

By Senator Yarborough

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A bill to be entitled

An act relating to freedom of speech and religious expression in public schools; amending s. 1002.206, F.S.; revising a short title; prohibiting a school district from discriminating against students or school personnel on the basis of political or ideological viewpoints or expression; requiring a school district to treat a student's voluntary expression of political or ideological viewpoints on permissible subjects in the same manner as any other viewpoint; authorizing students to express political or ideological beliefs in coursework, artwork, and other specified assignments; prohibiting penalty or reward for such expression in coursework, artwork, or other specified assignments; authorizing a student to wear clothing, accessories, and jewelry displaying political or ideological messages or symbols; authorizing a student to engage in or organize political or ideological activities or expression; authorizing a student to organize political or ideological groups, clubs, and other gatherings; prohibiting a school district from discriminating against a student club or group for specified reasons; requiring that a school district provide political or ideological groups with equal access to school facilities; authorizing political or ideological groups to advertise or announce meetings in the same manner and to the same extent as other groups; requiring that the Department of Education develop and

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publish a model policy regarding a limited public forum and political or ideological expression; providing construction; creating a private cause of action for persons and student clubs or groups harmed by specified violations; providing for specified awards to such persons and clubs or groups; authorizing such persons and clubs or groups to use specified violations as a defense or counterclaim under certain circumstances; providing applicability; requiring that such actions be brought within a specified period of time; providing that the state waives specified immunity; providing that school district has liability under certain circumstances; providing severability; providing an effective date.

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

Section 1. Section 1002.206, Florida Statutes, is amended to read:

1002.206 Freedom of speech and religious expression in public schools.—

(1) This section may be cited as the "Florida Student and School Personnel First Amendment and Religious Liberties Act."

(2) A school district may not discriminate against a student, parent, or school personnel on the basis of a religious viewpoint or religious expression. A school district may not discriminate against or penalize a student on the basis of expressing a religious, political, or ideological viewpoint or for engaging in religious, political, or ideological expression

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in the same time, place, and manner and to the same extent that other similarly situated students may engage in speech or express views at a public school. A school district shall treat a student's voluntary expression of a religious, political, or ideological viewpoint on an otherwise permissible subject in the same manner that the school district treats a student's voluntary expression of any other ~~a secular~~ viewpoint.

(3) (a) A student may express his or her religious, political, or ideological beliefs in coursework, artwork, and other written and oral assignments free from discrimination or academic penalty. A student's homework and classroom assignments must ~~shall~~ be evaluated, regardless of their religious, political, or ideological content, based on expected academic standards relating to the course curriculum and requirements. A student may not be penalized or rewarded based on the religious, political, or ideological content of his or her work if the coursework, artwork, or other written or oral assignments require a student's viewpoint to be expressed.

(b) A student may wear clothing, accessories, and jewelry that display a religious, political, or ideological message or symbol in the same manner and to the same extent that other ~~secular~~ types of clothing, accessories, and jewelry that display messages or symbols are permitted to be worn.

(4) (a) A student may pray or engage in or organize religious, political, or ideological activities or religious, political, or ideological expression before, during, and after the school day in the same manner and to the same extent that a student may engage in other ~~secular~~ activities or expression. A student may organize prayer groups or, ~~7~~ religious, political, or

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88 ideological clubs, and other religious, political, or  
89 ideological gatherings before, during, and after the school day  
90 in the same manner and to the same extent that a student is  
91 permitted to organize other ~~secular~~ activities, clubs,  
92 gatherings, and groups. A school district may not discriminate  
93 against a student club or group based on:

94 1. The religious, political, or ideological viewpoints  
95 expressed by the students or the club; or

96 2. Any requirement that the leaders or members of the club  
97 affirm and adhere to the club's sincerely held beliefs, comply  
98 with the club's standards of conduct, or further the club's  
99 mission or purpose, as defined by the student club.

100 (b)1. A school district may not prevent school personnel  
101 from participating in religious activities on school grounds  
102 that are initiated by students at reasonable times before or  
103 after the school day if such activities are voluntary and do not  
104 conflict with the responsibilities or assignments of such  
105 personnel.

106 2. A school district shall comply with the federal  
107 requirements in Title VII of the Civil Rights Act of 1964, which  
108 prohibits an employer from discriminating against an employee on  
109 the basis of religion.

110 (c) A school district shall give a religious, political, or  
111 ideological group access to the same school facilities for  
112 assembling as given to other ~~secular~~ groups without  
113 discrimination based on the religious, political, or ideological  
114 content of the group's expression. A group that meets for prayer  
115 or ~~other~~ religious, political, or ideological speech may  
116 advertise or announce its meetings in the same manner and to the

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117 same extent that another ~~a secular~~ group may advertise or  
118 announce its meetings.

119 (5)(a) A school district shall adopt a policy that  
120 establishes a limited public forum for student speakers at any  
121 school event at which a student is to speak publicly. The  
122 limited public forum policy shall require the school district  
123 to:

124 1. Provide the forum in a manner that does not discriminate  
125 against a student's voluntary expression of a religious,  
126 political, or ideological viewpoint on an otherwise permissible  
127 subject;

128 2. Provide a method based on neutral criteria for the  
129 selection of student speakers at school events, activities, and  
130 graduation ceremonies;

131 3. Ensure that a student speaker does not engage in  
132 obscene, vulgar, offensively lewd, or indecent speech; and

133 4. State in written or oral form that the student's speech  
134 does not reflect the endorsement, sponsorship, position, or  
135 expression of the school district.

136 (b) The school district shall deliver the disclaimer  
137 required in subparagraph (a)4. at all graduation events and any  
138 other event at which a student speaks publicly.

139 (c) Student expression of a religious, political, or  
140 ideological viewpoint on an otherwise permissible subject may  
141 not be excluded from the limited public forum.

142 (6) The Department of Education shall develop a model  
143 policy regarding a limited public forum and voluntary expression  
144 of religious, political, or ideological viewpoints by students  
145 and school personnel in public schools pursuant to this section.

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The department shall publish the model policy on its website.  
Each district school board shall adopt and implement the  
department's model policy.

(7) This section does not prevent a school district from  
prohibiting, limiting, or restricting:

(a) Expression that the First Amendment of the United  
States Constitution does not protect.

(b) Expression that is unwelcome, and so severe, pervasive,  
and subjectively and objectively offensive, that a student is  
effectively denied equal access to educational opportunities or  
benefits provided by the school.

(c) Conduct that intentionally, materially, and  
substantially disrupts:

1. The operations of the school; or

2. The expressive activities of another person if that  
activity is occurring on campus in a space reserved for that  
activity under the exclusive use or control of a particular  
student, group of students, or group or club.

(8) (a) Any person or student club or group that is harmed  
by a violation of this section, or whose rights under this  
section are violated, shall have a private cause of action  
against the school district for declaratory and injunctive  
relief, statutory punitive damages, reasonable attorney fees and  
costs, and any other appropriate relief.

(b) If a person or student club or group prevails in any  
such action, the person or student club or group must be awarded  
statutory punitive damages in an amount of at least \$15,000, not  
to exceed \$25,000.

(c) Any person or student club or group aggrieved by a

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175 violation of this section may assert such violation as a defense  
176 or counterclaim in any disciplinary action or in any civil or  
177 administrative proceedings brought against such person or  
178 student club or group.

179 (d) Nothing in this section may be interpreted to limit any  
180 other remedies available to any student or student club or  
181 group.

182 (e) A person or student club or group must bring suit for  
183 violation of this section not later than 2 years after the day  
184 the cause of action accrues. For purposes of calculating the 2-  
185 year limitation period, each day that the violation persists,  
186 and each day that a policy in violation of this section remains  
187 in effect, constitutes a new day that the cause of action has  
188 accrued.

189 (9) (a) A school district that violates this section is not  
190 immune from suit or liability for such violation and is not  
191 immune from civil suit in federal court.

192 (b) The state waives immunity under the Eleventh Amendment  
193 of the United States Constitution and consents to suit in a  
194 federal court for lawsuits arising out of this section. A school  
195 that violates this section is not immune from suit or liability  
196 for the violation.

197 (10) If any provision of this section or its application to  
198 any person or circumstance is held invalid, the invalidity does  
199 not affect other provisions or applications of this section  
200 which can be given effect without the invalid provision or  
201 application, and to this end the provisions of this act are  
202 severable.

203 Section 2. This act shall take effect July 1, 2026.