

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: SB 538

INTRODUCER: Senator Simon

SUBJECT: Physical Education

DATE: January 16, 2026

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Palazesi	Bouck	ED	Pre-meeting
2. _____	_____	JU	_____
3. _____	_____	RC	_____

I. Summary:

SB 538 revises student eligibility and participation requirements for interscholastic and intrascholastic extracurricular activities, including athletics, by defining key terms and establishing an “eligible student” framework for home education, charter, private, Florida Virtual School, alternative, and traditional public-school students.

The bill prohibits schools from imposing additional participation fees on students participating in extracurricular activities, restricts participation in the same sport at two different schools within the same school year absent governing organization approval, and creates timelines for the appeals process for eligibility determinations.

Finally, the bill requires annual participation in the Presidential Youth Fitness Program as part of a school district’s physical education curriculum and authorizes a school district, at its sole discretion, to determine and approve athletic coach compensation.

The bill takes effect July 1, 2026.

II. Present Situation:

The present situation for the relevant portions of the bill is discussed under the Effect of Proposed Changes of this bill analysis.

III. Effect of Proposed Changes:

Interscholastic and Intrасcholastic Extracurricular Activities

Present Situation

Student Eligibility

Interscholastic extracurricular student activities are an important complement to the academic curriculum. Participation in a comprehensive extracurricular and academic program contributes to student development of the social and intellectual skills necessary to become a well-rounded adult. Florida law defines the term “extracurricular” as meaning any school-authorized or education-related activity occurring during or outside the regular instructional school day.¹

To be eligible to participate in tryouts, off-season conditioning, summer workouts, preseason conditioning, in-season practice, or contests, a student must:

- Maintain a grade point average of 2.0 or above on a 4.0 scale, or its equivalent, in the previous semester or a cumulative grade point average of 2.0 or above on a 4.0 scale, or its equivalent.
- Execute and fulfill the requirements of an academic performance contract if the student’s cumulative grade point average falls below 2.0, or its equivalent, on a 4.0 scale.
- Have a cumulative grade point average of 2.0 or above on a 4.0 scale, or its equivalent during his or her junior or senior year.
- Maintain satisfactory conduct, including adherence to appropriate dress and other codes of student conduct policies. Student participation after a felony conviction is contingent upon established and published district school board policy.²

¹ Section 1006.15(2), F.S.

² Section 1006.15(3)(a)1.-4., F.S.

Where Student Participation Can Occur

The table below provides an overview of where students may participate based on their school choice:³

Educational Setting	Where they can participate
Home Education Student	A home education student may participate at any public school in the school district in which he/she resides for athletics. For all other extracurricular activities, the home education student may participate at the student's zoned school, or the public school he/she could choose to attend in accordance with the district's controlled open enrollment procedures (including a charter or lab school) in another school district, may develop an agreement to participate for a private school, or a home education cooperative.
Personalized Education Program (PEP) Student	A PEP student may participate at any public school in the school district in which he/she resides for athletics. For all other extracurricular activities, the PEP student may participate at the student's zoned school, or the public school he/she could choose to attend in accordance with the district's controlled open enrollment procedures (including a charter or lab school) in another school district, may develop an agreement to participate for a private school, or a home education cooperative.
Charter School Student	A charter school student may participate at his/her home-zoned public school, the public school he/she could choose to attend in accordance with the district's controlled open enrollment procedures (including another charter or lab school) or may develop an agreement to participate for a private school.
Special or Alternative School Student	A special or alternative school student may participate at another school only if his/her special or alternative school is operated by the school district and offers NO athletic program. The special or alternative school must also be authorized by the district superintendent each year.
Private School Student	A private school student may participate at another school only if his/her private school is not a member of the FHSAA or does NOT offer the sport in which he/she wishes to participate.
Virtual School Student	A virtual school student may participate at any public school in the school district in which he/she resides, the public school he/she could choose to attend in accordance with the district's controlled open enrollment procedures (including a charter or lab school) in another school district or may develop an agreement to participate for a private school.
Traditional Public-School Student	A traditional public-school student may participate at another school in the district (or at a private school) only if his/her public school does NOT offer the sport in which he/she wishes to participate.

³ Section 1006.15, F.S., *see also*. Florida High School Athletic Association, *Non-Traditional Students*, https://fhsaa.com/sports/2020/3/11/Nontraditional_Students.aspx, (last visited Jan. 12, 2026).

The student standards for participation in interscholastic extracurricular activities must be applied beginning with the student's first semester of grade 9. Each student must meet such other requirements for participation as may be established by the district school board; however, a district school board may not establish requirements for participation in interscholastic extracurricular activities which make participation in such activities less accessible to home education students than to other students.⁴

A home education student must be covered by any insurance provided by the district school board for extracurricular activity participants. If an additional premium is required for such coverage, the participating home education student must pay the premium.

Several school districts in Florida require public school students to pay to participate in their sports clubs. For example, in Pasco County School District, students in middle school are required to pay \$60.00 for the first sport and \$40.00 for the second sport, with an individual student being capped at \$100.00. Students are not charged a fee to try out for the sport.

School Responsibilities

The athletic director for each participating FHSAA member school must maintain the student records necessary for eligibility, compliance, and participation in the program. Any private school that has a student who wishes to participate in this program must make all student records, including, but not limited to, academic, financial, disciplinary, and attendance records, available upon request of the FHSAA.⁵

Student Transfers

A student who transfers to a school during the school year may seek to immediately join an existing team if the roster for the specific interscholastic or intrascholastic extracurricular activity has not reached the activity's identified maximum size and if the coach for the activity determines that the student has the requisite skill and ability to participate. The FHSAA and school district or charter school may not declare such a student ineligible because the student did not have the opportunity to comply with qualifying requirements.⁶

A student may not participate in a sport if the student participated in that same sport at another school during that school year, unless the student meets one of the following criteria:

- Dependent children of active-duty military personnel whose move resulted from military orders.
- Children who have been relocated due to a foster care placement in a different school zone.
- Children who move due to a court-ordered change in custody due to separation or divorce, or the serious illness or death of a custodial parent.
- Authorized for good cause in district or charter school policy.⁷

⁴ Section 1006.15(4), F.S.

⁵ Section 1006.15(8)(d)(e), F.S.

⁶ Section 1006.15(9)(a), F.S.

⁷ Section 1006.15(9)(b), F.S.

A student who participates in an interscholastic or intrascholastic activity at a public school and who transfers from that school during the school year must be allowed to continue to participate in the activity at that school for the remainder of the school year if:

- The student continues to meet the standard eligibility requirements in statute.
- The student continues to meet the same standards of acceptance, behavior, and performance which are required of other students participating in the activity, except for enrollment requirements at the school at which the student participates.
- The parents of the student participating in the activity provide for the transportation of the student to and from the school at which the student participates. The school the student attends, the school at which the student participates in the activity, and the district school board are exempt from civil liability arising from any injury that occurs to the student during such transportation.⁸

Effects of Proposed Changes

The bill makes substantial changes to high school and middle school athletics in Florida regarding student eligibility, transfers, costs for students to play sports.

Student Eligibility

The bill amends section 1006.15, F.S. to define the following terms:

- “Eligible student” means a home education student, charter school student, private school student, Florida Virtual School student, alternative school student, or traditional public-school student who wishes to participate in an interscholastic or intrascholastic extracurricular activity.
- “Governing Organization” means any organization that governs the athletic activities of a school, including, but not limited to, the Florida High School Athletic Association.

Where Student Participation Can Occur

The bill deletes the existing options for where and how a student can participate in extracurricular activities and aligns student eligibility for all students, regardless of the educational setting, by specifying that students are eligible to participate in an interscholastic or intrascholastic extracurricular activity at the school in which he or she is enrolled. An eligible student may participate in an interscholastic or intrascholastic extracurricular activity at a school other than the school in which the student is enrolled if:

- The school in which the student is enrolled does not offer the same interscholastic or intrascholastic extracurricular activity or, if the student is a home education student, the student may participate as part of a home education athletic cooperative; and
- The school at which the student will participate in the interscholastic or intrascholastic extracurricular activity is one for which the student would otherwise be zoned or is a private school or charter school appropriate for the student’s grade level located in the school district in which the student resides.

In instances where a school for which the student would otherwise be zoned does not offer the interscholastic or intrascholastic extracurricular activity, the student may:

⁸ Section 1006.15(10), F.S.

- Participate at any public, charter, or private school appropriate for the student's grade level in the school district in which the student resides; or
- Participate at a public, charter, or private school outside of the student's district which is appropriate for the student's grade level, if the school is the closest school to the student's home address which offers the interscholastic or intrascholastic extracurricular activity.

The bill authorizes that if no public or charter schools in the district in which the student resides offer the interscholastic or intrascholastic extracurricular activity, and an agreement cannot be reached with a private school in the district in which the student resides, the student may participate at a public, charter, or private school that is appropriate for the student's grade level located outside of his or her school district. The school at which the student participates must be in a school district adjacent to the school district in which the student resides. The student may also petition the executive director of the governing organization to explore additional options.

School Responsibilities

The bill requires that all schools, private and public, follow new requirements in regard to their athletic programs. The bill expands the school personnel who may maintain necessary student records, and requires such records be kept for all eligible students, from both FHSA and non-FHSA schools.. The bill requires a school to establish a process for a student to apply to participate in an interscholastic or intrascholastic extracurricular activity at a school other than the school in which the student is enrolled by either of the following methods:

- Applying to the school's governing organization for the extracurricular activity as provided for in the governing organization's bylaws.
- If there is no governing organization for the extracurricular activity for which the student is applying, through an appropriate process, as established in State Board of Education rules.

The bill requires that a school in which a student is enrolled who wishes to participate in extracurricular activities may not impose additional fees or costs for participation outside of the fees or costs students currently enrolled at the school pay to participate in the extracurricular activity. The bill also requires that the parents of the student participating in the activity must provide for the transportation of the student to and from the school at which the student participates and that the school in which the student is enrolled, the school at which the student participates in the activity, and the district school board are exempt from civil liability arising from any injury that occurs to the student during such transportation.

Student Transfers

The bill prohibits a student from participating in the same sport at two different schools during the same school year, unless granted approval by the applicable governing organization's executive director. The bill requires that the governing organization must provide a determination of eligibility to the requesting student within 14 days after such a request is made and must adopt bylaws establishing criteria for determining eligibility of students transferring.

Therefore, the existing allowances in law for immediate student transfer (military, foster care, custody issues, or continuation of participation due to school transfer) will instead be subject to governing organization approval.

Florida High School Athletic Association

Present Situation

Florida High School Athletic Association

The Florida High School Athletic Association (FHSAA) is a nonprofit organization governing athletics in Florida public schools. Any public or private high school or middle school in this state, including charter schools, virtual schools, and home education cooperatives, may become a member of the FHSAA and participate in the activities of the FHSAA; however, membership in the FHSAA is not mandatory for any school.⁹ Each year, the FHSAA sponsors more than 3,500 championship series games, through which 144 teams and 294 individuals are crowned state champions in 32 sports. More than 800,000 students participate in these athletic programs annually.¹⁰

The FHSAA is required to adopt bylaws that:

- Establish eligibility requirements.
- Prohibit recruiting.
- Require all students to pass a medical evaluation each year.
- Regulate people who conduct investigations on behalf of the FHSAA.
- Establish sanctions for coaches who have committed major violations of FHSAA bylaws.
- Establish the process and standards by which the FHSAA determines eligibility.
- Adopt guidelines to educate athletic coaches, officials, administrators, and student athletes and their parents, of the risks associated with concussions and head injuries.
- Require the parents of students who are participating, or may participate, in interscholastic competition to sign and return an informed consent explaining the nature and risk of concussion and head injury.
- Adopt bylaws that require each student athlete who is suspected of sustaining a concussion or head injury in practice or in a competition to be immediately removed from the activity.
- Adopt bylaws for the establishment and duties of a sports medicine advisory committee.¹¹

FHSAA Appeals Process

The FHSAA is required to establish a procedure of due process which ensures each student the opportunity to appeal an unfavorable ruling with regard to his or her eligibility to compete. The initial appeal must be made to a committee on appeals within the administrative region in which the student lives. The FHSAA's bylaws establish the number, size, and composition of each committee on appeals.¹² The authority and duties of a committee on appeals is to consider requests by member schools seeking exceptions to bylaws and regulations, to hear undue hardship eligibility cases filed by member schools on behalf of student athletes, and to hear appeals filed by member schools or student athletes.¹³ The members of the appeals committees must:

⁹ Section 1006.20(1), F.S.

¹⁰ Florida High School Athletic Association, *About FHSAA*, <https://fhsaa.com/sports/2020/1/16/About.aspx> (last visited Jan. 12, 2026).

¹¹ Section 1006.20(2), F.S.

¹² Section 1006.20(7)(a), F.S.

¹³ Section 1006.20(7)(d), F.S.

- Not be a member of the board of directors.
- Serve terms of three years and are eligible to succeed themselves only once. A member of a committee on appeals may serve a maximum of six consecutive years.¹⁴

The FHSAA is required to expedite the appeals process on determinations of ineligibility so that disposition of the appeal can be made before the end of the applicable sports season, if possible.¹⁵ Decisions made by the committee on appeals, the executive director or his or her designee, and the FHSAA board of directors must be posted online in a searchable format.¹⁶

Effects of Proposed Changes

The bill amends s.1006.20, F.S. to require that if a student is denied eligibility, he or she may appeal the decision from the governing organization. The governing organization must adopt bylaws establishing a timeline for appeals which may not exceed 20 days and that the decisions made by the committee on appeals, the executive director, or his or her designee, and the governing organization board of directors must be posted online in a searchable format, subject to protections of student records established in law.

Presidential Youth Fitness Program

Present Situation

The Presidential Youth Fitness Program (PYFP) is a comprehensive school-based program that promotes health and regular physical activity for America's youth. The PYFP is a voluntary program that offers educators free access to a health-related assessment for youth fitness, professional development for meaningful implementation, and motivational recognition to empower students to adopt and maintain an active lifestyle. The PYFP places emphasis on the value of living a physically active and healthy lifestyle — in school and beyond. The program minimizes comparisons between children and instead supports students as they pursue personal fitness goals for lifelong health.¹⁷

The President's Council on Sports, Fitness & Nutrition (PCSFN) is a federal advisory committee that aims to promote healthy eating and physical activity for all people, regardless of background or ability. President Trump's Executive Order 14327 of July 31, 2025, revitalizes the PCSFN and called for the reestablishment of the Presidential Fitness Test. It also allows for continued promotion of youth sports, provides for the work of the Council to promote the physical, mental, and civic benefits of daily movement, exercise, and good nutrition, and engages every sector—public and private, civilian and military—in creating a national culture of strength, vitality, and excellence. Since 1966, the PCSFN has promoted the Youth Fitness Test. While the fitness test has changed over the years, the current test continues to assess physical fitness using data from the 1985 National School Population Fitness Survey.¹⁸

¹⁴ Section 1006.20(7)(b)(c), F.S.

¹⁵ Section 1006.20(7)(f), F.S.

¹⁶ Section 1006.20(7)(h), F.S.

¹⁷ United States Department of Health and Human Services, Office of Disease Prevention and Human Promotion, *Presidential Youth Fitness Program*, <https://odphp.health.gov/pcsfn/programs-awards/presidential-youth-fitness-program> (last visited Jan. 12, 2026).

¹⁸ *Id.*

The PYFP is administered by the National Fitness Foundation, whose current goal is to provide students and schools with access to high quality resources and tools to promote physical activity to support and reward physical health and fitness. Currently, the National Fitness Foundation is actively working with the Department of Health and Human Services and the President's Council to update the PYFP for today's youth.¹⁹

Effects of Proposed Changes

The bill amends section 1003.455, F.S., to require each school district to ensure that students in grades K-12 annually participate in the Presidential Youth Fitness Program, or its successor program, as part of the district's physical education curriculum. However, since high school students are required to complete only one credit in physical education to earn a standard high school diploma, it is likely that a student who has completed the physical education requirement and is not participating in athletics would not annually participate in the PYFP.

Athletic Coach Compensation

Present Situation

Salary Schedules and Collective Bargaining

District school boards are required to designate positions to be filled, prescribe qualifications for those positions, and provide for the appointment, compensation, promotion, suspension, and dismissal of employees. Additionally, school districts are required to develop a compensation and salary schedule that includes:

- A grandfathered salary schedule for employees hired before July 1, 2014, which must base a portion of compensation on performance under the district's evaluation system and provide differentiated pay for instructional personnel and school administrators based on district-determined factors such as additional responsibilities, school demographics, high-need areas, and job difficulty.
- A performance salary schedule for employees hired on or after July 1, 2014, or employees who opt out of the grandfathered schedule, which must provide annual salary adjustments for instructional personnel and school administrators based on their performance evaluations.²⁰

School districts engage in collective bargaining with employee unions, but certain responsibilities cannot be negotiated away. Collective bargaining agreements cannot prevent a school district from exercising its authority regarding:

- Providing incentives to effective and highly effective teachers.
- Implementing intervention and support strategies to address low student performance and improve academic outcomes and attendance.
- Implementing student discipline policies, including reviewing a student's abilities, past performance, behavior, and needs.
- Implementing school safety plans and requirements.
- Implementing staff and student recognition programs.

¹⁹ National Fitness Foundation, *Presidential Youth Fitness Program*, <https://fitness.foundation/presidential-youth-fitness-program-2>, (last visited Jan. 12, 2026).

²⁰ Section 1012.22(1), F.S.

- Distributing correspondence to parents, teachers, and the community related to daily school and district operations.
- Providing any required notices or copies of information related to district school board or district operations, which is readily available on the school district's website.
- The school district's calendar.²¹

In addition to salary adjustments, each school district must provide salary supplements for activities that must include, but are not limited to:²²

- Assignment to a Title I eligible school.
- Assignment to a school that earned a grade of "F" or three consecutive grades of "D" pursuant to s. 1008.34 such that the supplement remains in force for at least 1 year following improved performance in that school.
- Certification and teaching in high-demand teacher needs areas, as identified by the State Board of Education or the school district.
- Assignment of additional academic responsibilities.

Athletic Coaches

In most school districts, athletic coaches are hired as teachers and are provided with a salary supplement for performing duties of a coach. All salary supplements provided to teachers, including supplements for coaches, are negotiated through collective bargaining. Because of the collectively bargained nature of coaches' stipends, there is also variation between school districts. For example, the average stipend for a head football coach in Broward County was \$3,038, while the average stipend for the same positions in Collier County was \$7,000.²³

By comparison, head football coaches in neighboring states receive significantly more compensation, with many receiving more than \$100,000 annual salary and even one example in Georgia where a coach was receiving \$219,214.65 in annual compensation.²⁴

Effect of Proposed Changes

The bill amends section 1012.22, F.S., to authorize each district school board, at its sole discretion, to determine and approve the compensation of any person employed as an athletic coach, assistant coach, or athletic program supervisor, regardless of whether such individual is classified as instructional personnel. The bill authorizes that the compensation may exceed any salary schedule, supplement, or stipend otherwise prescribed and may be paid in any form or amount deemed appropriate by the district school board, including, but not limited to, salaries, stipends, bonuses, performance-based incentives, and hourly or per-assignment pay. Such compensation is considered part of the coach's total compensation. Finally, the bill clarifies that limitations on supplemental pay applicable to instructional personnel do not apply to compensation provided to athletic coaches.

²¹ Section 1012.22(3), F.S.

²² Section 1012.22(1)(c)5., F.S.

²³ Dr. Andrew Ramjit, Executive Director, Florida Coaches Associations, Coaches Compensation in Florida, *available at* <https://flsenate.gov/Committees/DownloadMeetingDocument/7891>, at. 30.

²⁴ Id. at 31 - 32.

The bill takes effect July 1, 2026.

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:

This bill does not have a fiscal impact on state revenues or expenditures. The bill could have an impact on school districts to cover the required insurance for students wishing to participate in specified activities, as well as covering any costs of the programs. In addition, if a school district decides to compensate athletic coaches as described in the bill, this would result in a fiscal impact to the district.

VI. Technical Deficiencies:

The bill language is unclear regarding prohibiting additional student fees for extracurricular activities and the appeals process for determining student eligibility.

The bill prohibits a public or private school in which a student is enrolled who wishes to participate from imposing additional fees or costs for participation outside of the fees or costs

students currently enrolled at the school pay to participate in the extracurricular activity. The language is unclear as “enrolled” is not defined in the bill as it relates to participation in extracurricular activities.

The bill includes a new provision requiring that decisions made by the committee on appeals be posted online in a searchable format and in compliance with ss. 1002.22 and 1002.221, F.S. The requirement to post decisions regarding appeals is already in s. 1006.20(7)(h), F.S., added by 2025-52. Laws of Florida. While the bill indicates a “governing organization” rather than the FHSAA in current law, the underlined language indicates all new language.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 1006.15, 1002.33, 1003.455, 1006.195, 1006.20, and 1012.22.

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.