

PCS FOR HB 1403

ORIGINAL

2012

1 A bill to be entitled
2 An act relating to high school athletics; amending s.
3 1006.15, F.S.; authorizing students attending certain
4 private schools to participate in certain public
5 school athletic programs if the private school does
6 not offer a specific sport; requiring certain private
7 schools that have students participating in public
8 school athletic programs make all student records
9 available upon request; expanding the private school
10 enrollment requirement for participation in public
11 school athletic programs; amending s. 1006.20, F.S.;
12 authorizing, but not requiring, all Florida high
13 schools to join the Florida High School Athletic
14 Association; requiring the Florida High School
15 Athletic Association bylaws governing residence and
16 transfer to allow a student that obtains an approved
17 transfer request from the district school board to
18 participate in athletics; requiring the Florida High
19 School Athletic Association to adopt bylaws allowing a
20 student who transfers from a public school to a
21 private school to participate in any sport, regulating
22 investigators, and sanctioning certain coaches;
23 providing penalties for a private school that recruits
24 a student athlete; requiring an expedited appeals
25 process, if possible; amending s. 1012.468, F.S.;
26 providing background screening exceptions for certain
27 investigators; providing an effective date.
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Page 1 of 10

PCS for HB 1403.DOCX.KCOS.Bill Text.docx

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29 Be It Enacted by the Legislature of the State of Florida:

30

31 Section 1. Subsection (8) of section 1006.15, Florida
 32 Statutes, is amended to read:

33 1006.15 Student standards for participation in
 34 interscholastic and intrascholastic extracurricular student
 35 activities; regulation.—

36 (8) (a) The Florida High School Athletic Association
 37 (FHSAA), in cooperation with each district school board, shall
 38 facilitate a program in which a middle school or high school
 39 student who attends a private school shall be eligible to
 40 participate in an interscholastic or intrascholastic sport at a
 41 public high school, a public middle school, or a 6-12 public
 42 school that is zoned for the physical address at which the
 43 student resides if:

44 1. The private school in which the student is enrolled is
 45 not a member of the FHSAA and does not offer an interscholastic
 46 or intrascholastic athletic program or does not offer a specific
 47 sport that is offered at the public school.

48 2. The private school student meets the guidelines for the
 49 conduct of the program established by the FHSAA's board of
 50 directors and the district school board. At a minimum, such
 51 guidelines shall provide:

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

56 b. Requirements for a private school student to

PCS FOR HB 1403

ORIGINAL

2012

57 participate, including, but not limited to, meeting the same
58 standards of eligibility, acceptance, behavior, educational
59 progress, and performance which apply to other students
60 participating in interscholastic or intrascholastic sports at a
61 public school or FHSAA member private school.

62 (b) The parents of a private school student participating
63 in a public school sport under this subsection are responsible
64 for transporting their child to and from the public school at
65 which the student participates. The private school the student
66 attends, the public school at which the student participates in
67 a sport, the district school board, and the FHSAA are exempt
68 from civil liability arising from any injury that occurs to the
69 student during such transportation.

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

75 (d) The athletic director of each participating FHSAA
76 member public school shall maintain the student records
77 necessary for eligibility, compliance, and participation in the
78 program.

79 (e) Any non-FHSAA member private school that has a student
80 who wishes to participate in this program must make all student
81 records, including, but not limited to, academic, ~~financial,~~
82 disciplinary, and attendance records, available upon request of
83 the FHSAA.

84 (f) A student must apply to participate in this program

85 through the FHSAA program application process.

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

90 Section 2. Subsections (1) and (2), of section 1006.20,
 91 Florida Statutes, are amended, and paragraph (f) is added to
 92 subsection (7) of that section, to read:

93 1006.20 Athletics in public K-12 schools.—

94 (1) GOVERNING NONPROFIT ORGANIZATION.—The Florida High
 95 School Athletic Association (FHSAA) is designated as the
 96 governing nonprofit organization of athletics in Florida public
 97 schools. If the FHSAA ~~Florida High School Athletic Association~~
 98 fails to meet the provisions of this section, the commissioner
 99 shall designate a nonprofit organization to govern athletics
 100 with the approval of the State Board of Education. The FHSAA
 101 ~~organization~~ is not ~~to be~~ a state agency as defined in s.
 102 120.52. The FHSAA ~~organization~~ shall be subject to the
 103 provisions of s. 1006.19. A private school that wishes to engage
 104 in high school athletic competition with a public high school
 105 may become a member of the FHSAA ~~organization~~. Any high school
 106 in the state, including charter schools, virtual schools, and
 107 home education cooperatives, may become a member of the FHSAA
 108 and participate in the activities of the FHSAA. However,
 109 membership in the FHSAA is not mandatory for any school. The
 110 bylaws of the FHSAA ~~organization~~ are ~~to be~~ the rules by which
 111 high school athletic programs in its member schools, and the
 112 students who participate in them, are governed, unless otherwise

PCS FOR HB 1403

ORIGINAL

2012

113 specifically provided by statute. For the purposes of this
114 section, "high school" includes grades 6 through 12.

115 (2) ADOPTION OF BYLAWS.—

116 (a) The FHSAA ~~organization~~ shall adopt bylaws that, unless
117 specifically provided by statute, establish eligibility
118 requirements for all students who participate in high school
119 athletic competition in its member schools. The bylaws governing
120 residence and transfer shall allow the student to be eligible in
121 the school in which he or she first enrolls each school year,
122 the school in which the student ~~or~~ makes himself or herself a
123 candidate for an athletic team by engaging in a practice before
124 ~~prior to enrolling in the~~ any member school, or in the school to
125 which the student has transferred pursuant to district school
126 board approval. The bylaws shall also allow a student who
127 transfers from a public school to a private school during the
128 school year to participate in any sport offered by the private
129 school. If it is determined that a private school has recruited
130 a student, the FHSAA may require the private school to
131 participate in a higher competitive division for the sport in
132 which the recruited student competes and pay the appropriate
133 fine. The student shall be eligible in that school so long as he
134 or she remains enrolled in that school. Subsequent eligibility
135 shall be determined and enforced through the FHSAA's
136 ~~organization's~~ bylaws.

137 (b) The FHSAA ~~organization~~ shall adopt bylaws that
138 specifically prohibit the recruiting of students for athletic
139 purposes. The bylaws shall prescribe penalties and an appeals
140 process for athletic recruiting violations.

PCS FOR HB 1403

ORIGINAL

2012

141 (c) The FHSAA ~~organization~~ shall adopt bylaws that require
142 all students participating in interscholastic athletic
143 competition or who are candidates for an interscholastic
144 athletic team to satisfactorily pass a medical evaluation each
145 year prior to participating in interscholastic athletic
146 competition or engaging in any practice, tryout, workout, or
147 other physical activity associated with the student's candidacy
148 for an interscholastic athletic team. Such medical evaluation
149 may ~~can only~~ be administered only by a practitioner licensed
150 under ~~the provisions of~~ chapter 458, chapter 459, chapter 460,
151 or s. 464.012, and in good standing with the practitioner's
152 regulatory board. The bylaws shall establish requirements for
153 eliciting a student's medical history and performing the medical
154 evaluation required under this paragraph, which shall include a
155 physical assessment of the student's physical capabilities to
156 participate in interscholastic athletic competition as contained
157 in a uniform preparticipation physical evaluation and history
158 form. The evaluation form shall incorporate the recommendations
159 of the American Heart Association for participation
160 cardiovascular screening and shall provide a place for the
161 signature of the practitioner performing the evaluation with an
162 attestation that each examination procedure listed on the form
163 was performed by the practitioner or by someone under the direct
164 supervision of the practitioner. The form shall also contain a
165 place for the practitioner to indicate if a referral to another
166 practitioner was made in lieu of completion of a certain
167 examination procedure. The form shall provide a place for the
168 practitioner to whom the student was referred to complete the

Page 6 of 10

PCS for HB 1403.DOCX.KCOS.Bill Text.docx

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PCS FOR HB 1403

ORIGINAL

2012

169 remaining sections and attest to that portion of the
170 examination. The preparticipation physical evaluation form shall
171 advise students to complete a cardiovascular assessment and
172 shall include information concerning alternative cardiovascular
173 evaluation and diagnostic tests. Results of such medical
174 evaluation must be provided to the school. No student shall be
175 eligible to participate in any interscholastic athletic
176 competition or engage in any practice, tryout, workout, or other
177 physical activity associated with the student's candidacy for an
178 interscholastic athletic team until the results of the medical
179 evaluation have been received and approved by the school.

180 (d) Notwithstanding the provisions of paragraph (c), a
181 student may participate in interscholastic athletic competition
182 or be a candidate for an interscholastic athletic team if the
183 parent of the student objects in writing to the student
184 undergoing a medical evaluation because such evaluation is
185 contrary to his or her religious tenets or practices. However,
186 in such case, there shall be no liability on the part of any
187 person or entity in a position to otherwise rely on the results
188 of such medical evaluation for any damages resulting from the
189 student's injury or death arising directly from the student's
190 participation in interscholastic athletics where an undisclosed
191 medical condition that would have been revealed in the medical
192 evaluation is a proximate cause of the injury or death.

193 (e) The FHSAA shall adopt bylaws that regulate persons who
194 conduct investigations on behalf of the FHSAA. The bylaws shall
195 include provisions that require investigators to:

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

197 unless the investigator can provide proof of compliance with
 198 level 2 screening standards submitted within the previous 5
 199 years to meet any professional licensure requirements, provided:

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

203 b. The investigator submits, under penalty of perjury, an
 204 affidavit of compliance with the provisions of chapter 435 and
 205 this paragraph.

206 2. Carry a photo identification card that shows the FHSAA
 207 name, logo, and the investigator's job title.

208 3. Adhere to the following guidelines:

209 a. Only conduct interviews on Monday through Friday
 210 between the hours of 7 a.m. and 7 p.m., unless previously agreed
 211 to by the interviewee.

212 b. Allow the parent of any student being interviewed to be
 213 present during the interview.

214 c. Only search residences or other private areas with the
 215 written consent of the student's parent.

216
 217 (f) The FHSAA shall adopt bylaws that establish sanctions
 218 for coaches who have committed major violations of the FHSAA's
 219 bylaws and policies.

220 1. Major violations shall include, but are not limited to
 221 allowing an ineligible student to participate in a contest
 222 representing a member school in an interscholastic contest or
 223 violations of the FHSAA's recruiting or sportsmanship policies.

224 2. Sanctions placed upon the individual coach may include,

225 but are not limited to prohibiting or suspending the coach from
 226 coaching, participating, or attending any athletic activity
 227 sponsored, recognized, or sanctioned by the FHSAA and the member
 228 school for which the coach committed the violation. If a coach
 229 is sanctioned by the FHSAA and the coach transfers to another
 230 member school, those sanctions remain in full force and effect
 231 during the term of the sanction.

232 3. If a member school is assessed a financial penalty as a
 233 result of a coach committing a major violation, the coach shall
 234 reimburse the member school before being allowed to coach,
 235 participate, or attend any athletic activity sponsored,
 236 recognized, or sanctioned by the FHSAA and a member school.

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

240 (7) APPEALS.—

241 (f) The FHSAA shall expedite the appeals process so that
 242 disposition of the appeal can be made before the end of the
 243 applicable sports season, if possible.

244 Section 3. Paragraph (g) is added to subsection (2) of
 245 section 1012.468, Florida Statutes, to read:

246 1012.468 Exceptions to certain fingerprinting and criminal
 247 history checks.—

248 (2) A district school board shall exempt from the
 249 screening requirements set forth in ss. 1012.465 and 1012.467
 250 the following noninstructional contractors:

251 (g) An investigator for the Florida High School Athletic
 252 Association who meets the requirements under s. 1006.20(2)(e).

PCS FOR HB 1403

ORIGINAL

2012

253

Section 4. This act shall take effect July 1, 2012.