

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.)

Prepared By: The Professional Staff of the Committee on Education Pre-K -12

BILL: SB 430

INTRODUCER: Senator Yarborough

SUBJECT: Oaths of School Personnel

DATE: January 16, 2026 REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. <u>Brick/Palazesi</u>	<u>Bouck</u>	<u>ED</u>	<u>Pre-meeting</u>
2. _____	_____	<u>HE</u>	_____
3. _____	_____	<u>RC</u>	_____

I. Summary:

SB 430 creates new oath requirements for specified education personnel in Florida. The bill requires public school instructional and administrative personnel and public and private prekindergarten instructors to subscribe to a specified oath before entering upon the duties of their positions. It also requires individuals employed in an administrative or instructional capacity at a Florida College System institution or state university to subscribe to a specified oath before entering upon their duties.

The oath affirms support for the United States Constitution and State Constitution and includes additional commitments regarding professional performance and conduct.

The bill takes effect July 1, 2026.

II. Present Situation:

Oaths for Public Service in Florida

The Florida law and the Florida Constitution require oaths tied to certain public service at the state and local levels. In addition, Florida statutes require public employees on the payroll of the state and its political subdivisions to execute a loyalty oath affirming support for the U.S. and Florida Constitutions.

Oath for Public Service for State and County Officers

For public office the Florida Constitution requires each state and county officer, before entering upon duties of the office give bond as required by law and shall swear or affirm:¹

¹ FLA. CONST. art. II section 5.

“I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the state; and that I will well and faithfully perform the duties of (title of office) on which I am now about to enter. So help me God.”

An oath is a sworn declaration that is often made in the name of a deity.² An affirmation serves the same function as an oath, but it is a solemn, secular declaration made without an oath.³ Florida law allows an affirmation to be substituted whenever an oath is required by Florida law in any proceeding.⁴ In practice, when a person affirms rather than swears, the person may omit the words “so help me God,” consistent with using an affirmation as a substitute for an oath.⁵

Oath for Public Employees

All employees who are on the payroll of the state, or any of its departments and agencies, subdivisions, counties, cities, school boards and districts of the free public school system of the state or counties, or institutions of higher learning, except candidates for federal office, are required to take an oath before any person duly authorized to take acknowledgments of instruments for public record in the state in the following form:⁶

“I, , a citizen of the State of Florida and of the United States of America, and being employed by or an officer of and a recipient of public funds as such employee or officer, do hereby solemnly swear or affirm that I will support the Constitution of the United States and of the State of Florida.”

If a public employee fails to take the oath, the governing authority under which such person is employed shall immediately discharge the employee, and his or her name must be removed from the payroll, and the person is not permitted to receive any payment as an employee or as an officer where he or she was serving.⁷

Candidates for Public Office

Each candidate, whether a party candidate, a candidate with no party affiliation, or a write-in candidate, in order to qualify for nomination or election to any office other than a judicial office or a federal office, shall take and subscribe to an oath or affirmation in writing. A copy of the

² Encyclopaedia Britannica, “Oath” (describing an oath as a religious and secular promise), <https://www.britannica.com/topic/oath-religious-and-secular-promise> (last visited Jan. 8, 2026); Cornell Law School, Legal Information Institute, Wex, “Oath” (noting that oaths are often done in the name of a deity, though not always), <https://www.law.cornell.edu/wex/oath> (last visited Jan. 8, 2026).

³ Encyclopaedia Britannica, “Affirmation” (law) (describing an affirmation as allowed in place of an oath for a witness who cannot, because of conscience, swear an oath), <https://www.britannica.com/topic/affirmation> (last visited Jan. 8, 2026); Merriam-Webster Dictionary, “affirmation” (law) (defining affirmation as a solemn declaration made under penalties of perjury by a person who conscientiously declines taking an oath), <https://www.merriam-webster.com/dictionary/affirmation> (last visited Jan. 8, 2026).

⁴ Section 92.52, F.S.

⁵ Florida Department of State, Division of Elections, DS-DE 56, Oath of Office (Rev. 07/25) (note stating: “If you affirm, you may omit the words ‘so help me God.’” and citing s. 92.52, Fla. Stat.), available at <https://files.floridadocs.gov/media/702653/dsde56-oath-acceptance-jul-2025.pdf>.

⁶ Section 876.05, (1), F.S.

⁷ Section 876.06, F.S.

oath or affirmation shall be made available to the candidate by the officer before whom such candidate seeks to qualify and shall be substantially in the following form:⁸

“Before me, an officer authorized to administer oaths, personally appeared (please print name as you wish it to appear on the ballot) , to me well known, who, being sworn, says that he or she is a candidate for the office of ; that he or she is a qualified elector of County, Florida; that he or she is qualified under the Constitution and the laws of Florida to hold the office to which he or she desires to be nominated or elected; that he or she has qualified for no other public office in the state, the term of which office or any part thereof runs concurrent with that of the office he or she seeks; that he or she has resigned from any office from which he or she is required to resign pursuant to s. 99.012, Florida Statutes; and that he or she will support the Constitution of the United States and the Constitution of the State of Florida.”

(Signature of candidate)

(Address of legal residence)

Sworn to and subscribed before me this day of , (year) , at County, Florida.

(Signature and title of officer administering oath)

Each candidate for federal office, whether a party candidate, a candidate with no party affiliation, or a write-in candidate, in order to qualify for nomination or election to office shall take and subscribe to an oath or affirmation in writing. A copy of the oath or affirmation shall be made available to the candidate by the officer before whom such candidate seeks to qualify and shall be substantially in the following form:⁹

State of Florida

County of

“Before me, an officer authorized to administer oaths, personally appeared (please print name as you wish it to appear on the ballot) , to me well known, who, being sworn, says that he or she is a candidate for the office of ; that he or she is qualified under the Constitution and laws of the United States to hold the office to which he or she desires to be nominated or elected; that he or she has qualified for no other public office in the state, the term of which office or any part thereof runs concurrent with that of the office he or she seeks; and that he or she will support the Constitution of the United States.”

(Signature of candidate)

(Address)

Sworn to and subscribed before me this day of , (year) , at County, Florida.

(Signature and title of officer administering oath)

States that Require Educators to take an Oath

In a number of states, oaths to uphold the U.S. and state constitution are commonly included as a part of the educator certification process, rather than as a stand-alone employment condition imposed by a school district. In these states, the oath is embedded as a part of the certification

⁸ Section 99.021(1)(a)1., F.S.

⁹ Section 99.021(1)(a)2., F.S.

process. For example, California provides that no credential may be granted unless the applicant subscribes to a prescribed oath or affirmation in the Education Code,¹⁰ and North Dakota requires that the issuance of a teaching license include filing a duly witnessed oath/affirmation.¹¹ In Nevada, no person may be employed as a teacher and paid from public funds without first taking and subscribing to the constitutional oath of office.¹²

Other states have taken a similar approach, including the oath as part of either the teacher certification or as part of the hiring processes. Michigan¹³ conditions the validity of a teaching certificate on the teacher's subscription to a constitutional oath, while Tennessee¹⁴ and West Virginia¹⁵ require teachers to take and sign an oath at the time of executing their employment contracts.

Educator Certification in Florida

In order for a person to serve as an educator in a traditional public school, charter school, virtual school, or other publicly operated school, the person must hold a certificate issued by the Department of Education (DOE).¹⁶ Persons seeking employment at a public school as a school supervisor, principal, teacher, library media specialist, counselor, athletic coach, or in other instructional capacity must be certified.¹⁷ The purpose of certification is to require school-based personnel to "possess the credentials, knowledge, and skills necessary to allow the opportunity for a high-quality education in the public schools."¹⁸

Among other requirements, to be eligible to seek certification, a person must file an affidavit that the applicant subscribes to and will uphold the principles incorporated in the Constitution of the United States and the Constitution of the State of Florida and that the information provided in the application is true, accurate, and complete.¹⁹

The filing of a written oath to uphold the principles of the Constitution of the United States and the Constitution of the State of Florida, does not apply to noncitizens who are needed to teach and who are legally admitted to the United States through the United States Bureau of Citizenship and Immigration Services and assigned to teach on an exchange basis.²⁰

¹⁰ EDC § 44334.

¹¹ N.D. Cent. Code § 15.1-13-15.

¹² NRS 391.080.

¹³ MCL 380.1532.

¹⁴ Tenn. Code Ann. § 49-5-405.

¹⁵ W. Va. Code § 18A-5-7.

¹⁶ Sections 1012.55(1) and 1002.33(12)(f), F.S.

¹⁷ Sections 1002.33(12)(f) (charter school teachers) and 1012.55(1), F.S. District school boards and charter school governing boards are authorized to hire non-certified individuals who possess expertise in a given field to serve in an instructional capacity. Rule 6A-1.0502, F.A.C.; ss. 1002.33(12)(f) and 1012.55(1)(c), F.S. Occupational therapists, physical therapists, audiologists, and speech therapists are not required to be certified educators. Rule 6A-1.0502(10) and (11), F.A.C.

¹⁸ Section 1012.54, F.S.; *see* Rule 6A-4.001(1), F.A.C.

¹⁹ Section 1012.56(2)(b), F.S.

²⁰ Section 1012.56(12), F.S.

Public Education Personnel

Public K-12 Personnel

“Instructional personnel” means any K-12 staff member whose function includes the provision of direct instructional services to students. Instructional personnel also includes K-12 personnel whose functions provide direct support in the learning process of students. Instructional personnel include classroom teachers, student personnel services, librarians/media specialists, learning resource specialists, and education paraprofessionals.²¹

“Administrative personnel” includes K-12 personnel who perform management activities such as developing broad policies for the school district and executing those policies through the direction of personnel at all levels within the district, such as district school superintendents, assistant superintendents, deputy superintendents, school principals, assistant principals, career center directors, and others who perform management activities.²²

Florida College System Personnel

Each board of trustees establishes the personnel program for all employees of the Florida College System institution.²³ Administrative personnel and instructional personnel are defined by the board of trustees subject to specified reporting requirements.²⁴

State University Personnel

Each state university board of trustees must establish a personnel program for all the employees of the institution. Regarding university teaching faculty and administrators, however, the personnel program must use the following definitions:²⁵

- University teaching faculty is defined as an employee that provides direct instruction, research, public service, student support, and administrative duties that may vary from semester to semester. These employees may be on a tenured/tenured-track line or under contract by the university in a faculty, academic personnel, or personnel support position.
- An administrator is defined as an employee who has managerial responsibilities for the operations of departments, teams, units, projects, or programs.

Voluntary Prekindergarten (VPK) Instructors

A Prekindergarten instructor is a teacher or child care personnel who provides instruction to students in the Voluntary Prekindergarten Education program.²⁶ For each prekindergarten class of 11 children or fewer, at least one prekindergarten instructor meets each of the following requirements.²⁷

- Submit to fingerprinting and background screening and not have a criminal history that requires the applicant’s disqualification from certification or employment

²¹ Section 1012.01(2), F.S.

²² Section 1012.01(3), F.S.

²³ Section 1001.64(18), F.S.

²⁴ Rule 6A-14.002, F.A.C.

²⁵ Board of Governors Regulation 9.006

²⁶ Section 1002.51(6), F.S.

²⁷ Section 1002.55, F.S.

- Copy of Affidavit of Good Moral Character
- Copy of a five (or more) hour Early Literacy training certificate. If Literacy training was completed after October 1, 2005, it must be the Florida Standards for Four-Year-Olds as well as VPK Emergent Literacy.

VPK instructors are also required to meet one of the following requirements:²⁸

- Child Development Associate (CDA) or Florida Child Care Professional Certificate (FCCPC) earned within the last five (5) years; or
- An Associate's Degree or higher in Child Development; or
- An Associate's Degree or higher in an unrelated field, with at least 6 credit hours in early childhood education or child development, and at least 480 hours of experience in teaching or providing childcare services for children any age from birth to 8 years of age; or
- A Bachelor's Degree or higher in early childhood education, prekindergarten or primary education, preschool education, or family and consumer science; or
- A Bachelor's Degree in elementary education, if the pre-k instructor has been certified to teach children any age from birth through 6th grade, with a Florida Educator's Certificate, regardless whether the certificate is current or not, and has not had this educator certificate suspended or revoked.

III. Effect of Proposed Changes:

The bill creates section 1012.591, F.S. to require that before entering into the duties of a member of the instructional and administrative personnel at a K-12 public school and a public or private prekindergarten instructor must subscribe to the following:

“I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and the Constitution and Government of the State of Florida; that I am duly qualified for employment as a member of the school personnel in this state; that I will well and faithfully perform the duties of a member of the school personnel in a professional, independent, objective, and nonpartisan manner; that I will uphold the highest standards of academic integrity and professional ethics; that I will foster a respectful learning environment for all students which promotes critical thinking, civic responsibility, and lifelong learning; and that I will serve as a positive role model in both conduct and character, so help me God.”

The bill creates sections 1012.802, F.S. to require that before entering into the duties of a person employed in an administrative or instructional capacity within a Florida College System institution or state university, a person must subscribe to the following oath:

“I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and the Constitution and Government of the State of Florida; that I am duly qualified for employment as a member of the school personnel in this state; that I will well and faithfully perform the duties of a member of the school personnel in a professional, independent, objective, and nonpartisan manner; that I will uphold the highest standards of academic integrity and professional ethics; that I will

²⁸ *Id.*

foster a respectful learning environment for all students which promotes critical thinking, civic responsibility, and lifelong learning; and that I will serve as a positive role model in both conduct and character, so help me God.”

The bill is effective July 1, 2026.

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:

The bill requires specified K-12 “school personnel,” including prekindergarten instructors, to subscribe to an oath before entering upon their duties. The bill also requires specified Florida College System institution and state university administrative and instructional employees to subscribe to an oath before entering upon their duties.

Because the bill applies to prekindergarten instructors, it may reach instructors employed by private entities that participate in the Voluntary Prekindergarten Education Program. Courts have invalidated funding conditions that require private recipients to adopt an organization-wide policy position as their own, or that also restrict the recipient’s speech with nonprogram funds.²⁹ By contrast, the United States Supreme Court has upheld funding conditions that define the limits of a government program’s funded activities or message, so long as recipients remain free to engage in their own speech outside the program, including through privately funded or separate affiliate activities.³⁰

²⁹ *Agency for Int’l Dev. v. All. for Open Soc’y Int’l, Inc.*, 570 U.S. 205 (2013) (invalidating a grant condition requiring recipients to adopt an organization-wide policy, not confined to the federally funded program); *FCC v. League of Women Voters of Cal.*, 468 U.S. 364 (1984) (invalidating a condition that prohibited certain federally funded stations from editorializing, including with nonfederal funds); *Legal Servs. Corp. v. Velazquez*, 531 U.S. 533 (2001) (invalidating a restriction on federally funded legal services that barred certain advocacy and operated as viewpoint discrimination).

³⁰ *Rust v. Sullivan*, 500 U.S. 173 (1991) (upholding Title X conditions restricting abortion counseling and referral within the federally funded program; distinguishing program-scope limits from compelled affirmation of belief); *Regan v. Tax’n With Representation of Wash.*, 461 U.S. 540 (1983) (upholding denial of tax-deductible status for substantial lobbying by a 501(c)(3), noting the ability to pursue lobbying through a separate affiliate); *Nat’l Endowment for the Arts v. Finley*, 524 U.S.

Courts have generally upheld narrowly drawn public-employee oaths limited to supporting the federal and state constitutions and opposing their unlawful overthrow.³¹ Courts have invalidated educator loyalty requirements when they use vague or overbroad standards or penalize protected association.³²

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

The bill requires specified K-12 “school personnel,” specified Florida College System institution and state university administrative to subscribe to an oath before entering upon their duties. It is unclear whether the bill’s oath requirements are consistent with current statute, specifically section 1012.56(12), F.S., which exempts noncitizens from subscribing to an oath to uphold the United States Constitution and State Constitution as part of educator certification, and section 1001.741(1)(b), F.S., which prohibits a state university from requiring any statement, pledge, or oath beyond a commitment to uphold general and federal law, the United States Constitution, and the State Constitution as part of an admissions, hiring, employment, promotion, tenure, disciplinary, or evaluation process.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates the following sections of the Florida Statutes: 1012.591 and 1012.802.

569 (1998) (upholding “decency and respect” grant criteria as part of a competitive subsidy scheme and not a direct prohibition of private speech).

³¹ *Cole v. Richardson*, 405 U.S. 676 (1972).

³² *Keyishian v. Bd. of Regents*, 385 U.S. 589 (1967).

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.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
