



582164

LEGISLATIVE ACTION

Senate	.	House
	.	
	.	
Floor: 1/AD/2R	.	Floor: CA
04/03/2023 02:17 PM	.	05/03/2023 04:29 PM
	.	

Senator Collins moved the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Paragraphs (c) and (d) of subsection (18) of
section 1002.20, Florida Statutes, are amended to read:

1002.20 K-12 student and parent rights.—Parents of public
school students must receive accurate and timely information
regarding their child’s academic progress and must be informed
of ways they can help their child to succeed in school. K-12
students and their parents are afforded numerous statutory



582164

12 rights including, but not limited to, the following:

13 (18) EXTRACURRICULAR ACTIVITIES.—In accordance with the
14 provisions of s. 1006.15:

15 (c) *Charter school students.*—Charter school students who
16 meet specified academic and conduct requirements are eligible to
17 participate in extracurricular activities at the public school
18 to which the student would be assigned or could choose to attend
19 according to district school board policies, or may develop an
20 agreement to participate at a private school, unless such
21 activity is provided by the student's charter school.

22 (d) *Florida Virtual School full-time students.*—Florida
23 Virtual School full-time students who meet specified academic
24 and conduct requirements are eligible to participate in
25 extracurricular activities at the public school to which the
26 student would be assigned or could choose to attend according to
27 district school board policies, or may develop an agreement to
28 participate at a private school.

29 Section 2. Subsection (11) of section 1002.33, Florida
30 Statutes, is amended to read:

31 1002.33 Charter schools.—

32 (11) PARTICIPATION IN INTERSCHOLASTIC EXTRACURRICULAR
33 ACTIVITIES.—A charter school student is eligible to participate
34 in an interscholastic extracurricular activity at the public
35 school to which the student would be otherwise assigned to
36 attend, or may develop an agreement to participate at a private
37 school, pursuant to s. 1006.15(3) (d).

38 Section 3. Present paragraph (h) of subsection (3) of
39 section 1006.15, Florida Statutes, is redesignated as paragraph
40 (i), and a new paragraph (h) is added to that subsection,



582164

41 subsection (10) is added to that section, and paragraphs (d) and
42 (e) of subsection (3) and subsection (8) of that section are
43 amended, to read:

44 1006.15 Student standards for participation in
45 interscholastic and intrascholastic extracurricular student
46 activities; regulation.—

47 (3)

48 (d) An individual charter school student pursuant to s.
49 1002.33 is eligible to participate at the public school to which
50 the student would be assigned according to district school board
51 attendance area policies or which the student could attend, or
52 may develop an agreement to participate at a private school, in
53 any interscholastic extracurricular activity of that school,
54 unless such activity is provided by the student's charter
55 school, if the following conditions are met:

56 1. The charter school student must meet the requirements of
57 the charter school education program as determined by the
58 charter school governing board.

59 2. During the period of participation at a school, the
60 charter school student must demonstrate educational progress as
61 required in paragraph (b).

62 3. The charter school student must meet the same residency
63 requirements as other students in the school at which he or she
64 participates.

65 4. The charter school student must meet the same standards
66 of acceptance, behavior, and performance that are required of
67 other students in extracurricular activities.

68 5. The charter school student must register with the school
69 his or her intent to participate in interscholastic



582164

70 extracurricular activities as a representative of the school
71 before participation. A charter school student must be able to
72 participate in curricular activities if that is a requirement
73 for an extracurricular activity.

74 6. A student who transfers from a charter school program to
75 a traditional public school before or during the first grading
76 period of the school year is academically eligible to
77 participate in interscholastic extracurricular activities during
78 the first grading period if the student has a successful
79 evaluation from the previous school year, pursuant to
80 subparagraph 2.

81 7. Any public school or private school student who has been
82 unable to maintain academic eligibility for participation in
83 interscholastic extracurricular activities is ineligible to
84 participate in such activities as a charter school student until
85 the student has successfully completed one grading period in a
86 charter school pursuant to subparagraph 2. to become eligible to
87 participate as a charter school student.

88 (e) A student of the Florida Virtual School full-time
89 program may participate in any interscholastic extracurricular
90 activity at the public school to which the student would be
91 assigned according to district school board attendance area
92 policies or which the student could choose to attend pursuant to
93 s. 1002.31, or may develop an agreement to participate at a
94 private school, if the student:

95 1. During the period of participation in the
96 interscholastic extracurricular activity, meets the requirements
97 in paragraph (a).

98 2. Meets any additional requirements as determined by the



582164

99 board of trustees of the Florida Virtual School.

100 3. Meets the same residency requirements as other students
101 in the school at which he or she participates.

102 4. Meets the same standards of acceptance, behavior, and
103 performance that are required of other students in
104 extracurricular activities.

105 5. Registers his or her intent to participate in
106 interscholastic extracurricular activities with the school
107 before participation. A Florida Virtual school student must be
108 able to participate in curricular activities if that is a
109 requirement for an extracurricular activity.

110 (h) An individual traditional public school student who is
111 otherwise eligible to participate in interscholastic
112 extracurricular activities may either participate in any such
113 activity at any public school in the school district in which
114 the student resides or develop an agreement to participate in
115 such activity at a private school, unless the activity is
116 provided by the student's traditional public school. Such
117 student must:

118 1. Meet the same standards of acceptance, behavior, and
119 performance that are required of other students in
120 extracurricular activities at the school at which the student
121 wishes to participate.

122 2. Before participation, register with the school his or
123 her intent to participate in interscholastic extracurricular
124 activities as a representative of the school. The student must
125 be able to participate in curricular activities if that is a
126 requirement for an extracurricular activity.

127 (8) (a) The Florida High School Athletic Association (FHSAA)



582164

128 shall, in cooperation with each district school board and its
129 member private schools, ~~shall~~ facilitate a program in which a
130 middle school or high school student who attends a private
131 school is ~~shall be~~ eligible to participate in an interscholastic
132 or intrascholastic sport at a member public high school, a
133 member public middle school, ~~or a member~~ 6-12 public school, or
134 a member private school, as appropriate for the private school
135 student's grade level ~~to which the student would be assigned~~
136 ~~according to district school board attendance area policies and~~
137 ~~procedures or which the student could choose to attend pursuant~~
138 ~~to s. 1002.31, provided the public school has not reached~~
139 ~~capacity as determined by the district school board~~, if:

140 1. The private school in which the student is enrolled is
141 not a member of the FHSAA.

142 2. The private school student meets the guidelines for the
143 conduct of the program established by the FHSAA's board of
144 directors and the district school board or member private
145 school. At a minimum, such guidelines must ~~shall~~ provide:

146 a. a deadline for each sport by which the private school
147 student's parents must register with the member ~~public~~ school in
148 writing their intent for their child to participate at that
149 school in the sport.

150 ~~b. Requirements for a private school student to~~
151 ~~participate, including, but not limited to, meeting the same~~
152 ~~standards of eligibility, acceptance, behavior, educational~~
153 ~~progress, and performance which apply to other students~~
154 ~~participating in interscholastic or intrascholastic sports at a~~
155 ~~public school or FHSAA member private school.~~

156 (b) The parents of a private school student participating



582164

157 in a member ~~public~~ school sport under this subsection are
158 responsible for transporting their child to and from the member
159 ~~public~~ school at which the student participates. The private
160 school the student attends, the member ~~public~~ school at which
161 the student participates in a sport, the district school board,
162 and the FHSAA are exempt from civil liability arising from any
163 injury that occurs to the student during such transportation.

164 (c) For each academic year, a private school student may
165 only participate at the member ~~public~~ school in which the
166 student is first registered under subparagraph (a)2. ~~sub-~~
167 ~~subparagraph (a)2.a.~~ or makes himself or herself a candidate for
168 an athletic team by engaging in a practice.

169 (d) The athletic director of each participating FHSAA
170 member ~~public~~ school shall maintain the student records
171 necessary for eligibility, compliance, and participation in the
172 program.

173 (e) Any non-FHSAA member private school that has a student
174 who wishes to participate in this program must make all student
175 records, including, but not limited to, academic, financial,
176 disciplinary, and attendance records, available upon request of
177 the FHSAA.

178 (f) A student must apply to participate in this program
179 through the FHSAA program application process.

180 (g) Only students who are enrolled in non-FHSAA member
181 private schools consisting of 125 students or fewer are eligible
182 to participate in the program in any given academic year.

183 (10) A student who participates in an interscholastic or
184 intrascholastic activity at a public school and who transfers
185 from that school during the school year must be allowed to



582164

186 continue to participate in the activity at that school for the
187 remainder of the school year if:

188 (a) During the period of participation in the activity, the
189 student continues to meet the requirements specified in
190 paragraph (3) (a).

191 (b) The student continues to meet the same standards of
192 acceptance, behavior, and performance which are required of
193 other students participating in the activity, except for
194 enrollment requirements at the school at which the student
195 participates.

196 (c) The parents of the student participating in the
197 activity provide for the transportation of the student to and
198 from the school at which the student participates. The school
199 the student attends, the school at which the student
200 participates in the activity, and the district school board are
201 exempt from civil liability arising from any injury that occurs
202 to the student during such transportation.

203 Section 4. Paragraph (a) of subsection (1) of section
204 1006.195, Florida Statutes, is amended to read:

205 1006.195 District school board, charter school authority
206 and responsibility to establish student eligibility regarding
207 participation in interscholastic and intrascholastic
208 extracurricular activities.—Notwithstanding any provision to the
209 contrary in ss. 1006.15, 1006.18, and 1006.20, regarding student
210 eligibility to participate in interscholastic and
211 intrascholastic extracurricular activities:

212 (1) (a) A district school board must establish, through its
213 code of student conduct, student eligibility standards and
214 related student disciplinary actions regarding student



582164

215 participation in interscholastic and intrascholastic
216 extracurricular activities. The code of student conduct must
217 provide that:

218 1. A student not currently suspended from interscholastic
219 or intrascholastic extracurricular activities, or suspended or
220 expelled from school, pursuant to a district school board's
221 suspension or expulsion powers provided in law, including ss.
222 1006.07, 1006.08, and 1006.09, is eligible to participate in
223 interscholastic and intrascholastic extracurricular activities.

224 2. A student may not participate in a sport if the student
225 participated in that same sport at another school during that
226 school year, unless the student meets the criteria in s.
227 1006.15(3)(i) ~~s. 1006.15(3)(h)~~.

228 3. A student's eligibility to participate in any
229 interscholastic or intrascholastic extracurricular activity may
230 not be affected by any alleged recruiting violation until final
231 disposition of the allegation pursuant to s. 1006.20(2)(b).

232 Section 5. Subsection (1), paragraph (a) of subsection (2),
233 paragraphs (a) and (e) of subsection (4), paragraphs (a) and (h)
234 of subsection (5), paragraph (b) of subsection (6), and
235 subsection (8) of section 1006.20, Florida Statutes, are amended
236 to read:

237 1006.20 Athletics in public K-12 schools.—

238 (1) GOVERNING NONPROFIT ORGANIZATION.—The Florida High
239 School Athletic Association (FHSAA) is designated as a ~~the~~
240 governing nonprofit organization of athletics in Florida public
241 schools. If the FHSAA fails to comply with ~~meet the provisions~~
242 ~~of~~ this section, the commissioner must ~~shall~~ designate a
243 nonprofit organization to govern athletics with the approval of



582164

244 the State Board of Education. The FHSAA is not a state agency as
245 defined in s. 120.52. The FHSAA is ~~shall be~~ subject to ~~the~~
246 ~~provisions of~~ s. 1006.19. A private school that wishes to engage
247 in high school athletic competition with a public high school
248 may become a member of the FHSAA. Any high school in this ~~the~~
249 state, including charter schools, virtual schools, and home
250 education cooperatives, may become a member of the FHSAA and
251 participate in the activities of the FHSAA; ~~however,~~ membership
252 in the FHSAA is not mandatory for any school. The FHSAA shall
253 ~~must~~ allow a ~~private~~ school the option of maintaining full
254 membership in the association or joining by sport and may not
255 discourage a ~~private~~ school from simultaneously maintaining
256 membership in another athletic association. The FHSAA shall
257 allow any school joining by sport to participate in the
258 championship contest or series of contests for that sport ~~may~~
259 ~~allow a public school the option to apply for consideration to~~
260 ~~join another athletic association.~~ The FHSAA may not deny or
261 discourage interscholastic competition between its member
262 schools and non-FHSAA member Florida schools, including members
263 of another athletic governing organization, and may not take any
264 retributory or discriminatory action against any of its member
265 schools that participate in interscholastic competition with
266 non-FHSAA member Florida schools. The FHSAA may not unreasonably
267 withhold its approval of an application to become an affiliate
268 member of the National Federation of State High School
269 Associations submitted by any other organization that governs
270 interscholastic athletic competition in this state. The bylaws
271 of the FHSAA are the rules by which high school athletic
272 programs in its member schools, and the students who participate



582164

273 in them, are governed, unless otherwise specifically provided by
274 statute. For the purposes of this section, the term "high
275 school" includes grades 6 through 12.

276 (2) ADOPTION OF BYLAWS, POLICIES, OR GUIDELINES.—

277 (a) The FHSAA shall adopt bylaws that, unless specifically
278 provided otherwise by statute, establish eligibility
279 requirements for all students who participate in high school
280 athletic competition in its member schools. The bylaws governing
281 residence and transfer must ~~shall~~ allow the student to be
282 immediately eligible in the school in which he or she first
283 enrolls each school year or the school in which the student
284 makes himself or herself a candidate for an athletic team by
285 engaging in a practice before ~~prior to~~ enrolling in the school.
286 The bylaws must ~~shall~~ also allow the student to be immediately
287 eligible in the school to which the student has transferred. The
288 student remains ~~shall be~~ eligible in that school so long as he
289 or she remains enrolled in that school. Subsequent eligibility
290 must ~~shall~~ be determined and enforced through the FHSAA's
291 bylaws. Requirements governing eligibility and transfer between
292 member schools must ~~shall~~ be applied similarly to public school
293 students and private school students. The commissioner may
294 direct the FHSAA to revise its bylaws at any time.

295 1. Any changes to the FHSAA's bylaws must be ratified by
296 the State Board of Education.

297 2. A bylaw adopted by the FHSAA board of directors may not
298 take effect until it is ratified by the State Board of
299 Education.

300 (4) BOARD OF DIRECTORS.—

301 (a) The executive and legislative authority of the FHSAA is



582164

302 ~~shall be vested in its board of directors, which is. Any entity~~
303 ~~that appoints members to the board of directors shall examine~~
304 ~~the ethnic and demographic composition of the board when~~
305 ~~selecting candidates for appointment and shall, to the greatest~~
306 ~~extent possible, make appointments that reflect state~~
307 ~~demographic and population trends. The board of directors shall~~
308 ~~be composed of 13 members, eight of whom are appointed by the~~
309 ~~Governor and confirmed by the Senate 16 persons, as follows:~~

310 1. Two public member school representatives elected from
311 among its public school representative members. Each elected
312 representative must be from a different administrative region.

313 2. Two nonpublic member school representatives elected from
314 among its nonpublic school representative members. Each elected
315 representative must be from a different administrative region
316 that are also different from the public member school
317 representatives elected under subparagraph 1.

318 ~~3.1. Two Four~~ public member school representatives
319 ~~appointed from different administrative regions, one elected~~
320 ~~from among its public school representative members within each~~
321 ~~of the four administrative regions.~~

322 ~~4.2. Two Four~~ nonpublic member school representatives
323 ~~appointed from different administrative regions that are also~~
324 ~~different than those represented by the public member school~~
325 ~~representatives appointed under subparagraph 3., one elected~~
326 ~~from among its nonpublic school representative members within~~
327 ~~each of the four administrative regions.~~

328 ~~5.3. Two Three~~ representatives ~~appointed by the~~
329 ~~commissioner, one appointed from the two northernmost~~
330 ~~administrative regions and one appointed from the two~~



582164

331 southernmost administrative regions. ~~The third representative~~
332 ~~shall be appointed to balance the board for diversity or state~~
333 ~~population trends, or both.~~

334 6.4. One ~~Two~~ district school superintendent appointed
335 ~~superintendents, one elected from the two~~ northernmost
336 administrative region ~~regions by the members in those regions~~
337 ~~and one elected from the two southernmost administrative regions~~
338 ~~by the members in those regions.~~

339 7.5. One ~~Two~~ district school board member appointed
340 ~~members, one elected from the two northernmost administrative~~
341 ~~regions by the members in those regions and one elected from the~~
342 ~~two southernmost administrative~~ region ~~regions by the members in~~
343 ~~those regions.~~

344 8.6. The commissioner or his or her designee from the
345 department executive staff.

346 (e) The authority and duties of the board of directors,
347 acting as a body and in accordance with the FHSAA's bylaws, are
348 as follows:

349 1. To act as the incorporated FHSAA's board of directors
350 and to fulfill its obligations as required by the FHSAA's
351 charter and articles of incorporation.

352 2. To establish such guidelines, regulations, policies, and
353 procedures as are authorized by the bylaws.

354 3. To employ an FHSAA executive director, who has ~~shall~~
355 ~~have~~ the authority to waive the bylaws of the FHSAA in order to
356 comply with statutory changes. The hiring of the executive
357 director must be ratified by the State Board of Education.

358 4. To levy annual dues and other fees and to set the
359 percentage of contest receipts to be collected by the FHSAA.



582164

360 5. To approve the budget of the FHSAA. The budget adopted
361 by the board of directors must be ratified by the State Board of
362 Education.

363 6. To organize and conduct statewide interscholastic
364 competitions, which may or may not lead to state championships,
365 and to establish the terms and conditions for these
366 competitions.

367 7. To act as an administrative board in the interpretation
368 of, and final decision on, all questions and appeals arising
369 from the directing of interscholastic athletics of member
370 schools.

371 8. To approve, reject, or amend any legislative
372 recommendations from the representative assembly. Approval of
373 such recommendations requires a majority vote of the board.

374 (5) REPRESENTATIVE ASSEMBLY.—

375 (a) ~~The legislative authority of the FHSAA is vested in its~~
376 representative assembly may make legislative recommendations to
377 the board of directors.

378 (h) Other than making legislative recommendations as
379 authorized by paragraph (a), the authority of the representative
380 assembly is limited to its sole duty, which is to consider,
381 adopt, or reject any recommended proposed amendments to the
382 FHSAA's bylaws.

383 (6) PUBLIC LIAISON ADVISORY COMMITTEE.—

384 (b) A ~~Ne~~ member of the board of directors or the, committee
385 on appeals may not, ~~or representative assembly is eligible to~~
386 serve on the public liaison advisory committee.

387 (8) AMENDMENT OF BYLAWS.—Each member school representative,
388 the board of directors acting as a whole or ~~as~~ members acting



582164

389 individually, any advisory committee acting as a whole to be
390 established by the FHSAA, the commissioner, and the FHSAA's
391 executive director may ~~are empowered to~~ propose amendments to
392 the bylaws. Any other individual may propose an amendment by
393 securing the sponsorship of any such ~~of the aforementioned~~
394 individuals or bodies. All proposed amendments must be submitted
395 directly to the representative assembly for its consideration.
396 The representative assembly shall provide a recommendation to
397 the board of directors to either adopt, reject, or revise any
398 proposed amendments, ~~while empowered to adopt, reject, or revise~~
399 ~~proposed amendments, may not, in and of itself, as a body be~~
400 ~~allowed to propose any amendment for its own consideration.~~

401 Section 6. Section 1006.185, Florida Statutes, is created
402 to read:

403 1006.185 Opening remarks at high school athletic contests.—
404 Each athletic association designated under s. 1006.20 whose
405 membership includes public schools shall adopt bylaws, policies,
406 or procedures that provide each school participating in a high
407 school championship contest or series of contests under the
408 direction and supervision of the association the opportunity to
409 make brief opening remarks, if requested by the school, using
410 the public address system at the event. Such remarks may not be
411 longer than 2 minutes per participating school. The athletic
412 association may not control, monitor, or review the content of
413 the opening remarks and may not control the school's choice of
414 speaker. Member schools may not provide remarks that are
415 derogatory, rude, or threatening. Before the opening remarks, an
416 announcement must be made that the content of any opening
417 remarks by a participating school is not endorsed by and does



582164

418 not reflect the views and or opinions of the athletic
419 association. The decision to allow opening remarks before
420 regular season contests is at the discretion of each school.

421 Section 7. This act shall take effect July 1, 2023.

422

423 ===== T I T L E A M E N D M E N T =====

424 And the title is amended as follows:

425 Delete everything before the enacting clause
426 and insert:

427 A bill to be entitled
428 An act relating to interscholastic activities;
429 amending s. 1002.20, F.S.; authorizing charter school
430 students and Florida Virtual School full-time students
431 to participate in extracurricular activities at a
432 private school under certain circumstances; amending
433 s. 1002.33, F.S.; authorizing charter school students
434 to participate in interscholastic extracurricular
435 activities at a private school under certain
436 circumstances; amending s. 1006.15, F.S.; authorizing
437 charter school students and Florida Virtual School
438 full-time program students to participate in
439 interscholastic extracurricular activities at private
440 schools under certain circumstances; authorizing
441 traditional public school students to participate in
442 interscholastic and intrascholastic activities at
443 certain schools; revising the requirements for
444 students to participate in such activities; revising
445 requirements related to private school students
446 participating at a Florida High School Athletic



582164

447 Association (FHSAA)-member school; providing for the
448 continued participation in such activities by certain
449 students who transfer from a public school; amending
450 s. 1006.195, F.S.; conforming a cross-reference;
451 amending s. 1006.20, F.S.; requiring the FHSAA to
452 allow any school that joins the organization by sport
453 to participate in the championship contest or series
454 of contests for that sport; providing that the
455 Commissioner of Education may direct the FHSAA to
456 revise its bylaws at any time; requiring that any
457 changes to the FHSAA bylaws be ratified by the State
458 Board of Education; deleting a requirement that the
459 appointing authority of members of the FHSAA Board of
460 Directors make appointments that reflect the
461 demographic and population trends of this state;
462 revising the composition of the board of directors;
463 providing that all appointed board members be
464 appointed by the Governor and confirmed by the Senate;
465 requiring that the hiring of the FHSAA executive
466 director and the budget adopted by the board of
467 directors be ratified by the State Board of Education;
468 requiring a majority vote of the board of directors
469 for the approval of legislative recommendations from
470 the representative assembly; creating s. 1006.185,
471 F.S.; requiring each approved athletic association
472 whose membership includes public schools to allow each
473 participating school to make opening remarks at
474 certain athletic contests; providing requirements for
475 the remarks; providing an effective date.