

**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.)

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

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BILL: SB 1704

INTRODUCER: Senator Wise

SUBJECT: High School Athletics

DATE: January 24, 2012      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Brown	deMarsh-Mathues	ED	<b>Pre-meeting</b>
2.			BC	
3.				
4.				
5.				
6.				

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**I. Summary:**

This bill creates the Sunshine Independent Athletic Association (SIAA) as the governing nonprofit organization of athletics in private schools, replacing the Florida High School Athletic Association's (FHSAA) role in this capacity. Therefore, two parallel associations would operate in the area of interscholastic and intrascholastic governance.

A governing structure is provided for the SIAA through a board of governors. An appeals commission is provided, to be appointed by the Governor and Legislature, with the Commissioner of Education to serve as a nonvoting member. This bill addresses a quorum, staggered terms and selection of officers.

This bill requires specific bylaws which would regulate investigators and investigations.

Although this bill specifies SIAA membership is voluntary, if a private school does not apply, and gain admission to the SIAA, it will be precluded from interscholastic and intrascholastic sports participation.

The FHSAA is prohibited from denying competition between the FHSAA's and the SIAA's member schools, and from acting in a retributory manner in this regard. Both associations would be required to facilitate annual state competitions for each sport and level of competition that their schools offer.

Fines collected by either association are to be deposited into the Educational Enhancement Trust Fund.

Through required bylaws, students transferring from public to private schools would not be subject to a waiting period regarding sports participation, provided that full tuition is paid.

This bill substantially amends sections 1006.15 and 1006.20 of the Florida Statutes.

## II. Present Situation:

The FHSAA is designated in law as the governing nonprofit organization of athletics in public schools.<sup>1</sup> The FHSAA also has, as its members, qualifying private schools.<sup>2</sup> FHSAA bylaws constitute the rules by which member schools and students are governed in high school athletic programs, which covers grades 6 through 12.<sup>3</sup> Included in the organization's bylaws are eligibility requirements for member schools and their participants.<sup>4</sup>

Section 1006.15, F.S., imposes general eligibility requirements for participating students, based on academic thresholds and satisfactory conduct, and also addresses participation by private, charter, and home education students.

The FHSAA is organized by a 16-person board of directors, as follows:

- Four public school representatives, one elected by public school members within each of the four administrative regions;
- Four nonpublic school representatives, one elected by nonpublic school members within each of the four administrative regions;
- Three representatives appointed by the Commissioner of Education, including one from the two northernmost administrative regions and one from the two southernmost administrative regions;
- Two district school superintendents, one elected from the two northernmost administrative regions by the members of those regions and one from the two southernmost administrative regions elected by members of those regions;
- Two district school board members, one from the two northernmost administrative regions elected by the members of those regions and one from the two southernmost administrative regions elected by members of those regions; and
- The commissioner or designee from the Department of Education executive staff.

Diversity in representation is to be considered in the selective process.

A quorum of the board of directors is considered to be nine members. A president and vice president are elected by the board. Staggered terms are provided.<sup>5</sup>

Florida law provides for the creation of a Representative Assembly within the FHSAA, which constitutes the legislative, or lawmaking authority of the organization. The purpose of the

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<sup>1</sup> s. 1006.20(1), F.S.

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

<sup>4</sup> s. 1006.20(2)(a), F.S.

<sup>5</sup> s. 1006.20(4), F.S.

representative assembly is to consider and vote, by two-thirds majority, changes to bylaws on an annual basis.<sup>6</sup>

Bylaws must require member schools to adopt rules for sports which have been established by a nationally recognized sanctioning body, unless waived by the board of directors through a minimum two-thirds vote.<sup>7</sup>

Regarding appeals, the initial appeal is to be made to a committee on appeals, whose organization is to be established through bylaw. The initial appeal is to be made within the student's home administrative region.

The FHSAA indicates on its website that it was established in 1920 by a group of students at the University of Florida.<sup>8</sup> The Florida Legislature placed the FHSAA in law in 1997.<sup>9</sup> FHSAA has grown in member schools to almost 800 schools today. The FHSAA's Representative Assembly is now composed of more than 60 members, which include member school representatives, district school superintendents, and district school board members.<sup>10</sup>

Membership dues range from \$220 to \$1100 annually, contingent upon size and type of school, whether the school is a first-year member and the grades served by the school.<sup>11</sup>

### III. Effect of Proposed Changes:

The SIAA is established as the governing nonprofit organization of athletics in private schools, as the parallel association to the FHSAA, which would then only have as its members public schools. Creation of the SIAA would replace the need for private schools to become members of the FHSAA for the purpose of sports participation with public schools.

This bill would require bylaws which authorize students transferring from a public school to a private school during the school year to participate in sports offered by the private school if the student pays full tuition. This transfer is subject to school district approval.

This bill requires both organizations to adopt bylaws that regulate investigators, addressing such issues as requiring background checks and carrying of photo identification, times for interviews and the scope of searches. An attorney may be present during questioning.

Both organizations are also required to adopt bylaws allowing coaches of member schools to provide coaching or volunteer services outside of the school.

The bill prohibits the FHSAA from denying interscholastic competition between its members and SIAA members and from acting in a retributory or discriminatory capacity against its

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<sup>6</sup> s. 1006.20(5), F.S.

<sup>7</sup> s. 1006.20(9), F.S.

<sup>8</sup> [www.fhsaa.org](http://www.fhsaa.org); Last checked January 27, 2012.

<sup>9</sup> ch. 97-53, L.O.F.

<sup>10</sup> See: <http://www.fhsaa.org/about>; Last checked January 25, 2012.

<sup>11</sup> <http://www.fhsaa.org/departments/membership>; Last checked January 25, 2012.

members who compete with SIAA members. It is unclear what is meant by the terms “retributory” and “discriminatory.”

The two associations are required to conduct annual state interscholastic competitions for each sport and level of competition that their schools offer.

Appeals must take place in the county where the appellant’s school is sited. The bill requires that appeals be expedited so that it can finish before the end of the applicable sports season, if possible.

The bill provides for the SIAA appeals commission to be made of up three members appointed by the Governor, three members appointed by the Senate President, three members appointed by the House Speaker, and the Commissioner or designee to serve as a nonvoting member. No date is provided for appointments.

This bill organizes the SIAA through a 16-member board of directors which comprise:

- Four representatives unaffiliated with schools, school systems, and school boards which geographically represent one each of the four administrative regions for public schools, to be elected by the public school members;
- Four nonpublic representatives, one from each of the four administrative regions for public schools, elected by nonpublic school members;
- Three commissioner-appointed representatives, including one from the two northernmost administrative regions and one from the two southernmost administrative regions;
- Two school headmasters, one from the two northernmost administrative regions and one from the two southernmost administrative regions, elected by the nonpublic members from those regions;
- Two nonpublic school governing board members, one from the two northernmost administrative regions and one from the two southernmost administrative regions, elected by the nonpublic members from those regions; and
- The Commissioner or designee from the DOE executive staff.

A president and vice-president are to be selected by the board. A quorum is defined as nine members. Staggered terms are provided.

The structure and terms of governance of the SIAA board of directors are nearly identical to that of the FHSAA.

This bill provides that membership in the SIAA is voluntary. However, if a private school does not apply through the SIAA, the school is excluded from participation in inter- and intrascholastic sports.

All fines collected are to be deposited into the Educational Enhancement Trust Fund. FHSAA fines are not currently paid into the fund.

No date is included regarding appointments to the SIAA board of directors. Also, as the effective date of the bill is July 1, 2012, it is unclear when private schools wishing to participate would have to join SIAA, possibly meaning that they will have to pay two sets of dues the first year.

Also, as is already provided to the FHSAA, the SIAA is given great latitude in developing its own bylaws. The two systems could potentially operate under very different sets of bylaws, guidelines and policies, which may, at minimum, be viewed as unequal.

At the other end of the continuum, in applying the changes to s. 1006.20(9), F.S., each association would be required to address in their bylaws a requirement for member schools to adopt rules for sports which have been established by a nationally recognized sanctioning body, unless waived by the board of directors through a minimum two-thirds vote.<sup>12</sup> In the case of the FHSAA, that national body is the National Federation of State High School Associations (NFSHSA). In the case of the SIAA, it is unclear whether the board would select the NFSHSA, another entity, or waive the requirement and substitute its own rules. If the choice is anything other than the NFSHSA, competitive sports between an FHSAA member school and an SIAA member school could be rendered untenable.

#### **IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

#### **V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

It is unknown what member dues will be for private schools, including virtual schools and home education cooperatives that become members of the SIAA.

C. Government Sector Impact:

Revenue would be generated from fines collected and deposited into the Educational Enhancement Trust Fund. The fiscal impact is unknown at this time.

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<sup>12</sup> s. 1006.20(9), F.S.

**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.)

None.

**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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