

**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 Fiscal Policy

---

BILL: CS/HB 1317

INTRODUCER: Choice & Innovation Subcommittee and Representative Duggan and others

SUBJECT: Patriotic Organizations

DATE: February 26, 2024

REVISED: \_\_\_\_\_

---

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Palazesi	Yeatman	FP	<b>Pre-meeting</b>

---

**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, 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>

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>

---

<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.

<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).

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>

### **Big Brothers Big Sisters of America**

Since 1904, Big Brothers Big Sisters has operated under the belief that inherent in every child is incredible potential.<sup>16</sup> Big Brothers Big Sisters purpose is the assisting of individuals throughout the United States in solving their social and economic problems and in their health and educational and character development.<sup>17</sup>

Big Brothers Big Sisters makes meaningful, monitored matches between adult volunteers ("Bigs") and children ("Littles"), ages 5 through young adulthood in communities across the

---

<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.

<sup>16</sup> Big Brothers Big Sisters of America, *About Us*, <https://www.bbbs.org/about-us/> (last visited Jan. 18, 2024).

<sup>17</sup> 36 U.S.C. s.30102.

country. The Big Brothers Big Sisters offers school-based mentoring programs that have the following results, according to former “Littles.”<sup>18</sup>

- 77% said they are doing better in school because of their Big.
- 65% agreed their Big helped them reach a higher level of education that they thought possible.
- 52% agreed their Big kept them from dropping out of high school.

### **Boy Scouts of America**

The Boy Scouts of America (BSA) promotes, through organization and cooperation with other agencies, the ability of boys to do things for themselves and others; to train them in scoutcraft; and to teach them patriotism, courage, self-reliance, and kindred virtues, using the methods that were in common use by boy scouts on June 15, 1916.<sup>19</sup> Since 1910, more than 130 million young men and women have participated in the BSA youth programs. The BSA programs are divided by age and activity:<sup>20</sup>

- Cub Scouting is for boys and girls in kindergarten through grade 5.
- Scouts BSA is open to young men and young women in grades 6 through 12.
- Co-ed Venturing and Sea Scouting are available for young men and young women age 14 through 20.
- The BSA also offers career-oriented co-ed Exploring programs to youth age 10 through 20.

Traditional Scouting programs are operated by local chartering organizations, such as religious institutions, clubs, civic associations, and educational organizations, which implement the scouting program for youth within their communities. These units are led entirely by volunteers appointed by the chartering organization, who are supported by local councils using both volunteers and paid professional staff.<sup>21</sup>

### **Boys & Girls Clubs of America**

In 1990, the Boys Clubs of America was renamed to the Boys & Girls Clubs of America to expand their mission to include girls as part of their cause<sup>22</sup> to promote the health, social, educational, vocational, and character development of youth throughout the United States.<sup>23</sup> The Boys & Girls Clubs of America serves approximately 3.3 million young people from ages 6 to 18 in over 5,200 clubs.<sup>24</sup> Of the 5,200 Boys and Girls Clubs of America, over 2,000 clubs are school based clubs.<sup>25</sup>

---

<sup>18</sup> Big Brothers Big Sisters of America, *Our Impact on Education*, <https://www.bbbs.org/impact-on-education/> (last visited Jan. 18, 2024).

<sup>19</sup> 36 U.S.C. s.30902.

<sup>20</sup> Boy Scouts of America, *About the BSA*, <https://www.scouting.org/about/> (last visited Jan. 18, 2024).

<sup>21</sup> *Id.*

<sup>22</sup> Boys & Girls Clubs of America, *Our Mission & Story*, <https://bgca.org/about-us/our-mission-story> (last visited Jan. 18, 2024).

<sup>23</sup> 36 U.S.C. s.31101.

<sup>24</sup> Boys & Girls Clubs of America, *2022 National Outcomes report*, <https://bgca.org/about-us/annual-report> (last visited Jan. 19, 2024).

<sup>25</sup> Boys & Girls Clubs of America, *2022 Annual Report*, <https://bgca.org/about-us/annual-report> (last visited Jan. 19, 2024).

The Boys & Girls Clubs of America offer the following educational programs:<sup>26</sup>

- Computer Science Pathway is a key component of Boys & Girls Clubs of America education & STEM programming, invites youth and teens on a journey from their first encounter with code to creative computing.
- Digital Literacy Essentials activities are designed to help youth ages 8-16 build digital skills. They provide members of all ability levels with a foundation to explore digital safety, digital privacy, digital presence, online communication and retro gaming.
- Diplomas2Degrees (d2D), a college readiness program, provides a range of services to guide Club members as they work toward high school graduation and prepare for post-secondary education and career success.
- DIY STEM is a hands-on, activity-based STEM curriculum for ages 9-12, which connects youth to science themes they encounter regularly.
- Summer Brain Gain is comprised of one-week modules for all ages, with fun, themed activities for elementary school, middle school and high school students that are aligned with common core anchor standards. In addition, Summer Brain Gain: Read!, a literacy program, complements the larger Summer Brain Gain curriculum.

### **Civil Air Patrol**

The Civil Air Patrol (CAP) encourages and aids citizens of the United States in contributing their efforts, services, and resources in developing aviation and in maintaining air supremacy, and developing by example the voluntary contribution of private citizens to the public welfare.<sup>27</sup> The CAP is a 501(c)3 non-profit organization that serves as the civilian auxiliary to the U.S. Air Force and operates a cadet program for students between the ages of 12 and 18.<sup>28</sup> There are currently 25,000 students enrolled in the youth cadet program, with a median age of 15.<sup>29</sup> The Youth Cadet Program has four outcome based goals for cadets:

- Leadership Training
- Aerospace Education
- Fitness Education
- Character Education

### **Future Farmers of America**

The purposes of the Future Farmers of America (FFA) advance comprehensive agricultural education in the United States, including in public schools, by supporting contextual classroom and laboratory instruction and work-based experiential learning to prepare students for successful entry into productive careers in fields relating to agriculture, food, and natural resources.<sup>30</sup> A core component of FFA participation is the supervised agricultural experience. A supervised agricultural experience is an entrepreneurial or work-based learning experience

---

<sup>26</sup> Boys & Girls Clubs of America, *Education Programs*, <https://bgca.org/programs/education> (last visited Jan. 19, 2024).

<sup>27</sup> 36 U.S.C. s.40302.

<sup>28</sup> Civil Air Patrol, *Youth in Cadet Program*, <https://www.gocivilairpatrol.com/join/youth-in-cadet-program> (last visited Jan. 19, 2024).

<sup>29</sup> Civil Air Patrol, *Cadet Fact Sheet*, [https://www.gocivilairpatrol.com/media/cms/CAPVA\\_60102\\_Fact\\_Sheet\\_Nov17\\_90B9FDE923722.pdf](https://www.gocivilairpatrol.com/media/cms/CAPVA_60102_Fact_Sheet_Nov17_90B9FDE923722.pdf) (last visited Jan. 19, 2024).

<sup>30</sup> 36 U.S.C. s.70902.

related to the student's career interests and goals.<sup>31</sup> A supervised agricultural experience consists of projects or enterprises within the Agriculture, Food and Natural Resources career pathways where the student applies agricultural skills and knowledge taught in the classroom to real-world experiences. There are six types of supervised agricultural experiences:<sup>32</sup>

- Foundational supervised agricultural experience, in which students shadow a worker in an agricultural career and start learning personal financial management and planning and how to safely live and work in agriculture.
- Ownership/Entrepreneurship, in which students own and operate an agriculture-related business or enterprise providing goods or services.
- Placement/internship, in which students gain experience through working for an agricultural employer.
- Research-based supervised agricultural experience, in which students use the scientific process to discover new agricultural knowledge or validate current knowledge and research.
- School-based enterprise, in which students start or continue a business owned and managed by students using school facilities outside of teacher-directed class instruction time to provide goods or services that meet the needs of an identified market.
- Service-learning, in which students complete a service-learning project that is pre-approved by a local review committee that includes the agricultural education teacher and community stakeholders. It must be a stand-alone project, not part of an ongoing chapter project or community fundraiser. The project must align to the Agriculture, Food and Natural Resources Technical Standards and CareerReady Practices.

### **Girl Scouts of the United States of America**

Founded in 1912<sup>33</sup>, the Girl Scouts of the United States of America was organized to promote the qualities of truth, loyalty, helpfulness, friendliness, courtesy, purity, kindness, obedience, cheerfulness, thriftiness, and kindred virtues among girls, as a preparation for their responsibilities in the home and for service to the community.<sup>34</sup> The Girl Scouts of the United States of America is the largest leadership organization for girls in the world. Currently, there are about 2.5 million girl and adult members worldwide.

The Girl Scouts of the United States of America partners with schools to offer the Girl Scout programming that aligns their standards and curriculum. Their programs include hands-on activities and adventures explore subjects ranging from STEM and the outdoors to life skills and entrepreneurship, making Girl Scouts natural leaders in the classroom, at home, and in their communities.<sup>35</sup>

---

<sup>31</sup> Future Farmers of America, *2022-2023 Official FFA Manual*, available at <https://ffa.app.box.com/s/z6bkjdmqd7e329a58a27e5xn1fzcqeqq>, at 11.

<sup>32</sup> Future Farmers of America, *2022-2023 Official FFA Manual*, available at <https://ffa.app.box.com/s/z6bkjdmqd7e329a58a27e5xn1fzcqeqq>, at 11.

<sup>33</sup> Girl Scouts, *Girl Scouts: Fun Facts and Figures*, [https://www.girlscouts.org/content/dam/girlscouts-gsusa/forms-and-documents/about-girl-scouts/facts/GSUSA\\_facts\\_English\\_3-19.pdf](https://www.girlscouts.org/content/dam/girlscouts-gsusa/forms-and-documents/about-girl-scouts/facts/GSUSA_facts_English_3-19.pdf), (last visited Jan. 19, 2024).

<sup>34</sup> 36 U.S.C. s.80302.

<sup>35</sup> Girl Scouts, *K-12 Schools*, <https://www.girlscouts.org/en/footer/schools.html>, (last visited Jan. 19, 2024).

## Boy Scouts of America Equal Access Act

As part of the No Child Left Behind Act of 2001,<sup>36</sup> 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.<sup>37</sup> 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.<sup>38</sup>

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.<sup>39</sup> 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.<sup>40</sup>

## 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>41</sup> District school boards must provide for proper attention to health, safety, and other matters relating to the welfare of students.<sup>42</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>43</sup> with certain exceptions specified in law.<sup>44</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>45</sup>

---

<sup>36</sup> Pub. L. 107-110, 115 Stat. 1981 (Jan. 8, 2002).

<sup>37</sup> 20 U.S.C. 7905.

<sup>38</sup> 20 U.S.C. 7905. A 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.

<sup>39</sup> 34 C.F.R. s.108.6 C.F.R.

<sup>40</sup> *Id.*

<sup>41</sup> Fla Const. Art. IX, s. 4(b). See also s. 1001.32(2), F.S.

<sup>42</sup> Section 1006.07, F.S.

<sup>43</sup> Section 1021.467(1) and (2), F.S.

<sup>44</sup> See s. 1012.468, F.S.

<sup>45</sup> Section 1001.4205, F.S.

### 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 organizations defined in the bill are:

- Big Brothers Big Sisters of America;
- Boy Scouts of America;
- Boys & Girls Clubs of America;
- Civil Air Patrol;
- Future Farmers of America; and
- Girl Scouts of the United States of America.

The bill authorizes, but does not require, a school district to:

- Allow a representative of a patriotic organization the opportunity, during school hours and instructional time, 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.

However, if a school district authorizes such an activity, the bill requires the school district to 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 clarifies that an approved patriotic organization may be allowed to use any school building or property, if such permitted activities are set to occur outside of the school day.

Additionally, the bill clarifies 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:

None.