

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide Limited Government-- The bill requires the FHSAA to hold in abeyance certain bylaws governing student athlete residence and transfer.

B. EFFECT OF PROPOSED CHANGES:

Present Situation:

Founded in 1920, the FHSAA is a non-profit organization that governs interscholastic athletics among Florida's public and private secondary schools. In 1997, the Florida Legislature enacted section 1006.20, F.S., which sets forth FHSAA's organizational structure and governing authority in statute.

Section 1006.20, F.S. grants FHSAA authority to adopt bylaws governing participation of member schools and individual student athletes unless specifically provided for in statute. Statute specifically requires FHSAA bylaws governing student athlete residence and transfer to allow student athletes to be eligible for participation in athletics in the school the student first enrolls in each year.¹ Statute also requires FHSAA to adopt bylaws that specifically prohibit recruiting of student athletes for athletic purposes.²

In January of 2006, the FHSAA Representative Assembly voted to adopt revisions to sections 11.01, 11.02, 11.2, 11.3, and 11.4 of the FHSAA bylaws governing student athlete residence and transfer. The revised bylaws are intended to curtail recruiting of student athletes by placing certain penalties on student athletes who transfer to another school. The revised bylaws apply to all transfers except a move by the student and all members of the student's household that necessitates a change in schools.³ According to the revised bylaws, student athletes who transfer to another school may not participate in varsity athletics for one calendar year but may participate in junior varsity athletics during this time.⁴ Upon the expiration of one calendar year, the student athlete is deemed to have established residency at the new school and may participate in varsity athletics. The revised bylaws contain several exceptions which, if applicable, allow student athletes to transfer without penalty. The receiving school must first make an application for waiver to the FHSAA on the student's behalf. The FHSAA commissioner reviews the waiver application to determine whether the exception applies and the waiver is justified. Subsequent procedures are available for appealing waiver denials and for undue hardship requests. This rule becomes effective for the 2007-2008 school year.

At its February 7, 2006 meeting, the PreK-12 Committee heard public testimony from proponents and opponents of the new FHSAA residence and transfer bylaws. Opponents of the bylaws testified that the new rules violate the statutory provisions on residence and transfer bylaws contained in s.1006.20(2)(a) and impede parents' rights to school choice. Proponents of the bylaws stated that the rules were necessary to prevent student athletes from "shopping" for better teams and more advantageous opportunities for playing time, as well as curtailing illegal recruiting of student athletes.

¹ Section 1006.20(2)(a), F.S.

² Section 1006.20(2)(b), F.S.

³ Section 11.4, Proposed 2006 revisions to the Bylaws of the Florida High School Athletic Association, Inc.

⁴ Id.

Effect of Proposed Changes:

The bill requires FHSAA to hold in abeyance sections 11.01, 11.02, 11.2, 11.3, and 11.4 of the FHSAA bylaws until July 1, 2007. The bill creates a balanced task force comprised of home school and public and private secondary school proponents and opponents of the revised bylaws. The task force must make recommendations to the Governor and the Legislature that preserve parents' rights to school choice and protect the integrity of Florida's interscholastic athletic programs. The bill requires OPPAGA to provide administrative support and staff for the task force.

The bill also requires OPPAGA to conduct an independent review of secondary school recruiting violations among FHSAA member schools. The bill requires FHSAA to grant full access to its records for purposes of OPPAGA's review.

C. SECTION DIRECTORY:

Section 1. Creates an unnumbered section of law requiring FHSAA to hold in abeyance certain bylaws; creates a task force.

Section 2. Requires OPPAGA to review recruiting violations.

Section 3. Provides an appropriation.

Section 4. Provides an effective date upon becoming law.

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 government revenues.

2. Expenditures:

The bill appropriates \$60,000 from the General Revenue Fund to OPPAGA to support the work of the Student Athlete Recruiting Task Force. The sum of \$50,000 is appropriated from the General Revenue Fund to OPPAGA to fund its independent review of secondary school recruiting violations.

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 fiscal impact on the private sector.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not require a city or county to expend funds or to take any action requiring the expenditure of funds.

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

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

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES