

# FLORIDA HOUSE OF REPRESENTATIVES

## BILL ANALYSIS

*This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.*

**BILL #:** [HJR 583](#)

**TITLE:** Protection of Religious Expression in Public Schools

**SPONSOR(S):** Tramont and Jacques

### Committee References

[Education Administration](#)

17 Y, 1 N

[Education & Employment](#)

18 Y, 1 N

## SUMMARY

### Effect of the Bill:

The joint resolution proposes an amendment to the Florida Constitution to provide protections from discrimination for student and school personnel religious expression in public schools, including the expression of religious beliefs in a student's school work or attire, prayer, activities and religious expressions, moments of silence, and opening remarks at a high school championship contest or series of contests.

If approved by the Legislature, the amendment would appear on the ballot for the 2026 general election.

### Fiscal or Economic Impact:

None

### Extraordinary Vote Required for Passage:

The joint resolution requires a three-fifths vote of the membership of both houses of the Legislature for final passage.

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## ANALYSIS

### **EFFECT OF THE BILL:**

The joint resolution proposes an amendment to the Florida Constitution to enshrine protections for student and school personnel contained in Florida Statute within the state constitution. The proposed amendment supplements existing [constitutional protections for freedom of religion](#) by specifying requirements for Florida's public schools.

The joint resolution provides that 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 must treat a student's voluntary expression of a religious viewpoint on an otherwise permissible subject in the same manner that the school district treats a student's voluntary expression of a secular viewpoint.

Under the joint resolution, a public school must allow the following [student and school personnel religious liberties](#):

- A student to express his or her religious beliefs in coursework, artwork, and other written and oral assignments free from discrimination. A student's homework and classroom assignments must be evaluated, regardless of any religious 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 content of his or her work if the coursework, artwork, or other written or oral assignment requires a student's viewpoint to be expressed.

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- A student to wear clothing, accessories, and jewelry that display a religious message or symbol in the same manner and to the same extent that secular types of clothing, accessories, and jewelry that display messages or symbols are allowed to be worn.
- A student to pray or engage in religious activities or expression before, during, and after the school day in the same manner and to the same extent that a student may engage in secular activities or expression. A student may organize prayer groups, religious clubs, and other religious gatherings in the same manner and to the same extent that a student is permitted to organize secular activities and groups.
- School personnel to participate in religious activities on school grounds which are initiated by students at reasonable times before or after the school day if such activities are voluntary and do not conflict with the responsibilities or assignments of such personnel.

The joint resolution requires public schools, without supporting or discouraging student prayer, to require teachers in first-period classrooms in all grades to set aside at least 1 minute, but not more than 2 minutes, daily for a moment of silence, during which a student may not interfere with other students' participation. Additionally, each high school participating in a championship contest or series of contests must have the opportunity to make brief opening remarks, if requested by the school, using the public address system at the event. Remarks may include student-led or school personnel-led prayer, may not be derogatory, rude, or threatening, and may not be longer than 2 minutes per school.

If passed, the joint resolution will be considered by the electorate at the next general election on November 3, 2026.

Because the joint resolution proposes a state constitutional amendment, it requires a three-fifths vote of the membership of each house of the Legislature to appear on the next general election ballot. If the joint resolution is placed on the ballot, it must be approved by at least 60 percent of the electors voting on the measure for passage.

## RELEVANT INFORMATION

### SUBJECT OVERVIEW:

#### Federal and State Law Regarding Religion and Free Speech

The relationship between religion and government in the United States is governed by the First Amendment to the U.S. Constitution,<sup>1</sup> which both prevents the government from establishing religion and protects privately initiated expression and activities from government interference and discrimination.

The First Amendment to the U.S. Constitution provides that Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Similarly, Article I, Section 3 of the Florida Constitution provides that there shall be no law respecting the establishment of religion or prohibiting or penalizing the free exercise thereof. Religious freedom shall not justify practices inconsistent with public morals, peace or safety.

Both the U.S. Constitution and the Florida Constitution contain an Establishment Clause, Free Exercise Clause, and protect individual freedom of speech and expression.<sup>2</sup>

#### Establishment of Religion

The Establishment Clause of the First Amendment to the U.S. Constitution requires the government, including public school officials, to maintain neutrality in its treatment of religion.<sup>3</sup> Accordingly, teachers and other school

<sup>1</sup> U.S. Const., Amend. 1.

<sup>2</sup> U.S. Const., Amend. 1; Art. I, s. 3, Fla. Const.

<sup>3</sup> U.S. Department of Education, *Guidance on Constitutionally Protected Prayer in Public Elementary and Secondary Schools*, <https://www.ed.gov/laws-and-policy/laws-preschool-grade-12-education/preschool-grade-12-policy-documents/guidance>

personnel, as government officials, may not lead students in prayer, devotional readings from religious texts, or other religious practices.<sup>4</sup>

### **Free Exercise of Religion**

The protections of the Free Exercise Clause direct that no law may discriminate against some or all religious beliefs or regulate or prohibit conduct undertaken for religious reasons.<sup>5</sup> Florida courts have generally interpreted Florida's Free Exercise Clause as coequal to the federal clause.<sup>6</sup>

Students may pray, read religious texts, or study religious materials in a non-disruptive manner when not engaged in school activities or instruction.<sup>7</sup> School authorities are permitted to regulate such activities, but must do so in a manner that does not discriminate against religious expression.<sup>8</sup>

### **Florida Student and School Personnel Religious Liberties Act**

Created in 2017, the Florida Student and School Personnel Religious Liberties Act (Act) authorizes voluntary expression of religious beliefs by students in public schools.<sup>9</sup> A student may express religious beliefs in homework, artwork, and other written and oral assignments free from discrimination based on the religious content.<sup>10</sup> Such assignments must be evaluated based on relevant academic standards, and neither penalized nor rewarded on account of religious content.<sup>11</sup>

In addition to permitting written and oral religious expression, the Act authorizes students to wear jewelry, accessories, and clothing that display a religious message or symbol<sup>12</sup> to the same extent that students are permitted to wear secular clothing, accessories, and jewelry.<sup>13</sup>

The Act also authorizes students to organize religious activities before, during, and after the school day to the same extent that students may engage in secular activities, expression, or groups.<sup>14</sup> A religious group may be given access to the same school facilities for assembling as given to secular groups without discrimination based on the religious content of the group's expression. Further, the Act authorizes a religious group to advertise or announce

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[on-constitutionally-protected-prayer-and-religious-expression-in-public-elementary-and-secondary-schools](#) (last visited Jan. 22, 2026); *see also Everson v. Board of Education*, 330 U.S. 1, 18 (1947).

<sup>4</sup> *Engle v. Vitale*, 370 U.S. 421 (1962) (invalidating state laws directing the use of teacher-led prayer in public schools) and *School District of Abington Township Pennsylvania et al. v. Shempp et al.*, 374 U.S. 203 (1963) (invalidating state laws requiring public schools to begin the school day with Bible readings).

<sup>5</sup> *Church of the Lukumi Babalu Aye, Inc. v. City of Hialeah*, 508 U.S. 520, 532 (1993).

<sup>6</sup> *Warner v. City of Boca Raton*, 887 So. 2d 1023, 1030 (citing *Toca v. State*, 834 So. 2d 204, 208 (Fla. 2d DCA 2002)).

<sup>7</sup> U.S. Department of Education, *Guidance on Constitutionally Protected Prayer in Public Elementary and Secondary Schools*, <https://www.ed.gov/laws-and-policy/laws-preschool-grade-12-education/preschool-grade-12-policy-documents/guidance-on-constitutionally-protected-prayer-and-religious-expression-in-public-elementary-and-secondary-schools> (last visited Jan. 22, 2026).

<sup>8</sup> *Board of Education of Westside Community Schools, etc. et al. v. Mergens et al.*, 496 U.S. 226 (1990).

<sup>9</sup> Section [1002.206\(2\), F.S.](#)

<sup>10</sup> Section [1002.206\(3\)\(a\), F.S.](#) See U.S. Department of Education, *Guidance on Constitutionally Protected Prayer in Public Elementary and Secondary Schools*, <https://www.ed.gov/laws-and-policy/laws-preschool-grade-12-education/preschool-grade-12-policy-documents/guidance-on-constitutionally-protected-prayer-and-religious-expression-in-public-elementary-and-secondary-schools> (last visited Jan. 22, 2026). As an example, if a teacher's assignment involves writing a poem, the work of a student who submits a poem in the form of a prayer should be judged on the basis of academic standards, such as literary quality. *Id.*

<sup>11</sup> Section [1002.206\(3\)\(a\), F.S.](#)

<sup>12</sup> An example of jewelry that displays a religious message or symbol may include a rosary necklace. *See Chalifoux v. New Caney Independent School District*, 976 F. Supp. 659 (S.D. Tex. 1997).

<sup>13</sup> Section [1002.206\(3\)\(b\), F.S.](#)

<sup>14</sup> Section [1002.206\(4\)\(a\), F.S.](#)

its meetings to the same extent that a secular group may advertise or announce its meetings.<sup>15</sup> Students at such schools may organize during noninstructional time.<sup>16</sup>

The Act specifies certain requirements for school districts regarding religious expression in public schools. School districts are directed to comply with Title VII of the Civil Rights Act of 1964, which prohibits an employer from discriminating against an employee on the basis of religion. Additionally, school districts may not prevent personnel from participating in religious activities on school grounds that are initiated by students before or after the school day. The activities must be voluntary, held at reasonable times, and must not conflict with the responsibilities or assignments of such personnel.<sup>17</sup>

The Act requires a school district to adopt a policy that establishes a limited public forum for student speakers at any school event where a student is speaking publicly. The school district must:

- provide a forum that does not discriminate against a student's voluntary expression of a religious viewpoint on an otherwise permissible subject;
- provide, based on neutral criteria, a method for student speakers selection at school activities and events;
- ensure the student speaker does not engage in vulgar, obscene, indecent, or offensively lewd speech; and
- state in written or oral form that the student's speech does not reflect the endorsement, sponsorship, position, or expression of the school district. The disclaimer must be delivered at any event where a student speaks publicly.
- A forum may not exclude student expression of a religious viewpoint on an otherwise permissible subject.<sup>18</sup>

As required by law, the Department of Education developed a model policy for limited public forums and the voluntary expression of religious viewpoints which must be adopted and implemented by each district school board.<sup>19</sup>

### **Mandatory Moment of Silence in Schools**

Under current law, the principal of each public school must require teachers in first-period classrooms in all grades to set aside at least 1 minute, but not more than 2 minutes, daily for a moment of silence, during which students may not interfere with other students' participation. A teacher may not make suggestions as to the nature of any reflection that a student may engage in during the moment of silence.<sup>20</sup> Additionally, each first-period classroom teacher must encourage parents or guardians to discuss the moment of silence with their children and to make suggestions as to the best use of this time.<sup>21</sup>

### **Opening Remarks at High School Athletic Contests**

Each athletic association whose membership includes public schools must adopt bylaws providing each school participating in a high school championship contest under the direction of the association the opportunity to make brief opening remarks, if requested by the school. Such remarks must be made using the public address system at the event and may not be longer than 2 minutes per participating school.<sup>22</sup>

<sup>15</sup> Section [1002.206\(4\)\(c\), F.S.](#) See Equal Access Act; 20 U.S.C. s. 4071.

<sup>16</sup> "A public secondary school has a limited open forum whenever such school grants an offering to or opportunity for one or more noncurriculum related student groups to meet on school premises during noninstructional time." *Id.* at (b).

<sup>17</sup> Section [1002.206\(4\)\(b\), F.S.](#) U.S. Department of Education, *Guidance on Constitutionally Protected Prayer in Public Elementary and Secondary Schools*, <https://www.ed.gov/laws-and-policy/laws-preschool-grade-12-education/preschool-grade-12-policy-documents/guidance-on-constitutionally-protected-prayer-and-religious-expression-in-public-elementary-and-secondary-schools> (last visited Jan. 22, 2026). For example, teachers may meet with other teachers for prayer or Bible study to the same extent that they may engage in other conversations or nonreligious activities. Similarly, teachers may participate in their personal capacities in privately sponsored baccalaureate ceremonies. *Id.*

<sup>18</sup> Section [1002.206\(5\), F.S.](#)

<sup>19</sup> Section [1002.206\(6\), F.S.](#) See Florida Department of Education, *Model Policy on Religious Expression in Public Schools*, available at <https://www.fl DOE.org/core/fileparse.php/7749/urll/ModelPolicy.pdf>.

<sup>20</sup> Section [1003.45\(3\), F.S.](#)

<sup>21</sup> Section [1003.45\(4\), F.S.](#)

<sup>22</sup> Section [1006.185, F.S.](#)

The athletic association may not control, monitor, or review the content of the opening remarks and may not control the school's choice of speaker. Member schools may not provide remarks that are derogatory, rude, or threatening. Before the opening remarks, an announcement must be made that the content of any opening remarks by a participating school is not endorsed by and does not reflect the views and/or opinions of the athletic association. The decision to allow opening remarks before regular season contests is at the discretion of each school.<sup>23</sup>

#### RECENT LEGISLATION:

YEAR	BILL #/SUBJECT	HOUSE/SENATE SPONSOR(S)	OTHER INFORMATION
2025	<a href="#">CS/HB 1009</a> - Religious and Patriotic Expression in the Public School System	Daniels, Basabe/ <i>Rodriguez</i>	The bill passed the House and died in the Senate.
2023	<a href="#">CS/CS/HB 225</a> - Interscholastic Activities	Hawkins, Canady/ <i>Collins</i>	The bill became law on July 1, 2023.
2021	<a href="#">HB 529</a> - Moments of Silence in Public Schools	Fine/ <i>Baxley</i>	The bill became law on July 1, 2021.

#### BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
<a href="#">Education Administration Subcommittee</a>	17 Y, 1 N	1/14/2026	Sleap	Wolff
<a href="#">Education &amp; Employment Committee</a>	18 Y, 1 N	1/22/2026	Hassell	Wolff

<sup>23</sup> *Id.*