

STORAGE NAME: h1985z.ei
DATE: May 10, 2000

****FAILED TO PASS THE LEGISLATURE****

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
EDUCATION INNOVATION
FINAL ANALYSIS**

BILL #: HB 1985
RELATING TO: High School Athletes/Physical Exam
SPONSOR(S): Representative Sobel
TIED BILL(S): None

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

- (1) EDUCATION INNOVATION YEAS 10 NAYS 0
 - (2) EDUCATION APPROPRIATIONS
 - (3)
 - (4)
 - (5)
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I. SUMMARY:

HB 1985 requires the FHSAA to adopt bylaws that require all students participating in athletic competition or who are candidates for an athletic team to satisfactorily pass a complete physical examination prior to participating in high school athletic competition or engaging in practice with an athletic team. Specifically, the bill:

- Requires the physical exam be administered by a practicing licensed medical physician or a practicing licensed osteopath who is in good standing with the Board of Medicine.
- Prohibits use of physical exams by a chiropractor, podiatrist, optometrist, or a dentist to satisfy the requirements of the physical exam.
- Requires the FHSAA bylaws to establish minimum standards for passing the physical exam.
- Requires the physician giving the exams to know the minimum standards established by FHSAA.
- Requires the physician certified results be provided to the athletic department of the student's high school.
- Prohibits a student from participation in any athletic event, competition or practice, until the results of the physical exam verify that the student has satisfactorily passed the exam and are received and approved by the athletic department.

The bill does not state who will pay the cost of the physical exam.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|---|--|---|
| 1. <u>Less Government</u> | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | N/A <input type="checkbox"/> |
| 2. <u>Lower Taxes</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u> | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | N/A <input type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |
| 5. <u>Family Empowerment</u> | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |

The bill requires FHSAA to adopt bylaws that require participants in high school athletics to pass a complete physical exam before participating. The bill includes no provision for an exemption from the exam due to individual religious beliefs, such as those of the Christian Science Church or the Christian Science Society.

B. PRESENT SITUATION:

In 1997, the Legislature statutorily designated the Florida High School Activities Association (FHSAA) to operate, govern, regulate, and oversee athletic programs, including eligibility requirements, for Florida's public schools in grades 6 through 12. FHSAA is not a state agency, but has a quasi-governmental function. The 1997 statutory designation also states that failure of FHSAA to meet the requirements of the law that designated the organization as the governing organization will result in the Commissioner of Education designating a nonprofit organization to govern athletics with the approval of the State Board of Education.

The law requires that the organization adopt bylaws that:

- Establish eligibility requirements for all students who participate in high school athletic competition in its member schools
- Prohibit recruiting

The 1999-00 FHSAA Handbook contains the bylaws of the FHSAA. Eligibility requirements regarding a physical examination are covered in Article 11.8 of the current bylaws for the 1999-00 school year. This section of the bylaws states:

11.8.1 The student must secure a physician certificate prior to practice each year to the effect that he/she is physically fit for interscholastic athletic competition. The certificate may be dated any time between June 1 and one day prior to the student's participation in practice or competition. Students who are members of the Christian Science Church or the Christian Science Society may complete, sign and notarize a special exemption from physical examination form for participation in interscholastic athletic competition.

11.8.2 While only one certificate a year is required, subsequent examinations are recommended, and additional examinations should be required by the

principal and coach for their own protection, as well as that of the student, immediately upon detection of the slightest indication of undue fatigue or other ill effects during practice or competition.

Effective with the 2000-01 school year, the Board of Directors will require use of a standardized form for all physical examinations of students who represent member schools in interscholastic athletic competition. That form currently is under development, but will be made available to member schools in advance of June 1, 2000.

A "Health Examination/Parental Permission Form," is provided in the Appendix of the *Handbook*. The form's instructions state that it must be completed in full and filed in the principal or district superintendent's office before the student can practice or compete in interscholastic athletics. The form has 4 sections: student information, certification of student's health, student's statement of voluntary participation, and parent/guardian statement of permission.

The student information section asks for: name of the student, age, grade, date of birth, place of birth, school and city.

The certification of student health section is to be completed by the physician and has spaces for height, weight, blood pressure, significant past illness or injury, eyes, sight, ears, respiratory system, cardiovascular system, liver, spleen, hernia, musculo-skeletal system, skin, neurological system, genitalia, laboratory-urinalysis, other, completed immunizations: polio (date), tetanus (date), and comments. The physician signs and dates the form after certifying that he has examined the student and found "him/her physically able to compete in the interscholastic athletics not crossed out below..." A list of 13 sports plus a space for "others" follows the statement. For wrestling, a blank space exists in which to place the minimum weight class at which the student may wrestle and a recommendations that skin calipers be used to determine minimum weight class. Blank spaces also exist for the physician's phone and address.

The student's statement of voluntary participation provides a space for his signature after the statement, which includes "the understanding that ...athletic activities involve the potential for catastrophic injury, or even death, which is inherent in all sports" and that he or she has not violated any of the eligibility rules of the FHSAA.

The parent statement of permission includes permission to travel with a team, authorization for the school to obtain emergency medical care, and an agreement not to hold the school or anyone acting in its behalf responsible for any injury.

C. EFFECT OF PROPOSED CHANGES:

HB 1985 requires the FHSAA to adopt bylaws that require all students participating in athletic competition or who are candidates for an athletic team to satisfactorily pass a complete physical examination prior to participating in high school athletic competition or engaging in practice with an athletic team. The physical exam must be administered by a practicing physician licensed under the statutory provisions of the medical practice chapter of law or the chapter of law for osteopathic medicine. The physician must be in good standing with the Board of Medicine. Physical exams by a chiropractor, podiatrist, optometrist, or a dentist will not satisfy the requirements of the physical exam required prior to participation in high school athletics.

The bill requires the FHSAA bylaws to establish requirements for passing the physical exam, including minimum standards for the physical capabilities necessary for participation in high school athletic competition. Physician giving the exams must know the minimum standards established by FHSAA. The physician must certify that the student meets the minimum standards. Results of the physical exam must be provided to the athletic department of the student's high school. A student will not be eligible to participate in any athletic event, competition or practice, until the results of the physical exam verify that the student has satisfactorily passed the exam and are received and approved by the athletic department.

D. SECTION-BY-SECTION ANALYSIS:

Section 1. Amends s. 232.61, F.S., requiring the Florida High School Activities Association (FHSAA) to adopt bylaws which require students participating in high school athletic competition or who are candidates for a high school athletic team to satisfactorily pass a physical examination prior to participating in athletic competition or engaging in practice with an athletic team; providing requirements with respect to such examinations.

Section 2. Provides an effective date of July 1, 2000.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

N/A

2. Expenditures:

N/A

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

N/A

2. Expenditures:

N/A

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

N/A

D. FISCAL COMMENTS:

The bill does not state who will pay for the physical examination.

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

A. APPLICABILITY OF THE MANDATES PROVISION:

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

B. REDUCTION OF REVENUE RAISING AUTHORITY:

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

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

The bill does not reduce the percentages of state tax shared with counties and municipalities.

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

N/A

B. RULE-MAKING AUTHORITY:

N/A

C. OTHER COMMENTS:

N/A

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

HB 1985 passed the Education Innovation Committee with one strike-everything amendment. The differences between the bill and the strike-everything amendment are:

- Specified that physical examinations must be completed *each year*.
- Expanded participation in activities to include *tryouts, workouts, or other physical activity associated with the student's candidacy for an athletic team*.
- The standardizing of terms.
- The addition of practitioner licensed under chapter 460 or 464.012 that may administer physical examinations.

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- Expanded the provision that no student would be eligible to participate in *tryouts, workouts, or other physical activity associated with the student's candidacy for an athletic team* until the results of a satisfactorily passed examination has been received and approved by the athletic department.
- Allows a student to participate in athletic competition or be a candidate for an athletic team if the parent or guardian of the student objects in writing to the student undergoing a physical examination because such examination is contrary to his or her religious tenets or practices, provided that no person is held liable for any injury.

HB 1985 died in Committee on Education Appropriation on May 5, 2000.

VII. SIGNATURES:

COMMITTEE ON EDUCATION INNOVATION:

Prepared by:

Staff Director:

Alex Amengual

Ouida J. Ashworth

FINAL ANALYSIS PREPARED BY THE COMMITTEE ON EDUCATION INNOVATION:

Prepared by:

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Alex Amengual

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