

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Education Pre-K - 12 Committee

**BILL:** CS/SB 730

**INTRODUCER:** Committee on Education Pre-K - 12 and Senator Flores

**SUBJECT:** Youth and Student Athletes

**DATE:** March 17, 2011      **REVISED:** \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Brown	Matthews	ED	<b>Fav/CS</b>
2.	_____	_____	HR	_____
3.	_____	_____	RC	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

**Please see Section VIII. for Additional Information:**

- |                              |                                     |   |
|------------------------------|-------------------------------------|---|
| A. COMMITTEE SUBSTITUTE..... | <input checked="" type="checkbox"/> | Statement of Substantial Changes        |
| B. AMENDMENTS.....           | <input type="checkbox"/>            | Technical amendments were recommended   |
|                              | <input type="checkbox"/>            | Amendments were recommended             |
|                              | <input type="checkbox"/>            | Significant amendments were recommended |

**I. Summary:**

This bill requires independent sanctioning authorities of youth athletic teams, and the Florida High School Athletic Association, to adopt policies regarding educating administrators, parents, and athletes on sports-related concussions and head injuries.

Physicians or osteopaths are required to issue medical clearances, prior to a head-injured student's return to play. Health care practitioners are authorized to provide medical examinations and treatment for purposes of the clearances, in certain instances.

This bill substantially amends sections 943.0438 and 1006.20 of the Florida Statutes.

## II. Present Situation:

### Statutory Authority

An independent sanctioning authority is defined as a private, nongovernmental entity that organizes or operates youth athletic teams. This term does not apply to teams affiliated with private schools.<sup>1</sup>

The Florida High School Athletic Association (FHSAA), established in s. 1006.20, F.S., is the governing body of Florida public school athletics. Currently, the FHSAA governs 748 public and private member schools.<sup>2</sup> The Florida Legislature grants the FHSAA authority to adopt bylaws, which it does, and publishes them in a handbook, available online.<sup>3</sup>

### Sports-related Head Injuries

According to the Brain Injury Association of Florida:

- More than 40 percent of serious head-injured high school athletes return to participate in sports before they are fully recovered;
- Approximately 400,000 high school athletes received concussions from sports activities during the 2005-08 school years and this number is likely much higher;
- During the timeframe from 1997-2007, the number of youth athletes seen with sports-related concussions in emergency rooms doubled and for those between 14-19 years old, it more than tripled;
- High school athletes with three or more concussions are 9 times more likely to have permanent mental changes; and
- Children and teens are more likely to get a concussion and take longer to recover than adults.<sup>4</sup>

Advocates of legislative protections for children receiving sports-related concussions promote the following three components: education on the dangers of concussions, removal from participation for head-injured players, and delayed return until a medical professional provides a clearance.<sup>5</sup> Named for a young football player who sustained serious injury after he returned to play too soon following a concussion, the “Zackery Lystedt Law” has been adopted in several states, including Washington and Oregon, and is under consideration in several other jurisdictions, including in Congress.<sup>6</sup>

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<sup>1</sup> s. 943.0438(1)(b), F.S.

<sup>2</sup> <http://www.fhsaa.org/about>

<sup>3</sup> The handbook is available at the FHSAA website, at: <http://www.fhsaa.org/rules/fhsaa-handbook>.

<sup>4</sup> *Youth Sports Concussion Awareness & Prevention*, Brain Injury Association of Florida (2011).

<sup>5</sup> Letter from Roger Goodell, National Football League, to Governor Charlie Crist (May 21, 2010).

<sup>6</sup> *Washington Boy’s Case May Lead to Nationwide Sports Concussion Laws*, King5.com news story (February 1, 2010); available online at: <http://www.king5.com/sports/high-school/Sports-Head-Injuries-83303332.html#>.

**Athletic Trainers**

Athletic trainers are licensed under s. 468.701, F.S. The practice of athletic training refers to recognition, prevention and treatment of athletic injuries.<sup>7</sup> Athletic trainers require licensure, and must meet the following criteria to operate in the state of Florida:

- Apply, submit required fees, and pass a board exam;
- Be at least 21 years old;
- Hold a baccalaureate degree from an accredited college or university;
- Have current CPR certification; and
- Take a continuing education course on HIV/AIDS.<sup>8</sup>

**III. Effect of Proposed Changes:**

This bill requires independent sanctioning authorities and the Florida High School Athletic Association to establish guidelines that provide information on concussions and head injuries to officials, administrators, coaches, parents and children.

In addition to requiring that guidelines be adopted, this bill requires independent sanctioning authorities to adopt bylaws or policies regarding:

- Parental consent forms describing the nature and risk of concussions and head injuries, including the risk of continuing to play post-injury; and
- A requirement that the injured youth be immediately stopped from playing and not be allowed to return until a medical professional provides written clearance.

Qualifying medical professionals, for purposes of issuing medical clearances, are medical doctors and osteopaths. Medical doctors and osteopaths are authorized to delegate medical exams and treatment to specified health care practitioners, consisting of physician assistants, osteopathic physician assistants, advanced registered nurse practitioners, and athletic trainers, provided that the physician maintains a supervisory role or establishes written medical protocol. This bill authorizes physicians to consult with neuropsychologists or use testing established in that field.

**IV. Constitutional Issues:****A. Municipality/County Mandates Restrictions:**

None.

**B. Public Records/Open Meetings Issues:**

None.

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<sup>7</sup> s. 468.701(5), F.S.

<sup>8</sup> s. 468.707, F.S.

C. Trust Funds Restrictions:

None.

V. **Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Independent sanctioning authorities and the FHSAA would have to expend resources developing guidelines and bylaws or policies. This bill also would result in some recordkeeping duties. Provisions relating to informed consent and a prohibition on return to play until medically cleared may reduce liability for sports-related injuries, and therefore, have a positive impact.

Adoption of this legislation would hopefully lessen the severity of sports-related head injuries to children, with possible reduction of medical and other costs long-term.

C. Government Sector Impact:

None.

VI. **Technical Deficiencies:**

None.

VII. **Related Issues:**

None.

VIII. **Additional Information:**

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Education Pre-K – 12 on March 17**

This committee substitute authorizes physicians, for purposes of medical clearances, to delegate examination and care to specified entities, including physician assistants, athletic trainers, and advanced registered nurse practitioners, provided that the physician maintains a supervisory role or establishes written protocol to be followed. Physicians may consult with, and rely on testing typically used by neuropsychologists.

B. Amendments:

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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