

1 persons whose religious exercise is substantially burdened by
2 government, NOW, THEREFORE,

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

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6 Section 1. Short title.--This act may be cited as the
7 "Religious Freedom Restoration Act of 1998."

8 Section 2. Definitions.--As used in this act:

9 (1) "Government" or "state" includes any branch,
10 department, agency, instrumentality, or official or other
11 person acting under color of law of the state, a county,
12 special district, municipality, or any other subdivision of
13 the state.

14 (2) "Demonstrates" means to meet the burden of going
15 forward with the evidence and of persuasion.

16 (3) "Exercise of religion" means an act or refusal to
17 act that is substantially motivated by a religious belief,
18 whether or not the religious exercise is compulsory or central
19 to a larger system of religious belief.

20 Section 3. Free exercise of religion protected.--

21 (1) The government shall not substantially burden a
22 person's exercise of religion, even if the burden results from
23 a rule of general applicability, except that government may
24 substantially burden a person's exercise of religion only if
25 it demonstrates that application of the burden to the person:

26 (a) Is in furtherance of a compelling governmental
27 interest; and

28 (b) Is the least restrictive means of furthering that
29 compelling governmental interest.

30 (2) A person whose religious exercise has been
31 burdened in violation of this section may assert that

1 violation as a claim or defense in a judicial proceeding and
2 obtain appropriate relief.

3 Section 4. Attorney's fees and costs.--The prevailing
4 plaintiff in any action or proceeding to enforce a provision
5 of this act is entitled to reasonable attorney's fees and
6 costs to be paid by the government.

7 Section 5. Applicability; construction.--

8 (1) This act applies to all state law, and the
9 implementation of that law, whether statutory or otherwise,
10 and whether adopted before or after the enactment of this act.

11 (2) State law adopted after the date of the enactment
12 of this act is subject to this act unless such law explicitly
13 excludes such application by reference to this act.

14 (3) Nothing in this act shall be construed to
15 authorize the government to burden any religious belief.

16 (4) Nothing in this act shall be construed to
17 circumvent the provisions of chapter 893, Florida Statutes.

18 (5) Nothing in this act shall be construed to affect,
19 interpret, or in any way address that portion of s. 3, Art. I
20 of the State Constitution prohibiting laws respecting the
21 establishment of religion.

22 (6) Nothing in this act shall create any rights by an
23 employee against an employer if the employer is not a
24 governmental agency.

25 Section 6. This act shall take effect upon becoming a
26 law.

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
Senate Bill 296

The Committee Substitute for Senate Bill 296 removes any references to incarcerated persons, thus establishing a uniform compelling interest test that applies to all persons.

The bill also allows attorney's fees for the prevailing plaintiff, instead of the prevailing party.