

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 Committee on Community Affairs

BILL: SB 760

INTRODUCER: Senators Burgess and Baxley

SUBJECT: Florida High School Athletic Association (FHSAA)

DATE: March 5, 2021

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Westmark</u>	<u>Bouck</u>	<u>ED</u>	Favorable
2.	<u>Hackett</u>	<u>Ryon</u>	<u>CA</u>	Favorable
3.	_____	_____	<u>RC</u>	_____

I. Summary:

SB 760 enables public schools, virtual schools, and home education cooperatives to choose to maintain sport-selected membership, not only full membership, in the Florida High School Athletic Association (FHSAA) without penalty from the FHSAA.

The bill takes effect July 1, 2021.

II. Present Situation:

The Florida High School Athletic Association

The Florida High School Athletic Association (FHSAA) is designated by law as the governing nonprofit organization of athletics in Florida public schools.¹ The FHSAA is not a state agency, but performs similar functions.² The FHSAA is required to adopt bylaws regulating student eligibility, student residency and transfer, recruiting, health and safety, and investigations and sanctions.³ The bylaws of the FHSAA govern high school athletic programs in its member schools, unless otherwise specifically provided by statute.⁴

If the FHSAA fails to meet requirements specified in law, the Commissioner of Education must designate a nonprofit organization to govern athletics with the approval of the State Board of Education.⁵

¹ Section 1006.20(1), F.S.

² *Id.*

³ Section 1006.20(2)(a), F.S.

⁴ Section 1006.20(1), F.S.

⁵ *Id.*

FHSAA Membership

Any high school⁶ in the state, including charter schools, virtual schools, and home education cooperatives,⁷ may become a member of the Florida High School Athletic Association (FHSAA) and participate in the activities of the FHSAA. However, membership in the FHSAA is not mandatory for any school.⁸ The FHSAA must allow a private school the option of maintaining full membership in the association or joining by sport, and may not discourage a private school from simultaneously maintaining membership in another athletic association.⁹ The FHSAA may allow a public school the option to apply for consideration to join another athletic association.¹⁰

Qualifications for membership in the FHSAA for a Florida secondary school that is accredited and registered with the Florida Department of Education, as well as a home education cooperative, include, but are not limited to:¹¹

- Approval by its governing body of the FHSAA bylaws as the rules governing its interscholastic athletic program;
- Payment of all dues and fees required of member schools;
- Maintenance of insurance coverage required of member schools; and
- Successful completion of the application and provisional period.

Among other responsibilities, the FHSAA Board of Directors approves schools or cooperatives for initial and continuing membership, adopts and amends administrative regulations to govern FHSAA programs, and serves as its highest appellate authority.¹²

The FHSAA defines full member schools as those enjoying all privileges of membership, including the privilege to:¹³

⁶ A senior high school is defined as “any traditional public school, charter school, virtual school, private school or university laboratory school that provides instruction to students at one or more grade levels from 9 through 12.” A combination school is defined as “any traditional public school, charter school, virtual school, private school or university laboratory school that provides instruction to students in both middle/junior high school grades and/or senior high school grades (i.e. K-12, K-8, 6-12, 7-12, etc.) under the direction of a single principal as defined in Bylaw 1.4.25 and located on the same campus, except for 9-12 high schools which have 9th grade centers at a separate location, with participation and enrollment based on a single campus site.” Middle/junior high schools may also join the FHSAA, such schools are defined as “any traditional public school, charter school, virtual school, private school or university laboratory school that provides instruction to students in middle school configurations (terminal grade of 6, 7 or 8) or junior high school configurations (terminal grade of 9).” Florida High School Athletic Association, *Bylaws of the Florida High School Athletic Association, Inc.* (2020-21 Ed.), available at https://fhsaa.com/documents/2020/10/1/2021_handbook_website_1001.pdf?id=292, at 9.

⁷ Defined as “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.” *Id.*

⁸ Section 1006.20(1), F.S.

⁹ *Id.*

¹⁰ *Id.*

¹¹ Florida High School Athletic Association, *Bylaws of the Florida High School Athletic Association, Inc.* (2020-21 Ed.), available at https://fhsaa.com/documents/2020/10/1/2021_handbook_website_1001.pdf?id=292, at 9.

¹² *Id.*, at 9, 12, and 14. The FHSAA is composed of 16 individuals: four elected public school representatives, four elected private school representatives, two elected district school superintendents, two elected district school board members, three representatives appointed by the Commissioner of Education, and the Commissioner of Education or his/her designated representative. Florida High School Athletic Association, *Board of Directors*, https://fhsaa.com/sports/2020/3/11/Board_of_Directors.aspx (last visited Feb. 11, 2021).

¹³ Florida High School Athletic Association, *Bylaws of the Florida High School Athletic Association, Inc.* (2020-21 Ed.), available at https://fhsaa.com/documents/2020/10/1/2021_handbook_website_1001.pdf?id=292, at 8 and 12. Other

- Compete in FHSAA championships;
- Vote in FHSAA elections;
- Seek election to positions in the FHSAA governance structure and substructures; and
- Make applications for and serve as host of multi-school events that require FHSAA office approval.

FHSAA bylaws state that the privilege to participate in the Florida High School State Championship Series is limited only to those senior high schools and combination schools duly elected to full membership in the FHSAA.¹⁴

A school may exercise the option of independent status.¹⁵ However, the FHSAA prohibits member schools from declaring independence in a sport and organizing a conference or league to conduct a playoff or championship without approval of the FHSAA Board of Directors.¹⁶

Athletic Associations

Other athletic associations within the state include the Florida Independent Christian Athletic Association and the Sunshine State Athletic Conference. Outside of Florida, at least a dozen states host multiple state-based athletic associations.¹⁷

III. Effect of Proposed Changes:

SB 760 requires the Florida High School Athletic Association (FHSAA) to allow a public school, a charter school, a virtual school, and a home education cooperative the option of maintaining full membership in the FHSAA or joining by sport. The bill specifies that the FHSAA may not discourage such school or cooperative from simultaneously maintaining membership in another athletic association.

The bill requires the FHSAA to allow a public school to join another athletic association, rather than providing the public school the option to apply for consideration to join.

The bill prohibits the FHSAA from taking any retributory or discriminatory action against any of its member schools that join another athletic association, not only against those who participate in interscholastic competition with non-FHSAA member Florida schools. The bill also prohibits the FHSAA from punishing, discouraging, intimidating, or penalizing any private school; public school, including a charter school; virtual school; and home education cooperative from choosing not to participate in the FHSAA for any sport.

categories of membership defined by the FHSAA include restricted member, applying member, provisional member, and membership by sport.

¹⁴ Florida High School Athletic Association, *Bylaws of the Florida High School Athletic Association, Inc.* (2020-21 Ed.), available at https://fhsaa.com/documents/2020/10/1//2021_handbook_website_1001.pdf?id=292, at 8.

¹⁵ *Id.*, at 58. Reasons for independence include a newly opening school; a school that has consistently been unable to compete in the classification to which it is assigned; a school that is geographically isolated and chooses not to participate for financial reasons; a school whose educational philosophies prohibit such extended athletic participation; or a school that does not or cannot compete for religious reasons. *Id.*

¹⁶ *Id.*

¹⁷ See National Federation of State High School Associations, *State High School Associations Come in All Shapes and Sizes*, <https://www.nfhs.org/articles/state-high-school-associations-come-in-all-shapes-and-sizes/> (last visited Feb. 12, 2021).

The bill may offer a school that is a member of the FHSAA the flexibility to choose the athletic association appropriate for each of its offered sports, while ensuring the school can maintain privileges under the FHSAA.

The bill takes effect July 1, 2021.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 1006.20 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

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