

By Representatives Starks and Trovillion

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House Joint Resolution

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. The state or any  
political subdivision or agency thereof shall not  
substantially burden the free exercise of religion of any  
person, even if the burden results from a rule of general  
applicability. The state or any political subdivision or  
agency thereof may substantially burden a person's free  
exercise of religion only if the state or political  
subdivision or agency thereof demonstrates that application of  
the burden to the person is in furtherance of a compelling  
interest of the state or a political subdivision or agency  
thereof and is the least restrictive means of furthering that  
compelling interest. The state or any political subdivision or  
agency thereof shall not substantially burden the free  
exercise of religion of any person incarcerated within any  
correctional facility in the state, even if the burden results  
from a rule of general applicability. The state or any  
political subdivision or agency thereof may substantially  
burden the free exercise of religion of any person

1 incarcerated within any correctional facility in the state,  
2 only if the burden is in furtherance of a substantial  
3 penological interest and is the least restrictive means of  
4 furthering that substantial penological interest. Religious  
5 freedom shall not justify practices inconsistent with public  
6 morals, peace or safety. No revenue of the state or any  
7 political subdivision or agency thereof shall ever be taken  
8 from the public treasury directly or indirectly in aid of any  
9 church, sect, or religious denomination or in aid of any  
10 sectarian institution.

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

15 PROHIBITING STATE FROM SUBSTANTIALLY BURDENING  
16 THE FREE EXERCISE OF RELIGION

17 Provides that the state shall not substantially burden  
18 the free exercise of religion of any person, or any person  
19 incarcerated within a state correctional facility, even if the  
20 burden results from a rule of general applicability. Provides  
21 an exception only upon demonstration that the application of  
22 the burden is in furtherance of a compelling interest or  
23 substantial penological interest, and is the least-restrictive  
24 means of furthering that compelling interest or substantial  
25 penological interest.

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