



830706

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/30/2023	.	
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The Committee on Rules (Collins) recommended 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



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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,



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



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



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)



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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



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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



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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





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



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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



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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



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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 nine members, eight of whom are appointed by the~~  
309 ~~Governor and confirmed by the Senate ~~16 persons, as follows:~~~~

310       1. Two ~~Four~~ public member school representatives appointed  
311 from different administrative regions, ~~one elected from among~~  
312 ~~its public school representative members within each of the four~~  
313 ~~administrative regions.~~

314       2. Two ~~Four~~ nonpublic member school representatives  
315 appointed from different administrative regions that are also  
316 different than those represented by the public member school  
317 representatives appointed under subparagraph 1., ~~one elected~~  
318 ~~from among its nonpublic school representative members within~~  
319 ~~each of the four administrative regions.~~

320       3. Two ~~Three~~ representatives ~~appointed by the commissioner,~~  
321 ~~one appointed from the two northernmost administrative regions~~  
322 ~~and one appointed from the two southernmost administrative~~  
323 ~~regions. The third representative shall be appointed to balance~~  
324 ~~the board for diversity or state population trends, or both.~~

325       4. One ~~Two~~ district school superintendent appointed  
326 ~~superintendents,~~ ~~one elected from the two northernmost~~  
327 ~~administrative region regions by the members in those regions~~  
328 ~~and one elected from the two southernmost administrative regions~~  
329 ~~by the members in those regions.~~

330       5. One ~~Two~~ district school board member appointed ~~members,~~



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331 ~~one elected from the two northernmost administrative regions by~~  
332 ~~the members in those regions and one elected from the two~~  
333 southernmost administrative region ~~regions by the members in~~  
334 ~~those regions.~~

335 6. The commissioner or his or her designee from the  
336 department executive staff.

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

340 1. To act as the incorporated FHSAA's board of directors  
341 and to fulfill its obligations as required by the FHSAA's  
342 charter and articles of incorporation.

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

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

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

351 5. To approve the budget of the FHSAA. The budget adopted  
352 by the board of directors must be ratified by the State Board of  
353 Education.

354 6. To organize and conduct statewide interscholastic  
355 competitions, which may or may not lead to state championships,  
356 and to establish the terms and conditions for these  
357 competitions.

358 7. To act as an administrative board in the interpretation  
359 of, and final decision on, all questions and appeals arising



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360 from the directing of interscholastic athletics of member  
361 schools.

362 8. To approve, reject, or amend any legislative  
363 recommendations from the representative assembly. Approval of  
364 such recommendations requires a majority vote of the board.

365 (5) REPRESENTATIVE ASSEMBLY.—

366 (a) ~~The legislative authority of the FHSAA is vested in its~~  
367 representative assembly may make legislative recommendations to  
368 the board of directors.

369 (h) Other than making legislative recommendations as  
370 authorized by paragraph (a), the authority of the representative  
371 assembly is limited to its sole duty, which is to consider,  
372 adopt, or reject any recommended proposed amendments to the  
373 FHSAA's bylaws.

374 (6) PUBLIC LIAISON ADVISORY COMMITTEE.—

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

378 (8) AMENDMENT OF BYLAWS.—Each member school representative,  
379 the board of directors acting as a whole or ~~as~~ members acting  
380 individually, any advisory committee acting as a whole to be  
381 established by the FHSAA, the commissioner, and the FHSAA's  
382 executive director may ~~are empowered to~~ propose amendments to  
383 the bylaws. Any other individual may propose an amendment by  
384 securing the sponsorship of any such ~~of the aforementioned~~  
385 individuals or bodies. All proposed amendments must be submitted  
386 directly to the representative assembly for its consideration.  
387 The representative assembly shall provide a recommendation to  
388 the board of directors to either adopt, reject, or revise any



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389 ~~proposed amendments, while empowered to adopt, reject, or revise~~  
390 ~~proposed amendments, may not, in and of itself, as a body be~~  
391 ~~allowed to propose any amendment for its own consideration.~~

392 Section 6. Section 1006.185, Florida Statutes, is created  
393 to read:

394 1006.185 Opening remarks at high school athletic contests.-  
395 Each athletic association designated under s. 1006.20 whose  
396 membership includes public schools shall adopt bylaws, policies,  
397 or procedures that provide each school participating in a high  
398 school championship contest or series of contests under the  
399 direction and supervision of the association the opportunity to  
400 make brief opening remarks, if requested by the school, using  
401 the public address system at the event. Such remarks may not be  
402 longer than 2 minutes per participating school. The athletic  
403 association may not control, monitor, or review the content of  
404 the opening remarks and may not control the school's choice of  
405 speaker. Member schools may not provide remarks that are  
406 derogatory, rude, or threatening. Before the opening remarks, an  
407 announcement must be made that the content of any opening  
408 remarks by a participating school is not endorsed by and does  
409 not reflect the views and or opinions of the athletic  
410 association. The decision to allow opening remarks before  
411 regular season contests is at the discretion of each school.

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

413  
414 ===== T I T L E A M E N D M E N T =====

415 And the title is amended as follows:

416 Delete everything before the enacting clause  
417 and insert:



418                                   A bill to be entitled  
419           An act relating to interscholastic activities;  
420           amending s. 1002.20, F.S.; authorizing charter school  
421           students and Florida Virtual School full-time students  
422           to participate in extracurricular activities at a  
423           private school under certain circumstances; amending  
424           s. 1002.33, F.S.; authorizing charter school students  
425           to participate in interscholastic extracurricular  
426           activities at a private school under certain  
427           circumstances; amending s 1006.15, F.S.; authorizing  
428           charter school students and Florida Virtual School  
429           full-time program students to participate in  
430           interscholastic extracurricular activities at private  
431           schools under certain circumstances; authorizing  
432           traditional public school students to participate in  
433           interscholastic and intrascholastic activities at  
434           certain schools; revising the requirements for  
435           students to participate in such activities; revising  
436           requirements related to private school students  
437           participating at a Florida High School Athletic  
438           Association (FHSAA)-member school; providing for the  
439           continued participation in such activities by certain  
440           students who transfer from a public school; amending  
441           s. 1006.195, F.S.; conforming a cross-reference;  
442           amending s. 1006.20, F.S.; requiring the FHSAA to  
443           allow any school that joins the organization by sport  
444           to participate in the championship contest or series  
445           of contests for that sport; providing that the  
446           Commissioner of Education may direct the FHSAA to





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447        revise its bylaws at any time; requiring that any  
448        changes to the FHSAA bylaws be ratified by the State  
449        Board of Education; deleting a requirement that the  
450        appointing authority of members of the FHSAA Board of  
451        Directors make appointments that reflect the  
452        demographic and population trends of this state;  
453        revising the composition of the board of directors;  
454        providing that all appointed board members be  
455        appointed by the Governor and confirmed by the Senate;  
456        requiring that the hiring of the FHSAA executive  
457        director and the budget adopted by the board of  
458        directors be ratified by the State Board of Education;  
459        requiring a majority vote of the board of directors  
460        for the approval of legislative recommendations from  
461        the representative assembly; creating s. 1006.185,  
462        F.S.; requiring each approved athletic association  
463        whose membership includes public schools to allow each  
464        participating school to make opening remarks at  
465        certain athletic contests; providing requirements for  
466        the remarks; providing an effective date.