

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Judiciary

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BILL: SB 282

INTRODUCER: Senators Baxley and Albritton

SUBJECT: Moments of Silence in Public Schools

DATE: March 26, 2021

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Brick</u>	<u>Bouck</u>	<u>ED</u>	<b>Favorable</b>
2.	<u>Ravelo</u>	<u>Cibula</u>	<u>JU</u>	<b>Pre-meeting</b>
3.	_____	_____	<u>RC</u>	_____

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**I. Summary:**

SB 282 requires a moment of silence to be set aside for students during each school day.

The bill revises current law that allows a district school board to set aside a brief period of time for silent prayer or meditation. Instead, the bill requires each teacher during 1st period to set aside 1 to 2 minutes for a moment of silence. A teacher may not make suggestions as to the nature of any reflection, and a student may not interfere with another student's participation.

The bill has no impact on state revenues or expenditures.

The bill takes effect July 1, 2021.

**II. Present Situation:**

District school boards may set aside up to two minutes for silent prayer or meditation at the start of each school day or each school week in the public schools in the district.<sup>1</sup>

Fourteen states require a moment of silence or a period for contemplation or prayer during each school day.<sup>2</sup> An additional eighteen states authorize the school district, school, or classroom to observe a period of silence or prayer during each school day.<sup>3</sup>

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<sup>1</sup> Section 1003.45, F.S., added in s. 1, ch. 80-336, L.O.F.

<sup>2</sup> Ala. Code s. 16-1-20; Ark. Code Ann. s. 6-10-115; Conn. Gen. Stat. s. 10-16a; Ga. Code Ann. s. 20-2-150; 105 Ill. Comp. Stat. 20/1; Ind. Code s. 20-30-5-4.5; Mass. Gen. Laws Ann. ch. 71, s. 1A; Nev. Rev. Stat. Ann. s. 388.075; N.H. Rev. Stat. s. 189:1-b; R.I. Gen. Laws s. 16-12-3.1; S.C. Code Ann. s. 59-1-443; Tenn. Code Ann. s. 49-6-1004; Tex. Code Ann. s. 25.082(d); Va. Code Ann. s. 22.1-203.

<sup>3</sup> Ariz. Rev. Stat. Ann. s. 15-342(21); Del. Code Ann. tit. 14, s. 4101A; Section 1003.45, F.S.; Kan. Stat. Ann. s. 72-9929; Ky. Rev. Stat. Ann. s. 158.175; La. Rev. Stat. Ann. s. 17:2115; Me. Rev. Stat. Ann. tit. 20-a., s. 4805; Md. Code, Educ. s. 7-104; Mich. Comp. Laws Ann. s. 380.1565; Minn. Stat. Ann. s. 121A.10; Mont. Code Ann. s. 20-7-112; N.M. Stat. Ann. s.

### III. Effect of Proposed Changes:

SB 282 amends s. 1003.45, F.S., to require that a moment of silence be set aside for students during each school day. Currently, a district school board *may* provide a brief period of meditation or silent prayer not to exceed two minutes.

The bill directs the principal of each public school to require teachers in first-period classrooms in all grades to set aside 1 to 2 minutes daily<sup>4</sup> for a moment of silence, during which students may not interfere with other students' participation.

The bill provides that a teacher:

- May not make suggestions as to the nature of any reflection that a student may engage in during the moment of silence.
- Must encourage parents to discuss the moment of silence with their children and to make suggestions as to the best use of this time.

The bill provides legislative findings for the value of a moment of daily reflection.

The bill takes effect July 1, 2021.

### IV. Constitutional Issues:

#### A. Municipality/County Mandates Restrictions:

None.

#### B. Public Records/Open Meetings Issues:

None.

#### C. Trust Funds Restrictions:

None.

#### D. State Tax or Fee Increases:

None.

#### E. Other Constitutional Issues:

None.

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22-27-3; N.Y. law s. 3029-a; N.C. Gen. Stat. s. 115C-47(29); N.D. Cent. Code s. 15.1-19-03.1; Ohio Rev. Code s. 3313.601; 24 Pa. Const. Stat. s. 15-1516.1; Utah Code Ann. s. 53G-7-207.

<sup>4</sup> One to 2 minutes daily accumulates to 3 to 6 hours of instructional time over the course of the school year. Florida Department of Education, *Senate Bill 282 Agency Analysis* (December 18, 2020), p. 3-4.

**V. Fiscal Impact Statement:**

## A. Tax/Fee Issues:

None.

## B. Private Sector Impact:

None.

## C. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 1003.45, Florida Statutes.

**IX. Additional Information:**

## A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

## B. Amendments:

None.