

By the Committee on Judiciary and Senators Grant and Bronson

308-2141-98

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

Senate Joint Resolution No. ____

A joint resolution proposing an amendment to
Section 3 of Article I of the State
Constitution relating to religious freedom.

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

That the amendment to Section 3 of Article I of the
State Constitution set forth below is agreed to and shall be
submitted to the electors of Florida for approval or rejection
at the general election to be held in November 1998:

SECTION 3. Religious freedom.--There shall be no law
respecting the establishment of religion or prohibiting or
penalizing the free exercise thereof. No governmental entity
shall substantially burden the free exercise of religion, even
if the burden results from a rule or law of general
applicability, unless the governmental entity demonstrates
that application of the burden is in furtherance of a
compelling interest and is the least restrictive means of
furthering that compelling interest. Religious freedom shall
not justify practices inconsistent with public morals, peace
or safety. No revenue of the state or any political
subdivision or agency thereof shall ever be taken from the
public treasury directly or indirectly in aid of any church,
sect, or religious denomination or in aid of any sectarian
institution.

BE IT FURTHER RESOLVED that in accordance with the
requirements of s. 101.161, Florida Statutes, the title and
substance of the amendment proposed herein shall appear on the
ballot as follows:

PROHIBITING STATE FROM SUBSTANTIALLY BURDENING

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

THE FREE EXERCISE OF RELIGION

Provides that the state shall not substantially burden the free exercise of religion, even if the burden results from a rule or law of general applicability, unless the state demonstrates that the application of the burden is in furtherance of a compelling interest and is the least-restrictive means of furthering that compelling interest.

STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
Senate Bill 298

The Committee Substitute for Senate Joint Resolution 298 removes any references to incarcerated persons, thus establishing a uniform compelling interest test that applies to all persons.