

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Education Pre-K -12

BILL: CS/SB 1016

INTRODUCER: Education Pre-K - 12 Committee and Senator Wright

SUBJECT: Patriotic Organizations

DATE: January 24, 2024

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Palazesi	Bouck	ED	Fav/CS
2.			JU	
3.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1016 authorizes school districts to provide patriotic organizations with specified access to K-12 public schools. The bill provides that schools may provide support and facilitate the engagement of certain patriotic organizations in schools, allowing them to interact with students during school hours, distribute instructional materials, and use school facilities if such activities occur outside of the school day.

The bill is effective July 1, 2024.

II. Present Situation:

Federally Designated Patriotic Organizations

In the United States, the states have generally had the authority to create and oversee corporate entities within their boundaries. However, Congress periodically has passed legislation to incorporate both public and private organizations. Broadly speaking, the term “congressional charter” can be understood to include any statute that establishes a new organization or gives legal recognition to an existing organization.¹

¹ Congressional Research Service, *Title 36 Congressional Charters* (Nov. 15, 2021), available at <https://crsreports.congress.gov/product/pdf/IF/IF11972/2>, at 1.

Patriotic, fraternal, or charitable corporate entities are a group that consists of 80-plus corporate entities whose charters comprise Title 36 of the United States Code, subtitles II and III.² A patriotic organization is not business corporations, it is considered “federally chartered corporation” or a “body corporate politic,” and the granting of a federal charter is viewed as a mark of prestige.³

A charter under Title 36 does not inherently establish an organization as a federal agency, confer upon it any governmental authority, or assign it any governmental benefits. Organizations with such charters do not typically, by virtue of their chartered status, receive appropriated funds, nor are they prevented from receiving such funds, unless such a prohibition is provided for in the charter.⁴

Federally designated patriotic and national organizations that serve young people under the age of 21 include, but are limited to, the following:

- Big Brothers—Big Sisters of America⁵
- Boy Scouts of America⁶
- Boys & Girls Clubs of America⁷
- Civil Air Patrol⁸
- Future Farmers of America⁹
- Girl Scouts of the United States of America¹⁰

Additional examples of federally designated patriotic organizations include:

- Agricultural Hall of Fame¹¹
- Blue Star Mothers of America, Inc.¹²
- Disabled American Veterans¹³
- National Academy of Sciences¹⁴
- United States Olympic and Paralympic committee¹⁵

² Office of the General Counsel, United State General Accountability Office, *Principles of Federal Appropriations Law - Third Edition*, 15 GAO-RB pt. B, s. 2 (2015).

³ Office of the General Counsel, United State General Accountability Office, *Principles of Federal Appropriations Law - Third Edition*, 15 GAO-RB pt. B, s. 2 (2015).

⁴ Congressional Research Service, *Title 36 Congressional Charters* (Nov. 15, 2021), available at <https://crsreports.congress.gov/product/pdf/IF/IF11972/2>, at 1.

⁵ 36 U.S.C. s.30101

⁶ 36 U.S.C. s.30901

⁷ 36 U.S.C. s.31101

⁸ 36 U.S.C. s.40301

⁹ 36 U.S.C. s.70901.

¹⁰ 36 U.S.C. s.80301.

¹¹ 36 U.S.C. s.20101.

¹² 36 U.S.C. s.30501.

¹³ 36 U.S.C. s.50301.

¹⁴ 36 U.S.C. s.150301.

¹⁵ 36 U.S.C. s.220501.

Boy Scouts of America Equal Access Act

As part of the No Child Left Behind Act of 2001,¹⁶ the Boy Scouts of America Equal Access Act was created to ensure equal access to schools for the Boy Scouts of America, or any other youth group listed in Title 36 of the United States Code as a patriotic society.¹⁷ The act requires that no public school, school district, or state educational agency that provides an opportunity for one or more outside youth or community groups to meet on school premises or in school facilities before or after school hours, may deny equal access to any group officially affiliated with the Boy Scouts of America, or any other youth group listed in Title 36 of the United States Code as a patriotic society.¹⁸

Groups affiliated with the Boy Scouts or affiliated with any other Title 36 youth group that request to conduct a meeting must be given equal access to any other benefits and services provided to other outside youth groups that are allowed to meet in that same forum.¹⁹ These benefits and services may include, but are not necessarily limited to, school-related means of communication, such as bulletin board notices and literature distribution, and recruitment.²⁰

School Visitation

District school boards are vested with the authority to operate, control, and supervise all free public schools within the school district, and may exercise any power except as expressly prohibited by the State Constitution or general law.²¹ District school boards must provide for proper attention to health, safety, and other matters relating to the welfare of students.²²

Florida law does not generally regulate individuals not employed by a school district who may visit a school campus, such as parents or volunteers. District school boards establish policies and procedures to for such individuals to ensure student safety. However, Florida law does require a noninstructional contractor, who is not considered an employee of the school district, to undergo a fingerprint-based criminal history check,²³ with certain exceptions specified in law.²⁴ In addition, a district school board member or member of the Legislature is authorized in law to visit any public school in that county or legislative district. While such individuals must sign in and out of the school, no advance notice is necessary, the school may offer, but not require, an escort, and an employee may not limit the scope or duration of the visit.²⁵

¹⁶ Pub. L. 107-110, 115 Stat. 1981 (Jan. 8, 2002).

¹⁷ 20 U.S.C. 7905

¹⁸ 20 U.S.C. 7905. Youth group is defined as group or organization listed in title 36 of the United States Code (as a patriotic society) that is intended to serve young people under the age of 21.

¹⁹ 34 C.F.R. s.108.6 C.F.R.

²⁰ *Id.*

²¹ Fla Const. Art. IX, s. 4(b). See also s. 1001.32(2), F.S.

²² Section 1006.07, F.S.

²³ Section 1021.467(1) and (2), F.S.

²⁴ See s. 1012.468, F.S.

²⁵ Section 1001.4205, F.S.

III. Effect of Proposed Changes:

CS/SB 1016 creates s. 1001.433, F.S., to establish requirements and guidelines for access to schools by patriotic organizations. The bill defines a patriotic organization as a youth membership organization serving young people under the age of 21 which is listed in Title 36, U.S.C., as it existed on January 1, 2020, with an educational purpose that promotes patriotism and civic involvement. The bill authorizes school districts to:

- Allow a representative of a patriotic organization the opportunity, during school hours and instructional time, to speak with and distribute instructional materials to students to encourage participation in the patriotic organization and its activities and inform students of how the patriotic organization may further the students' educational interests and civic involvement to better the students' school and community and themselves.
- Provide opportunities for a patriotic organization to have displays at schools within the district to provide opportunities for student recruitment. Such displays may include informational flyers and the use of other existing communication channels.
- Provide a specific day and time for the patriotic organization to speak to students at schools within the district after the patriotic organization has provided reasonable notice of its intent to speak to students and provide displays.

The bill requires that a school district may not discriminate against a patriotic organization in the use of any school building or property, if the patriotic organization's activities occur outside of the school day.

The bill is effective July 1, 2024.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 1001.433 of the Florida Statutes.

IX. Additional Information:A. Committee Substitute – Statement of Substantial Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)**CS by Education Pre-K-12 Committee on January 24, 2024:**

The committee substitute authorizes, instead of requires, schools to allow representatives of patriotic organizations to speak with and distribute information to students in classrooms. The committee substitute also specifies that a school district may not discriminate against a patriotic organization in the use of any school building or property for the purposes of speaking with students or displaying materials, if the activities occur outside of the school day.

B. Amendments:

None.