

By Representative Garcia

1                                   A bill to be entitled  
2           An act relating to religious liberty; providing  
3           legislative findings; providing legislative  
4           declarations relating to public display of the  
5           Ten Commandments and public expressions of  
6           religious faith; authorizing the public display  
7           of the Ten Commandments; requiring courts to  
8           exercise judicial power consistent with such  
9           declarations; providing an effective date.

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

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13           Section 1. The Legislature finds that:

14           (1) The Declaration of Independence declares that  
15 governments are instituted to secure certain inalienable  
16 rights, including life, liberty, and the pursuit of happiness,  
17 with which all human beings are endowed by their Creator and  
18 to which they are entitled by the laws of nature and of  
19 nature's God.

20           (2)(a) The First Amendment to the United States  
21 Constitution secures rights against laws made by Congress  
22 respecting an establishment of religion or prohibiting the  
23 free exercise of religion.

24           (b) The rights secured under the First Amendment to  
25 the United States Constitution have been interpreted by courts  
26 to be included among the provisions of the Fourteenth  
27 Amendment to the United States Constitution which prohibits a  
28 state from making or enforcing any law which abridges the  
29 privileges or immunities of citizens of the United States or  
30 depriving any person of life, liberty, or property without due  
31 process of law.

1           (c) The Tenth Amendment to the United States  
2 Constitution reserves to the states respectively the powers  
3 not delegated to the United States nor prohibited to the  
4 states.  
5           (3)(a) The preamble to the State Constitution  
6 recognizes God as the source of the blessings of liberty.  
7           (b) Section 3, Article I, of the State Constitution  
8 secures rights against laws made by the Legislature respecting  
9 an establishment of religion or prohibiting the free exercise  
10 of religion, and section 9, Article I, of the State  
11 Constitution prohibits depriving a person of life, liberty, or  
12 property without due process of law.  
13           (4) Disputes and doubts have arisen with respect to  
14 public displays of the Ten Commandments and to other public  
15 expressions of religious faith.  
16           Section 2. (1) DISPLAY OF TEN COMMANDMENTS.--  
17           (a) The power to display the Ten Commandments on or  
18 within property owned or administered by this state or any  
19 political subdivision of this state is hereby declared to be  
20 among the powers reserved to this state.  
21           (b) The state or any political subdivision of the  
22 state may display the Ten Commandments on or within any  
23 property owned or administered by the state or any political  
24 subdivision of the state.  
25           (2) EXPRESSION OF RELIGIOUS FAITH.--The expression of  
26 religious faith by any person on or within property owned or  
27 administered by this state or any political subdivision of  
28 this state is hereby declared to be among:  
29           (a) The rights secured against laws respecting an  
30 establishment of religion or prohibiting the free exercise of  
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1 religion made or enforced by this state or by any department  
2 or executive or judicial officer of this state.

3 (b) The liberties of which this state shall not  
4 deprive any person without due process of law made in  
5 pursuance of powers reserved to this state.

6 (3) EXERCISE OF JUDICIAL POWER.--The courts of this  
7 state shall exercise judicial power in a manner consistent  
8 with the declarations in this section.

9 Section 3. This act shall take effect upon becoming a  
10 law.

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13 HOUSE SUMMARY

14 Declares that the power to publicly display the Ten  
15 Commandments is among the powers reserved to the state;  
16 that the public expression of religious faith by any  
17 person is among the rights secured against laws made by  
18 the state respecting an establishment of religion or  
19 prohibiting the free exercise of religion and among the  
liberties of which the state shall not deprive any person  
without due process of law; and requires state courts to  
exercise judicial power in a manner consistent with such  
declarations.