

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 1317 Patriotic Organizations
SPONSOR(S): Choice & Innovation Subcommittee, Duggan
TIED BILLS: None. **IDEN./SIM. BILLS:** CS/SB 1016

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Choice & Innovation Subcommittee	14 Y, 0 N, As CS	Wolff	Sleap
2) Education & Employment Committee	16 Y, 0 N	Wolff	Hassell

SUMMARY ANALYSIS

The bill 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 covered by 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, to speak with and distribute informational materials in a classroom setting to students to encourage participation in the patriotic organization and its activities and provide opportunities for a patriotic organization to have displays at schools within the district to provide opportunities for student recruitment.

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 does not appear to have a fiscal impact.

The effective date of the bill is July 1, 2024.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Civics Education in Florida

The mission of Florida's K-20 education system is to “allow its students to increase their proficiency by allowing them the opportunity to expand their knowledge and skills through rigorous and relevant learning opportunities.”¹ Civic literacy and preparing students to become civically engaged and knowledgeable adults who positively contribute to their communities is a priority of the Florida education system.²

Secondary Education

Florida law requires each district school board to provide instruction on the history, significance, and principles of the Declaration of Independence and the United States Constitution, flag education, and civil government.³ Additional instruction in civic and character education on the qualities and responsibilities of patriotism and citizenship are also required.⁴ The civic and character education instruction must include “kindness; respect for authority, life, liberty, and personal property; honesty; charity; racial, ethnic, and religious tolerance; and cooperation and, for grades 11 and 12, voting using the uniform primary and general election ballot.”⁵ By July 1 of each year, each school district must submit a report to the Commissioner of Education that describes how instruction was provided for such topics during the previous school year.⁶

A district school board may also adopt rules requiring patriotic programs in schools that encourage respect for the government of the United States and its national anthem and flag.⁷ Teachers or administrators in the schools may read or post historic material such as the United States Constitution, the Bill of Rights, and other foundational materials.⁸

Currently, Florida’s State Academic Standards for social studies include civics content in kindergarten through grade 12.⁹ For middle grades, a student must successfully complete three middle school or higher courses in social studies in order to be promoted to high school.¹⁰ One of the three courses must be at least a one-semester civics education course that includes the roles and responsibilities of federal, state, and local governments; the structures and functions of the legislative, executive, and judicial branches; and the meaning and significance of documents such as the Articles of Confederation, the Declaration of Independence, and the United States Constitution.¹¹

At the high school level, 24 credits are required for a standard high school diploma.¹² Three credits must be in social studies, including one credit each in United States History and World History; one-half

¹ Section 1000.03(4), F.S.

² Section 1000.03(5)(c), F.S.

³ Section 1003.42(2)(a)-(e), F.S.

⁴ Section 1003.42(2)(t), F.S.

⁵ *Id.*

⁶ Rule 6A-1.094124(1)-(2), F.A.C.

⁷ Section 1003.44(1), F.S.

⁸ Section 1003.44(2), F.S.

⁹ See CPALMS, *Browse and Search Standards*, <http://www.cpalms.org/Public/search/Standard> (last visited Feb. 2, 2024) (providing the Florida Academic Standards for each subject area, by grade level); see also, Florida’s State Academic Standards, *Social Studies* (2023), available at <https://www.fldoe.org/core/fileparse.php/20653/urlt/6-4.pdf> and r. 6A-1.09411 and 6A-1.09401, F.A.C.

¹⁰ Section 1003.4156(1)(c), F.S.

¹¹ *Id.*

¹² Section 1003.4282(1)(a), F.S.

credit in economics; and one-half credit in United States Government.¹³ Students taking the United States Government course are required to take the assessment of civic literacy and a student earning a passing score on the assessment are exempt from the postsecondary civic literacy assessment.¹⁴ Students in the middle grades civics course and the high school United States History course must take an end-of-course assessment¹⁵ that constitutes 30 percent of the student's final course grade.¹⁶

Service Learning

To encourage civic engagement, career exploration, and the application of classroom curriculum in a student's community, the Department of Education encourages school districts to initiate, adopt, expand, and institutionalize service-learning programs, activities, and policies in kindergarten through grade 12.¹⁷ Service-learning refers to a student-centered, research-based teaching and learning strategy that engages students in meaningful service activities in their school or communities.¹⁸ The service activities are directly tied to academic curriculum, standards, and course, district, or state assessments.¹⁹ The hours a high school student devotes to course-based service-learning activities may be counted toward meeting the service work requirements of the Florida Bright Futures Scholarship Program.²⁰

Patriotic Organizations

Federal law currently provides a listing of recognized patriotic and national observances, ceremonies, and organizations.²¹ Specifically, the law provides a list of Patriotic and National Organizations, including, but not limited to:

- American Historical Association;
- The American Legion;
- Big Brothers-Big Sisters of America;
- Boy Scouts of America;
- Boys & Girls Clubs of America;
- Civil Air Patrol;
- Future Farmers of America;
- Girl Scouts of the United States of America;
- Little League Baseball, Inc.;
- National Academy of Sciences;
- United States Olympic and Paralympic Committee; and
- Veterans of Foreign Wars.²²

Boy Scouts of America Equal Access Act

The United States Department of Education (USDOE) Office for Civil Rights (OCR) enforces the Boy Scouts of America Equal Access Act (Boy Scouts Act) in public schools, Local Education Agencies (LEA), and State Education Agencies (SEA) that receive Federal funds through the USDOE. The Boy Scouts Act is part of the No Child Left Behind Act of 2001 that amended the Elementary and Secondary Education Act of 1965. Under the Boy Scouts Act, no public school, LEA, or SEA that provides an opportunity for one or more outside youth or community groups to meet on school premises or in school facilities shall deny equal access to, or a fair opportunity to meet in, such facilities to any group officially

¹³ Section 1003.4282(3)(d), F.S.

¹⁴ *Id.*

¹⁵ Section 1008.22(3)(b), F.S.

¹⁶ Sections 1003.4156(1)(c) and 1003.4282(3)(d), F.S.

¹⁷ Section 1003.497(1), F.S.

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ Section 1003.497(3)(b), F.S. *See* s. 1009.534(1), F.S.; s. 1009.535(1), F.S.; ss. 1009.536(1)(e) and (2)(b), F.S. for service work and paid work requirements.

²¹ *See generally* Title 36, U.S.C.

²² *See* 36 U.S.C. § 20101-240112.

affiliated with the Boy Scouts of America, or any other youth group listed in Title 36 of the United States Code as a patriotic organization.²³

Effect of Proposed Changes

The bill 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 covered by 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 permit the following:

- 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; and
- 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.

B. SECTION DIRECTORY:

Section 1: Creates s. 1001.433, F.S.; defining the term "patriotic organization"; authorizing school districts to allow representatives of patriotic organizations certain opportunities to speak to students, distribute certain materials, and provide certain displays relating to the patriotic organizations; requiring certain school districts to provide the date and time for such patriotic organizations to speak with students, distribute materials, and provide certain displays; authorizing patriotic organizations to be provided certain access to school buildings and properties under certain circumstances; providing applicability.

Section 2: Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:
None.

²³ United States Department of Education, Office of Civil Rights, *Boy Scouts of America Equal Access Act*, <https://www2.ed.gov/about/offices/list/ocr/frontpage/pro-students/boyscouts-pr.html> (last visited Feb. 2, 2024).

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

On January 25, 2024, the Choice & Innovation Subcommittee adopted one amendment and reported the bill favorably as a committee substitute. The amendment:

- Narrowed the definition of “patriotic organization” to specified organizations.
- Clarified that material distributed by patriotic organizations must be informational material.

The analysis is drafted to the committee substitute adopted by the Choice & Innovation Subcommittee.