

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 4041 Education Law Repeals  
**SPONSOR(S):** Burgin  
**TIED BILLS:** **IDEN./SIM. BILLS:** SB 492

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) K-20 Innovation Subcommittee	15 Y, 0 N	Beagle	Sherry
2) Education Committee			

### SUMMARY ANALYSIS

The bill repeals ss. 1006.17 and 1006.70, F.S., two substantively identical statutes relating to sponsorship of athletic activities similar to those for which scholarships are offered. In effect, both statutes require public high schools, Florida College System (FCS) institutions, and state universities to align their sports offerings so that student athletes have the opportunity to play the sports for which collegiate scholarships are offered.

Although broadly applicable to all sports programs, these statutes were enacted in 1986 to require school districts that offered women's slow-pitch softball to also offer women's fast-pitch softball. At the time, women's slow-pitch softball was the version of softball sanctioned by the Florida High School Athletic Association (FHSAA) and sponsored by the majority of Florida's high schools and FCS institutions. Twenty FCS institutions were offering slow-pitch softball scholarships. On the other hand, four state universities had established women's fast-pitch softball programs and were offering scholarships in the sport. Public high schools and FCS institutions offering only slow-pitch softball hampered student athletes' eligibility for fast-pitch softball scholarships offered by state universities.

Both FHSAA and the Florida College System Athletic Association have indicated that these statutes are no longer necessary. Women's fast-pitch softball is the version of softball that is sponsored for competitive play by Florida's public high schools, FCS institutions, and state universities and sanctioned by all of the interscholastic and intercollegiate athletic associations in which these institutions compete.

The bill does not have a fiscal impact on state or local governments.

The bill takes effect upon becoming law.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### **Present Situation**

Florida law requires district school boards that sponsor a sport that is “similar to a sport for which a state university or Florida College System (FCS) institution offers an athletic scholarship” to sponsor the scholarship sport. Likewise, FCS institutions that sponsor a sport that is “similar to a sport for which a state university offers an athletic scholarship” must sponsor the scholarship sport. In effect, the law requires public high schools, FCS institutions, and state universities to align their sports offerings so that student athletes may have the opportunity to play the sports for which collegiate scholarships are offered.<sup>1</sup>

Although broadly applicable to all sports programs, these laws were enacted in 1986 to require school districts that offered women’s slow-pitch softball to also offer women’s fast-pitch softball.<sup>2</sup> At the time, women’s slow-pitch softball was the version of softball sanctioned by the Florida High School Athletic Association (FHSAA) and sponsored by the majority of Florida’s high schools and FCS institutions. Twenty FCS institutions were offering slow-pitch softball scholarships. On the other hand, four state universities had established women’s fast-pitch softball programs and were offering scholarships in the sport. Public high schools and FCS institutions offering only slow-pitch softball hampered student athletes’ eligibility for fast-pitch softball scholarships offered by state universities.<sup>3</sup>

Today, women’s fast-pitch softball is sanctioned by the FHSAA, Florida College System Athletic Association (FCSAA), and National Collegiate Athletic Association (NCAA), whereas slow-pitch softball is not sanctioned or recognized by any of these associations. According to FHSAA, 601 member high schools compete in FHSAA-sanctioned women’s fast-pitch softball.<sup>4</sup> Twenty-three of Florida’s 28 FCS institutions compete in FCSAA-sanctioned women’s fast-pitch softball.<sup>5</sup> Ten of Florida’s 11 state universities compete in NCAA-sanctioned women’s fast-pitch softball.<sup>6</sup>

##### **Effect of Proposed Changes**

The bill repeals ss. 1006.17 and 1006.70, F.S., two substantively identical statutes relating to sponsorship of athletic activities similar to those for which scholarships are offered. According to the Florida Department of Education bill analysis, both the FHSAA and FCSAA agree that these statutes are no longer necessary. Women’s fast-pitch softball is the version of softball that is sponsored for competitive play by Florida’s public high schools, FCS institutions, and state universities and sanctioned by each of the interscholastic and intercollegiate athletic associations in which these institutions compete.

#### B. SECTION DIRECTORY:

**Section 1.** Repeals s. 1006.17, F.S., relating to sponsorship of athletic activities similar to those for which scholarships are offered.

---

<sup>1</sup> Sections 1006.17(1)-(2) and 1006.70(1)-(2), F.S. Two sports that are similar may be offered simultaneously. If participation is insufficient to warrant offering a particular sport, districts and FCS institutions may offer an alternative sport. Sections 1006.17(3)-(4) and 1006.70(3)-(4), F.S.

<sup>2</sup> Section 4, ch. 86-172, L.O.F.

<sup>3</sup> Staff of the Florida House of Representatives, *Legislative Bill Analysis for CS/HB 90 (1986)*. In March 1985, the FHSAA Board of Directors voted to continue its sanctioning of women’s slow-pitch softball, rather than switch to sanctioning of fast-pitch softball. *Id.*

<sup>4</sup> Florida High School Athletic Association, *Sports and Programs*, <http://www.fhsaa.org/sports> (last visited Nov. 8, 2011).

<sup>5</sup> Florida College System Activities Association, *Athletics*, <http://www.thefcsaa.com/> (last visited Nov. 29, 2011).

<sup>6</sup> National Collegiate Athletic Association, *NCAA Members by Division*,

<http://web1.ncaa.org/onlineDir/exec/divisionListing?sortOrder=4&division=All> (last visited Nov. 8, 2011)(New College of Florida does not compete in intercollegiate athletics).

**Section 2.** Repeals s. 1006.70, F.S., relating to sponsorship of athletic activities similar to those for which scholarships are offered.

**Section 3.** Provides that the bill takes effect upon becoming law.

## **II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

### **A. FISCAL IMPACT ON STATE GOVERNMENT:**

1. Revenues:

None.

2. Expenditures:

None.

### **B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

1. Revenues:

None.

2. Expenditures:

None.

### **C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

None.

### **D. FISCAL COMMENTS:**

None.

## **III. COMMENTS**

### **A. CONSTITUTIONAL ISSUES:**

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to affect county or municipal governments.

2. Other:

None.

### **B. RULE-MAKING AUTHORITY:**

None.

### **C. DRAFTING ISSUES OR OTHER COMMENTS:**

None.

## **IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

None.