

**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.)

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Prepared By: The Professional Staff of the Committee on Fiscal Policy

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BILL: CS/HB 1317

INTRODUCER: Choice & Innovation Subcommittee and Representative Duggan and others

SUBJECT: Patriotic Organizations

DATE: February 26, 2024

REVISED: 2/28/24

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ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. <u>Palazesi</u>	<u>Yeatman</u>	<u>FP</u>	<b>Fav/1 amendment</b>

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**Please see Section IX. for Additional Information:**

AMENDMENTS - Amendments were recommended

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**I. Summary:**

CS/HB 1317 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, subject to parental notification, 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.<sup>1</sup>

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<sup>1</sup> 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.<sup>2</sup> 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.<sup>3</sup>

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.<sup>4</sup>

Federally designated patriotic and national organizations that serve young people under the age of 21 include the following organizations:

- Big Brothers—Big Sisters of America.<sup>5</sup>
- Boy Scouts of America.<sup>6</sup>
- Boys & Girls Clubs of America.<sup>7</sup>
- Civil Air Patrol.<sup>8</sup>
- Future Farmers of America.<sup>9</sup>
- Girl Scouts of the United States of America.<sup>10</sup>

Additional examples of federally designated patriotic organizations include:

- Agricultural Hall of Fame.<sup>11</sup>
- Blue Star Mothers of America, Inc.<sup>12</sup>
- Disabled American Veterans.<sup>13</sup>
- National Academy of Sciences.<sup>14</sup>
- United States Olympic and Paralympic committee.<sup>15</sup>

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<sup>2</sup> 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).

<sup>3</sup> 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).

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

<sup>5</sup> 36 U.S.C. s.30101.

<sup>6</sup> 36 U.S.C. s.30901.

<sup>7</sup> 36 U.S.C. s.31101.

<sup>8</sup> 36 U.S.C. s.40301.

<sup>9</sup> 36 U.S.C. s.70901.

<sup>10</sup> 36 U.S.C. s.80301.

<sup>11</sup> 36 U.S.C. s.20101.

<sup>12</sup> 36 U.S.C. s.30501.

<sup>13</sup> 36 U.S.C. s.50301.

<sup>14</sup> 36 U.S.C. s.150301.

<sup>15</sup> 36 U.S.C. s.220501.

## 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.<sup>16</sup> District school boards must provide for proper attention to health, safety, and other matters relating to the welfare of students.<sup>17</sup>

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,<sup>18</sup> with certain exceptions specified in law.<sup>19</sup> 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.<sup>20</sup>

### III. Effect of Proposed Changes:

The bill creates s. 1001.433, F.S., and defines the term “patriotic organization” as a youth membership organization serving young people under the age of 21 that is listed in specified sections of 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 a school district to:

- Allow a representative of a patriotic organization the opportunity, during school hours and instructional time, to speak with and distribute informational materials in a classroom setting 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.

The bill requires that if a school district authorizes a representative of a patriotic organization to speak with students the school district must:

- Provide a specific date 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.
- Notify parents or guardians of each patriotic organization’s expected presentation and the option to withhold consent for their child participating in such presentation.

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<sup>16</sup> Fla Const. Art. IX, s. 4(b). See also s. 1001.32(2), F.S.

<sup>17</sup> Section 1006.07, F.S.

<sup>18</sup> Section 1021.467(1) and (2), F.S.

<sup>19</sup> See s. 1012.468, F.S.

<sup>20</sup> Section 1001.4205, F.S.

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.

Additionally, the bill specifies that a school district that allows a patriotic organization to speak with and distribute informational materials to students or use school buildings or property is not required to provide equal access to an organization that is not designated as a patriotic organization.

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 Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

**B. Amendments:****Barcode 231634 by Fiscal Policy on February 27, 2024:**

Senate amendment barcode 231634:

- Defines a patriotic organization as a youth membership organization specified in federal law that serves young people under the age of 21.
- Authorizes school districts to allow representatives of patriotic organizations to speak and distribute materials during school hours or place displays at schools; but requires that if a school district authorizes a patriotic organization to be on campus, the school district must notify parents and must allow for a parent to withhold consent from the presentation.
- Specifies that a school district may not discriminate against a patriotic organization in the use of any school building or property if the activities occur outside of the school day.
- Specifies that a school that allows a patriotic organization on campus is not required to provide equal access to an organization that is not designated as a patriotic organization.