

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 463 Florida High School Activities Association
SPONSOR(S): Arza
TIED BILLS: **IDEN./SIM. BILLS:** SB 2156

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>General Education</u>	<u>6 Y, 1 N</u>	<u>Ashworth</u>	<u>Bohannon</u>
2) <u>Education K-20</u>	<u>26 Y, 0 N w/CS</u>	<u>Ashworth</u>	<u>Bohannon</u>
3) _____	_____	_____	_____
4) _____	_____	_____	_____
5) _____	_____	_____	_____

SUMMARY ANALYSIS

HB 463 CS adds one appointee to the board of directors for the Association. This will increase the number of board members from 15 to 16 and the number of appointments made by the Commissioner of Education from 2 to 3. The third appointment made by the Commissioner must be appointed to balance the board for diversity or state population trends. Additionally, the CS provides that any entity appointing board members must make appointments that reflect state demographic and population trends.

Other provisions in the CS are:

- Clarification of procedures for student physical examinations required for students before they participate in interscholastic athletic competition.
- Deletion of a one-time required report. In 2002, the Legislature required FHSAA to examine and report back to the Legislature on alternative criteria for establishing administrative regions, diversity in the composition of the board of directors, and the procurement of corporate financial support. The report was submitted by the Association on March 1, 2003. The new appointment to the board is a result of the findings of the report.
- Changing the name of the association from the Florida High School Activities Association to the Florida High School Athletic Association. The name change was recommended by the board of directors of the Association.
- Requirement for board of directors to study alternative methods of how they would implement a policy requiring district, regional, and state championships in high school sports for public schools to be separate from district, regional, and state championships in private schools.
- Maintained the statutory status of the Association.

The bill does not appear to have a fiscal impact.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

STORAGE NAME: h0463c.edk.doc
DATE: April 23, 2003

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. DOES THE BILL:

- | | | | |
|--------------------------------------|------------------------------|-----------------------------|---|
| 1. Reduce government? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. Lower taxes? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. Empower families? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

B. EFFECT OF PROPOSED CHANGES:

HB 463 CS adds one appointee to the board of directors for the Association. This will increase the number of board members from 15 to 16 and the number of appointments made by the Commissioner of Education from 2 to 3. The third appointment made by the Commissioner must be appointed to balance the board for diversity or state population trends. Additionally, the CS provides that any entity appointing board members must make appointments that reflect state demographic and population trends.

Additionally, the CS changes the statutory name of the association from the Florida High School Activities Association to the Florida High School Athletic Association. The name change was recommended by the board of directors of the Association.

The CS clarifies the procedures for student physical examinations required for students before they participate in interscholastic athletic competition.

The CS deletes a one-time required report. In 2002, the Legislature required FHSAA to examine and report back to the Legislature on alternative criteria for establishing administrative regions, diversity in the composition of the board of directors, and the procurement of corporate financial support. The report was submitted by the Association on March 1, 2003

The CS requires the board of directors to study alternative methods of how they would implement a policy requiring district, regional, and state championships in high school sports for public schools to be separate from district, regional, and state championships in private schools. The findings, including recommendations, must be reported to the Commissioner of Education and the Legislature by March 1, 2004.

Background of FHSAA

In 1997, the Legislature statutorily designated FHSAA to operate, govern, regulate, and oversee athletic programs, including eligibility requirements, for Florida's public schools in grades 6 through 12. FHSAA has a current membership of 668 schools, of which 590 are senior high schools and 78 are middle schools. The organization sanctions or recognizes competition and conducts state championship playoffs in 10 girl's sports and 11 boy's sports. During the 2001-2002 school year, 213,498 high school students participated in interscholastic sports programs sponsored by FHSAA and its member schools. The law requires that the organization establish eligibility requirements for all students who participate in high school athletic competition in its member schools and prohibits recruiting.

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 organization receives no tax money or other government funding.

In the 2002 School Code Rewrite, the Legislature required the board of directors of FHSAA to examine three issues and to report the findings to the Legislature. The issues, background, and findings from the March 2003 report are discussed below.

Alternative Criteria for Establishing Administrative Regions – In the 1997 legislation, the Legislature stipulated that FHSAA was to determine representation on its Board of Directors and other governmental bodies on the basis of total member schools.

Findings: FHSAA found that the two alternative scenarios that they studied would yield no appreciable increase in representation for larger schools or schools in metropolitan areas. The position of the Board is that FHSAA is an association of member schools and each school, regardless of size or location, holds an equal standing in FHSAA and that the association functions well under the current structure.

Diversity in Composition of Board of Directors – The composition of the board is statutorily established as a 15 member body comprised of eight member school representatives elected by the respective administrative regions; two district school superintendents and two district school board members elected by the board of their respective state organizations; two citizens at large appointed by the Commissioner of Education; and the Commissioner of Education or his designee from the Department of Education executive staff.

Findings: Of the 31 directors who have served since 1997 or are serving currently:

- 26 are Caucasian males
- 3 are Caucasian females
- 1 is an African-American male
- 1 is an African-American female.

In its initial three years, the board was comprised exclusively of Caucasian males.

The board believes that it is contrary to the democratic process to restrict upon the basis of gender or ethnicity those member school representatives who may or may not declare their candidacy for election to a vacant seat on this body. For this reason, FHSAA cannot ensure gender and ethnic diversity through its election process.

Procurement of Corporate Financial Support – FHSAA is under contract with a corporate sponsorship management company to procure corporate financial support for the FHSAA.

Findings: Many school districts and individual member schools already have in place contracts with corporate sponsors of their own. District superintendents with whom the Commissioner has been in contact are reluctant to involve FHSAA in their efforts to secure corporate funding for their schools' athletic programs. Any meaningful overtures by FHSAA to potential corporate contributors on behalf of member schools would have to include assurances that all, or at the very least a significant portion of, member schools would be willing and able to honor the commitments made by FHSAA on their behalf. It is highly improbable that this would occur.

C. SECTION DIRECTORY:

Section 1: Amends s. 1006.18, F.S., renaming the association.

Section 2: Amends s. 1006.20, F.S., changing name of association; revising procedures for student physical examinations; adding one appointee to the board of directors; deleting obsolete report; requiring an examination of methods for implementation of a certain policy; requiring a report; providing an effective date.

Section 3: Provides an effective date of July 1, 2003.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

This bill does not appear to have a fiscal impact on state revenues.

2. Expenditures:

This bill does not appear to have a fiscal impact on state expenditures.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

This bill does not appear to have a fiscal impact on local government revenues.

2. Expenditures:

This bill does not appear to have a fiscal impact on local government expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

This bill does not appear to have a direct economic impact on the private sector.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill does not require counties or municipalities to spend or take action requiring the expenditure of funds.

2. Other:

This bill does not appear to violate any constitutional provisions.

B. RULE-MAKING AUTHORITY:

This bill does not grant additional rulemaking authority.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

The original HB 463 eliminated the Florida High School Activities Association as a statutorily established entity.

The Committee on Education K-20 adopted a CS with the following revisions:

- Changed the name of the association to conform to the board of directors name change
- Clarified the procedures for student physical examinations
- Added one appointee to the board of directors
- Deleted a one-time required report that was submitted March 1, 2003.
- Maintains the statutory status of the association.