

The Florida Senate
HOUSE MESSAGE SUMMARY

Prepared By: The Professional Staff of the Committee on Education

[2017s00436.hms]

BILL: SB 436
INTRODUCER: Senator Baxley and others
SUBJECT: Religious Expression in Public Schools
DATE: April 20, 2017

I. Amendments Contained in Message:

House Amendment 1- 471677 (body with title)

II. Summary of Amendments Contained in Message:

SB 436 creates the “Florida Student and School Personnel Religious Liberties Act,” and specifies that a school district may not discriminate against a student, parent, or school personnel on the basis of a religious viewpoint or religious expression.

House Amendment 1 modifies SB 436 to make SB 436 identical to CS/HB 303. Specifically, the amendment removes from SB 436 provisions that:

- Authorize students to wear clothing and accessories that display a religious message to the same extent that students are permitted to wear secular clothing and accessories.
- Require school districts to adopt a policy that establishes a limited public forum for student speakers at any school event at which a student is to speak publicly.
- Require the Department of Education to develop and publish a model policy regarding limited public forum and voluntary expression of religious viewpoints by students and school personnel in public schools.
- Require school districts to comply with Title VII of the Civil Rights Act of 1964 (however, school districts are required to comply with the Act under federal law).
- Require the act to be cited as the “Florida Student and School Personnel Religious Liberties Act.”

The amendment also changes from a requirement to an authority for school districts to provide religious groups access to school facilities for assembling.

Additionally, the amendment adds a provision to specify that the rights extended to students and school personnel may be enforced pursuant to chapter 761, relating to the “Religious Freedom Restoration Act of 1998,” which includes entitlement to reasonable attorney’s fees and costs for the prevailing plaintiff in any action or proceeding to enforce the provisions of the Act.