

“Sports and Recreation Department Organic Act”

Act. No. 8 of January 8, 2004, as amended

(Contains amendments incorporated by:

Act No. 151 of December 12, 2005

Act No. 161 of December 1, 2009, Sec. 19.7)

(Amendments non-incorporated:

Act No. 245 of December 30, 2010

Act No. 74 of May 18, 2011

Act No. 90 of June 9, 2011)

To restructure the Sports and Recreation Department; to establish a public policy concerning recreation and sports; to create the Special Fund for the Sports and Recreation Department and the High Performance Athletes Trainers Fund; to establish the National Council to Link Sports, Recreation and Physical Education, the Recreation and Sports Safety Commission, the Professional Sports Commission and the Puerto Rican Institute for the Development of Sports and Recreation; to attach the National Parks Company to the Sports and Recreation Department; to create the Public Registry of Sports and Recreational Entities; to provide for the requirement of a license or certification to render certain professional services related to sports; to provide for alternative methods for solving conflicts and adjudication procedures; to empower the Secretary of the Department to impose sanctions, fines and penalties; and to repeal Act No. 126 of June 13, 1980, as amended; Act No. 156 of May 11, 1948, as amended; and Act No. 142 of May 6, 1940, as amended, and the regulations approved pursuant thereof.

STATEMENT OF MOTIVES

The physical, mental, emotional and spiritual growth of a people depends on many external and internal factors of each individual. The Commonwealth of Puerto Rico has the duty and the authority to steer the external factors toward the common good and the people’s welfare. The importance of recreation and sports in the life of the people is hardly questioned in the twenty-first century. According to the Universal Declaration of Human Rights of the United Nations Organization, all human beings are born with fundamental, equal, inalienable rights and freedoms.

Section 24 of such Declaration indicates that: “Everyone has the right to rest, and leisure, including reasonable limitation of working hours and periodic holidays with pay.”

The concepts expressed in this quote constitute intrinsic elements of the definition of recreation, an activity that is hereby established as a part of human rights. A growing number

of countries choose to give the support necessary for offering their citizens high quality recreational and sports programs, because they admit that it is their responsibility, they understand the well-being it brings and they recognize their athletes as ambassadors. This is why governments have shown greater concern for adequately addressing the requirements of recreation, basic sports and high performance sports.

Puerto Rican society is in constant movement towards a hasty life style that limits the opportunity and quality of free time. The poor use of the latter causes social problems such as a sedentary life style, drug addiction and family dysfunction. To face the challenges brought about by this growing trend, it is essential to adopt concepts of recreation and sports that are radically different from the ones that historically have determined the course of the practice of sports and recreation of this country. It is necessary to broaden the notion of recreation and sports as a means to achieve other ends.

Recreation and sports are not only instruments, but also elements constituting health, welfare, enjoyment and quality of life. Understood as such, the experiences of recreation and welfare inside and outside of sports are a fertile ground for the growth of sensibility that allows humans to perceive the spiritual and aesthetic dimension of what they do and to feel the joy of living. Sports and recreation, more than a means to achieve a better quality of life, are environments where life itself is found. For this reason, they must be considered as rights for all Puerto Ricans, and in such way, the nature of the Government future actions concerning these areas is redefined.

The legacy of the recreation and sports concepts prevailing in Puerto Rico throughout the past century was manifest in government action centered, in great part, on the construction of sports facilities and providing their maintenance. This turned out to be a process that, although necessary and well intended, lacked a clear and defined direction, because it did not respond to a structured and coherent plan that avoided improvisation. The consequence of this approach has been a Sports and Recreation Department, preoccupied with reducing the onerous burden caused by an excess of infrastructure, disengaged from its true purpose, passively working in matters within its jurisdiction and lacking the means and resources to act efficiently in the midst of a more complex and advanced sports reality.

In view of this reality, it is necessary to restructure the Sports and Recreation Department, redirecting its functions towards compliance with a new public policy concerning recreation and sports. The greatest obstacle to achieving this is its enabling act, Act 126 of June 13, 1980, as amended, since it contains serious contradictions among the mandates and powers it grants to the Department for the discharge of its duties.

Therefore, it is necessary to create a new Department, eliminating the inconsistencies in the present law to convert it into an entity able to generate and to manage programs aimed at satisfying the needs of recreation, basic sports and high performance sports. Additionally, it must unite all the main sports and recreation promoters and give direction, structure, coherence and organization to all the Country’s recreational and sports activities through a National Recreation and Sports Plan offering sensible alternatives to the individual differences of the Puerto Rican people.

It is the purpose of the Legislature of the Commonwealth of Puerto Rico to establish public policy, elevating recreation and sports to the category of a right, and to grant the Sports and Recreation Department the powers necessary to promote, regulate and control these areas in all their aspects and modalities.

Be it enacted by the Legislature of Puerto Rico :

Section 1. — Title. (3 L.P.R.A. § 444 note)

This Act shall be known as the “Sports and Recreation Department Organic Act.”

Section 2. — Public Policy. (3 L.P.R.A. § 444 note)

It is hereby declared to be the public policy of the Commonwealth of Puerto Rico:

- a) to acknowledge recreation and sports as rights of the people;
- b) to improve the quality of life in our Country, promoting a better use of free time for boys, girls, youth, adults, the elderly and special populations;
- c) to promote the community’s participation, considering people and organizations as partners in government action to develop recreation and sports in an organized, planned and participative way, seeing to the specific interests and needs of the communities.
- d) to group and to facilitate activities of organizations and institutions promoting sports and recreation so that these may be shared;
- e) to insure access to the underprivileged, through programs, on the premise that recreational and sports activities and their installations must be accessible to all, regardless of social or physical condition;
- f) to provide the adequate safety conditions for all recreational and sports activities, regulating and overseeing said activities, organizations or individuals;
- g) to use scientific research methods, implementation, measuring and evaluation, identifying, compiling and disclosing our population’s needs and preferences and the results of the action undertaken;
- h) to educate in the areas of recreation, sports and physical education, with awareness of the need to incorporate the latest scientific, methodological and educational trends;
- i) to assume an active role in the maintenance and improvement of recreational and sports installations and in planning and building the new ones that must exist in view of the present and future programs;
- j) to support the athletes who proudly represent our Country and their trainers, within the context of Olympic autonomy, so that they transform natural talent and ability into great sports feats;
- k) to examine, opine, or intervene in any activity or matter related to recreation and sports in the Country, as part of the government’s responsibility to guarantee the common good and public interest;
- l) to see to it that suitable conditions for enabling the development of boys and girls who practice organized physical activities in Puerto Rico, without sacrificing the enjoyment and teaching of values in exchange for immediate results, recognizing the dignity, individuality and intimacy of the same, as well as the Department of Education’s responsibility concerning the syllabus content and the development of intramural and interschool phases of physical education.
- m) to contribute to the maximum development of Olympic sports in the citizenry, in local as well as in international activities, permitting organizations that the citizenry creates and develops for such purposes, like the Puerto Rico Olympic Committee and affiliated sports

federations to operate with such autonomy from government action and ruling themselves by their own regulations and determinations, in agreement with International Olympic policy.
n) to design and implement the National Plan for Recreation and Sports, as established in Section 18 of this Act.

Section 3. — Definitions. (3 L.P.R.A. § 444)

The following terms, used within the context of this Act, shall mean the following:

- a) “High Risk Activities” — means an activity of a recreational or sports character where the participants’ or spectators’ safety is compromised or exposed to injury, beyond a reasonable expectation.
- b) “Agencies” — means any government entity, including public corporations and municipalities;
- c) “Puerto Rican Olympic Committee” — means the nonprofit sports organization registered as such under the laws of Puerto Rico, Registration No. 4261 of the Puerto Rico Department of State, recognized by the International Olympic Committee as the only authority to integrate, register and represent the Puerto Rican sports delegations in international events under its sponsorship and in that of the international sports federations.
- d) “Department” — means the Sports and Recreation Department.
- e) “Sports” — means the manifestation of people’s cultural activities expressed in games, competition, physical activity, movement, exercise, athletic skills and aptitude, organized under regulated conditions;
- f) “High Performance or High Level Sports” — means sports that imply a systematic practice of the highest order in its respective sports specialty, to reach optimal performance in an international competition representing the Country;
- g) “Base Sport” — means the sport that may be practiced from an early age, with an educational - formative purpose, which also includes the initiation phases in sports development of boys, girls and youths;
- h) “Federative Sport” — means sports activities organized by the corresponding national sports federation and according to the regulations of the corresponding federation’s regulations.
- i) “Olympic Sport” — means activities organized by the Puerto Rican Olympic Committee, according to provisions of the Olympic charter subscribed to by the International Olympic Committee.
- j) “Sports for All” — means physical activities performed during free time, with requirements within the reach of any person, according to his/her physical state and age, practiced according to the rules of sports specialties, or modified by common agreement between participants and organizers;
- k) “Professional Sport” — means a sport from which direct income is derived, through salaries that are provided by private sources, for participation in the sports event;
- l) “Physical Education” — means an educational discipline including the study, research and teaching of disciplines related to athletic activity, human movement, health, sports and recreation;
- m) “Affiliated Federation” — it means a non- profit sports organization that promotes, regulates and organizes a certain sport and its attendant teachings in Puerto Rico, and which

is recognized as such by the corresponding international sports federation, affiliated to the Puerto Rican Olympic Committee.

n) “National Sports Federation” — means a non- profit sports organization, recognized by the Sports and Recreation

Department, that promotes, regulates and organizes a certain sport, in agreement with and with the recognition of the

international sports federation of said sports discipline, and may be affiliated with the Puerto Rican Olympic Committee or not;

o) “Recreational or Sports Installation” — means the premises or physical area, with or without a structure, intended for recreation or the practice of a sport;

p) “Administrative Order” — means a formal mandate or notice, signed by the Secretary in his official position, addressed to people, officers or concerned entities, which it affects in relation to a determined fact;

q) “Private Organization” — means a profit or nonprofit group organized under the laws of Puerto Rico with purposes and objectives within the jurisdiction of the Sports and Recreation Department;

r) “Person” — means any physical or juridical person, group of people or associations who perform activities or functions regulated in this Act;

s) “National Plan for Sports and Recreation” — means the cluster of principles, objectives, strategies, indicators and goals that guide the design, organization, execution and implementation of the program of sports and recreational services within the jurisdiction of the Commonwealth of Puerto Rico;

t) “Special Populations” — means people with disabilities, advanced age or underprivileged, with a limited access to sports and recreation;

u) “Revenue” — means royalties or income from payment of fees and charges related to the granting of licenses, permits, certifications or authorizations; the rendering of services; contributions from urbanizations; the leasing and sale of real estate or the imposition of fines or reimbursements, which shall go into the Special Fund for the Sports and Recreation Department;

v) “Recreation” — means a socially accepted activity or experience that stimulates the senses, performed voluntarily during free time from which satisfaction is derived, produces restfulness or develops skills; and

w) “Secretary” — means the Secretary of the Sports and Recreation Department.

Section 4. — Restructuring. (3 L.P.R.A. § 444a)

The Sports and Recreation Department is hereby restructured pursuant to the provisions of this Act, said Department retaining its juridical personality and shall be under the direction of a Secretary, who shall be appointed by the Governor, with the Senate’s advice and council, in agreement with Section 5 of Article IV of the Constitution of the Commonwealth of Puerto Rico.

Section 5. — Functions and Powers of the Sports and Recreation Department. (3 L.P.R.A. § 444b)

The Sports and Recreation Department shall have, without limitation, the following functions and powers:

- a) the formulation and implementation of the sports and recreational policy of the Commonwealth of Puerto Rico;
- b) the planning and organization of the sports and recreational system of the Commonwealth of Puerto Rico;
- c) the definition of guidelines and programs for the policy of promotion and development of sports and recreation in its different levels;
- d) the promotion and organization of sports in all its levels and the tutelage of sports entities under the terms of this Act and regulations to be enacted;
- e) the regulation of activities related to the practice of sports and the conditions required in sports facilities;
- f) education in sports matters, as well as the granting of licenses that accredit them;
- g) the order, organization and programming of sports for school children, performed in coordination with the Department of Education, in a way that favors and guarantees a quality base sport;
- h) promoting sports and Puerto Rican high-level and high-performance sportspersons;
- i) promoting medical attention for sportspersons;
- j) inspecting the action of the sanctioning authority in sports and recreational matters;
- k) representing Puerto Rico before state and international organizations, without prejudice to the functions and powers of the Puerto Rican Olympic Committee and its affiliated federations; and
- l) granting sports prizes and distinctions;

Section 6. — Duties and Faculties of the Secretary. (3 L.P.R.A. § 444c)

- a) The duties of the Secretary shall include, without limitation, the following:
 1. to counsel the Governor, the Legislature and municipal governments in the formulation of a public policy to be followed concerning recreation and sports, in agreement with the rules established in this Act;
 2. to provide the necessary facilities and resources for the Council to Link Sports, Recreation and Physical Education, the Commissions for Safety and for Professional Sports and the Puerto Rican Institute for Sports and Recreation Development of Athletes created by this Act may carry out the functions assigned to them; and
 3. to present a report to the Governor and to the Legislature on the work performed, at the end of each fiscal year.
- b) The Secretary shall have, without limitation, the following faculties and powers:
 1. to establish the necessary administrative and operational structures to implement this Act and to address the needs of the Department, including, among others, administration,

programming, planning, infrastructure, technical training, auditing and legal affairs. The functions and procedures established in this Section shall be determined through regulations;

2. to appoint a Deputy Secretary to assist in the discharge of his/her functions and to substitute for him/her in all duties and faculties in cases of prolonged absence or trips abroad;

3. to appoint the officers and employees necessary for compliance with the purposes of this Act, which shall be

subject to the provisions of Act No. 5 of October 14, 1975, as amended, known as the “Puerto Rico Public Service Personnel Act;”

4. to approve, amend or repeal regulations;

5. to prepare and manage the Department’s expense budget;

6. to delegate to subordinates the functions that this Act entrusts him/her, except those regarding appointing personnel, approving, amending or repealing regulations, signing deeds and approving the expense budget.

7. to subscribe contracts for the professional and technical services necessary to comply with the purposes of this Act without being subject to the provisions of Section 177 of the Political Code of 1902, as amended;

8. to enter into bargaining agreements, agreements or contracts with agencies, municipalities and private institutions or individuals.

9. to issue administrative orders;

10. to appear before federal, state and international forums to enforce compliance with the purposes of this Act, as well as its regulations, orders and resolutions, and also in any procedure or matter that affects or that may affect the purposes of this Act, the regulations that the Department issues pursuant thereto, or the interests of the population regarding sports and recreation without prejudice to the representative capacity of the Olympic Committee and of its federations.

11. to acquire, manage and dispose of real or personal property;

12. to order the construction of recreational and sports installations;

13. to receive, grant, regulate and oversee scholarships or other donations or benefits;

14. to negotiate commercial sponsorships and to participate in marketing agreements for the endorsement of services or products related to recreation and sports;

15. to grant the manufacturing and distribution of articles or documents related to the functions of the Department;

16. to appear in and to sign deeds;

17. to conduct public hearings, inspections, investigations and audits to comply with the purposes of this Act;

18. to issue resolutions, licenses, certifications, authorizations, endorsements and permits;

19. to charge for access or use of resources or installations, programs, services, information or assessment, the granting of licenses, certifications, authorizations, permits and the entrance to the Department’s events or activities;

20. to impose fines, sanctions and orders on any natural or juridical person for violations to the provisions of this and other Acts administered by the Department, its regulations and orders issued by it;

21. to hear any case brought through a complaint, request or petition falling within the Department’s purview; and
22. to carry out other necessary acts to insure compliance with this Act and with the regulations issued pursuant thereto.

Section 7. — Charges and Reimbursements. (3 L.P.R.A. § 444d)

The Department may impose and collect fees and charges for the granting of licenses, permits, certifications, authorizations, endorsements or accreditations and the rendering of services to municipalities, agencies and private people, including committees, federations, sports and recreational associations, with prior approval of the corresponding regulations. Additionally, it may force the reimbursement of fees, extraordinary expenses and other unforeseen direct costs incurred for professional services and counseling in investigations, hearings and other procedures carried out pursuant to this Act.

Section 8. — Special Funds. (3 L.P.R.A. § 444e)

- a) Collections by the Department shall be covered into a special account called Special Fund of the Sports and Recreation Department, under the custody of the Secretary of the Treasury, which shall be preferentially used to defray expenses for recreation and sports programs and services. Furthermore, they may be used to defray expenses of administration, conservation and development of recreational and sports installations and for the purchase and sale of real property. The existing balances in the accounts corresponding to the different collections shall be reprogrammed in agreement with the collections mentioned previously.
- b) The High Performance Athletes Trainers Fund is hereby created, in the books of the Department of the Treasury, as a special fund, determined and separate from any other money or fund from the government of the Commonwealth of Puerto Rico, which shall be administered in agreement with the rules established for similar funds and shall be used for study courses and training scholarships, and for hiring technicians and trainers to prepare and to train high performance athletes to represent us in high ranking international sports events. The Fund shall be supplied with appropriations provided by the Legislature and with any other money donated, transferred or ceded by any private person or entity, or of the Federal, Commonwealth or Municipal Government.
- c) The remainder of funds that by June 30 of each year has not been used and committed for the established purposes shall be reprogrammed in the same Fund for the following fiscal year.

Section 9. — Provision of Funds for Organizations. (3 L.P.R.A. § 444f)

Any organization under the Department’s jurisdiction that needs funds for its operations from the Commonwealth Treasury shall request them directly from the Sports and Recreation Department. The Secretary shall make a preliminary evaluation of such requests and shall make the pertinent recommendations to the Puerto Rico Legislature in the Department’s annual budgetary request, without this being understood as a limitation on the powers and faculties of the Legislature.

The organizations that receive public funds, pursuant to the provisions of this Section shall submit reports to the Department, as established through regulations, in addition to those other reports on activities and disbursements required by other laws.

Section 10. — Sports and Recreational Facilities. (3 L.P.R.A. § 444g)

a) Concerning real estate, the Secretary may:

1. convey ownership of community recreational and sports installations to municipalities, in agreement with Act No. 120 of August 17, 2001, known as the “Municipalization of Sports and Recreation Community Installations Act” and the regulations adopted thereof;
2. sell in a public auction the lands ceded to the Department for recreational use that have lost their usefulness, at market value, with the previous authorization of the Puerto Rico Planning Board; provided that, in those cases where the land without recreational value was of a nature that made a public auction undesirable, such as an irregular configuration, insufficient surface or inadequate topography, among others, the Secretary may sell it directly to adjoining owners for its market value, with prior authorization from the Puerto Rico Planning Board;
3. lease, grant the usufruct or the management of any recreational or sports installation owned by the Department or by the Commonwealth of Puerto Rico under its jurisdiction for recreational or sports use, to other agencies, municipalities, agencies of the United States Federal Government or private recreational organizations; and
4. acquire plots of land that may be developed as recreational or sports installations, with prior authorization from the Puerto Rico Planning Board.

b) Management and conservation

1. Primary responsibility for management and conservation, maintenance, cleaning and decoration of the sports and recreational installations shall be the duty of their owner.
2. Management, conservation and control of leased sports and recreational installations, the usufruct or management of which has been ceded and those transferred to municipalities in agreement with Act No. 120 of August 17, 2001, shall be controlled by the regulations issued for such purposes by the Secretary.

(c) Licenses to Operate Facilities

The Secretary shall delegate on the Permit Management Office the authority and duty to evaluate and issue such permits and recommendations under his/her jurisdiction which regulate the activities directly or indirectly related to the development and use of lands in Puerto Rico, pursuant to the provisions of subsection (d)(2) of this Section.

(d) Planning and Authorization

1. The Secretary shall establish through regulations the rules for planning, location and construction of sports and recreational facilities, in addition to any other rules established by law, which shall be strictly complied with by all natural or juridical persons, public or private entity, constructing or ordering the construction of recreational and sports facilities in the Island, with the exception of the Legislature of the Commonwealth of Puerto Rico. Such regulations shall be submitted before the Planning Board prior to the adoption thereof in order to receive comments that shall be adopted by the Secretary.

2. The Permit Management Office shall have the authority and duty to evaluate and issue such permits and recommendations that regulate activities related, directly or indirectly, to the development and use of land in Puerto Rico. The Permit Management Office shall evaluate and issue or deny such recommendations and permits, pursuant to the provisions established by the applicable laws and regulations. The Secretary shall oversee the petitioners’ compliance with the permits and recommendations, whose evaluation and issue has been delegated to the Permit Management Office, and such violations determined to have occurred shall be addressed and adjudicated by the Office of the Chief Permit Inspector.
3. The location and construction of facilities in violation of the planning rules of the Department shall entail the fines and sanctions provided in Section 25 of this Act.

Section 11. — National Council to Link Sports, Recreation and Physical Education. (3 L.P.R.A. § 444h)

The National Council to Link Sports, Recreation and Physical Education, hereinafter “the Council,” is hereby established, attached to the Secretary’s Office, the functions of which shall be to provide information and a means to expedite an effective link among all sports sectors in Puerto Rico, to cooperate in developing opportunities to implement the public policy on recreation, sports and physical education, as established in this Act, and to serve the Secretary of the Department in functions of counseling, arbitration or any other function that the Secretary may require.

a) The Council shall be formed by the twenty (20) members designated as follows, who shall serve without pay, other than the Secretary of the Department, who shall preside and who shall only cast a vote in the case of a tie:

1. the President of the Puerto Rico Olympic Committee;
2. the President of the Puerto Rico Paraolympics Committee;
3. the President of the Association of High Performance Athletes;
4. the Executive Director of the “Albergue Olímpico” of Puerto Rico
5. the Director of the Physical Education Program of the Department of Education;
6. the President of the Association of Sports Journalists of Puerto Rico;
7. the President of the Association of Physical and Recreational Educators;
8. the Director of the Police Athletic League of the Puerto Rico Police;
9. one (1) President of a National Sports Federation affiliated to the Puerto Rico Olympic Committee, selected from among the Presidents of National Federations;
10. one (1) President of a National Federation or leading sports organization in Puerto Rico, not affiliated to the Puerto Rico Olympic Committee, designated by the Governor;
11. one (1) executive officer of the Department, designated by the Secretary;
12. one (1) Director of the Municipal Sports and Recreation Department, named by the President of the Mayors’ Association;
13. one (1) Director of the Municipal Sports and Recreation Department, named by the President of the Mayors’ Federation;

14. one (1) sports medicine doctor, designated by the Governor;
 15. one (1) high performance trainer designated by the Governor;
 16. one (1) Athletic Director of the Managing Board of the Intercollegiate Athletic League, selected by the League;
 17. the President of the Association of Recreational Therapists;
 18. one (1) President of a community sports or recreational organization registered with the Department, designated by the Governor;
 19. one (1) athletic director of a private high school designated by the Governor; and
 20. one (1) union employee of the Department, selected by the Union.
- b) To perform its functions, the Council:
1. shall designate a secretary and a deputy secretary in charge of taking minutes, convoking meetings and producing reports and any document approved by the Council;
 2. shall meet no later than the first forty-five (45) days of the natural year to receive, from the Secretary of the Department, the work plan and the recommended budget for the next fiscal year; and
 3. shall evaluate each one of the reports and shall issue its evaluation to the Secretary of the Department with the recommendations considered pertinent, within the thirty (30) days following the date of the meeting with the Secretary of the Department.
- c) The Secretary of the Department shall convene the Council to an extraordinary meeting when he/she deems it necessary;
- d) The Council shall have the power to convene on its own with the approval of three-fourths (3/4) of its members;
- e) Decisions by the Council require the approval of two-thirds (2/3) of its members;
- f) The Secretary of the Department may request the Council, or a Committee formed by members of the same, to act as intervenor, mediator, arbitrator or administrative judge in any sports or recreational conflict that emerges in the Country.

Section 12. — Sports and Recreation Safety Commission. (3 L.P.R.A. § 444i)

The Sports and Recreation Safety Commission, hereinafter the “Safety Commission,” is hereby established, attached to the Office of the Secretary, with the purpose of attending to the recreational and high risk sports activities, which shall be headed by a Commissioner designated by the Secretary and shall have the following duties and responsibilities:

- a) to make suggestions concerning the contracting of counseling and expert services, as it deems fit;
- b) to recommend to the Secretary the appointment of the associated commissioners that it considers necessary to add to the Safety Commission to supervise the different recreational and sports high risk activities. The appointment may be temporary or permanent, according to the specific characteristics of the activity in question;
- c) to determine the different categories of high risk recreation and sports, according to the nature of the activity and of the participants in the same;
- d) to propose the rules for issuing licenses and the operation of recreational or high risk sports activities;

- e) to try to achieve that the organization that officially represents each recreational or high risk sports activity in the Country, adopts regulations determining the specific aspects for the practice of each one; and
- f) to determine the fees that shall be charged for issuing licenses to operate recreational or high risk sports activities, distinguishing between private or public organizations, profit and nonprofit organizations, and professional or amateur sports or recreational activities.

It is further provided that:

- a) The Safety Commission shall establish a close relationship with leading and promoting organizations of high risk recreational or sports activities in the Country, allowing it to supervise said activities and to enforce compliance with the Law without intervening in the technical aspects of the modality.
- b) Organizations that operate, promote, produce or carry out recreational or high risk sports activities, as defined in this Act, must be licensed by the Safety Commission, including activities in gyms, shooting ranges, summer camps, martial arts schools, motor vehicle race tracks, circuses, fairs, street parties, combat sports events and any other determined by the Commissioner.
- c) The holding or presentation of sport combat events, tournaments of events where weapons, artifacts or any article or instrument to inflict bodily damage to the opponent or that tend to increase the inherent risk of combat sports and may cause serious injurious, bodily harm or even death, shall be prohibited.
- d) Managers of public or private facilities shall request an authorization from any person, promoter, agent or representative interested in using or renting his/her facilities for holding any of the events described above.
- e) Without prejudice to any other legal recourse that could be presented, the Secretary may, in agreement with the legal provisions applicable to the case, file for an injunction in the name of the Commonwealth of Puerto Rico, against any natural or juridical person, to restrict or to prevent the holding or presentation of any show or event of the nature described in this Section that does not have the Department’s authorization.

Section 13. — Professional Sports Commission. (3 L.P.R.A. § 444j)

Professional sports shall be under the control of the Professional Sports Commission, hereinafter “the Sports Commission,” attached to the Office of the Secretary, headed by a General Commissioner and formed by associated commissioners, named by the Secretary, in representation of the various sports, who shall serve as advisors to the General Commissioner, except for the sports of cockfighting and boxing, which shall be supervised by independent commissions. The naming of the associated commissioners may be temporary or permanent, according to the specific characteristics of the activity in question.

- a) The Sports Commission shall regulate general aspects of the safety and welfare of athletes, under-age athletes and spectators, for which it shall adopt general regulations for professional sports activities in Puerto Rico.
- b) Additionally, it shall supervise, subsidiary, in order to guarantee compliance with the laws controlling commercial, entrepreneurial and labor activities, applicable in the Commonwealth of Puerto Rico and it shall issue regulations about the necessary elements for

protecting the welfare of young sportsmen who could be talented for professional sports, to avoid their being exposed to risk the loss of educational possibilities.

c) The Sports Commission shall not intervene in technical-competitive aspects of the sport, which shall be carried out according to the norms of the sports federation or of the leading organization of the sport at a national level.

d) Any organization that operates, produces, or promotes any activity, event, season or professional sports tournament, as defined in this Act, must have a license or authorization issued by the Commission.

Section 14. — Puerto Rico Institute for the Development of Sports and Recreation. (3 L.P.R.A. § 444k)

The Puerto Rico Institute for the Development of Sports and Recreation, hereinafter “the Institute,” is hereby established, attached to the Office of the Secretary, with the purpose of promoting citizen participation and sports and recreational activities through organizational education and development.

The Institute shall carry out the following functions:

a) it shall create the necessary schools to produce curricula and to confer professional degrees in the area of training, sports officers and recreation;

b) it shall develop scientific research activities, and compile and disseminate information related to sports, physical education and recreation in Puerto Rico;

c) it shall obtain and maintain the accreditation of the organizations that oversee education in Puerto Rico;

d) it shall provide training and technical support to the personnel of organizations concerning recreational and sports management, particularly in areas of development, planning, operations and marketing;

e) it shall establish and implement the requirements necessary for the rendering of professional services related to the formation, direction, rehabilitation, training, animation or others of a technical sports character that are established, to request that the personnel in charge of rendering them have the licenses or degrees issued by the Department. The licenses or certifications required to practice those professions and the requirements for the validation of experience and grace periods for acquiring a license shall be established by regulations;

f) it shall offer technical support to stimulate and expedite citizen participation in the formation of non-profit organizations devoted to promoting recreational and sports activities, emphasizing the activities shared by the Government, citizens and the private sector, and;

g) it shall accredit and maintain a Registry of Sports and Recreational Entities, as provided in Section 15 of this Act and the regulations adopted pursuant thereto.

The provisions of this Section shall be harmonized with what is established by Act No. 148, of July 15, 1999, as amended, known as “Puerto Rico General Education Council Act of 1999.”

Section 15. — Public Registry of Sports and Recreational Entities and Accreditation. (3 L.P.R.A. § 444l)

The Department shall hereby establish the Public Registry of Sports and Recreational Entities, the publicity of which shall be made through the means determined in the regulations, which shall include electronic publications. For this purpose it is hereby provided that:

- a) Private organizations that offer sports or recreational programs or activities for children must follow the Department accreditation guidelines for similar programs;
- b) No organization, entity or person, physical or juridical, may operate, administer, or organize sports or recreational programs in public, state or municipal facilities, without being accredited by the Department.
- c) The Department may grant funds and provide help or benefits to entities that, pursuant to their objectives, contribute to the integral development of citizens, be it through recreation, sports, educational or cultural programs, and others, according to Sections 9 and 10 of this Act.

Section 16. — Relationship of the Sports and Recreation Department with the Municipalities. (3 L.P.R.A. § 444m)

The Department acknowledges that the municipalities are one of the pillars for development of the National Plan for Sports and Recreation. Within this context, the Department shall have the responsibility of assisting and supporting the municipalities in all aspects related to the promotion and furtherance of recreational and sports activity. This relationship shall be of a voluntary nature, without hindering the powers that this Act grants to the Department and the ones granted to municipalities in Act No. 81 of August 30, 1991, as amended, known as the “Commonwealth of Puerto Rico Autonomous Municipalities Act of 1991.”

In the relationship between the Department and the municipalities, it is hereby established that:

- a) the responsibility for construction and maintenance of municipal recreational and sports public works falls upon the municipal entities, except when the law provides otherwise;
- b) the Department shall advise the municipalities about the procedure for planning, design and construction of sports and recreational installations and shall offer them support in the area of training and programming;
- c) the Department shall oversee the management and maintenance of the community recreational installations transferred pursuant to Act No. 120 of August 17, 2001, and regulations promulgated by virtue of same ; and
- d) the municipalities shall be provided with the resources available in the Department, particularly for base sports programs, sports for all and sports for special populations.

Section 17. — Providing Sports and Recreational Services for the Special Population. (3 L.P.R.A. § 444n)

The Department shall be responsible for designing recreational and sports programs adapted for the special population and shall promote the rendering of integrated services to said population to comply with the provisions of this Act and of any other applicable special laws.

The Department shall establish, additionally, the criteria that shall guide the provision of sports and recreational services for special populations and programs to advise and to train the people and organizations interested in the use of free time by persons with physical and mental disabilities, and shall also design campaigns for the promotion of programs and activities that include what relates to recreational therapy, physical education and sports adapted to this population.

Section 18. — Sports and Recreation for All. (3 L.P.R.A. § 444o)

In compliance with the public policy of recreation and sports for all, the Department:

- a) shall plan, based on a study of community needs, the available geographic resources and the new recreational and sports trends in the international arena;
- b) shall foster research that identifies the social, economic, cultural and geographic factors that interact in recreational behavior patterns;
- c) shall promote equal opportunity in the development of recreational and sports activities that include all the phases and conditions of the population’s life, in agreement with the particularity of each geographic area of the Country, using available resources from the public as well as the private sector;
- d) shall provide the necessary conditions for the development of technicians, leaders and motivators specialized in programs and development of activities for the enjoyment of free time;
- e) shall establish and implement the National Plan for Recreation and Sports that shall be the main instrument of national action for the development of sports and recreation and guarantee access to the same for the enjoyment of free time. This Plan must be approved by “the Council” and shall determine objectives and action, as well as the corresponding responsibilities for each organization or entity that participates in the work inherent to the recreational and sports spheres of the Country; and
- f) shall consolidate the structure of base sports under a program of competitions, which is integrated and unified with the national federations, sports associations and public and private school leagues, to attain their optimal development.
- g) The Sports and Recreation Department shall have a park without barriers in every region for the enjoyment of persons with physical disabilities. Said park shall be equipped with all the facilities needed for the population with disabilities to enjoy recreational and sports activities.

Section 19. — Olympic Committee Autonomy; Coordination of Functions. (3 L.P.R.A. § 444p)

The Department recognizes the Olympic Committee’s and the national sports federations’ autonomy to direct Olympic sports and to govern themselves by their own regulations and determinations, exempted from the State’s intervention in matters of Olympic and federative jurisdiction, without hindering the Department’s power to oversee the funds or donations granted by the same.

a) Responsibilities of the Department in coordination with the Puerto Rico Olympic Committee:

1. The Department shall establish the National Plan allowing the massive participation of different sport disciplines, as provided by Section 18 of this Act;
2. The Department shall organize the National Youth Games in order to consolidate the different public and private tournaments;
3. The Department and the Olympic Committee shall identify talented athletes with the potential to represent Puerto Rico;
4. The Department and the Olympic Committee shall maintain files of the records or scores of high performance athletes or those with potential for high performance;
5. The Department and the Olympic Committee shall promote the participation of women in sports, particularly in executive levels of national and international organizations;
6. The Department and the Olympic Committee shall work with any other public or private entity that may further the development of sports in the Country; and
7. The Department and the Olympic Committee shall provide mechanisms for the social and professional development of former high performance athletes.

b) General provisions

1. The Department shall not interfere with the Olympic Committee’s compliance with the Olympic Charter; it is also provided that nothing of what this Act determines shall apply to Olympic sports, to activities by the Puerto Rico Olympic Committee and its affiliated federations, recognizing the autonomy of Puerto Rico Olympic organizations to direct Olympic sports without the intervention, control or supervision of the Puerto Rico Government or of municipal governments.
2. The Department may grant funds directly to national federations only through formal proposals and for specific purposes that are supported by the Olympic Committee.

Section 20. — Equality of Prizes in Sports Encounters. (3 L.P.R.A. § 444q)

It shall be illegal for recreational and sports organizations that organize or sponsor competitive events for which public funds are received to establish differences in prizes or material benefits that directly or indirectly, produce or attempt to produce, communicate or promote discrimination against women as athletes.

Section 21. — Reintegration and Retirement of High Performance Athletes. (3 L.P.R.A. § 444r)

The Department shall recognize the years, experience and achievements attained by high performance athletes as part of the work experience required to occupy employment positions in areas of recreation or sports and shall study the conditions of retired athletes to establish, through regulations, the adequate aid for their reintegration to society.

Section 22. — Attachment of the National Parks Company. (3 L.P.R.A. § 444s)

The National Parks Company, created by Act No. 114 of June 23, 1961, as amended, is hereby attached to the Sports and Recreation Department. The Secretary of the Sports and Recreation Department shall be the President of the Board of Directors of the National Parks Company and shall establish, through the Board, the general policy for complying with the mission of the National Parks Company in a way that is consistent and coordinated with the public policy implemented by the Sports and Recreation Department.

The National Parks Company shall function as an instrumentality and a public corporation with legal personality and with administrative and fiscal powers separate from the Sports and Recreation Department.

Section 23. — Alternative Methods for Conflict Resolution. (3 L.P.R.A. § 444t)

It is hereby established that an alternative procedure for conflict resolution may be sought in matters of sports, without prejudice to the Puerto Rico Olympic Committee. Submission to this procedure shall be of a voluntary nature and it may be initiated by the Department with the filing of a claim, request or petition, or at the request of the General Court of Justice, in agreement with the legal norms and regulations applying to alternative methods of conflict resolution. It is provided that agreements made within an alternative method shall be recorded in writing and shall be mandatory between the parties. If so convened, its content shall not be disclosed.

People designated as interventors, mediators or arbitrators must be knowledgeable of sports matters, have no interest in the conflict, remain impartial and have the support of the parties in the conflict.

Section 24. — Primary Jurisdiction. (3 L.P.R.A. § 444u)

The Department shall address in the first instance:

- a) controversies in sports matters, without detriment to those that are under the jurisdiction of the Puerto Rico Olympic Committee;
- b) any matter related to the granting of rights, licenses or fines that have been imposed during the use of the powers conferred by this Act; and
- c) any matter that is brought up through a complaint, request or petition that is under the Department’s jurisdiction.

For such purposes, the Secretary may name examining officers to preside over adjudication procedures, who shall have authority to:

- a) administer oaths and take declarations;
- b) issue summons and require the presentation of reports, books, papers and documents deemed necessary to perform his/her functions;
- c) to receive the pertinent evidence and to rule on it;
- d) to take depositions or to order them taken;
- e) to conduct public hearings and to preside over them;
- f) to conduct and to preside over preliminary conferences for the clarification and simplification of matters under dispute;
- g) to rule on motions and procedural or similar matters;
- h) to recommend decisions to the Secretary.

It shall be the duty of the examining officers, once the matter is submitted to their consideration, to prepare a report for the Secretary with the recommended decision. The report must contain a summary of all the evidence received, a narrative of the conclusions of fact and of law in accordance with the evidence received, the facts and the applicable law. The final decision, signed by the Secretary, must be issued in writing, within ninety (90) days after the hearings are concluded and it shall mention the right to request a reconsideration.

Section 25. — Sanctions and Orders. (3 L.P.R.A. § 444v)

The Secretary shall have the power to impose sanctions and to issue orders to any natural or juridical person, in agreement with the following criteria:

- a) with prior notice and a hearing, to impose administrative sanctions and fines for the violation of this Act and of others administered by the Department, its regulations and orders issued in pursuance thereof;
- b) to issue orders to cease and desist with respect to any action or activity, and, with prior notice, to revoke, cancel or suspend any authorization granted under this Act and any law administered by the Department and to establish the corrective terms and conditions that he/she deems necessary to attain the purposes of this Act;
- c) to impose fines according to the Uniform Administrative Procedures Act, up to a maximum of twenty-five thousand (25,000) dollars for violations against the provisions of this Act, its regulations and orders issued in pursuance thereto;
- d) to impose and to order the payment of costs, expenses and attorney’s fees, as well as payment for costs and fees for other professional and consulting services, incurred by the Department;

Any person who operates, establishes, produces or promotes any recreational, professional or high risk sports activity, as established by Sections 12 and 13 of this Act, without a license by the Department shall be subject to fines of five thousand (5,000) dollars for the first violation; ten thousand dollars (10,000) for the second one and shall be precluded from acquiring the corresponding license.

Any person who renders professional services related to the formation, direction, rehabilitation, training, or other of a technical sports nature, as provided by Section 14 of this Act, and established in the regulations,

without a license by the Department, shall be subject to fines of one thousand (1,000) dollars for the first violation; five thousand dollars (5,000) for the second, and shall be precluded from acquiring, the corresponding license.

The Secretary may resort to the Court of First Instance to request compliance with any order it has issued.

Section 26. — Reconsideration. (3 L.P.R.A. § 444w)

Any party adversely affected by the Secretary’s decision may request the Secretary’s reconsideration within twenty (20) days counted from the date when notice of the decision is given. This term may be waived or extended, with the written consent of all parties and for justified cause. The Secretary shall have fifteen (15) days to decide the requested reconsideration, after which, if no decision has been issued, it shall be understood that the requested reconsideration has been denied.

Section 27. — Judicial Review. (3 L.P.R.A. § 444x)

Any party adversely affected by the decision after the Secretary’s reconsideration, may request the judicial review of the Circuit Court of Appeals. The request for review must be filed within thirty (30) days from the date when a copy of the notice of the resolution of the case is filed.

The Secretary’s decision shall remain in force until there is a final and firm decision issued by the Circuit Court of Appeals quashing the Secretary’s decision. It is hereby established that the request for review filed with said Court does not stay the effects of the Secretary’s regulation, order or resolution.

Section 28. — Incidental Powers. (3 L.P.R.A. § 444y)

The provisions of this Act shall be liberally constructed, to comply with its purposes and whenever some specific power or authority is given to the Department, the enumeration shall not be constructed as excluding or preventing any other power or authority conferred to the same. Furthermore, the Department shall have, in addition to the powers enumerated in this Act, the implicit and incidental powers that are appropriate and necessary to implement those provided above.

Section 29. — Repeal of Provisions, Transfers and Guarantees. (3 L.P.R.A. § 444 note)

Act No. 126 of June 13, 1980, as amended; Act No. 156 of May 11, 1948, as amended; and Act No. 142 of May 6, 1940, as amended, and the regulations pursuant thereto, are hereby repealed.

All matters concerning the Sports and Recreation Department created by virtue of Act No. 126 of June 13, 1980, as amended, are hereby transferred to the Sports and Recreation Department as restructured in this Act. Said transfer includes, without limitation, the following:

(1) all the powers, duties, functions, faculties, positions, property, equipment, files and documents; available funds and balances from any origin; contracts, obligations, exemptions and privileges originated under Act No. 126 of June 13, 1980, as amended.

(2) any regulation that governs the Department’s operations, which is in force at the time in which the transfer authorized by this Act becomes effective. The same shall remain in effect until amended, or repealed by the corresponding administrative authority

(3) all employees affected by the restructuring established herein are guaranteed all the rights, privileges, obligations and status acquired under this Act, as well as any existing pension, retirement or savings fund system or systems to which they are affiliated or are members of when this Act is approved.

Section 30. — Separability. (3 L.P.R.A. § 444 note)

If any provision of this Act were declared unconstitutional or null by a Court with jurisdiction, the judgment so issued shall not affect, hinder or invalidate the remaining provisions of this Act. The effect of such judgment shall be limited to the paragraph, subparagraph or Section herein which has been ruled unconstitutional.

Section 31. — Effectiveness. (3 L.P.R.A. § 444 note)

This Act shall take effect immediately after its approval only for the purposes of the regulations being approved and for the organizations created by this Act to be administratively organized. Its remaining provisions shall take effect one hundred and twenty (120) days after its approval.

Note. This compilation was prepared by the Puerto Rico OMB staff who have striven to ensure it is complete and accurate. However, this is not an official compilation and may not be completely free of error. It contains all amendments incorporated for reading purposes only. For accuracy and exactitude please refer to the act original text. Compiled by the Office of Management and Budget Library.