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LEGISLATIVE ACTION

Senate

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House

The Committee on Education Pre-K -12 (Collins) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

1006.20 Athletics in public K-12 schools.-



273934

11 (1) GOVERNING NONPROFIT ORGANIZATION.—The Florida High
12 School Athletic Association (FHSAA) is designated as a ~~the~~
13 governing nonprofit organization of athletics in Florida public
14 schools. If the FHSAA fails to meet the provisions of this
15 section, the commissioner must ~~shall~~ designate a nonprofit
16 organization to govern athletics with the approval of the State
17 Board of Education. The FHSAA is not a state agency as defined
18 in s. 120.52. The FHSAA is ~~shall be~~ subject to ~~the provisions of~~
19 s. 1006.19. A private school that wishes to engage in high
20 school athletic competition with a public high school may become
21 a member of the FHSAA. Any high school in this ~~the~~ state,
22 including charter schools, virtual schools, and home education
23 cooperatives, may become a member of the FHSAA and participate
24 in the activities of the FHSAA; ~~however,~~ membership in the
25 FHSAA is not mandatory for any school. The FHSAA shall ~~must~~
26 allow a ~~private~~ school the option of maintaining full membership
27 in the association or joining by sport and may not discourage a
28 ~~private~~ school from simultaneously maintaining membership in
29 another athletic association. The FHSAA shall allow any school
30 joining by sport to participate in the championship contest or
31 series of contests for that sport ~~may allow a public school the~~
32 ~~option to apply for consideration to join another athletic~~
33 ~~association~~. The FHSAA may not deny or discourage
34 interscholastic competition between its member schools and non-
35 FHSAA member Florida schools, including members of another
36 athletic governing organization, and may not take any
37 retributory or discriminatory action against any of its member
38 schools that participate in interscholastic competition with
39 non-FHSAA member Florida schools. The FHSAA may not unreasonably



273934

40 withhold its approval of an application to become an affiliate
41 member of the National Federation of State High School
42 Associations submitted by any other organization that governs
43 interscholastic athletic competition in this state. The bylaws
44 of the FHSAA are the rules by which high school athletic
45 programs in its member schools, and the students who participate
46 in them, are governed, unless otherwise specifically provided by
47 statute. For the purposes of this section, the term "high
48 school" includes grades 6 through 12.

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

50 (a) The FHSAA shall adopt bylaws that, unless specifically
51 provided otherwise by statute, establish eligibility
52 requirements for all students who participate in high school
53 athletic competition in its member schools. The bylaws governing
54 residence and transfer must ~~shall~~ allow the student to be
55 immediately eligible in the school in which he or she first
56 enrolls each school year or the school in which the student
57 makes himself or herself a candidate for an athletic team by
58 engaging in a practice before ~~prior to~~ enrolling in the school.
59 The bylaws must ~~shall~~ also allow the student to be immediately
60 eligible in the school to which the student has transferred. The
61 student remains ~~shall be~~ eligible in that school so long as he
62 or she remains enrolled in that school. Subsequent eligibility
63 must ~~shall~~ be determined and enforced through the FHSAA's
64 bylaws. Requirements governing eligibility and transfer between
65 member schools must ~~shall~~ be applied similarly to public school
66 students and private school students. The commissioner may
67 direct the FHSAA to revise its bylaws at any time.

68 1. Any changes to the FHSAA's bylaws must be ratified by



273934

69 the State Board of Education.

70 2. A bylaw adopted by the FHSAA board of directors may not
71 take effect until it is ratified by the State Board of
72 Education.

73 (4) BOARD OF DIRECTORS.—

74 (a) The executive and legislative authority of the FHSAA is
75 shall be vested in its board of directors, which is. ~~Any entity~~
76 ~~that appoints members to the board of directors shall examine~~
77 ~~the ethnic and demographic composition of the board when~~
78 ~~selecting candidates for appointment and shall, to the greatest~~
79 ~~extent possible, make appointments that reflect state~~
80 ~~demographic and population trends. The board of directors shall~~
81 ~~be~~ composed of 9 members, 8 of whom are appointed by the
82 Governor and confirmed by the Senate 16 persons, as follows:

83 1. Two Four public member school representatives appointed
84 from different administrative regions, ~~one elected from among~~
85 ~~its public school representative members within each of the four~~
86 ~~administrative regions.~~

87 2. Two Four nonpublic member school representatives
88 appointed from different administrative regions that are also
89 different than those represented by the public member school
90 representatives appointed under subparagraph 1., ~~one elected~~
91 ~~from among its nonpublic school representative members within~~
92 ~~each of the four administrative regions.~~

93 3. Two Three representatives ~~appointed by the commissioner,~~
94 one appointed from the two northernmost administrative regions
95 and one appointed from the two southernmost administrative
96 regions. ~~The third representative shall be appointed to balance~~
97 ~~the board for diversity or state population trends, or both.~~



273934

98 4. One ~~Two~~ district school superintendent appointed from
99 ~~superintendents, one elected~~ from the ~~two~~ northernmost
100 administrative region ~~regions~~ by the members in those regions
101 and ~~one elected from the two southernmost administrative regions~~
102 ~~by the members in those regions.~~

103 5. One ~~Two~~ district school board member appointed ~~members,~~
104 ~~one elected from the two northernmost administrative regions by~~
105 ~~the members in those regions and one elected~~ from the ~~two~~
106 southernmost administrative region ~~regions~~ by the members in
107 ~~those regions.~~

108 6. The commissioner or his or her designee from the
109 department executive staff.

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

113 1. To act as the incorporated FHSAA's board of directors
114 and to fulfill its obligations as required by the FHSAA's
115 charter and articles of incorporation.

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

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

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

124 5. To approve the budget of the FHSAA. The budget adopted
125 by the board of directors must be ratified by the State Board of
126 Education.



273934

127 6. To organize and conduct statewide interscholastic
128 competitions, which may or may not lead to state championships,
129 and to establish the terms and conditions for these
130 competitions.

131 7. To act as an administrative board in the interpretation
132 of, and final decision on, all questions and appeals arising
133 from the directing of interscholastic athletics of member
134 schools.

135 8. To approve, reject, or amend any legislative
136 recommendations from the representative assembly. Approval of
137 such recommendations requires a majority vote of the board.

138 (5) REPRESENTATIVE ASSEMBLY.—

139 (a) ~~The legislative authority of the FHSAA is vested in its~~
140 representative assembly may make legislative recommendations to
141 the board of directors.

142 (h) The authority of the representative assembly is limited
143 to its sole duty, which is to consider, adopt, or reject any
144 recommended proposed amendments to the FHSAA's bylaws.

145 (6) PUBLIC LIAISON ADVISORY COMMITTEE.—

146 (b) A ~~No~~ member of the board of directors or the committee
147 on appeals may not, ~~or representative assembly is eligible to~~
148 serve on the public liaison advisory committee.

149 (8) AMENDMENT OF BYLAWS.—Each member school representative,
150 the board of directors acting as a whole or ~~as~~ members acting
151 individually, any advisory committee acting as a whole to be
152 established by the FHSAA, the commissioner, and the FHSAA's
153 executive director may ~~are empowered to~~ propose amendments to
154 the bylaws. Any other individual may propose an amendment by
155 securing the sponsorship of any such ~~of the aforementioned~~



273934

156 individuals or bodies. All proposed amendments must be submitted
157 directly to the representative assembly for its consideration.
158 The representative assembly shall provide a recommendation to
159 the board of directors to either adopt, reject, or revise any
160 proposed amendments, while empowered to adopt, reject, or revise
161 proposed amendments, may not, in and of itself, as a body be
162 allowed to propose any amendment for its own consideration.

163 Section 2. Section 1006.185, Florida Statutes, is created
164 to read:

165 1006.185 Opening remarks at high school athletic contests.-
166 Each athletic association designated under s. 1006.20 whose
167 membership includes public schools shall adopt bylaws, policies,
168 or procedures that provide each school participating in a high
169 school championship contest or series of contests under the
170 direction and supervision of the association the opportunity to
171 make brief opening remarks, if requested by the school, using
172 the public address system at the event. Such remarks may not be
173 longer than 2 minutes per participating school. The athletic
174 association may not control, monitor, or review the content of
175 the opening remarks and may not control the school's choice of
176 speaker. Member schools may not provide remarks that are
177 derogatory, rude, or threatening. Before the opening remarks, an
178 announcement must be made that the content of any opening
179 remarks by a participating school is not endorsed by and does
180 not reflect the views and or opinions of the athletic
181 association. The decision to allow opening remarks before
182 regular season contests is at the discretion of each school.

183 Section 3. This act shall take effect July 1, 2023.
184



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

186 And the title is amended as follows:

187 Delete everything before the enacting clause

188 and insert:

189 A bill to be entitled
190 An act relating to interscholastic activities;
191 amending s. 1006.20, F.S.; requiring the Florida High
192 School Athletic Association (FHSAA) to allow any
193 school joining the organization by sport to
194 participate in the championship contest or series of
195 contests for that sport; providing that the
196 Commissioner of Education may direct the FHSAA to
197 revise its bylaws at any time; requiring that any
198 changes to the FHSAA bylaws be ratified by the State
199 Board of Education; deleting a requirement that the
200 appointing authority of members of the FHSAA Board of
201 Directors make appointments that reflect the
202 demographic and population trends of this state;
203 revising the composition of the board of directors;
204 providing that all appointed board members be
205 appointed by the Governor and confirmed by the Senate;
206 requiring that the hiring of the FHSAA executive
207 director be ratified by the State Board of Education;
208 requiring that the budget adopted by the board of
209 directors be ratified by the State Board of Education;
210 requiring a majority vote of the board of directors
211 for the approval of legislative recommendations from
212 the representative assembly; creating s. 1006.185,
213 F.S.; requiring each approved athletic association



214 whose membership includes public schools to allow each
215 participating school to make opening remarks at
216 certain athletic contests; providing requirements for
217 the remarks; providing an effective date.