

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 Higher Education Committee

BILL: SB 492
 INTRODUCER: Senator Braynon
 SUBJECT: Education Law Repeals
 DATE: January 12, 2012 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Brown	deMarsh-Mathues	ED	Favorable
2.	Brown	deMarsh-Mathues	HE	Pre-meeting
3.	_____	_____	BC	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

This bill repeals the requirement for a district school board to offer any sport or athletic activity for which a Florida College System (FCS) institution or state university provides scholarships, if the district school board offers a similar sport. The bill repeals a similar requirement that an FCS institution must offer any sport or athletic activity for which a state university provides scholarships, where a similar sport or athletic activity is offered by the FCS institution. The bill also repeals two related provisions (the authority to offer an alternative sport or athletic activity if participation is minimal and the authority to simultaneously offer two similar athletic activities or sports).

This bill repeals sections 1006.17 and 1006.70 of the Florida Statutes.

II. Present Situation:

Florida law requires district school boards that offer sports and athletic activities similar to those provided through scholarship by an FCS or state university to offer the exact version as that provided through scholarship.¹ If an FCS institution offers a sport or an athletic activity similar to one offered through athletic scholarship by a state university, the FCS institution must also offer that sport or athletic activity.²

¹ ss. 1006.17 and 1006.70, F.S.

² *Id.*

Two athletic activities or sports that are similar may be offered simultaneously. The law provides an exception for sports in which participation is minimal, and authorizes a school to offer an alternative sport or athletic activity.³

The requirement for parity in athletic offerings originated with the sport of softball.⁴ 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 the state's high schools and FCS institutions.⁵ Twenty FCS institutions offered slow-pitch softball scholarships.⁶ In contrast, three state universities had established women's fast-pitch softball programs and one university was offering scholarships for slow-pitch softball.⁷ Public high schools and FCS institutions offering only slow-pitch softball prevented eligibility for fast-pitch softball university scholarships.⁸ The 1986 Legislature enacted this provision to require school districts that offered women's slow-pitch softball to also offer fast-pitch softball, for the purpose of enhancing the ability of student athletes to access the full pool of postsecondary education scholarships.⁹

Today, women's fast-pitch softball is sanctioned by the FHSAA, the Florida College System Athletic Association (FCSAA), and the National Collegiate Athletic Association (NCAA), whereas slow-pitch softball is not sanctioned or recognized by any of these associations.¹⁰

III. Effect of Proposed Changes:

Students may lose some access to particular athletic scholarships. However, repealing these provisions from law does not preclude the practice of parity from continuing, subject to agreement between district school boards and postsecondary institutions.¹¹

This legislation is not expected to adversely impact state universities as they would still be able to provide scholarships to students from schools that do offer the exact version of the sport.¹²

According to the DOE, the directors for the FHSAA and the FCSAA indicated that these statutes are no longer necessary.¹³

³ *Id.*

⁴ DOE bill analysis, October 24, 2011. *See also* Legislative bill analyses for CS/HB 90 and SB 45 (1986), on file with the Senate Committee on Education Pre-K – 12.

⁵ Legislative bill Analysis for CS/HB 90 (1986), on file with the Senate Committee on Education Pre-K - 12.

⁶ *Id.*

⁷ *Id.*

⁸ *Id.* 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.*

⁹ s. 4, ch. 86-172, L.O.F.

¹⁰ Information on these organizations are available online at: <http://www.fhsaa.org/sports>; <http://www.thefcsaa.com/>; and <http://www.ncaa.org/>.

¹¹ The Board of Governors notes that the repeal of these provisions will have little, if any impact on students. Board of Governors bill analysis, December 16, 2011.

¹² *Id.*

¹³ DOE bill analysis, October 24, 2011.

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:

The DOE indicates that that there is no fiscal impact on the private sector.¹⁴

C. Government Sector Impact:

The DOE notes that there is no fiscal impact on the state.¹⁵ According to the Board of Governors, there is no fiscal impact on the state university system.¹⁶

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.

¹⁴ DOE bill analysis, October 24, 2011.

¹⁵ *Id.*

¹⁶ Board of Governors bill analysis, December 16, 2011.

B. Amendments:

None.

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