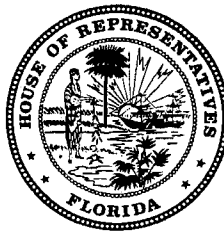


PreK - 12 Education Committee

**Meeting
Tuesday, March 14, 2006
3:30 — 4:00 p.m.
Morris Hall**



Florida House of Representatives

Allan G. Bense

Speaker

PreK-12 Education Committee

Ralph Arza, Chair

Representative Lorraine Ausley

Representative Elyn Bogdanoff

Representative Marti Coley

Representative Frank Farkas

Representative Kenneth Gottlieb

Joe Pickens, Vice Chair

Representative Stan Mayfield

Representative Dave Murzin

Representative Curtis Richardson

Representative Trey Traviesa

AGENDA

March 14, 2006

- I. Chairman's Opening Remarks**
- II. PCB PKT 06-02 – FHSAA**
- III. Chairman's Closing Remarks**
- IV. Adjournment**

1 A bill to be entitled
2 An act relating to student athlete recruiting; requiring
3 the Florida High School Athletic Association to hold
4 certain bylaws in abeyance; providing for creation of a
5 task force to review student athlete recruiting issues;
6 providing for task force membership and duties; requiring
7 recommendations to the Governor and the Legislature;
8 requiring the Office of Program Policy Analysis and
9 Government Accountability to conduct a review of
10 recruiting violations by Florida High School Athletic
11 Association member schools; providing appropriations;
12 providing an effective date.

13
14 Be It Enacted by the Legislature of the State of Florida:

15
16 Section 1. (1) The Florida High School Athletic
17 Association shall, until July 1, 2007, hold in abeyance the 2006-
18 2007 revisions to sections 11.01, 11.02, 11.2, 11.3, and 11.4,
19 Bylaws of the Florida High School Athletic Association, relating
20 to student athlete residence and transfer, adopted pursuant to s.
21 1006.20, Florida Statutes.

22 (2) A Student Athlete Recruiting Task Force shall be
23 created to review issues concerning recruiting of secondary
24 school student athletes. The task force shall make
25 recommendations that preserve the parental right to school choice
26 while protecting the integrity of Florida's interscholastic
27 athletic programs. The task force shall consider:

28 (a) The definition of recruiting.

29 (b) Current and proposed procedures governing recruiting of
30 secondary school student athletes.

31 (c) Documented past recruiting practices and violations.
32 Practices to be reviewed shall include, but not be limited to,
33 the provision of tuition scholarships and other inducements,
34 recruitment of foreign athletes, and active solicitation of
35 student athletes and parents by school employees or boosters.

36 (d) The impact of student athlete recruiting rules on
37 parental school choice.

38 (e) The relationship between student athlete transfers and
39 recruiting, including the role of student athlete transfer rules
40 in preventing recruiting.

41 (f) Measures for preventing improper student athlete
42 recruiting and penalties for recruiting violations.

43 (3) The task force shall be comprised of representatives
44 from home school and public and private secondary school
45 proponents and opponents of the 2006-2007 revisions to the bylaws
46 specified in subsection (1). The task force members shall be
47 appointed as follows:

48 (a) Three proponents of the bylaws and three opponents of
49 the bylaws each appointed by the President of the Senate.

50 (b) Three proponents of the bylaws and three opponents of
51 the bylaws each appointed by the Speaker of the House of
52 Representatives.

53 (c) A task force chair appointed by the Governor.

54 (4) Task force members shall serve without compensation but
55 shall be reimbursed for per diem and travel expenses in
56 accordance with s. 112.061, Florida Statutes.

57 (5) The task force shall be staffed by the Office of
58 Program Policy Analysis and Government Accountability and be
59 monitored by the Department of Education. The chair shall convene
60 meetings of the task force as needed and shall ensure that the
61 recommendations are completed and forwarded on time.

62 (6) The task force shall hold its initial meeting not later
63 than June 1, 2006, and shall submit its recommendations to the
64 Governor, the President of the Senate, and the Speaker of the
65 House of Representatives by January 1, 2007. The task force shall
66 dissolve upon rendering its recommendations.

67 Section 2. The Office of Program Policy Analysis and
68 Government Accountability shall conduct an independent review of
69 secondary school recruiting violations among Florida High School
70 Athletic Association member schools and shall have full access to
71 Florida High School Athletic Association records for the purpose
72 of this review.

73 Section 3. The sum of \$60,000 is appropriated from the
74 General Revenue Fund to the Office of Program Policy Analysis and
75 Government Accountability for the 2006-2007 fiscal year to
76 support the work of the Student Athlete Recruiting Task Force.
77 The sum of \$50,000 is appropriated from the General Revenue Fund
78 to the Office of Program Policy Analysis and Government
79 Accountability for the 2006-2007 fiscal year to fund its
80 independent review of secondary school recruiting violations.

81 Section 4. This act shall take effect upon becoming a law.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCB PKT 06-02 FHSAA
SPONSOR(S): PreK-12 Committee
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
Orig. Comm.: PreK-12 Committee		Beagle	Mizereck
1) _____			
2) _____			
3) _____			
4) _____			
5) _____			

SUMMARY ANALYSIS

The proposed committee bill requires the Florida High School Athletic Association (FHSAA) to hold in abeyance certain newly adopted bylaws governing student athlete residence and transfer. The bill creates a task force to review issues concerning student athlete recruiting and make recommendations that preserve parents' rights to school choice and protect the integrity of Florida's interscholastic athletic programs.

The bill requires the Office of Program Policy Analysis and Government Accountability (OPPAGA) to conduct an independent review of documented recruiting violations by FHSAA member schools.

The provisions of the bill are effective upon becoming law.

The bill has a minimal fiscal impact. See Fiscal Comments.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide Limited Government-- The bill requires the FHSAA to hold in abeyance certain bylaws governing student athlete residence and transfer.

B. EFFECT OF PROPOSED CHANGES:

Present Situation:

Founded in 1920, the FHSAA is a non-profit organization that governs interscholastic athletics among Florida's public and private secondary schools. In 1997, the Florida Legislature enacted section 1006.20, F.S., which sets forth FHSAA's organizational structure and governing authority in statute.

Section 1006.20, F.S. grants FHSAA authority to adopt bylaws governing participation of member schools and individual student athletes unless specifically provided for in statute. Statute specifically requires FHSAA bylaws governing student athlete residence and transfer to allow student athletes to be eligible for participation in athletics in the school the student first enrolls in each year.¹ Statute also requires FHSAA to adopt bylaws that specifically prohibit recruiting of student athletes for athletic purposes.²

In January of 2006, the FHSAA Representative Assembly voted to adopt revisions to sections 11.01, 11.02, 11.2, 11.3, and 11.4 of the FHSAA bylaws governing student athlete residence and transfer. The revised bylaws are intended to curtail recruiting of student athletes by placing certain penalties on student athletes who transfer to another school. The revised bylaws apply to all transfers except a move by the student and all members of the student's household that necessitates a change in schools.³ According to the revised bylaws, student athletes who transfer to another school may not participate in varsity athletics for one calendar year but may participate in junior varsity athletics during this time.⁴ Upon the expiration of one calendar year, the student athlete is deemed to have established residency at the new school and may participate in varsity athletics. The revised bylaws contain several exceptions which, if applicable, allow student athletes to transfer without penalty. The receiving school must first make an application for waiver to the FHSAA on the student's behalf. The FHSAA commissioner reviews the waiver application to determine whether the exception applies and the waiver is justified. Subsequent procedures are available for appealing waiver denials and for undue hardship requests. This rule becomes effective for the 2007-2008 school year.

At its February 7, 2006 meeting, the PreK-12 Committee heard public testimony from proponents and opponents of the new FHSAA residence and transfer bylaws. Opponents of the bylaws testified that the new rules violate the statutory provisions on residence and transfer bylaws contained in s.1006.20(2)(a) and impede parents' rights to school choice. Proponents of the bylaws stated that the rules were necessary to prevent student athletes from "shopping" for better teams and more advantageous opportunities for playing time, as well as curtailing illegal recruiting of student athletes.

¹ Section 1006.20(2)(a), F.S.

² Section 1006.20(2)(b), F.S.

³ Section 11.4, Proposed 2006 revisions to the Bylaws of the Florida High School Athletic Association, Inc.

⁴ Id.

Effect of Proposed Changes:

The bill requires FHSAA to hold in abeyance sections 11.01, 11.02, 11.2, 11.3, and 11.4 of the FHSAA bylaws until July 1, 2007. The bill creates a balanced task force comprised of home school and public and private secondary school proponents and opponents of the revised bylaws. The task force must make recommendations to the Governor and the Legislature that preserve parents' rights to school choice and protect the integrity of Florida's interscholastic athletic programs. The bill requires OPPAGA to provide administrative support and staff for the task force.

The bill also requires OPPAGA to conduct an independent review of secondary school recruiting violations among FHSAA member schools. The bill requires FHSAA to grant full access to its records for purposes of OPPAGA's review.

C. SECTION DIRECTORY:

Section 1. Creates an unnumbered section of law requiring FHSAA to hold in abeyance certain bylaws; creates a task force.

Section 2. Requires OPPAGA to review recruiting violations.

Section 3. Provides an appropriation.

Section 4. Provides an effective date upon becoming law.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

This bill does not appear to have a fiscal impact on state government revenues.

2. Expenditures:

This bill has a minimal fiscal impact on state government expenditures. See Fiscal Comments.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

This bill does not appear to have a fiscal impact on local government revenues.

2. Expenditures:

This bill does not appear to have a fiscal impact on local government expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

This bill does not appear to have a fiscal impact on the private sector.

D. FISCAL COMMENTS:

The bill appropriates \$110,000 from General Revenue to fund the task force and OPPAGA review.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not require a city or county to spend funds or to take any action requiring the expenditure of funds.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES