

**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 Budget Committee

BILL: SB 1000

INTRODUCER: Senator Wise

SUBJECT: Interscholastic and Intrascholastic Sports

DATE: April 7, 2011

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Brown	Matthews	ED	<b>Favorable</b>
2.	Brown	Stovall	HR	<b>Favorable</b>
3.	Hamon	Meyer, C.	BC	<b>Favorable</b>
4.				
5.				
6.				

**I. Summary:**

This bill removes from statute the two-year pilot program which provided for sports participation of private middle and high school students of three counties at public high schools within the residential zoning area and makes permanent its applicability statewide.

Student records relating to eligibility, compliance and participation in the program are required to be maintained by the athletic director at the participating Florida High School Athletic Association (FHSAA) member public school. A non-FHSAA private school is required to provide student records to the FHSAA upon request.

The bill limits participation of a non-FHSAA private school student at a public school to those students enrolled at private schools with a student population of no greater than 125 students.

This bill substantially amends the following section of the Florida Statutes: 1006.15.

**II. Present Situation:**

**FHSAA**

The Florida High School Athletic Association, established in law in s. 1006.20, F.S., is the governing body of Florida public school athletics. The FHSAA is organized by an executive director, a Board of Directors, a Representative Assembly, and Sectional Committees. Currently, the FHSAA governs 748 public and private member schools.<sup>1</sup> Section 1006.15, F.S., imposes

<sup>1</sup> <http://www.fhsaa.org/about>

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 Legislature grants the FHSAA authority to adopt bylaws. The FHSAA publishes its bylaws in a handbook, available online.<sup>2</sup>

### **Participation in Sports by Students at Schools They Are Not Attending**

Home education students are authorized to participate in sports at the public school to which the student would be assigned, or a private school under certain conditions.<sup>3</sup> Charter school students are also authorized to participate in sports at the public school to which they would have been assigned.<sup>4</sup>

### **Pilot Program for Private School Students to Participate in Sports at Public Schools**

The 2007 Legislature passed a law which implemented a two-year pilot program to enable middle and high private school students to participate in interscholastic or intrascholastic sports at public schools within the zoning area of the student. Participation was limited to students residing in Bradford, Duval, and Nassau counties.<sup>5</sup> The two years included in the program were the 2008-09 and 2009-10 academic years.<sup>6</sup>

The legislation required certain conditions for participation, including:

- The private school must be a non-FHSAA member that does not offer an interscholastic or intrascholastic program;
- The student meets conduct guidelines established by the FHSAA and participating district school boards;
- Transportation arrangements are to be borne by the parents. The public school, district school board, and the FHSAA are exempt from any related civil liability; and
- The private school student is limited to participation at one public school for each academic year.

In addition to requiring provision of a copy of the guidelines to the Governor, Senate President, and House Speaker, this legislation required the FHSAA and the district school boards to produce a report on specific information about the student participants and to make recommendations on program improvements.

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<sup>2</sup> The handbook is available at the FHSA website, at: <http://www.fhsaa.org/rules/fhsaa-handbook>

<sup>3</sup> s. 1006.15(3)(c), F.S.

<sup>4</sup> s. 1006.15(3)(d), F.S.

<sup>5</sup> ch. 2008-228, L.O.F.

<sup>6</sup> s. 1006.15, F.S.

## Program Report

The FHSAA provided a report, dated December 15, 2009, which detailed the following regarding interest and participation:

- As of the date of the letter, 23 students submitted the appropriate application form;
- Of those, 11 were middle school students and 12 were high school students;
- Of the 23, 11 were from Bradford county, 10 were from Duval county, and two were from Nassau county;
- Of the applicants, 15 were approved, two were denied, and six failed to provide additional information required for eligibility determinations; and
- Two students later transferred to the public school in which they participated.

The report also indicated that no problems existed other than coordination between start and end times of the schools and transportation. No recommendations were made regarding expansion or continuation of the program.<sup>7</sup>

### III. Effect of Proposed Changes:

**Section 1** amends s. 1006.15, F.S., to remove language which established the pilot program and tested private school student sports participation at public schools in certain circumstances. The bill expands the program's current limited application of Bradford, Duval, and Nassau counties to all counties. In addition to maintaining qualifying conditions, the bill addresses the keeping and production of participant student records.

Public schools at which the eligible private school student participates in sports are required to maintain student records of the private school students. A non-FHSAA private school is required to provide student records to the FHSAA upon request. It is up to the individual school to determine how these records are to be kept.

The bill limits participation of a non-FHSAA private school student at a public school to those students enrolled at private schools with a student population of no greater than 125 students.

The bill makes non-FHSAA member private school students eligible to participate in sports at public schools, just as home education students and charter school students are now. These students would be subject to the same standards as other participants.

**Section 2** provides that the bill takes effect upon becoming law.

### IV. Constitutional Issues:

#### A. Municipality/County Mandates Restrictions:

The provisions of this bill have no impact on municipalities and the counties under the requirements of Article VII, Section 18 of the Florida Constitution.

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<sup>7</sup> Letter to the Governor, Dr. Roger Dearing, Executive Director, FHSAA (December 15, 2009).

**B. Public Records/Open Meetings Issues:**

The provisions of the bill have no impact on public records or open meetings issues under the requirements of Article I, Section 24(a) and (b) of the Florida Constitution.

**C. Trust Funds Restrictions:**

The provisions of this bill have no impact on the trust fund restrictions under the requirements of Article III, Subsection 19(f) of the Florida Constitution.

**V. Fiscal Impact Statement:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

There may be local school costs associated with maintaining and providing records of students; however, these are expected to be insignificant.

According to the Florida Department of Education, there are 1,600 private schools with a student population of under 125 students. It is unknown how many students would pursue the option provided in this bill and how many would qualify as eligible; however, results of the pilot program suggest that relatively few students would participate.

**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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