

STORAGE NAME: h4101s1z.ei  
DATE: June 17, 1998

**\*\*FINAL ACTION\*\***  
**\*\*SEE FINAL ACTION STATUS SECTION\*\***

**HOUSE OF REPRESENTATIVES  
AS REVISED BY THE COMMITTEE ON  
EDUCATION INNOVATION  
FINAL BILL RESEARCH & ECONOMIC IMPACT STATEMENT**

**BILL #:** CS/HB 4101

**RELATING TO:** Education and Physical Education Programs and Specialist

**SPONSOR(S):** Committee on Education Innovation and Representative Byrd and Others

**COMPANION BILL(S):** SB 1840 (Identical)

**ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:**

- (1) EDUCATION INNOVATION YEAS 8 NAYS 0
- (2) EDUCATION APPROPRIATIONS YEAS 13 NAYS 1
- (3)
- (4)
- (5)

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**I. FINAL ACTION STATUS:**

**PASSED BY THE LEGISLATURE AS PART OF HB 4259 - CHAPTER #98-421, LAWS OF FLORIDA**

CS/HB 4101 died in the Senate Committee on Education; however, the substantive provisions of the bill were amended into HB 4259 by the Senate on May 1, 1998. The House retained the provisions of CS/HB 4101 in their amendment to the Senate amendment to HB 4259. The Senate concurred in the House amendment and HB 4259, with the provisions of CS/HB 4101 included, was ordered enrolled on May 1, 1998. The provisions of CS/HB 4101 are in Sections 40, 41, and 42 of the Enrolled HB 4259, Second Engrossed. Became law without the Governor's signature on June 17, 1998.

**II. SUMMARY:**

CS/HB 4101 increases the required credit in physical education for high school graduation from one-half credit to one credit and decreases the required elective credits from nine credits to eight and one-half credits. The effective date of this provision is July 1, 1999. Freshmen entering high school after that date will be required to meet the new physical education requirement to graduate from high school. If required for students currently enrolled in high school, the additional one-half credit in physical education could be difficult for upper-level students to schedule prior to graduation. Schools and districts may need to re-align teacher assignments and schedule additional physical education classes to accommodate the change. The one year delayed effective date gives schools and students time to plan for the required change.

The committee substitute also permits participation in interscholastic sports at the junior varsity or varsity level for two full seasons to satisfy the required one credit in physical education provided the student passes a personal fitness competency test developed by the department with a "C" or better.

CS/HB 4101 encourages elementary and middle schools to implement a personal fitness program approved by the Department of Education. The program shall comply with the guidelines from the American Heart Association. The department shall allocate any incentive funds provided for this purpose in the General Appropriations Act to schools implementing personal fitness programs.

The committee substitute creates a one-fourth-time position for a physical education specialist in the Department of Education.

III. SUBSTANTIVE RESEARCH:

A. PRESENT SITUATION:

High school graduation requirements are outlined in s. 232.246, F.S. To graduate, a student must successfully complete 24 academic credits that meet the specified curriculum, earn a passing score on all portions of the High School Competency Test, earn a cumulative grade point average (GPA) of 1.5 (or a 2.0\*), on a 4.0 scale, for required courses, and meet any other requirements established by the school board.

\*The 2.0 GPA is effective for students who entered the 9<sup>th</sup> grade in or after the 1997-98 school year.

<b>Required Subject</b>	<b>Number of Credits</b>
English	4
Math	3
Science	3
Social Studies	
American History	1
World History	1
Economics	.5
American Government	.5
Physical Education	.5
Practical Arts Vocational or Exploratory	.5 or 1
Performing Fine Arts	.5 or 1
Life Management Skills	.5
Total Required Credits	15
Total Elective Credits	9
<b>TOTAL CREDITS</b>	<b>24</b>

The one-half credit in physical education includes assessment, improvement, and maintenance of personal fitness. Participation in an interscholastic sport, whether at the freshman, junior varsity, or varsity level, for a full season, will satisfy the one-half credit requirement in physical education.

Although there are no statutory requirements for public schools to implement physical fitness programs, schools do have the option of initiating such programs if the local

board and administration choose to do so. The physical fitness programs that are offered in schools vary in how often the program is offered and how long the program is; the length and type of program are local decisions. Some schools have physical education teachers on staff that provide a physical education program in which students participate one to two times a week. Physical education is not a required course of study at the elementary and middle school level.

Sunshine State Standards established for physical education relate to physical education literacy, responsible physical activity behaviors, and promotion of physically active lifestyles.

Currently, there is an OPS funding for a part-time physical education specialist position in the Department of Education. The position is funded by a grant from the Centers of Disease Control and Prevention (CDC). The grant supports the Coordinated School Health Program Office and funds all activities related to school health education and physical education, including coordination, technical assistance, training, and dissemination of materials related to the Sunshine State Standards for Health Education and Physical Education. The physical education specialist offers technical assistance to the districts regarding physical education, curriculum activities, and adapting the Sunshine State Standards.

**B. EFFECT OF PROPOSED CHANGES:**

The committee substitute increases the required credit in physical education for high school graduation from one-half to one. Additionally, CS/HB 4101 reduces the requirement for elective credits from nine credits to eight and one-half credits. Since the effective date of this provision is July 1, 1999, the first high school graduates impacted by the one credit in physical education will be the freshmen entering high school after July 1, 1999. This one year delay in the effective date will give schools and districts time to re-align teacher assignments and schedule additional physical education classes to accommodate the change.

The committee substitute also permits participation in interscholastic sports at the junior varsity or varsity level for two full seasons to satisfy the required one credit in physical education provided the student passes a personal fitness competency test developed by the department with a score of a "C" or better. The school board may not require that the one credit in physical education be taken during the 9<sup>th</sup> grade year.

CS/HB 4101 encourages elementary and middle schools to implement a personal fitness program approved by the Department of Education. The program shall comply with the guidelines from the American Heart Association. The department shall allocate any incentive funds provided in the General Appropriations Act to schools implementing personal fitness programs. This provision is effective July 1, 1998.

The committee substitute authorizes the department to allocate funds provided in the General Appropriations Act for an additional one-fourth-time position for physical education in the department. Although CS/HB 4101 language indicates that this would upgrade the position to a full-time position, the part-time position currently in existence is funded by a grant. According to information provided by the department, the current OPS funding supports a three-fourths time position. This provision is effective July 1, 1998.

C. APPLICATION OF PRINCIPLES:

1. Less Government:

a. Does the bill create, increase or reduce, either directly or indirectly:

- (1) any authority to make rules or adjudicate disputes?

N/A

- (2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

The requirement to provide a full-time position for the physical education specialist will impact the department, which currently has a .75 FTE OPS position which is funded from a grant.

Districts may need to re-align teacher assignments to accommodate the change.

- (3) any entitlement to a government service or benefit?

N/A

b. If an agency or program is eliminated or reduced:

- (1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

N/A

- (2) what is the cost of such responsibility at the new level/agency?

N/A

- (3) how is the new agency accountable to the people governed?

N/A

2. Lower Taxes:

- a. Does the bill increase anyone's taxes?

N/A

- b. Does the bill require or authorize an increase in any fees?

N/A

- c. Does the bill reduce total taxes, both rates and revenues?

N/A

- d. Does the bill reduce total fees, both rates and revenues?

N/A

- e. Does the bill authorize any fee or tax increase by any local government?

N/A

3. Personal Responsibility:

- a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

N/A

- b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

N/A

4. Individual Freedom:

- a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

N/A

- b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

N/A

5. Family Empowerment:

a. If the bill purports to provide services to families or children:

(1) Who evaluates the family's needs?

N/A

(2) Who makes the decisions?

N/A

(3) Are private alternatives permitted?

N/A

(4) Are families required to participate in a program?

N/A

(5) Are families penalized for not participating in a program?

N/A

b. Does the bill directly affect the legal rights and obligations between family members?

N/A

c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

(1) parents and guardians?

N/A

(2) service providers?

District will align teacher assignments to accommodate the requirement for one credit in physical education, versus one-half, and eight and one-half elective credits, versus nine.

The Department of Education will be required to provide a full-time physical education position from funds provided in the General Appropriations Act.

(3) government employees/agencies?

N/A

D. STATUTE(S) AFFECTED:

Amends Section 232.246, Florida Statutes; Creates Section 233.0616.

E. SECTION-BY-SECTION RESEARCH:

**Section 1 (Not in HB 4259):** Names the act the "1998 Personal Fitness Education Act."

**Section 2 (Section 40 of HB 4259):** Amends s. 232.246, F.S., requiring one, rather than one-half, credit in physical education for high school graduation. Allows two full seasons of junior or varsity level interscholastic sports to satisfy the one credit requirement if the student passes a competency test developed by the Department of Education on personal fitness with a score of "C" or better. Provides that the school board may not require that the one credit in physical education be taken during the 9<sup>th</sup> grade year.

Changes the requirement for elective courses from nine to eight and one-half.

This section is effective July 1, 1999.

**Section 3 (Section 41 of HB 4259):** Creates s. 233.0616, F.S., to encourage elementary and middle schools to implement a personal fitness program, approved by the department, that complies with American Heart Association guidelines. Requires Department of Education to allocate incentive funds provided in the General Appropriations Act to schools implementing personal fitness programs.

**Section 4 (Section 42 of HB 4259):** Requires the Department of Education to allocate funds provided in the General Appropriations Act for an additional one-fourth-time position to upgrade the physical education specialist position in the department from the equivalent of a three-fourths time position to a full-time position.

**Section 5 (Section 56 of HB 4259):** Provides an effective date of July 1, 1998, except as provided otherwise.

IV. FISCAL RESEARCH & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

N/A

2. Recurring Effects:

The current .75 FTE program specialist in physical education is funded through elective use of OPS funds. According to the Department of Education, salary, benefits and expenses of a full-time program specialist IV position will cost about \$75,000. The additional cost for the .25 FTE, would be approximately \$10,000.

Incentive funds for school personnel fitness programs would be dependent on an annual appropriation.

3. Long Run Effects Other Than Normal Growth:

N/A

4. Total Revenues and Expenditures:

See above.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

N/A

2. Recurring Effects:

N/A

3. Long Run Effects Other Than Normal Growth:

N/A

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

N/A

2. Direct Private Sector Benefits:

N/A

3. Effects on Competition, Private Enterprise and Employment Markets:

N/A



**D. FISCAL COMMENTS:**

Although the districts may need to re-align teacher assignments to accommodate the changed requirements from one-half credit to one credit in physical education and from nine credits to eight and one-half credits in electives, the fiscal impact will be minimal.

The funding for the program specialist at the department and the funding for incentive funds for elementary schools and middle schools to implement personal fitness programs are dependent upon financing in the General Appropriations Act.

**V. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:**

**A. APPLICABILITY OF THE MANDATES PROVISION:**

This bill does not require counties or municipalities to expend funds.

**B. REDUCTION OF REVENUE RAISING AUTHORITY:**

This bill does not reduce the authority of counties or municipalities to raise revenue.

**C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:**

This bill does not reduce the percentage of a state tax shared with counties and municipalities.

**VI. COMMENTS:**

N/A

**VII. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:**

On March 26, 1998, HB 4101 was amended in the Committee on Education Innovation to correct information regarding the physical education specialist position at the department. The original bill indicated this position was a two-thirds funded position and provided that one-third be funded by the state; the position is a three-fourths funded position and requires one-fourth funding from the state to be a full-time position. After the amendment and bill passed, the bill was made into a committee substitute.

Subsequently, the committee substitute passed the House Education Appropriations Committee favorably and was heard on the House floor on April 27, 1998, where it passed with 113 YEAS and 0 NAYS. On May 1, 1998, CS/HB 4101 died in the Senate Committee on Education.

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However, substantive portions of the bill passed in Sections 40, 41, and 42 of HB 4259, Second Engrossed, on May 1, 1998.

VIII. SIGNATURES:

**COMMITTEE ON EDUCATION INNOVATION:**

Prepared by:

Legislative Research Director:

Ouida J. Ashworth

Peter C. Doherty

**AS REVISED BY THE COMMITTEE ON EDUCATION APPROPRIATIONS:**

Prepared by:

Legislative Research Director:

Mark Armstrong

John Newman

**FINAL RESEARCH PREPARED BY COMMITTEE ON EDUCATION INNOVATION:**

Prepared by:

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