

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

595-03342-23

2023308c2

1 A bill to be entitled
2 An act relating to interscholastic activities;
3 amending s. 1002.20, F.S.; authorizing charter school
4 students and Florida Virtual School full-time students
5 to participate in extracurricular activities at a
6 private school under certain circumstances; amending
7 s. 1002.33, F.S.; authorizing charter school students
8 to participate in interscholastic extracurricular
9 activities at a private school under certain
10 circumstances; amending s. 1006.15, F.S.; authorizing
11 charter school students and Florida Virtual School
12 full-time program students to participate in
13 interscholastic extracurricular activities at private
14 schools under certain circumstances; authorizing
15 traditional public school students to participate in
16 interscholastic and intrascholastic activities at
17 certain schools; revising the requirements for
18 students to participate in such activities; revising
19 requirements related to private school students
20 participating at a Florida High School Athletic
21 Association (FHSAA)-member school; providing for the
22 continued participation in such activities by certain
23 students who transfer from a public school; amending
24 s. 1006.195, F.S.; conforming a cross-reference;
25 amending s. 1006.20, F.S.; requiring the FHSAA to
26 allow any school that joins the organization by sport
27 to participate in the championship contest or series
28 of contests for that sport; providing that the
29 Commissioner of Education may direct the FHSAA to

595-03342-23

2023308c2

30 revise its bylaws at any time; requiring that any
31 changes to the FHSAA bylaws be ratified by the State
32 Board of Education; deleting a requirement that the
33 appointing authority of members of the FHSAA Board of
34 Directors make appointments that reflect the
35 demographic and population trends of this state;
36 revising the composition of the board of directors;
37 providing that all appointed board members be
38 appointed by the Governor and confirmed by the Senate;
39 requiring that the hiring of the FHSAA executive
40 director and the budget adopted by the board of
41 directors be ratified by the State Board of Education;
42 requiring a majority vote of the board of directors
43 for the approval of legislative recommendations from
44 the representative assembly; creating s. 1006.185,
45 F.S.; requiring each approved athletic association
46 whose membership includes public schools to allow each
47 participating school to make opening remarks at
48 certain athletic contests; providing requirements for
49 the remarks; providing an effective date.

50
51 Be It Enacted by the Legislature of the State of Florida:

52
53 Section 1. Paragraphs (c) and (d) of subsection (18) of
54 section 1002.20, Florida Statutes, are amended to read:

55 1002.20 K-12 student and parent rights.—Parents of public
56 school students must receive accurate and timely information
57 regarding their child's academic progress and must be informed
58 of ways they can help their child to succeed in school. K-12

595-03342-23

2023308c2

59 students and their parents are afforded numerous statutory
60 rights including, but not limited to, the following:

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

63 (c) *Charter school students.*—Charter school students who
64 meet specified academic and conduct requirements are eligible to
65 participate in extracurricular activities at the public school
66 to which the student would be assigned or could choose to attend
67 according to district school board policies, or may develop an
68 agreement to participate at a private school, unless such
69 activity is provided by the student's charter school.

70 (d) *Florida Virtual School full-time students.*—Florida
71 Virtual School full-time students who meet specified academic
72 and conduct requirements are eligible to participate in
73 extracurricular activities at the public school to which the
74 student would be assigned or could choose to attend according to
75 district school board policies, or may develop an agreement to
76 participate at a private school.

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

79 1002.33 Charter schools.—

80 (11) PARTICIPATION IN INTERSCHOLASTIC EXTRACURRICULAR
81 ACTIVITIES.—A charter school student is eligible to participate
82 in an interscholastic extracurricular activity at the public
83 school to which the student would be otherwise assigned to
84 attend, or may develop an agreement to participate at a private
85 school, pursuant to s. 1006.15(3)(d).

86 Section 3. Present paragraph (h) of subsection (3) of
87 section 1006.15, Florida Statutes, is redesignated as paragraph

595-03342-23

2023308c2

88 (i), and a new paragraph (h) is added to that subsection,
89 subsection (10) is added to that section, and paragraphs (d) and
90 (e) of subsection (3) and subsection (8) of that section are
91 amended, to read:

92 1006.15 Student standards for participation in
93 interscholastic and intrascholastic extracurricular student
94 activities; regulation.—

95 (3)

96 (d) An individual charter school student pursuant to s.
97 1002.33 is eligible to participate at the public school to which
98 the student would be assigned according to district school board
99 attendance area policies or which the student could attend, or
100 may develop an agreement to participate at a private school, in
101 any interscholastic extracurricular activity of that school,
102 unless such activity is provided by the student's charter
103 school, if the following conditions are met:

104 1. The charter school student must meet the requirements of
105 the charter school education program as determined by the
106 charter school governing board.

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

110 3. The charter school student must meet the same residency
111 requirements as other students in the school at which he or she
112 participates.

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

116 5. The charter school student must register with the school

595-03342-23

2023308c2

117 his or her intent to participate in interscholastic
118 extracurricular activities as a representative of the school
119 before participation. A charter school student must be able to
120 participate in curricular activities if that is a requirement
121 for an extracurricular activity.

122 6. A student who transfers from a charter school program to
123 a traditional public school before or during the first grading
124 period of the school year is academically eligible to
125 participate in interscholastic extracurricular activities during
126 the first grading period if the student has a successful
127 evaluation from the previous school year~~7~~ pursuant to
128 subparagraph 2.

129 7. Any public school or private school student who has been
130 unable to maintain academic eligibility for participation in
131 interscholastic extracurricular activities is ineligible to
132 participate in such activities as a charter school student until
133 the student has successfully completed one grading period in a
134 charter school pursuant to subparagraph 2. to become eligible to
135 participate as a charter school student.

136 (e) A student of the Florida Virtual School full-time
137 program may participate in any interscholastic extracurricular
138 activity at the public school to which the student would be
139 assigned according to district school board attendance area
140 policies or which the student could choose to attend pursuant to
141 s. 1002.31, or may develop an agreement to participate at a
142 private school, if the student:

143 1. During the period of participation in the
144 interscholastic extracurricular activity, meets the requirements
145 in paragraph (a).

595-03342-23

2023308c2

146 2. Meets any additional requirements as determined by the
147 board of trustees of the Florida Virtual School.

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

150 4. Meets the same standards of acceptance, behavior, and
151 performance that are required of other students in
152 extracurricular activities.

153 5. Registers his or her intent to participate in
154 interscholastic extracurricular activities with the school
155 before participation. A Florida Virtual school student must be
156 able to participate in curricular activities if that is a
157 requirement for an extracurricular activity.

158 (h) An individual traditional public school student who is
159 otherwise eligible to participate in interscholastic
160 extracurricular activities may either participate in any such
161 activity at any public school in the school district in which
162 the student resides or develop an agreement to participate in
163 such activity at a private school, unless the activity is
164 provided by the student's traditional public school. Such
165 student must:

166 1. Meet the same standards of acceptance, behavior, and
167 performance that are required of other students in
168 extracurricular activities at the school at which the student
169 wishes to participate.

170 2. Before participation, register with the school his or
171 her intent to participate in interscholastic extracurricular
172 activities as a representative of the school. The student must
173 be able to participate in curricular activities if that is a
174 requirement for an extracurricular activity.

595-03342-23

2023308c2

175 (8) (a) The Florida High School Athletic Association (FHSAA)
176 shall, in cooperation with each district school board and its
177 member private schools, ~~shall~~ facilitate a program in which a
178 middle school or high school student who attends a private
179 school is ~~shall be~~ eligible to participate in an interscholastic
180 or intrascholastic sport at a member public high school, a
181 member public middle school, ~~or~~ a member 6-12 public school, or
182 a member private school, as appropriate for the private school
183 student's grade level ~~to which the student would be assigned~~
184 ~~according to district school board attendance area policies and~~
185 ~~procedures or which the student could choose to attend pursuant~~
186 ~~to s. 1002.31, provided the public school has not reached~~
187 ~~capacity as determined by the district school board, if:~~

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

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

194 ~~a.~~ a deadline for each sport by which the private school
195 student's parents must register with the member ~~public~~ school in
196 writing their intent for their child to participate at that
197 school in the sport.

198 ~~b. Requirements for a private school student to~~
199 ~~participate, including, but not limited to, meeting the same~~
200 ~~standards of eligibility, acceptance, behavior, educational~~
201 ~~progress, and performance which apply to other students~~
202 ~~participating in interscholastic or intrascholastic sports at a~~
203 ~~public school or FHSAA member private school.~~

595-03342-23

2023308c2

204 (b) The parents of a private school student participating
205 in a member ~~public~~ school sport under this subsection are
206 responsible for transporting their child to and from the member
207 ~~public~~ school at which the student participates. The private
208 school the student attends, the member ~~public~~ school at which
209 the student participates in a sport, the district school board,
210 and the FHSAA are exempt from civil liability arising from any
211 injury that occurs to the student during such transportation.

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

217 (d) The athletic director of each participating FHSAA
218 member ~~public~~ school shall maintain the student records
219 necessary for eligibility, compliance, and participation in the
220 program.

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

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

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

231 (10) A student who participates in an interscholastic or
232 intrascholastic activity at a public school and who transfers

595-03342-23

2023308c2

233 from that school during the school year must be allowed to
234 continue to participate in the activity at that school for the
235 remainder of the school year if:

236 (a) During the period of participation in the activity, the
237 student continues to meet the requirements specified in
238 paragraph (3) (a).

239 (b) The student continues to meet the same standards of
240 acceptance, behavior, and performance which are required of
241 other students participating in the activity, except for
242 enrollment requirements at the school at which the student
243 participates.

244 (c) The parents of the student participating in the
245 activity provide for the transportation of the student to and
246 from the school at which the student participates. The school
247 the student attends, the school at which the student
248 participates in the activity, and the district school board are
249 exempt from civil liability arising from any injury that occurs
250 to the student during such transportation.

251 Section 4. Paragraph (a) of subsection (1) of section
252 1006.195, Florida Statutes, is amended to read:

253 1006.195 District school board, charter school authority
254 and responsibility to establish student eligibility regarding
255 participation in interscholastic and intrascholastic
256 extracurricular activities.—Notwithstanding any provision to the
257 contrary in ss. 1006.15, 1006.18, and 1006.20, regarding student
258 eligibility to participate in interscholastic and
259 intrascholastic extracurricular activities:

260 (1) (a) A district school board must establish, through its
261 code of student conduct, student eligibility standards and

595-03342-23

2023308c2

262 related student disciplinary actions regarding student
263 participation in interscholastic and intrascholastic
264 extracurricular activities. The code of student conduct must
265 provide that:

266 1. A student not currently suspended from interscholastic
267 or intrascholastic extracurricular activities, or suspended or
268 expelled from school, pursuant to a district school board's
269 suspension or expulsion powers provided in law, including ss.
270 1006.07, 1006.08, and 1006.09, is eligible to participate in
271 interscholastic and intrascholastic extracurricular activities.

272 2. A student may not participate in a sport if the student
273 participated in that same sport at another school during that
274 school year, unless the student meets the criteria in s.
275 1006.15(3)(i) ~~s. 1006.15(3)(h)~~.

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

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

285 1006.20 Athletics in public K-12 schools.—

286 (1) GOVERNING NONPROFIT ORGANIZATION.—The Florida High
287 School Athletic Association (FHSAA) is designated as a ~~the~~
288 governing nonprofit organization of athletics in Florida public
289 schools. If the FHSAA fails to comply with ~~meet the provisions~~
290 ~~of~~ this section, the commissioner must ~~shall~~ designate a

595-03342-23

2023308c2

291 nonprofit organization to govern athletics with the approval of
292 the State Board of Education. The FHSAA is not a state agency as
293 defined in s. 120.52. The FHSAA is ~~shall be~~ subject to the
294 ~~provisions of~~ s. 1006.19. A private school that wishes to engage
295 in high school athletic competition with a public high school
296 may become a member of the FHSAA. Any high school in this ~~the~~
297 state, including charter schools, virtual schools, and home
298 education cooperatives, may become a member of the FHSAA and
299 participate in the activities of the FHSAA; however, membership
300 in the FHSAA is not mandatory for any school. The FHSAA shall
301 ~~must~~ allow a ~~private~~ school the option of maintaining full
302 membership in the association or joining by sport and may not
303 discourage a ~~private~~ school from simultaneously maintaining
304 membership in another athletic association. The FHSAA shall
305 allow any school joining by sport to participate in the
306 championship contest or series of contests for that sport ~~may~~
307 ~~allow a public school the option to apply for consideration to~~
308 ~~join another athletic association~~. The FHSAA may not deny or
309 discourage interscholastic competition between its member
310 schools and non-FHSAA member Florida schools, including members
311 of another athletic governing organization, and may not take any
312 retributory or discriminatory action against any of its member
313 schools that participate in interscholastic competition with
314 non-FHSAA member Florida schools. The FHSAA may not unreasonably
315 withhold its approval of an application to become an affiliate
316 member of the National Federation of State High School
317 Associations submitted by any other organization that governs
318 interscholastic athletic competition in this state. The bylaws
319 of the FHSAA are the rules by which high school athletic

595-03342-23

2023308c2

320 programs in its member schools, and the students who participate
321 in them, are governed, unless otherwise specifically provided by
322 statute. For the purposes of this section, the term "high
323 school" includes grades 6 through 12.

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

325 (a) The FHSAA shall adopt bylaws that, unless specifically
326 provided otherwise by statute, establish eligibility
327 requirements for all students who participate in high school
328 athletic competition in its member schools. The bylaws governing
329 residence and transfer must ~~shall~~ allow the student to be
330 immediately eligible in the school in which he or she first
331 enrolls each school year or the school in which the student
332 makes himself or herself a candidate for an athletic team by
333 engaging in a practice before ~~prior to~~ enrolling in the school.
334 The bylaws must ~~shall~~ also allow the student to be immediately
335 eligible in the school to which the student has transferred. The
336 student remains ~~shall be~~ eligible in that school so long as he
337 or she remains enrolled in that school. Subsequent eligibility
338 must ~~shall~~ be determined and enforced through the FHSAA's
339 bylaws. Requirements governing eligibility and transfer between
340 member schools must ~~shall~~ be applied similarly to public school
341 students and private school students. The commissioner may
342 direct the FHSAA to revise its bylaws at any time.

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

345 2. A bylaw adopted by the FHSAA board of directors may not
346 take effect until it is ratified by the State Board of
347 Education.

348 (4) BOARD OF DIRECTORS.—

595-03342-23

2023308c2

349 (a) The executive and legislative authority of the FHSAA is
350 ~~shall be vested in its board of directors, which is.~~ Any entity
351 ~~that appoints members to the board of directors shall examine~~
352 ~~the ethnic and demographic composition of the board when~~
353 ~~selecting candidates for appointment and shall, to the greatest~~
354 ~~extent possible, make appointments that reflect state~~
355 ~~demographic and population trends. The board of directors shall~~
356 ~~be composed of nine members, eight of whom are appointed by the~~
357 ~~Governor and confirmed by the Senate ~~16 persons, as follows:~~~~

358 1. Two ~~Four~~ public member school representatives appointed
359 from different administrative regions, ~~one elected from among~~
360 ~~its public school representative members within each of the four~~
361 ~~administrative regions.~~

362 2. Two ~~Four~~ nonpublic member school representatives
363 appointed from different administrative regions that are also
364 different than those represented by the public member school
365 representatives appointed under subparagraph 1., ~~one elected~~
366 ~~from among its nonpublic school representative members within~~
367 ~~each of the four administrative regions.~~

368 3. Two ~~Three~~ representatives appointed by the commissioner,
369 ~~one appointed from the two northernmost administrative regions~~
370 ~~and one appointed from the two southernmost administrative~~
371 ~~regions. The third representative shall be appointed to balance~~
372 ~~the board for diversity or state population trends, or both.~~

373 4. One ~~Two~~ district school superintendent appointed
374 ~~superintendents, one elected from the two northernmost~~
375 ~~administrative region regions by the members in those regions~~
376 ~~and one elected from the two southernmost administrative regions~~
377 ~~by the members in those regions.~~

595-03342-23

2023308c2

378 5. One ~~Two~~ district school board member appointed ~~members,~~
379 ~~one elected from the two northernmost administrative regions by~~
380 ~~the members in those regions and one elected from the two~~
381 southernmost administrative region ~~regions by the members in~~
382 ~~those regions.~~

383 6. The commissioner or his or her designee from the
384 department executive staff.

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

388 1. To act as the incorporated FHSAA's board of directors
389 and to fulfill its obligations as required by the FHSAA's
390 charter and articles of incorporation.

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

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

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

399 5. To approve the budget of the FHSAA. The budget adopted
400 by the board of directors must be ratified by the State Board of
401 Education.

402 6. To organize and conduct statewide interscholastic
403 competitions, which may or may not lead to state championships,
404 and to establish the terms and conditions for these
405 competitions.

406 7. To act as an administrative board in the interpretation

595-03342-23

2023308c2

407 of, and final decision on, all questions and appeals arising
408 from the directing of interscholastic athletics of member
409 schools.

410 8. To approve, reject, or amend any legislative
411 recommendations from the representative assembly. Approval of
412 such recommendations requires a majority vote of the board.

413 (5) REPRESENTATIVE ASSEMBLY.—

414 (a) ~~The legislative authority of the FHSAA is vested in its~~
415 ~~representative assembly~~ may make legislative recommendations to
416 the board of directors.

417 (h) Other than making legislative recommendations as
418 authorized by paragraph (a), the authority of the representative
419 assembly is limited to its sole duty, which is to consider,
420 adopt, or reject any recommended proposed amendments to the
421 FHSAA's bylaws.

422 (6) PUBLIC LIAISON ADVISORY COMMITTEE.—

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

426 (8) AMENDMENT OF BYLAWS.—Each member school representative,
427 the board of directors acting as a whole or ~~as~~ members acting
428 individually, any advisory committee acting as a whole to be
429 established by the FHSAA, the commissioner, and the FHSAA's
430 executive director may ~~are empowered to~~ propose amendments to
431 the bylaws. Any other individual may propose an amendment by
432 securing the sponsorship of any such ~~of the aforementioned~~
433 individuals or bodies. All proposed amendments must be submitted
434 directly to the representative assembly for its consideration.
435 The representative assembly shall provide a recommendation to

595-03342-23

2023308c2

436 the board of directors to either adopt, reject, or revise any
437 proposed amendments, while empowered to adopt, reject, or revise
438 proposed amendments, may not, in and of itself, as a body be
439 allowed to propose any amendment for its own consideration.

440 Section 6. Section 1006.185, Florida Statutes, is created
441 to read:

442 1006.185 Opening remarks at high school athletic contests.-
443 Each athletic association designated under s. 1006.20 whose
444 membership includes public schools shall adopt bylaws, policies,
445 or procedures that provide each school participating in a high
446 school championship contest or series of contests under the
447 direction and supervision of the association the opportunity to
448 make brief opening remarks, if requested by the school, using
449 the public address system at the event. Such remarks may not be
450 longer than 2 minutes per participating school. The athletic
451 association may not control, monitor, or review the content of
452 the opening remarks and may not control the school's choice of
453 speaker. Member schools may not provide remarks that are
454 derogatory, rude, or threatening. Before the opening remarks, an
455 announcement must be made that the content of any opening
456 remarks by a participating school is not endorsed by and does
457 not reflect the views and or opinions of the athletic
458 association. The decision to allow opening remarks before
459 regular season contests is at the discretion of each school.

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