection (3)

57 | and subsection (5) of section 1006.15, Florida Statutes, are
 58 | amended to read:

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

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

70 | 1. Maintains ~~Maintain~~ a grade point average of 2.0 or
 71 | above on a 4.0 scale, or its equivalent, in the previous
 72 | semester or a cumulative grade point average of 2.0 or above on
 73 | a 4.0 scale, or its equivalent, in the courses required by s.
 74 | 1003.43(1).

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

85 contract must require that the student attend summer school, or
 86 its graded equivalent, between grades 9 and 10 or grades 10 and
 87 11, as necessary.

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

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

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

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

112 2. During the period of participation at a school, the

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113 | ~~charter school~~ student must demonstrate educational progress as
114 | required in paragraph (b).

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

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

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

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

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

141 | ~~eligible to participate as a charter school student.~~

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

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

152 | (a) Shall permit home education associations to join as
 153 | member schools.

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

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

160 | 1006.20 Athletics in public K-12 schools.—

161 | (1) GOVERNING NONPROFIT ORGANIZATION.—The Florida High
 162 | School Athletic Association (FHSAA) is designated as the
 163 | governing nonprofit organization of athletics in Florida public
 164 | schools. If the FHSAA fails to meet the provisions of this
 165 | section, the commissioner shall designate a nonprofit
 166 | organization to govern athletics with the approval of the State
 167 | Board of Education. The FHSAA is not a state agency as defined
 168 | in s. 120.52. The FHSAA shall be subject to ~~the provisions of s.~~

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169 1006.19. A private school that wishes to engage in high school
170 athletic competition with a public high school may become a
171 member of the FHSAA. Any high school in the state, including
172 charter schools, virtual schools, and home education
173 cooperatives, may become a member of the FHSAA and participate
174 in the activities of the FHSAA. However, membership in the FHSAA
175 is not mandatory for any school. The FHSAA may not deny or
176 discourage interscholastic competition between its member
177 schools and non-FHSAA member Florida schools, including members
178 of another athletic governing organization, and may not take any
179 retributory or discriminatory action against any of its member
180 schools that participate in interscholastic competition with
181 non-FHSAA member Florida schools. The FHSAA may not unreasonably
182 withhold its approval of an application to become an affiliate
183 member of the National Federation of State High School
184 Associations submitted by any other organization that governs
185 interscholastic athletic competition in this state. The bylaws
186 of the FHSAA are the rules by which high school athletic
187 programs in its member schools, and the students who participate
188 in them, are governed, unless otherwise specifically provided by
189 statute. For the purposes of this section, "high school"
190 includes grades 6 through 12.

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

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

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

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

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

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

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

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

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

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

229
230 The FHSAA shall complete a comprehensive review and analysis of
231 all existing bylaws, policies, and administrative procedures to
232 determine compliance with this paragraph by October 1, 2013. The
233 FHSAA shall provide a detailed report originating from its
234 review and analysis, which must include, but need not be limited
235 to, specifically articulating how each violation or requirement
236 in the bylaws, policies, and administrative procedures is
237 substantially related to an identified, important objective and
238 any necessary corrective action. The FHSAA shall provide a copy
239 of the report to the Commissioner of Education, the Governor,
240 the President of the Senate, and the Speaker of the House of
241 Representatives by October 15, 2013. Bylaws, policies, or
242 administrative procedures that are noncompliant with this
243 paragraph are void as of July 1, 2013 ~~The FHSAA shall adopt~~
244 ~~bylaws that, unless specifically provided by statute, establish~~
245 ~~eligibility requirements for all students who participate in~~
246 ~~high school athletic competition in its member schools. The~~
247 ~~bylaws governing residence and transfer shall allow the student~~
248 ~~to be eligible in the school in which he or she first enrolls~~
249 ~~each school year or the school in which the student makes~~
250 ~~himself or herself a candidate for an athletic team by engaging~~
251 ~~in a practice prior to enrolling in the school. The bylaws shall~~
252 ~~also allow the student to be eligible in the school to which the~~

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253 | ~~student has transferred during the school year if the transfer~~
254 | ~~is made by a deadline established by the FHSAA, which may not be~~
255 | ~~prior to the date authorized for the beginning of practice for~~
256 | ~~the sport. These transfers shall be allowed pursuant to the~~
257 | ~~district school board policies in the case of transfer to a~~
258 | ~~public school or pursuant to the private school policies in the~~
259 | ~~case of transfer to a private school. The student shall be~~
260 | ~~eligible in that school so long as he or she remains enrolled in~~
261 | ~~that school. Subsequent eligibility shall be determined and~~
262 | ~~enforced through the FHSAA's bylaws. Requirements governing~~
263 | ~~eligibility and transfer between member schools shall be applied~~
264 | ~~similarly to public school students and private school students.~~

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

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281 ~~performance.~~

282 (c) The FHSAA shall adopt bylaws that require all students
283 participating in interscholastic athletic competition or who are
284 candidates for an interscholastic athletic team to
285 satisfactorily pass a medical evaluation each year before ~~prior~~
286 ~~to~~ participating in interscholastic athletic competition or
287 engaging in any practice, tryout, workout, or other physical
288 activity associated with the student's candidacy for an
289 interscholastic athletic team. Such medical evaluation may be
290 administered only by a practitioner licensed under chapter 458,
291 chapter 459, chapter 460, or s. 464.012, and in good standing
292 with the practitioner's regulatory board. The bylaws must ~~shall~~
293 establish requirements for eliciting a student's medical history
294 and performing the medical evaluation required under this
295 paragraph, which must ~~shall~~ include a physical assessment of the
296 student's physical capabilities to participate in
297 interscholastic athletic competition as contained in a uniform
298 preparticipation physical evaluation and history form. The
299 evaluation form must ~~shall~~ incorporate the recommendations of
300 the American Heart Association for participation cardiovascular
301 screening and must ~~shall~~ provide a place for the signature of
302 the practitioner performing the evaluation with an attestation
303 that each examination procedure listed on the form was performed
304 by the practitioner or by someone under the direct supervision
305 of the practitioner. The form must ~~shall~~ also contain a place
306 for the practitioner to indicate if a referral to another
307 practitioner was made in lieu of completion of a certain
308 examination procedure. The form must ~~shall~~ provide a place for

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309 the practitioner to whom the student was referred to complete
310 the remaining sections and attest to that portion of the
311 examination. The preparticipation physical evaluation form must
312 ~~shall~~ advise students to complete a cardiovascular assessment
313 and must ~~shall~~ include information concerning alternative
314 cardiovascular evaluation and diagnostic tests. Results of such
315 medical evaluation must be provided to the school. No student
316 shall be eligible to participate in any interscholastic athletic
317 competition or engage in any practice, tryout, workout, or other
318 physical activity associated with the student's candidacy for an
319 interscholastic athletic team until the results of the medical
320 evaluation have been received and approved by the school.

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

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

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

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

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

350 2. Be appointed as an investigator by the executive
351 director.

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

354 4. Adhere to the following guidelines:

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

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

360 c. Allow the parent of any student being interviewed to be
361 present during the interview.

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

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365 of the parent present.

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

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

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

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

388 2. Sanctions placed upon an individual coach may include,
389 but are not limited to, prohibiting or suspending the coach from
390 coaching, participating in, or attending any athletic activity
391 sponsored, recognized, or sanctioned by the FHSAA and the member
392 school for which the coach committed the violation. If a coach

393 | is sanctioned by the FHSAA and the coach transfers to another
 394 | member school, those sanctions remain in full force and effect
 395 | during the term of the sanction.

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

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

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

408 | 1. Ineligibility must be established by clear and
 409 | convincing evidence;

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

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421 ~~persuasive, and of a kind reasonably prudent persons rely upon~~
422 ~~in the conduct of serious affairs;~~

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

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

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

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

448 (j) The FHSAA ~~organization~~ shall adopt guidelines to

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449 educate athletic coaches, officials, administrators, and student
450 athletes and their parents of the nature and risk of concussion
451 and head injury.

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

463 (l) The FHSAA ~~organization~~ shall adopt bylaws or policies
464 that require each student athlete who is suspected of sustaining
465 a concussion or head injury in a practice or competition to be
466 immediately removed from the activity. A student athlete who has
467 been removed from an activity may not return to practice or
468 competition until the student submits to the school a written
469 medical clearance to return stating that the student athlete no
470 longer exhibits signs, symptoms, or behaviors consistent with a
471 concussion or other head injury. Medical clearance must be
472 authorized by the appropriate health care practitioner trained
473 in the diagnosis, evaluation, and management of concussions as
474 defined by the Sports Medicine Advisory Committee of the Florida
475 High School Athletic Association.

476 (m) The FHSAA ~~organization~~ shall adopt bylaws for the

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477 establishment and duties of a sports medicine advisory committee
478 composed of the following members:

479 1. Eight physicians licensed under chapter 458 or chapter
480 459 with at least one member licensed under chapter 459.

481 2. One chiropractor licensed under chapter 460.

482 3. One podiatrist licensed under chapter 461.

483 4. One dentist licensed under chapter 466.

484 5. Three athletic trainers licensed under part XIII of
485 chapter 468.

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

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

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

503 2. The burden is on the FHSAA to demonstrate by clear and
504 convincing evidence that the student is ineligible. The

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505 administrative law judge shall issue a final order pursuant to
506 s. 120.68. If the administrative law judge finds that the
507 student remains eligible, the final order shall award all
508 reasonable costs and attorney fees to be paid to all respondents
509 by the FHSAA. The FHSAA may not seek to recoup these costs and
510 expenses from any other person, entity, or party.

511 (3) GOVERNING STRUCTURE OF THE FLORIDA HIGH SCHOOL
512 ATHLETIC ASSOCIATION ORGANIZATION.—

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

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

522 (c) The FHSAA's membership shall be divided along existing
523 county lines into four contiguous and compact administrative
524 regions, each containing an equal or nearly equal number of
525 member schools to ensure equitable representation on the FHSAA's
526 board of directors, representative assembly, and appeals
527 committees.

528 (4) BOARD OF DIRECTORS.—

529 (a) The executive authority of the FHSAA shall be vested
530 in its board of directors. Any entity that appoints members to
531 the board of directors shall examine the ethnic and demographic
532 composition of the board when selecting candidates for

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533 appointment and shall, to the greatest extent possible, make
534 appointments that reflect state demographic and population
535 trends. The board of directors shall be composed of 25 ~~16~~
536 persons, as follows:

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

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

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

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

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

558 6. The commissioner or his or her designee from the
559 department executive staff.

560 7. Four representatives appointed by the President of the

561 Senate, one appointed from each of the four administrative
 562 regions.

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

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

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

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

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

581 1. To act as the incorporated FHSAA's board of directors
 582 and to fulfill its obligations as required by the FHSAA's
 583 charter and articles of incorporation.

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

586 3. To employ an FHSAA executive director, who has ~~shall~~
 587 ~~have~~ the authority to waive the bylaws of the FHSAA in order to
 588 comply with statutory changes. The executive director's salary

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589 shall be no greater than that set by law for the Governor of
590 this state. The executive director may not receive a car
591 allowance or cellular telephone as a result of his or her
592 employment. The executive director is not entitled to per diem
593 and travel expenses in excess of the rate provided for state
594 employees under s. 112.061.

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

597 5. To approve the budget of the FHSAA.

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

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

606 (6) PUBLIC LIAISON ADVISORY COMMITTEE.—

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

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