

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 139 Access to High School Sports

SPONSOR(S): Plasencia and others

TIED BILLS: None. **IDEN./SIM. BILLS:** SB 546

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Education Quality Subcommittee	17 Y, 0 N	Wolff	Sanchez
2) Education & Employment Committee			

SUMMARY ANALYSIS

Continuing Florida’s commitment to providing all students the opportunity to participate in interscholastic or intrascholastic sports, the bill removes the enrollment cap that previously prevented students at larger private schools, regardless of whether they offered interscholastic or intrascholastic sports, from participating in such activities at Florida High School Athletic Association (FHSAA) member public schools or member private schools. The bill maintains the prohibition on students enrolled in FHSAA member private schools from participating in sports at other FHSAA member public or private schools.

The bill does not appear to have a fiscal impact.

The bill has an effective date of July 1, 2024.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Florida High School Athletic Association

The Florida High School Athletic Association (FHSAA) is statutorily designated as the governing nonprofit organization for interscholastic athletics for grades 6 through 12 in Florida public schools.¹ Any high school, middle school, or combination school,² including charter schools, virtual schools, private schools, and home education cooperatives,³ may become a member of the FHSAA.⁴ However, membership in the FHSAA is not mandatory and the FHSAA must allow private schools the option of maintaining full membership or membership by sport.⁵ The FHSAA may not deny or discourage a private school from simultaneously maintaining membership in another athletic association.⁶ The FHSAA is prohibited from denying or discouraging interscholastic competition between its member schools and non-FHSAA member schools in Florida and may not take discriminatory or retributory action against a member school that engages in interscholastic competition with non-FHSAA member schools.⁷

The FHSAA is required to adopt bylaws regulating student eligibility, recruiting, and member schools' interscholastic competition in accordance with applicable law.⁸ If the FHSAA fails to meet its obligations and responsibilities, the Commissioner of Education (commissioner) is directed to designate a nonprofit organization to manage interscholastic athletics with the approval of the State Board of Education (SBE).⁹

Student Extracurricular Activities and Athletics

Florida law outlines numerous standards and requirements relating to student extracurricular activities and athletics.¹⁰ Current law provides that "eligible to participate," for purposes of extracurricular activities and athletics, includes a student participating in tryouts, off-season conditioning, summer workouts, preseason conditioning, in-season practice, or contests.¹¹ Additionally, a student must satisfy the following requirements to be deemed eligible to participate:¹²

- Maintain a grade point average of 2.0 or above on a 4.0 scale, or its equivalent, in the previous semester or a cumulative grade point average of 2.0 or above on a 4.0 scale, or its equivalent, in the courses required for a standard high school diploma.
- Execute and fulfill the requirements of an academic performance contract between the student, the district school board, the appropriate governing association, and the student's parents, if the

¹ Section 1006.20(1), F.S.

² A "combination school" is any school that provides instruction to students in high school and the middle school grades; elementary, middle or high school grades combined; or elementary and middle grades combined (e.g. K-12; K-8; 6-12; or 7-12). Bylaw 3.2.2.3, FHSAA.

³ A "home education cooperative" is a parent-directed group of individual home education students that provides opportunities for interscholastic athletic competition to those students and may include students in grades 6-12. Bylaw 3.2.2.4, FHSAA.

⁴ Section 1006.20(1), F.S.

⁵ Section 1006.20(1), F.S.; Bylaws 3.2.1.4-5, FHSAA.

⁶ Section 1006.20(1), F.S.

⁷ *Id.*

⁸ Section 1006.20(2), F.S.

⁹ Section 1006.20(1), F.S.

¹⁰ *See* ch. 1006, pt. 1, s. D, F.S.

¹¹ Section 1006.15(3)(a), F.S.

¹² *Id.*

student's cumulative grade point average falls below 2.0, or its equivalent, on a 4.0 scale in the courses required for a standard high school diploma.¹³

- Have a cumulative grade point average of 2.0 or above on a 4.0 scale, or its equivalent, in the courses required for a standard high school diploma during their junior or senior year.
- Maintain satisfactory conduct, including adherence to appropriate dress and other codes of student conduct.¹⁴

Any student who is exempt from attending a full school day based on rules adopted by the district school board must maintain the grade point average required of full school day students and pass each class for which he or she is enrolled.¹⁵

Any entity that governs interscholastic extracurricular activities of public schools is prohibited from discriminating against any eligible student based on their education choice of public, private, or home education.¹⁶ No public school may join an organization that regulates interscholastic activities and discriminates against otherwise eligible students in public, private, or home education.¹⁷

Private School Student Participation in Interscholastic Athletics

The FHSAA and member school districts are required to establish a program through which private school students may participate in interscholastic or intrascholastic sports at public schools.¹⁸ A private school student shall be eligible to participate at any FHSAA member public school or member private school, as appropriate for the students grade level, if the private school that he or she attends is not a member of the FHSAA and he or she meets the guidelines for such participation established by the FHSAA and the district school board.¹⁹ Each academic year, a student participating in this program may only participate at the public school where the student first registers or makes himself or herself a candidate for an athletic team by engaging in a practice.²⁰

The private school the participating student attends is required to share any of the participating student's education records necessary for the operation of the program with the FHSAA, upon request.²¹ The athletic director at the public school where the private school student participates is required to maintain any necessary education records.²²

Only students attending private schools that are not members of the FHSAA and that have 200 or fewer students are authorized to participate in this program.²³ Eligible students must apply using the FHSAA application process.²⁴ The parents of a participating student are responsible for transporting the student to and from the public school at which he or she participates.²⁵

Effect of Proposed Changes

¹³ Any such academic performance contract must, at a minimum, require that the student attend summer school between grades 9 and 10 or grades 10 and 11, as appropriate. Section 1006.15(3)(a)2., F.S.

¹⁴ Continued participation in extracurricular activities by a student convicted of felony or a delinquent act that would be a felony if committed by an adult, regardless of whether adjudication is withheld, shall be governed by published school district policies. Section 1006.15(3)(a)4., F.S.

¹⁵ Section 1006.15(3)(b), F.S. Examples of such programs include double session schools or programs, experimental schools, or schools operating under emergency conditions.

¹⁶ Section 1006.15(5), F.S.

¹⁷ Section 1006.15(6), F.S.

¹⁸ Section 1006.15(8), F.S.

¹⁹ Section 1006.15(8)(a), F.S.

²⁰ Section 1006.15(8)(c), F.S.

²¹ Section 1006.15(8)(e), F.S.

²² Section 1006.15(8)(d), F.S.

²³ Section 1006.15(8)(g), F.S.

²⁴ Section 1006.15(8)(f), F.S.

²⁵ Section 1006.15(8)(b), F.S. Additionally, this provision shields the FHSAA, the public school at which the student is participating, the district school board operating the school, and the private school the student attends from civil liability for any injuries that occur during such transportation.

For students attending non-FHSAA member private schools and desiring to participate in interscholastic or intrascholastic sports, the bill removes the enrollment cap for such schools. This change provides opportunities for more Florida students to participate in sports, regardless of the size of the private school they attend. However, the bill does not remove the restriction that students attending an FHSAA member private school are prohibited from participating in sports at other FHSAA member institutions.

B. SECTION DIRECTORY:

Section 1: Amends s. 1006.15, F.S., deleting a specified limitation relating to the participation of certain private school students in Florida High School Athletic Association programs.

Section 2: Provides an effective date.

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:

None.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

None.