

CHAPTER 2017-74

Senate Bill No. 436

An act relating to religious expression in public schools; providing a short title; prohibiting a school district from discriminating against students, parents, or school personnel on the basis of religious viewpoints or expression; prohibiting penalty or reward for a student's religious expression in coursework, artwork, or other specified assignments; authorizing a student to wear clothing, accessories, and jewelry displaying religious messages or symbols; authorizing a student to pray or engage in religious activities or expression; authorizing a student to organize prayer groups, religious clubs, and other religious gatherings; prohibiting a school district from preventing school personnel from participating in voluntary, student-initiated religious activities on school grounds under specified circumstances; requiring a school district to comply with the federal requirements in Title VII of the Civil Rights Act of 1964; requiring that a school district provide religious groups with equal access to school facilities; authorizing religious groups to advertise or announce meetings in the same manner and to the same extent as secular groups; requiring that a school district adopt a limited public forum policy and deliver a disclaimer at school events; requiring that the Department of Education develop and publish a model policy regarding a limited public forum and religious expression; requiring that each district school board adopt and implement such model policy; providing an effective date.

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

Section 1. Religious expression in public schools.—

(1) This section may be cited as the “Florida Student and School Personnel Religious Liberties Act.”

(2) A school district may not discriminate against a student, parent, or school personnel on the basis of a religious viewpoint or religious expression. A school district shall treat a student's voluntary expression of a religious viewpoint on an otherwise permissible subject in the same manner that the school district treats a student's voluntary expression of a secular viewpoint.

(3)(a) A student may express his or her religious beliefs in coursework, artwork, and other written and oral assignments free from discrimination. A student's homework and classroom assignments shall be evaluated, regardless of their religious content, based on expected academic standards relating to the course curriculum and requirements. A student may not be penalized or rewarded based on the religious content of his or her work if the coursework, artwork, or other written or oral assignments require a student's viewpoint to be expressed.

(b) A student may wear clothing, accessories, and jewelry that display a religious message or symbol in the same manner and to the same extent that secular types of clothing, accessories, and jewelry that display messages or symbols are permitted to be worn.

(4)(a) A student may pray or engage in religious activities or religious expression before, during, and after the school day in the same manner and to the same extent that a student may engage in secular activities or expression. A student may organize prayer groups, religious clubs, and other religious gatherings before, during, and after the school day in the same manner and to the same extent that a student is permitted to organize secular activities and groups.

(b)1. A school district may not prevent school personnel from participating in religious activities on school grounds that are initiated by students at reasonable times before or after the school day if such activities are voluntary and do not conflict with the responsibilities or assignments of such personnel.

2. A school district shall comply with the federal requirements in Title VII of the Civil Rights Act of 1964, which prohibits an employer from discriminating against an employee on the basis of religion.

(c) A school district shall give a religious group access to the same school facilities for assembling as given to secular groups without discrimination based on the religious content of the group's expression. A group that meets for prayer or other religious speech may advertise or announce its meetings in the same manner and to the same extent that a secular group may advertise or announce its meetings.

(5)(a) A school district shall adopt a policy that establishes a limited public forum for student speakers at any school event at which a student is to speak publicly. The limited public forum policy shall require the school district to:

1. Provide the forum in a manner that does not discriminate against a student's voluntary expression of a religious viewpoint on an otherwise permissible subject;

2. Provide a method based on neutral criteria for the selection of student speakers at school events, activities, and graduation ceremonies;

3. Ensure that a student speaker does not engage in obscene, vulgar, offensively lewd, or indecent speech; and

4. State in written or oral form that the student's speech does not reflect the endorsement, sponsorship, position, or expression of the school district.

(b) The school district shall deliver the disclaimer required in subparagraph (a)4. at all graduation events and any other event at which a student speaks publicly.

(c) Student expression of a religious viewpoint on an otherwise permissible subject may not be excluded from the limited public forum.

(6) The Department of Education shall develop a model policy regarding a limited public forum and voluntary expression of religious viewpoints by students and school personnel in public schools pursuant to this section. The department shall publish the model policy on its website. Each district school board shall adopt and implement the department's model policy.

Section 2. This act shall take effect July 1, 2017.

Approved by the Governor June 9, 2017.

Filed in Office Secretary of State June 9, 2017.