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DATE: April 15, 1999

**HOUSE OF REPRESENTATIVES
AS REVISED BY THE COMMITTEE ON
GOVERNMENTAL OPERATIONS
ANALYSIS**

BILL #: CS/HB 273

RELATING TO: High School Athletic Activities Eligibility Requirements

SPONSOR(S): Committee on Education K-12, Representatives Barreiro and others

COMPANION BILL(S): SB 1034 (similar)

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

- (1) EDUCATION K-12 YEAS 8 NAYS 0
 - (2) GOVERNMENTAL OPERATIONS YEAS 4 NAYS 0
 - (3)
 - (4)
 - (5)
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I. SUMMARY:

The committee substitute amends s. 232.61, F.S., to specify that a student who transfers to a new school will be ineligible to participate in athletic competition for one year after the transfer, unless they are transferring: to or from a private school; to or from a home education program; as a result of the relocation of a parent or guardian; as a result of transfer to or from public or private schools under the opportunity scholarship program; or because of district reassignment due to boundary changes or alignment. It removes a provision which prohibits FHSAA from using a student's residence location or school enrollment during the previous year as a factor in determining eligibility.

The bill has no fiscal impact.

II. SUBSTANTIVE ANALYSIS:

A. PRESENT SITUATION:

Florida High School Activities Association

High school athletic activities are presently supervised and coordinated by the Florida High School Activities Association (FHSAA), a nonprofit organization that was founded in 1920. The original organization was the Florida High School Athletic Association; association members voted to change the word "Athletic" to "Activities" in 1951. The change in name of the organization coincided with a decision for the association to supervise such activities as music and student council programs. The association only included public-school members for its first 10 years, although in 1930, it voted to open its membership to private and parochial schools, as well. Membership in the FHSAA is voluntary, however, once a school joins the association, the school is subject to regulation and oversight by FHSAA.

FHSAA does not receive funding from the state. A major source of the operating funds of the FHSAA—50 percent—is generated from the association's share of gate receipts from State Series competitions and other events. Membership dues and legal fees account for 12 percent of the association's operating funds. Registration fees from official events generate 10 percent of the operating funds, and 24 percent of the annual operating costs are offset by miscellaneous sources such as penalties, fines, investment income, corporate support, media contracts, and merchandising.

As of the 1996-97 school year, FHSAA had a membership of 578 schools. The Association operates as a representative democracy in which sovereign authority lies within the member schools, who elect their representatives to the Board of Directors, Sectional Appeals Committees and Representative Assembly. The state is divided along existing county lines into four Administrative Sections, each consisting of an equal or nearly equal number of schools. These sections ensure equitable representation on the Association's governing bodies.

The existing governing structure of the association consists of a 15-member board of directors. The Board of Directors consists of 15 members. These members include eight elected representatives of member schools, one public school representative and one private school representative from each administrative section; two district school superintendents; two district school board members; two citizens at large appointed by the Commissioner of Education; and the Commissioner of Education himself, or his designee. Board members elect annually from among themselves a President and Vice President. These officers, along with the Commissioner, also serve as officers of the Association. The Board of Directors employs a Commissioner, controls the Association's budget, establishes regulations, policies and guidelines for the entire program sponsored by FHSAA, and acts as a final court of appeal in matters brought before it by member schools and students. The Board of Directors meets five times annually. To ensure proper checks and balances in the system, no member of the Board of Directors can serve on either a Sectional Appeals Committee or the Representative Assembly.

Sectional Appeals Committees, one situated in each of four administrative sections, meet eight times during the school year to consider appeals filed by member schools and students. Each committee is comprised of two public school representatives, one private school representative, one district school superintendent and one district school board member, all elected by their peers, from within the section. These committees, which are empowered to modify or waive any rule of the Association or ruling of the Commissioner when they deem it appropriate, consider appeals which may seek relief from rulings of the Commissioner in his enforcement of the Association's rules, or may request the modification or waiver of a rule itself. Students, who are ineligible to participate in competition, may seek a reinstatement of eligibility if they can prove that the rule which makes them ineligible places an undue hardship on them because of situations or circumstances beyond their control. An unfavorable decision issued by a Sectional Appeals Committee may be appealed to the Board of Directors.

The Representative Assembly meets annually to consider and act on proposals to amend the Association's bylaws. This body is comprised of an equal number of member school representatives from each administrative section, one district school superintendent from each section, one district school board member from each section, and the Commissioner of Education or his designee. Any school representative, the Board of Directors or any of its advisory committees, may propose amendments to the bylaws. Additionally, any other individual who wishes to submit a proposal, and

can secure one of these individuals or groups as a sponsor, may do so. A two-thirds majority vote of the Representative Assembly is required to adopt any proposed amendment.

A Public Liaison Advisory Committee, consisting of several organizations in the state (Senate, House of Representatives, Department of Education, PTA, superintendents, school boards, home education programs, public schools, private schools, athletic directors, coaches, students and news media), provides a means through which the general public may have an impact on both FHSAA rules and its activities programs. This committee, which is appointed by the FHSAA President, as well as the presidents of the represented organizations, meets four times annually once in each administrative section to hold public hearings, to address concerns raised by the public about the Association, and to evaluate the Association and issue a report on its findings to the Commissioner of Education and the Florida Legislature.

Recent Statutory Changes

In May 1997, the Florida Legislature statutorily recognized FHSAA (s.1, ch. 97-53, L.O.F.) as the governing body for interscholastic athletics in Florida, provided the Association complies with the provisions of a legislatively mandated revamping of its governmental structure. FHSAA is in the process of making the necessary changes to comply with this provision. Specifically, s. 232.60, F.S., designates FHSAA as the governing body for athletics in public schools, provided that the organization operates as prescribed in statute. Otherwise, the Commissioner of Education is required to designate a nonprofit organization to assume this function. Nonpublic schools are authorized by statute to join the organization if such schools wish to compete with public schools.

Section 232.61, F.S., requires FHSAA to adopt bylaws that, unless otherwise prescribed by statute, establish eligibility requirements for all students (in member schools) participating in high school athletics. The bylaws must allow a student to be eligible in the school in which he or she first enrolls each school year, or makes himself or herself eligible as a candidate for an athletic team by engaging in a practice prior to enrolling in the member school. The student is eligible in that school as long as he or she remains enrolled in that school. Subsequent eligibility is determined and enforced via the bylaws. The statute specifically provides that eligibility determination cannot be based on where or with whom the student lived, or on which school the student attended, in the previous year. The bylaws must specifically prohibit recruiting and must prescribe penalties and an appeals process for recruiting violations.

B. EFFECT OF PROPOSED CHANGES:

The committee substitute amends s. 232.61, F.S., to specify that a student who transfers to a new school will be ineligible to participate in athletic competition for one year after the transfer, unless they are transferring: to or from a private school; to or from a home education program; as a result of the relocation of a parent or guardian; as a result of transfer to or from public or private schools under the opportunity scholarship program; or because of district reassignment due to boundary changes or alignment. It removes a provision which prohibits FHSAA from using a student's residence location or school enrollment during the previous year as a factor in determining eligibility.

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?

No.

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

No.

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

No.

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

An agency or program is not 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?

No.

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

No.

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

No.

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

No.

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

No.

3. Personal Responsibility:

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

No.

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

No.

4. Individual Freedom:

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

No.

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

The bill places additional restrictions on residency requirements for students wishing to participate in athletic activities.

5. Family Empowerment:

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

The bill does not purport 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?

No.

- 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:

The bill does not create or change a program providing services to families or children.

- (1) parents and guardians?

N/A

- (2) service providers?

N/A

- (3) government employees/agencies?

N/A

D. STATUTE(S) AFFECTED:

Section 232.61, F.S., is amended.

E. SECTION-BY-SECTION ANALYSIS:

Section 1 amends s. 232.61, F.S., to specify that a student who transfers to a new school will be ineligible to participate in athletic competition for one year after the transfer, unless they are transferring: to or from a private school; to or from a home education program; as a result of the relocation of a parent or guardian; as a result of transfer to or from public or private schools under the opportunity scholarship program; or because of district reassignment due to boundary changes or alignment. It removes a provision which prohibits FHSAA from using a student's residence location or school enrollment during the previous year as a factor in determining eligibility.

Section 2 provides that the effective date of the bill is upon becoming a law.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

None.

2. Recurring Effects:

None.

3. Long Run Effects Other Than Normal Growth:

None.

4. Total Revenues and Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

None.

2. Recurring Effects:

None.

3. Long Run Effects Other Than Normal Growth:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

None.

2. Direct Private Sector Benefits:

None.

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

None.

D. FISCAL COMMENTS:

None.

IV. 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 spend funds or take an action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate.

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

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

V. COMMENTS:

None.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

On March 18, 1999, the Committee on Education/K-12 adopted an amendment which exempts students who transfer to or from a private school, a home education program, as a result of parental or guardian relocation, as a result of the opportunity scholarship program, or due to school district reassignment from the one year ineligibility clause. It also removes a provision which prohibits FHSAA from using a student's previous residence location or school enrollment as a factor in determining eligibility. The bill, as amended, was reported out favorably as a committee substitute.

On April 14, 1999, the Committee on Governmental Operations adopted one amendment, which will travel with the bill. It provides an additional exception from the one-year ineligibility for students who transfer due to school choice in their freshman year.

VII. SIGNATURES:

COMMITTEE ON EDUCATION (K-12):

Prepared by:

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