

CHAPTER 2023-97

Committee Substitute for Committee Substitute for House Bill No. 225

An act relating to interscholastic activities; amending s. 1002.20, F.S.; authorizing charter school students and Florida Virtual School full-time students to participate in extracurricular activities at a private school under certain circumstances; amending s. 1002.33, F.S.; authorizing charter school students to participate in interscholastic extracurricular activities at a private school under certain circumstances; amending s. 1006.15, F.S.; authorizing charter school students and Florida Virtual School full-time program students to participate in interscholastic extracurricular activities at private schools under certain circumstances; authorizing traditional public school students to participate in interscholastic and intrascholastic activities at certain schools; revising the requirements for students to participate in such activities; revising requirements related to private school students participating at a Florida High School Athletic Association (FHSAA)-member school; providing for the continued participation in such activities by certain students who transfer from a public school; amending s. 1006.195, F.S.; conforming a cross-reference; amending s. 1006.20, F.S.; requiring the FHSAA to allow any school that joins the organization by sport to participate in the championship contest or series of contests for that sport; providing that the Commissioner of Education may direct the FHSAA to revise its bylaws at any time; requiring that any changes to the FHSAA bylaws be ratified by the State Board of Education; deleting a requirement that the appointing authority of members of the FHSAA Board of Directors make appointments that reflect the demographic and population trends of this state; revising the composition of the board of directors; providing that all appointed board members be appointed by the Governor and confirmed by the Senate; requiring that the hiring of the FHSAA executive director and the budget adopted by the board of directors be ratified by the State Board of Education; requiring a majority vote of the board of directors for the approval of legislative recommendations from the representative assembly; creating s. 1006.185, F.S.; requiring each approved athletic association whose membership includes public schools to allow each participating school to make opening remarks at certain athletic contests; providing requirements for the remarks; providing an effective date.

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

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

1002.20 K-12 student and parent rights.—Parents of public school students must receive accurate and timely information regarding their

child's academic progress and must be informed of ways they can help their child to succeed in school. K-12 students and their parents are afforded numerous statutory rights including, but not limited to, the following:

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

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

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

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

1002.33 Charter schools.—

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

Section 3. Present paragraph (h) of subsection (3) of section 1006.15, Florida Statutes, is redesignated as paragraph (i), and a new paragraph (h) is added to that subsection, subsection (10) is added to that section, and paragraphs (d) and (e) of subsection (3) and subsection (8) of that section are amended, to read:

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

(3)

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

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

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

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

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

5. The charter school student must register with the school his or her intent to participate in interscholastic extracurricular activities as a representative of the school before participation. A charter school student must be able to participate in curricular activities if that is a requirement for an extracurricular activity.

6. A student who transfers from a charter school program to a traditional public school before or during the first grading period of the school year is academically eligible to participate in interscholastic extracurricular activities during the first grading period if the student has a successful evaluation from the previous school year, pursuant to subparagraph 2.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~b. Requirements for a private school student to participate, including, but not limited to, meeting the same standards of eligibility, acceptance, behavior, educational progress, and performance which apply to other~~

students participating in interscholastic or intrascholastic sports at a public school or FHSAA member private school.

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

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

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

(e) Any non-FHSAA member 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.

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

(g) Only students who are enrolled in non-FHSAA member private schools consisting of 200 ~~125~~ students or fewer are eligible to participate in the program in any given academic year.

(10) 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:

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

(b) 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.

(c) 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.

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

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

(1)(a) A district school board must establish, through its code of student conduct, student eligibility standards and related student disciplinary actions regarding student participation in interscholastic and intrascholastic extracurricular activities. The code of student conduct must provide that:

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

2. 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 the criteria in s. 1006.15(3)(i) ~~s. 1006.15(3)(h)~~.

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

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

1006.20 Athletics in public K-12 schools.—

(1) GOVERNING NONPROFIT ORGANIZATION.—The Florida High School Athletic Association (FHSAA) is designated as ~~a~~ the governing nonprofit organization of athletics in Florida public schools. If the FHSAA fails to comply with ~~meet the provisions of~~ this section, the commissioner must ~~shall~~ designate a nonprofit organization to govern athletics with the approval of the State Board of Education. The FHSAA is not a state agency as defined in s. 120.52. The FHSAA is ~~shall be~~ subject to ~~the provisions of~~ s. 1006.19. A private school that wishes to engage in high school athletic competition with a public high school may become a member of the FHSAA. Any high school in this ~~the~~ 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. The FHSAA shall ~~must~~ allow a

private school the option of maintaining full membership in the association or joining by sport and may not discourage a private school from simultaneously maintaining membership in another athletic association. The FHSAA shall allow any school joining by sport to participate in the championship contest or series of contests for that sport may allow a public school the option to apply for consideration to join another athletic association. The FHSAA may not deny or discourage interscholastic competition between its member schools and non-FHSAA member Florida schools, including members of another athletic governing organization, and may not take any retributory or discriminatory action against any of its member schools that participate in interscholastic competition with non-FHSAA member Florida schools. The FHSAA may not unreasonably withhold its approval of an application to become an affiliate member of the National Federation of State High School Associations submitted by any other organization that governs interscholastic athletic competition in this state. The bylaws of the FHSAA are the rules by which high school athletic programs in its member schools, and the students who participate in them, are governed, unless otherwise specifically provided by statute. For the purposes of this section, the term “high school” includes grades 6 through 12.

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

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

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

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

(4) BOARD OF DIRECTORS.—

(a) The executive and legislative authority of the FHSAA ~~is~~ shall be vested in its board of directors, which is. ~~Any entity that appoints members to the board of directors shall examine the ethnic and demographic composition of the board when selecting candidates for appointment and~~

shall, to the greatest extent possible, make appointments that reflect state demographic and population trends. The board of directors shall be composed of 13 members, eight of whom are appointed by the Governor and confirmed by the Senate ~~16 persons~~, as follows:

1. Two public member school representatives elected from among its public school representative members. Each elected representative must be from a different administrative region.

2. Two nonpublic member school representatives elected from among its nonpublic school representative members. Each elected representative must be from a different administrative region that are also different from the public member school representatives elected under subparagraph 1.

~~3.1. Two Four public member school representatives appointed from different administrative regions, one elected from among its public school representative members within each of the four administrative regions.~~

~~4.2. Two Four nonpublic member school representatives appointed from different administrative regions that are also different than those represented by the public member school representatives appointed under subparagraph 3., one elected from among its nonpublic school representative members within each of the four administrative regions.~~

~~5.3. Two Three representatives appointed by the commissioner, one appointed from the two northernmost administrative regions and one appointed from the two southernmost administrative regions. The third representative shall be appointed to balance the board for diversity or state population trends, or both.~~

~~6.4. One Two district school superintendent appointed superintendents, one elected from the two northernmost administrative region regions by the members in those regions and one elected from the two southernmost administrative regions by the members in those regions.~~

~~7.5. One Two district school board member appointed members, one elected from the two northernmost administrative regions by the members in those regions and one elected from the two southernmost administrative region regions by the members in those regions.~~

~~8.6. The commissioner or his or her designee from the department executive staff.~~

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

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

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

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

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

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

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

7. To act as an administrative board in the interpretation of, and final decision on, all questions and appeals arising from the directing of interscholastic athletics of member schools.

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

(5) REPRESENTATIVE ASSEMBLY.—

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

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

(6) PUBLIC LIAISON ADVISORY COMMITTEE.—

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

(8) AMENDMENT OF BYLAWS.—Each member school representative, the board of directors acting as a whole or as members acting individually, any advisory committee acting as a whole to be established by the FHSAA, the commissioner, and the FHSAA's executive director may ~~are empowered to~~ propose amendments to the bylaws. Any other individual may propose an amendment by securing the sponsorship of any such ~~of the aforementioned~~ individuals or bodies. All proposed amendments must be submitted directly to the representative assembly for its consideration. The representative assembly shall provide a recommendation to the board of directors to either adopt, reject, or revise any proposed amendments, ~~while empowered to adopt, reject, or revise proposed amendments, may not, in and of itself, as a body be allowed to propose any amendment for its own consideration.~~

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

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

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

Approved by the Governor May 17, 2023.

Filed in Office Secretary of State May 17, 2023.