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1 A bill to be entitled
2 An act relating to high school athletics; amending s.
3 1006.15, F.S.; expanding the eligibility of certain
4 students in private schools to participate in sports
5 programs in public schools; amending s. 1006.20, F.S.;
6 designating the Sunshine Independent Athletic
7 Association as the governing nonprofit organization of
8 athletics in private schools in this state; revising
9 provisions relating to the bylaws of the Florida High
10 School Athletic Association and providing for
11 organization, authority, and duties of the Sunshine
12 Independent Athletic Association; requiring the bylaws
13 of both associations to allow certain students who
14 transfer to a private school to participate in sports
15 offered by the school; requiring such bylaws to
16 regulate investigators used by the associations and
17 providing restrictions on investigations that are
18 conducted; requiring such bylaws to allow coaches to
19 coach in outside youth sports organizations;
20 prohibiting the Florida High School Athletic
21 Association from denying or discouraging
22 interscholastic competition between public and private
23 schools; providing for annual interscholastic
24 competition championships between public and nonpublic
25 high schools for each sport and competition level
26 offered in public and private high schools in this
27 state; providing procedures for appeals to the
28 Sunshine Independent Athletic Association; requiring

29 | that appeals to a committee on appeals for the Florida
 30 | High School Athletic Association or the Sunshine
 31 | Independent Athletic Association be held in the county
 32 | where the appellant's school is located; requiring
 33 | that an appeals process be expedited, if possible;
 34 | providing for the composition of a committee on
 35 | appeals for the Sunshine Independent Athletic
 36 | Association; creating a board of directors of the
 37 | Sunshine Independent Athletic Association and
 38 | providing authority and duties of the board; providing
 39 | for the composition of the board membership;
 40 | authorizing private schools to join the Sunshine
 41 | Independent Athletic Association; providing for the
 42 | use of fines collected by either association;
 43 | providing an effective date.

44 |
 45 | Be It Enacted by the Legislature of the State of Florida:

46 |
 47 | Section 1. Subsection (8) of section 1006.15, Florida
 48 | Statutes, is amended to read:

49 | 1006.15 Student standards for participation in
 50 | interscholastic and intrascholastic extracurricular student
 51 | activities; regulation.—

52 | (8) (a) The Florida High School Athletic Association
 53 | (FHSA), in cooperation with each district school board, shall
 54 | facilitate a program in which a middle school or high school
 55 | student who attends a private school shall be eligible to
 56 | participate in an interscholastic or intrascholastic sport at a

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57 public high school, a public middle school, or a 6-12 public
58 school that is zoned for the physical address at which the
59 student resides if:

60 1. The private school in which the student is enrolled is
61 not a member of the FHSAA and does not offer an interscholastic
62 or intrascholastic athletic program or does not offer a specific
63 sport that is offered at the public school.

64 2. The private school student meets the guidelines for the
65 conduct of the program established by the FHSAA's board of
66 directors and the district school board. At a minimum, such
67 guidelines shall provide:

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

72 b. Requirements for a private school student to
73 participate, including, but not limited to, meeting the same
74 standards of eligibility, acceptance, behavior, educational
75 progress, and performance which apply to other students
76 participating in interscholastic or intrascholastic sports at a
77 public school or FHSAA member private school.

78 (b) The parents of a private school student participating
79 in a public school sport under this subsection are responsible
80 for transporting their child to and from the public school at
81 which the student participates. The private school the student
82 attends, the public school at which the student participates in
83 a sport, the district school board, and the FHSAA are exempt
84 from civil liability arising from any injury that occurs to the

85 student during such transportation.

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

91 (d) The athletic director of each participating FHSAA
 92 member public school shall maintain the student records
 93 necessary for eligibility, compliance, and participation in the
 94 program.

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

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

102 (g) Only students who are enrolled in non-FHSAA member
 103 private schools consisting of 250 ~~125~~ students or fewer are
 104 eligible to participate in the program in any given academic
 105 year.

106 Section 2. Section 1006.20, Florida Statutes, is amended
 107 to read:

108 1006.20 Athletics in ~~public~~ K-12 schools.—

109 (1) GOVERNING NONPROFIT ORGANIZATION.—The Florida High
 110 School Athletic Association is designated as the governing
 111 nonprofit organization of athletics in Florida public schools.
 112 If the Florida High School Athletic Association fails to meet

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113 the provisions of this section, the commissioner shall designate
114 a nonprofit organization to govern athletics with the approval
115 of the State Board of Education. The organization is not to be a
116 state agency as defined in s. 120.52. The Sunshine Independent
117 Athletic Association is designated as the governing nonprofit
118 organization of athletics in private schools in this state. ~~The~~
119 ~~organization shall be subject to the provisions of s. 1006.19. A~~
120 ~~private school that wishes to engage in high school athletic~~
121 ~~competition with a public high school may become a member of the~~
122 ~~organization.~~ The bylaws of each ~~the~~ organization shall ~~are to~~
123 be the rules by which high school athletic programs in its
124 member schools, and the students who participate in them, are
125 governed, unless otherwise specifically provided by statute. For
126 the purposes of this section, "high school" includes grades 6
127 through 12.

128 (2) ADOPTION OF BYLAWS.—

129 (a) Each ~~The~~ organization shall adopt bylaws that, unless
130 specifically provided by statute, establish eligibility
131 requirements for all students who participate in high school
132 athletic competition in its member schools. The bylaws governing
133 residence and transfer shall allow the student to be eligible in
134 the school in which he or she first enrolls each school year, or
135 makes himself or herself a candidate for an athletic team by
136 engaging in a practice before ~~prior to~~ enrolling in any member
137 school. The bylaws shall also allow a student who transfers from
138 a public school to a private school during the school year to
139 participate in any sport offered by the private school, with the
140 approval of the public school district, if the student pays the

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141 full tuition charged by the private school for all students. The
142 student shall be eligible in that school so long as he or she
143 remains enrolled in that school. Subsequent eligibility shall be
144 determined and enforced through the organization's bylaws.

145 (b) Each ~~The~~ organization shall adopt bylaws that
146 specifically prohibit the recruiting of students for athletic
147 purposes. The bylaws shall prescribe penalties and an appeals
148 process for athletic recruiting violations.

149 (c) Each ~~The~~ organization shall adopt bylaws that require
150 all students participating in interscholastic athletic
151 competition or who are candidates for an interscholastic
152 athletic team to satisfactorily pass a medical evaluation each
153 year before ~~prior to~~ participating in interscholastic athletic
154 competition or engaging in any practice, tryout, workout, or
155 other physical activity associated with the student's candidacy
156 for an interscholastic athletic team. Such medical evaluation
157 shall ~~can only~~ be administered only by a practitioner licensed
158 ~~under the provisions of~~ chapter 458, chapter 459, chapter 460,
159 or s. 464.012, and in good standing with the practitioner's
160 regulatory board. The bylaws shall establish requirements for
161 eliciting a student's medical history and performing the medical
162 evaluation required under this paragraph, which shall include a
163 physical assessment of the student's physical capabilities to
164 participate in interscholastic athletic competition as contained
165 in a uniform preparticipation physical evaluation and history
166 form. The evaluation form shall incorporate the recommendations
167 of the American Heart Association for participation
168 cardiovascular screening and shall provide a place for the

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169 signature of the practitioner performing the evaluation with an
170 attestation that each examination procedure listed on the form
171 was performed by the practitioner or by someone under the direct
172 supervision of the practitioner. The form shall also contain a
173 place for the practitioner to indicate if a referral to another
174 practitioner was made in lieu of completion of a certain
175 examination procedure. The form shall provide a place for the
176 practitioner to whom the student was referred to complete the
177 remaining sections and attest to that portion of the
178 examination. The preparticipation physical evaluation form shall
179 advise students to complete a cardiovascular assessment and
180 shall include information concerning alternative cardiovascular
181 evaluation and diagnostic tests. Results of such medical
182 evaluation must be provided to the school. No student shall be
183 eligible to participate in any interscholastic athletic
184 competition or engage in any practice, tryout, workout, or other
185 physical activity associated with the student's candidacy for an
186 interscholastic athletic team until the results of the medical
187 evaluation have been received and approved by the school.

188 (d) Notwithstanding the provisions of paragraph (c), a
189 student may participate in interscholastic athletic competition
190 or be a candidate for an interscholastic athletic team if the
191 parent of the student objects in writing to the student
192 undergoing a medical evaluation because such evaluation is
193 contrary to his or her religious tenets or practices. However,
194 in such case, there shall be no liability on the part of any
195 person or entity in a position to otherwise rely on the results
196 of such medical evaluation for any damages resulting from the

197 student's injury or death arising directly from the student's
198 participation in interscholastic athletics where an undisclosed
199 medical condition that would have been revealed in the medical
200 evaluation is a proximate cause of the injury or death.

201 (e) Each organization shall adopt bylaws that regulate
202 persons who conduct investigations. Such bylaws shall include
203 provisions that require investigators to:

204 1. Undergo a background check before being hired and be
205 issued and carry a photo identification card that shows the
206 association name and logo and the person's job title.

207 2. Adhere to the following guidelines:

208 a. Interviews may be conducted only on Monday through
209 Friday between the hours of 7 a.m. and 7 p.m.

210 b. Searches of lockers, residences, or other private areas
211 may be conducted only with the written approval of the person
212 being investigated.

213 c. Parents or legal guardians of any person being
214 interviewed may be present at the interview.

215 d. Any person being interviewed may have legal counsel
216 present at an interview. However, the attorney may not
217 participate in the interview or object to a question, other than
218 advising the person not to answer a question.

219 (f) Each organization shall adopt bylaws that allow a
220 coach employed in a school that is a member of the organization
221 to also coach or otherwise volunteer for a community, church, or
222 other outside youth sports organization if such outside activity
223 does not conflict with his or her obligations with the employer.

224 (3) GOVERNING STRUCTURE OF EACH ~~THE~~ ORGANIZATION.—

225 (a) Each ~~The~~ organization shall operate as a
 226 representative democracy in which the sovereign authority is
 227 within its member schools. Except as provided in this section,
 228 each ~~the~~ organization shall govern its affairs through its
 229 bylaws.

230 (b) Each member school, on its annual application for
 231 membership, shall name its official representative to the
 232 organization. This representative must be either the school
 233 principal or his or her designee. That designee must either be
 234 an assistant principal or athletic director housed within that
 235 same school.

236 (c) Each ~~The~~ organization's membership shall be divided
 237 along existing county lines into four contiguous and compact
 238 administrative regions, each containing an equal or nearly equal
 239 number of member schools to ensure equitable representation on
 240 the organization's board of directors, representative assembly,
 241 and committee on appeals.

242 (4) BOARD OF DIRECTORS; FLORIDA HIGH SCHOOL ATHLETIC
 243 ASSOCIATION.—

244 (a) The executive authority of the organization shall be
 245 vested in its board of directors. Any entity that appoints
 246 members to the board of directors shall examine the ethnic and
 247 demographic composition of the board when selecting candidates
 248 for appointment and shall, to the greatest extent possible, make
 249 appointments that reflect state demographic and population
 250 trends. The board of directors shall be composed of 16 persons,
 251 as follows:

- 252 1. Four public member school representatives, one elected

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253 | from among its public school representative members within each
254 | of the four administrative regions.

255 | 2. Four nonpublic member school representatives, one
256 | elected from among its nonpublic school representative members
257 | within each of the four administrative regions.

258 | 3. Three representatives appointed by the commissioner,
259 | one appointed from the two northernmost administrative regions
260 | and one appointed from the two southernmost administrative
261 | regions. The third representative shall be appointed to balance
262 | the board for diversity or state population trends, or both.

263 | 4. Two district school superintendents, one elected from
264 | the two northernmost administrative regions by the members in
265 | those regions and one elected from the two southernmost
266 | administrative regions by the members in those regions.

267 | 5. Two district school board members, one elected from the
268 | two northernmost administrative regions by the members in those
269 | regions and one elected from the two southernmost administrative
270 | regions by the members in those regions.

271 | 6. The commissioner or his or her designee from the
272 | department executive staff.

273 | (b) A quorum of the board of directors shall consist of
274 | nine members.

275 | (c) The board of directors shall elect a president and a
276 | vice president from among its members. These officers shall also
277 | serve as officers of the organization.

278 | (d) Members of the board of directors shall serve terms of
279 | 3 years and are eligible to succeed themselves only once. A
280 | member of the board of directors, other than the commissioner or

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281 his or her designee, may serve a maximum of 6 consecutive years.
282 The organization's bylaws shall establish a rotation of terms to
283 ensure that a majority of the members' terms do not expire
284 concurrently.

285 (e) The authority and duties of the board of directors,
286 acting as a body and in accordance with the organization's
287 bylaws, are as follows:

288 1. To act as the incorporated organization's board of
289 directors and to fulfill its obligations as required by the
290 organization's charter and articles of incorporation.

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

293 3. To provide an organization commissioner, who shall have
294 the authority to waive the bylaws of the organization in order
295 to comply with statutory changes.

296 4. To levy annual dues and other fees and to set the
297 percentage of contest receipts to be collected by the
298 organization.

299 5. To approve the budget of the organization.

300 6. To organize and conduct statewide interscholastic
301 competitions, which may or may not lead to state championships,
302 and to establish the terms and conditions for these
303 competitions. The Florida High School Athletic Association may
304 not deny or discourage interscholastic competition between its
305 members and members of the Sunshine Independent Athletic
306 Association, nor may it take any retributory or discriminatory
307 action against any of its members who engage in interscholastic
308 competition with members of the Sunshine Independent Athletic

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309 Association. The two associations shall conduct annual state
310 interscholastic championship competitions for each sport and
311 competition level offered at their member schools.

312 7. To act as an administrative board in the interpretation
313 of, and final decision on, all questions and appeals arising
314 from the directing of interscholastic athletics of member
315 schools.

316 (5) REPRESENTATIVE ASSEMBLY; FLORIDA HIGH SCHOOL ATHLETIC
317 ASSOCIATION.—

318 (a) The legislative authority of the organization is
319 vested in its representative assembly.

320 (b) The representative assembly shall be composed of the
321 following:

322 1. An equal number of member school representatives from
323 each of the four administrative regions.

324 2. Four district school superintendents, one elected from
325 each of the four administrative regions by the district school
326 superintendents in their respective administrative regions.

327 3. Four district school board members, one elected from
328 each of the four administrative regions by the district school
329 board members in their respective administrative regions.

330 4. The commissioner or his or her designee from the
331 department executive staff.

332 (c) The organization's bylaws shall establish the number
333 of member school representatives to serve in the representative
334 assembly from each of the four administrative regions and shall
335 establish the method for their selection.

336 (d) No member of the board of directors other than the

337 commissioner or his or her designee can serve in the
 338 representative assembly.

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

341 (f) Elected members of the representative assembly shall
 342 serve terms of 2 years and are eligible to succeed themselves
 343 for two additional terms. An elected member, other than the
 344 commissioner or his or her designee, may serve a maximum of 6
 345 consecutive years in the representative assembly.

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

348 (h) The authority of the representative assembly is
 349 limited to its sole duty, which is to consider, adopt, or reject
 350 any proposed amendments to the organization's bylaws.

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

354 (6) PUBLIC LIAISON ADVISORY COMMITTEE; FLORIDA HIGH SCHOOL
 355 ATHLETIC ASSOCIATION.-

356 (a) The organization shall establish, sustain, fund, and
 357 provide staff support to a public liaison advisory committee
 358 composed of the following:

- 359 1. The commissioner or his or her designee.
- 360 2. A member public school principal.
- 361 3. A member private school principal.
- 362 4. A member school principal who is a member of a racial
 363 minority.
- 364 5. An active athletic director.

365 6. An active coach, who is employed full time by a member
366 school.

367 7. A student athlete.

368 8. A district school superintendent.

369 9. A district school board member.

370 10. A member of the Florida House of Representatives.

371 11. A member of the Florida Senate.

372 12. A parent of a high school student.

373 13. A member of a home education association.

374 14. A representative of the business community.

375 15. A representative of the news media.

376 (b) No member of the board of directors, committee on
377 appeals, or representative assembly is eligible to serve on the
378 public liaison advisory committee.

379 (c) The public liaison advisory committee shall elect a
380 chairperson and vice chairperson from among its members.

381 (d) The authority and duties of the public liaison
382 advisory committee are as follows:

383 1. To act as a conduit through which the general public
384 may have input into the decisionmaking process of the
385 organization and to assist the organization in the development
386 of procedures regarding the receipt of public input and
387 disposition of complaints related to high school athletic and
388 competition programs.

389 2. To conduct public hearings annually in each of the four
390 administrative regions during which interested parties may
391 address issues regarding the effectiveness of the rules,
392 operation, and management of the organization.

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393 3. To conduct an annual evaluation of the organization as
394 a whole and present a report of its findings, conclusion, and
395 recommendations to the board of directors, to the commissioner,
396 and to the respective education committees of the Florida Senate
397 and the Florida House of Representatives. The recommendations
398 must delineate policies and procedures that will improve the
399 implementation and oversight of high school athletic programs by
400 the organization.

401 (e) The public liaison advisory committee shall meet four
402 times annually. Additional meetings may be called by the
403 committee chairperson, the organization president, or the
404 organization commissioner.

405 (7) APPEALS.—

406 (a) Each ~~The~~ organization shall establish a procedure of
407 due process which ensures each student the opportunity to appeal
408 an unfavorable ruling with regard to his or her eligibility to
409 compete. The initial appeal shall be made to a committee on
410 appeals within the administrative region in which the student
411 lives. Each ~~The~~ organization's bylaws shall establish the
412 number, size, and composition of the committee on appeals.

413 (b) No member of the board of directors is eligible to
414 serve on the committee on appeals.

415 (c) Members of the committee on appeals shall serve terms
416 of 3 years and are eligible to succeed themselves only once. A
417 member of the committee on appeals may serve a maximum of 6
418 consecutive years. Each ~~The~~ organization's bylaws shall
419 establish a rotation of terms to ensure that a majority of the
420 members' terms do not expire concurrently.

421 (d) The authority and duties of the committee on appeals
 422 shall be to consider requests by member schools seeking
 423 exceptions to bylaws and regulations, to hear undue hardship
 424 eligibility cases filed by member schools on behalf of student
 425 athletes, and to hear appeals filed by member schools.

426 (e) A student athlete or member school that receives an
 427 unfavorable ruling from a committee on appeals shall be entitled
 428 to appeal that decision to the board of directors at its next
 429 regularly scheduled meeting or called meeting. The board of
 430 directors shall have the authority to uphold, reverse, or amend
 431 the decision of the committee on appeals. In all such cases, the
 432 decision of the board of directors shall be final.

433 (f) Hearings on appeals shall be held in the county where
 434 the appellant's school is located.

435 (g) The organizations shall expedite the appeals process
 436 so that disposition of the appeal can be made prior to the end
 437 of the applicable sports season, if possible.

438 (h) Notwithstanding paragraph (a), the committee on
 439 appeals of the Sunshine Independent Athletic Association shall
 440 be composed of 10 persons as follows:

- 441 1. Three members appointed by the Governor.
- 442 2. Three members appointed by the President of the Senate.
- 443 3. Three members appointed by the Speaker of the House of
 444 Representatives.
- 445 4. The commissioner or his or her designee, who shall
 446 serve as a nonvoting member.

447 (8) AMENDMENT OF BYLAWS.—Each member school
 448 representative, the board of directors acting as a whole or as

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449 members acting individually, any advisory committee acting as a
 450 whole to be established by the organization, and the
 451 ~~organization's~~ commissioner are empowered to propose amendments
 452 to the bylaws. Any other individual may propose an amendment by
 453 securing the sponsorship of any of the aforementioned
 454 individuals or bodies. All proposed amendments must be submitted
 455 directly to the representative assembly for its consideration.
 456 The representative assembly, while empowered to adopt, reject,
 457 or revise proposed amendments, may not, in and of itself, as a
 458 body be allowed to propose any amendment for its own
 459 consideration.

460 (9) RULES ADOPTION.—The bylaws of each ~~the~~ organization
 461 shall require member schools to adopt rules for sports, which
 462 have been established by a nationally recognized sanctioning
 463 body, unless waived by at least a two-thirds vote of the board
 464 of directors.

465 (10) BOARD OF DIRECTORS; SUNSHINE INDEPENDENT ATHLETIC
 466 ASSOCIATION.—

467 (a) The executive authority of the organization shall be
 468 vested in its board of directors. Any entity that appoints
 469 members to the board of directors shall examine the ethnic and
 470 demographic composition of the board when selecting candidates
 471 for appointment and shall, to the extent possible, make
 472 appointments that reflect state demographic and population
 473 trends. The board of directors shall be composed of 16 persons,
 474 as follows:

475 1. Four public school representatives, one elected from
 476 among its public school representative members within each of

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477 the four administrative regions for public schools.

478 2. Four nonpublic member school representatives, one
479 elected from among its nonpublic school representative members
480 within each of the four administrative regions for public
481 schools.

482 3. Three representatives appointed by the commissioner,
483 one appointed from the two northernmost administrative regions
484 and one appointed from the two southernmost administrative
485 regions. The third representative shall be appointed to balance
486 the board for diversity or state population trends, or both.

487 4. Two school headmasters, one elected from the two
488 northernmost administrative regions by the nonpublic school
489 members in those regions and one elected from the two
490 southernmost administrative regions by the nonpublic school
491 members in those regions.

492 5. Two nonpublic school governing board members, one
493 elected from the two northernmost administrative regions by the
494 nonpublic school members in those regions and one elected from
495 the two southernmost administrative regions by the nonpublic
496 school members in those regions.

497 6. The commissioner, or his or her designee from the
498 department executive staff.

499 (b) A quorum of the board of directors shall consist of
500 nine members.

501 (c) The board of directors shall elect a president and a
502 vice president from among its members. These officers shall also
503 serve as officers of the organization.

504 (d) Members of the board of directors shall serve terms of

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505 3 years and are eligible to succeed themselves only once. The
506 organization's bylaws shall establish a rotation of terms to
507 ensure that a majority of the members' terms do not expire
508 concurrently.

509 (e) The authority and duties of the board of directors,
510 acting as a body and in accordance with the organization's
511 bylaws, are as follows:

512 1. To act as the incorporated organization's board of
513 directors and to fulfill its obligations as required by the
514 organization's charter and articles of incorporation.

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

517 3. To provide an organization commissioner, who shall have
518 the authority to waive the bylaws of the organization in order
519 to comply with statutory changes.

520 4. To levy annual dues and other fees and to set the
521 percentage of contest receipts to be collected by the
522 organization.

523 5. To approve the budget of the organization.

524 6. To organize and conduct statewide interscholastic
525 competitions.

526 7. To act as an administrative board in the interpretation
527 of, and final decision on, all questions and appeals arising
528 from the directing of interscholastic athletics of member
529 schools.

530 (11) MEMBERSHIP.—Notwithstanding any provision of law to
531 the contrary, any nonpublic high school in this state, including
532 charter schools and virtual schools, may become a member of the

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533 Sunshine Independent Athletic Association and participate in the
534 activities of that organization. However, membership in the
535 association is not mandatory for any school.

536 (12) FINES.—Any fines collected by either organization
537 shall be deposited into the Educational Enhancement Trust Fund.

538 Section 3. This act shall take effect July 1, 2012.