

CHAPTER 97-53

Committee Substitute for House Bill No. 991

An act relating to high school athletics; designating a nonprofit organization to govern athletes in the public schools; requiring bylaws establishing eligibility for student participation in athletic competition; providing for the structure, duties, and responsibilities of the organization; requiring a due process procedure; providing for bylaws to require member schools to adopt nationally recognized rules for sports; providing an effective date.

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

Section 1. The Florida High School Activities Association is designated as the governing nonprofit organization of athletics in Florida public schools, provided that the organization operates pursuant to the provisions of this act by July 15, 1997. If the Florida High School Activities Association fails to meet the provisions of this act, the Commissioner of Education shall designate a nonprofit organization to govern athletics with the approval of the State Board of Education. The organization is not to be a state agency as defined in s. 120.52, Florida Statutes. The organization shall be subject to the provisions of s. 232.44, Florida Statutes. A nonpublic school that wishes to engage in high school athletic competition with a public high school may become a member of the organization. The bylaws of the organization are to be the rules by which high school athletic programs in its member schools, and the students who participate in them, are governed, unless otherwise specifically provided by statute. For the purposes of this act, "high school" includes grades 6 through 12.

Section 2. The organization shall adopt bylaws that, unless specifically provided by statute, establish eligibility requirements for all students who participate in high school athletic competition in its member schools. The bylaws governing residence and transfer shall allow the student to be eligible in the school in which he or she first enrolls each school year, or makes himself or herself a candidate for an athletic team by engaging in a practice prior to enrolling in any member school. The student shall be eligible in that school so long as he or she remains enrolled in that school. Subsequent eligibility shall be determined and enforced through the organization's bylaws. Where the student lives, with whom the student lives, or which school the student attended the previous year shall not be a factor in determining eligibility. The organization shall also adopt bylaws that specifically prohibit the recruiting of students for athletic purposes. The bylaws shall prescribe penalties and an appeals process for athletic recruiting violations.

Section 3. The governing structure of the organization is as follows:

(1) The organization shall operate as a representative democracy in which the sovereign authority is within its member schools. Except as provided in this act, the organization shall govern its affairs through its bylaws.

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

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

Section 4. (1) The executive authority of the organization shall be vested in its board of directors. The board of directors shall be composed of 15 persons, as follows:

(a) Four public member school representatives, one elected from among its public school representative members within each of the four administrative regions.

(b) Four nonpublic member school representatives, one elected from among its nonpublic school representative members within each of the four administrative regions.

(c) Two representatives appointed by the Commissioner of Education, one appointed from the two northernmost administrative regions and one appointed from the two southernmost administrative regions.

(d) Two district school superintendents, one elected from the two northernmost administrative regions by the members in those regions and one elected from the two southernmost administrative regions by the members in those regions.

(e) Two district school board members, one elected from the two northernmost administrative regions by the members in those regions and one elected from the two southernmost administrative regions by the members in those regions.

(f) The Commissioner of Education or his or her designee from the Department of Education executive staff.

(2) A quorum of the board of directors shall consist of nine members.

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

(4) Members of the board of directors shall serve terms of 3 years and are eligible to succeed themselves only once. A member of the board of directors, other than the Commissioner of Education or his or her designee, may serve a maximum of 6 consecutive years. The organization's bylaws shall establish a rotation of terms to ensure that a majority of the members' terms do not expire concurrently.

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

(a) To act as the incorporated organization's board of directors and to fulfill the obligations of such as required by the organization's charter and articles of incorporation.

(b) To establish such guidelines, regulations, policies, and procedures as are authorized by the bylaws.

(c) To provide a commissioner for the organization. The commissioner shall have the authority to waive the bylaws of the organization in order to comply with statutory changes.

(d) To levy annual dues and other fees and to set the percentage of contest receipts which is to be collected by the organization.

(e) To approve the budget of the organization.

(f) To organize and conduct statewide interscholastic competitions, which may or may not lead to state championships, and to establish the terms and conditions for these competitions.

(g) To act as an administrative board in the interpretation of, and final decision on, all questions and appeals arising from the directing of interscholastic athletics of member schools.

Section 5. (1) The legislative authority of the organization is vested in its representative assembly.

(2) The representative assembly shall be composed of the following:

(a) An equal number of member school representatives from each of the four administrative regions.

(b) Four district school superintendents, one elected from each of the four administrative regions by the district school superintendents in their respective administrative regions.

(c) Four district school board members, one elected from each of the four administrative regions by the district school board members in their respective administrative regions.

(d) The Commissioner of Education or his or her designee from the Department of Education executive staff.

(3) The organization's bylaws shall establish the number of member school representatives to serve on the representative assembly from each of the four administrative regions and shall establish the method for their selection.

(4) No member of the board of directors other than the Commissioner of Education or his or her designee can serve on the representative assembly.

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

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

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

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

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

Section 6. (1) The organization shall establish, sustain, fund, and provide staff support to a public liaison advisory committee composed of the following:

- (a) The Commissioner of Education or his or her designee.
- (b) A member public school principal.
- (c) A member nonpublic school principal.
- (d) A member school principal who is a member of a racial minority.
- (e) An active athletic director.
- (f) An active coach, who is employed full time by a member school.
- (g) A student athlete.
- (h) A district school superintendent.
- (i) A district school board member.
- (j) A member of the Florida House of Representatives.
- (k) A member of the Florida Senate.
- (l) A parent of a high school student.
- (m) A member of a home education association.
- (n) A representative of the business community.
- (o) A representative of the news media.

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

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

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

(a) To act as a conduit through which the general public may have input into the decisionmaking process of the organization and to assist the organization in the development of procedures regarding the receipt of public input and disposition of complaints related to high school athletic and competition programs.

(b) To conduct public hearings annually in each of the four administrative regions during which interested parties may address issues regarding the effectiveness of the rules, operation, and management of the organization.

(c) To conduct an annual evaluation of the organization as a whole and present a report of its findings, conclusion, and recommendations to the board of directors, to the Commissioner of Education, and to the respective education committees of the Florida Senate and the Florida House of Representatives. The recommendations must delineate policies and procedures that will improve the implementation and oversight of high school athletic programs by the organization.

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

Section 7. (1) The organization shall establish a procedure of due process which ensures each student the opportunity to appeal an unfavorable ruling with regard to his or her eligibility to compete. The initial appeal shall be made to a committee on appeals within the administrative region in which the student lives. The organization's bylaws shall establish the number, size, and composition of the committee on appeals.

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

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

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

(5) A student athlete or member school that receives an unfavorable ruling from a committee on appeals shall be entitled to appeal that decision to the board of directors at its next regularly scheduled meeting or called

meeting. The board of directors shall have the authority to uphold, reverse, or amend the decision of the committee on appeals. In all such cases, the decision of the board of directors shall be final.

Section 8. Each member school representative, the board of directors acting as a whole or as members acting individually, any advisory committee acting as a whole to be established by the organization, and the organization's commissioner are empowered to propose amendments to the bylaws. Any other individual may propose an amendment by securing the sponsorship of any of the aforementioned individuals or bodies. All proposed amendments must be submitted directly to the representative assembly for its consideration. The representative assembly, while empowered to adopt, reject, or revise proposed amendments, may not, in and of itself, as a body be allowed to propose any amendment for its own consideration.

Section 9. The bylaws of the organization shall require member schools to adopt rules for sports, which have been established by a nationally recognized sanctioning body, unless waived by at least a two-thirds vote of the board of directors.

Section 10. This act shall take effect upon becoming a law.

Approved by the Governor May 7, 1997.

Filed in Office Secretary of State May 7, 1997.