

By the Committee on Education Pre-K -12; and Senators Collins, Grall, and Perry

581-02306-23

2023308c1

1 A bill to be entitled
2 An act relating to interscholastic activities;
3 amending ss. 1002.33 and 1006.15, F.S.; authorizing
4 charter school students to participate in
5 interscholastic extracurricular activities at private
6 schools under certain circumstances; amending s.
7 1006.20, F.S.; requiring the Florida High School
8 Athletic Association (FHSAA) to allow any school
9 joining the organization by sport to participate in
10 the championship contest or series of contests for
11 that sport; providing that the Commissioner of
12 Education may direct the FHSAA to revise its bylaws at
13 any time; requiring that any changes to the FHSAA
14 bylaws be ratified by the State Board of Education;
15 deleting a requirement that the appointing authority
16 of members of the FHSAA Board of Directors make
17 appointments that reflect the demographic and
18 population trends of this state; revising the
19 composition of the board of directors; providing that
20 all appointed board members be appointed by the
21 Governor and confirmed by the Senate; requiring that
22 the hiring of the FHSAA executive director be ratified
23 by the State Board of Education; requiring that the
24 budget adopted by the board of directors be ratified
25 by the State Board of Education; requiring a majority
26 vote of the board of directors for the approval of
27 legislative recommendations from the representative
28 assembly; creating s. 1006.185, F.S.; requiring each
29 approved athletic association whose membership

581-02306-23

2023308c1

30 includes public schools to allow each participating
31 school to make opening remarks at certain athletic
32 contests; providing requirements for the remarks;
33 providing an effective date.
34

35 Be It Enacted by the Legislature of the State of Florida:
36

37 Section 1. Subsection (11) of section 1002.33, Florida
38 Statutes, is amended to read:

39 1002.33 Charter schools.—

40 (11) PARTICIPATION IN INTERSCHOLASTIC EXTRACURRICULAR
41 ACTIVITIES.—A charter school student is eligible to participate
42 in an interscholastic extracurricular activity at the public
43 school to which the student would be otherwise assigned to
44 attend, or may develop an agreement to participate at a private
45 school, pursuant to s. 1006.15(3) (d).

46 Section 2. Paragraph (d) of subsection (3) of section
47 1006.15, Florida Statutes, is amended to read:

48 1006.15 Student standards for participation in
49 interscholastic and intrascholastic extracurricular student
50 activities; regulation.—

51 (3)

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

581-02306-23

2023308c1

59 school, if the following conditions are met:

60 1. The charter school student must meet the requirements of
61 the charter school education program as determined by the
62 charter school governing board.

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

66 3. The charter school student must meet the same residency
67 requirements as other students in the school at which he or she
68 participates.

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

72 5. The charter school student must register with the school
73 his or her intent to participate in interscholastic
74 extracurricular activities as a representative of the school
75 before participation. A charter school student must be able to
76 participate in curricular activities if that is a requirement
77 for an extracurricular activity.

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

85 7. Any public school or private school student who has been
86 unable to maintain academic eligibility for participation in
87 interscholastic extracurricular activities is ineligible to

581-02306-23

2023308c1

88 participate in such activities as a charter school student until
89 the student has successfully completed one grading period in a
90 charter school pursuant to subparagraph 2. to become eligible to
91 participate as a charter school student.

92 Section 3. Subsection (1), paragraph (a) of subsection (2),
93 paragraphs (a) and (e) of subsection (4), paragraphs (a) and (h)
94 of subsection (5), paragraph (b) of subsection (6), and
95 subsection (8) of section 1006.20, Florida Statutes, are amended
96 to read:

97 1006.20 Athletics in public K-12 schools.—

98 (1) GOVERNING NONPROFIT ORGANIZATION.—The Florida High
99 School Athletic Association (FHSAA) is designated as a ~~the~~
100 governing nonprofit organization of athletics in Florida public
101 schools. If the FHSAA fails to meet the provisions of this
102 section, the commissioner must ~~shall~~ designate a nonprofit
103 organization to govern athletics with the approval of the State
104 Board of Education. The FHSAA is not a state agency as defined
105 in s. 120.52. The FHSAA is ~~shall be~~ subject to ~~the provisions of~~
106 s. 1006.19. A private school that wishes to engage in high
107 school athletic competition with a public high school may become
108 a member of the FHSAA. Any high school in this ~~the~~ state,
109 including charter schools, virtual schools, and home education
110 cooperatives, may become a member of the FHSAA and participate
111 in the activities of the FHSAA; ~~however,~~ membership in the
112 FHSAA is not mandatory for any school. The FHSAA shall ~~must~~
113 allow a ~~private~~ school the option of maintaining full membership
114 in the association or joining by sport and may not discourage a
115 ~~private~~ school from simultaneously maintaining membership in
116 another athletic association. The FHSAA shall allow any school

581-02306-23

2023308c1

117 joining by sport to participate in the championship contest or
118 series of contests for that sport ~~may allow a public school the~~
119 ~~option to apply for consideration to join another athletic~~
120 ~~association.~~ The FHSAA may not deny or discourage
121 interscholastic competition between its member schools and non-
122 FHSAA member Florida schools, including members of another
123 athletic governing organization, and may not take any
124 retributory or discriminatory action against any of its member
125 schools that participate in interscholastic competition with
126 non-FHSAA member Florida schools. The FHSAA may not unreasonably
127 withhold its approval of an application to become an affiliate
128 member of the National Federation of State High School
129 Associations submitted by any other organization that governs
130 interscholastic athletic competition in this state. The bylaws
131 of the FHSAA are the rules by which high school athletic
132 programs in its member schools, and the students who participate
133 in them, are governed, unless otherwise specifically provided by
134 statute. For the purposes of this section, the term "high
135 school" includes grades 6 through 12.

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

137 (a) The FHSAA shall adopt bylaws that, unless specifically
138 provided otherwise by statute, establish eligibility
139 requirements for all students who participate in high school
140 athletic competition in its member schools. The bylaws governing
141 residence and transfer must ~~shall~~ allow the student to be
142 immediately eligible in the school in which he or she first
143 enrolls each school year or the school in which the student
144 makes himself or herself a candidate for an athletic team by
145 engaging in a practice before ~~prior to~~ enrolling in the school.

581-02306-23

2023308c1

146 The bylaws must ~~shall~~ also allow the student to be immediately
147 eligible in the school to which the student has transferred. The
148 student remains ~~shall be~~ eligible in that school so long as he
149 or she remains enrolled in that school. Subsequent eligibility
150 must ~~shall~~ be determined and enforced through the FHSAA's
151 bylaws. Requirements governing eligibility and transfer between
152 member schools must ~~shall~~ be applied similarly to public school
153 students and private school students. The commissioner may
154 direct the FHSAA to revise its bylaws at any time.

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

157 2. A bylaw adopted by the FHSAA board of directors may not
158 take effect until it is ratified by the State Board of
159 Education.

160 (4) BOARD OF DIRECTORS.—

161 (a) The executive and legislative authority of the FHSAA is
162 ~~shall be~~ vested in its board of directors, which is. ~~Any entity~~
163 ~~that appoints members to the board of directors shall examine~~
164 ~~the ethnic and demographic composition of the board when~~
165 ~~selecting candidates for appointment and shall, to the greatest~~
166 ~~extent possible, make appointments that reflect state~~
167 ~~demographic and population trends. The board of directors shall~~
168 ~~be~~ composed of 9 members, 8 of whom are appointed by the
169 Governor and confirmed by the Senate ~~16 persons~~, as follows:

170 1. Two ~~Four~~ public member school representatives appointed
171 from different administrative regions, ~~one elected from among~~
172 ~~its public school representative members within each of the four~~
173 ~~administrative regions.~~

174 2. Two ~~Four~~ nonpublic member school representatives

581-02306-23

2023308c1

175 appointed from different administrative regions that are also
176 different than those represented by the public member school
177 representatives appointed under subparagraph 1.~~one elected~~
178 ~~from among its nonpublic school representative members within~~
179 ~~each of the four administrative regions.~~

180 3. Two ~~Three~~ representatives appointed by the commissioner,
181 one appointed from the two northernmost administrative regions
182 and one appointed from the two southernmost administrative
183 regions. ~~The third representative shall be appointed to balance~~
184 ~~the board for diversity or state population trends, or both.~~

185 4. One ~~Two~~ district school superintendent appointed
186 ~~superintendents, one elected from the two~~ northernmost
187 administrative region ~~regions~~ by the members in those regions
188 and one elected from the two southernmost administrative regions
189 by the members in those regions.

190 5. One ~~Two~~ district school board member appointed ~~members,~~
191 ~~one elected from the two northernmost administrative regions by~~
192 ~~the members in those regions and one elected from the two~~
193 southernmost administrative region ~~regions~~ by the members in
194 those regions.

195 6. The commissioner or his or her designee from the
196 department executive staff.

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

200 1. To act as the incorporated FHSAA's board of directors
201 and to fulfill its obligations as required by the FHSAA's
202 charter and articles of incorporation.

203 2. To establish such guidelines, regulations, policies, and

581-02306-23

2023308c1

204 procedures as are authorized by the bylaws.

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

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

211 5. To approve the budget of the FHSAA. The budget adopted
212 by the board of directors must be ratified by the State Board of
213 Education.

214 6. To organize and conduct statewide interscholastic
215 competitions, which may or may not lead to state championships,
216 and to establish the terms and conditions for these
217 competitions.

218 7. To act as an administrative board in the interpretation
219 of, and final decision on, all questions and appeals arising
220 from the directing of interscholastic athletics of member
221 schools.

222 8. To approve, reject, or amend any legislative
223 recommendations from the representative assembly. Approval of
224 such recommendations requires a majority vote of the board.

225 (5) REPRESENTATIVE ASSEMBLY.—

226 (a) ~~The legislative authority of the FHSAA is vested in its~~
227 ~~representative assembly~~ may make legislative recommendations to
228 the board of directors.

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

232 (6) PUBLIC LIAISON ADVISORY COMMITTEE.—

581-02306-23

2023308c1

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

236 (8) AMENDMENT OF BYLAWS.—Each member school representative,
237 the board of directors acting as a whole or ~~as~~ members acting
238 individually, any advisory committee acting as a whole to be
239 established by the FHSAA, the commissioner, and the FHSAA's
240 executive director may ~~are empowered to~~ propose amendments to
241 the bylaws. Any other individual may propose an amendment by
242 securing the sponsorship of any such ~~of the aforementioned~~
243 individuals or bodies. All proposed amendments must be submitted
244 directly to the representative assembly for its consideration.
245 The representative assembly shall provide a recommendation to
246 the board of directors to either adopt, reject, or revise any
247 proposed amendments, ~~while empowered to adopt, reject, or revise~~
248 ~~proposed amendments, may not, in and of itself, as a body be~~
249 ~~allowed to propose any amendment for its own consideration.~~

250 Section 4. Section 1006.185, Florida Statutes, is created
251 to read:

252 1006.185 Opening remarks at high school athletic contests.—
253 Each athletic association designated under s. 1006.20 whose
254 membership includes public schools shall adopt bylaws, policies,
255 or procedures that provide each school participating in a high
256 school championship contest or series of contests under the
257 direction and supervision of the association the opportunity to
258 make brief opening remarks, if requested by the school, using
259 the public address system at the event. Such remarks may not be
260 longer than 2 minutes per participating school. The athletic
261 association may not control, monitor, or review the content of

581-02306-23

2023308c1

262 the opening remarks and may not control the school's choice of
263 speaker. Member schools may not provide remarks that are
264 derogatory, rude, or threatening. Before the opening remarks, an
265 announcement must be made that the content of any opening
266 remarks by a participating school is not endorsed by and does
267 not reflect the views and or opinions of the athletic
268 association. The decision to allow opening remarks before
269 regular season contests is at the discretion of each school.

270 Section 5. This act shall take effect July 1, 2023.