

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 4041 Education Law Repeals
SPONSOR(S): Education Committee; Burgin
TIED BILLS: **IDEN./SIM. BILLS:** CS/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	11 Y, 5 N, As CS	Guilford	Klebacha

SUMMARY ANALYSIS

The bill repeals provisions of law that are not utilized or are unnecessary.

The bill repeals two substantively identical statutes relating to the sponsorships of athletic activities similar to those for which scholarships are offered. These 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 two statutes were enacted to require school districts that offered women's slow-pitch softball to also offer women's fast-pitch softball. The Florida High School Athletic Association and the Florida College System Athletic Association have indicated that these statutes are no longer necessary.

The bill also repeals a provision that allows eligible FCS institutions to apply for an exemption from the existing State Board of Education approval process for offering subsequent baccalaureate degree programs. To date, no colleges have applied for the exemption.

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:

The bill repeals education laws that are not utilized or are unnecessary.

Sponsorships of athletic activities similar to those for which scholarships are offered.¹

Sections 1006.17 and 1006.70, F.S., were enacted in 1986 to 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 laws were implemented 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 (FHSA) 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 eligibility for fast-pitch softball scholarships offered by state universities.²

Both FHSA and the Florida Community College 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.³

The bill repeals ss. 1006.17 and 1006.70, F.S., relating to sponsorships of athletic activities similar to those for which scholarships are offered.

Site-determined baccalaureate degree access.⁴

Section 1007.33(6), F.S., effective July 1, 2010, allows eligible FCS institutions to apply for an exemption from the existing State Board of Education approval process for offering subsequent baccalaureate degree programs. To qualify for this exemption, and bypass State Board of Education approval for new bachelor degrees, a FCS institution must have received a Level 2 accreditation from the Southern Association of Colleges and Schools and must have been a baccalaureate-degree-granting institution that has offered baccalaureate degree programs at their institution for 3 years or more. In effect, repeal of this provision would retain the current process of State Board of Education approval for all bachelor degrees offered by an institution.

The FCS institutions that are eligible for this exemption are Chipola College, Miami Dade College, Edison State College, Northwest Florida State College, Daytona State College, Florida State College at Jacksonville, and Indian River State College. Broward College and Palm Beach College will become eligible later in 2012.⁵ Repeal of the provision would not impact any current activities of these institutions.

The Chairman of the State Board of Education supports repeal of this provision.⁶

¹ Sections 1006.17 and 1006.70, F.S.

² Staff of the Florida House of Representatives, *Legislative Bill Analysis for CS/HB 90* (1986).

³ Staff of the Florida Department of Education, *Agency Legislative Bill Analysis for HB 4041* (2011).

⁴ Section 1007.33(6), F.S.

⁵ Staff of the Florida Department of Education, Division of Florida Colleges, *Agency Legislative Bill Analysis for SB 492* (2012).

⁶ Email, Chairman, State Board of Education (Feb. 1, 2012).

The subsection of law is not being utilized. To date, no colleges have applied for the exemption.

The bill repeals s. 1007.33(6), F.S., relating to site-determined baccalaureate degree access.

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.

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

Section 3: Repeals s. 1007.33(6), F.S., relating to site-determined baccalaureate degree access.

Section 4: Provides an effective date of 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. The 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

On January 26, 2012, the Education Committee reported the proposed committee substitute (PCS) for HB 4041 favorably as a committee substitute.

The Education Committee adopted three amendments to PCS for HB 4041. The first amendment adopted, removed the repeal of rulemaking provisions that require the State Board of Education, in cooperation with the Department of Health, to adopt rules regarding the use of an epinephrine auto-injector, diabetes management, and the use of prescribed pancreatic enzyme supplements by students. The second amendment adopted, removed the repeal of the Individual Education Plans for Exceptional Students, which is an online statewide IEP system, known as the PEER system.

The final amendment adopted by the Education Committee was a strike all amendment. The strike all amendment, like the first two amendments adopted, removed the repeal of rulemaking provisions that require the State Board of Education, in cooperation with the Department of Health, to adopt rules regarding the use of an epinephrine auto-injector, diabetes management, and the use of prescribed pancreatic enzyme supplements by students and the repeal of the Individual Education Plans for Exceptional Students.

In addition, the strike all amendment removed the repeal of the following provisions in the PCS: the K-12 Foreign Language Curriculum; the Alternative Credit Pilot Project; Professional Credentials of Prekindergarten Instructors; Standard High School Diploma Designations; the High School to Business Career Enhancement Program; Individual Education Plans for Exceptional Students; the Substance Abuse Training Program; the Incentives for Urban or Socially and Economically Disadvantaged Area Internships; Provision of Information to Students and Parents Regarding School-to-Work Transition; Guidance Services; the Dropout Reentry and Mentor Project; the Sunshine Workforce Solutions Grant Program; the Statewide School Safety Hotline; Readiness for Postsecondary Education and the Workplace; Joint Dual Enrollment and Advanced Placement Instruction; and the Transition to Teaching Program.

The amended PCS differs from HB 4041 in that it added the repeal of s. 1007.33(6), F.S., site-determined baccalaureate degree access, which allows eligible Florida College System institutions to bypass the existing process required to obtain approval for subsequent baccalaureate degree programs.

Accordingly, the only repeals remaining in the PCS, as amended, are the two substantively identical statutes relating to the sponsorships of athletic activities similar to those for which scholarships are offered and the site-determined baccalaureate degree access.