

1                   A bill to be entitled  
2       An act relating to freedom of speech and religious  
3       expression in public schools; amending s. 1002.206,  
4       F.S.; prohibiting a school district from  
5       discriminating against students or school personnel on  
6       the basis of political or ideological viewpoints or  
7       expression; prohibiting penalty or reward for a  
8       student's political or ideological expression in  
9       coursework, artwork, or other specified assignments;  
10      authorizing a student to wear clothing, accessories,  
11      and jewelry displaying political or ideological  
12      messages or symbols; authorizing a student to engage  
13      in political or ideological activities or expression;  
14      authorizing a student to organize political or  
15      ideological groups, clubs, and other gatherings;  
16      requiring that a school district provide political or  
17      ideological groups with equal access to school  
18      facilities; authorizing political or ideological  
19      groups to advertise or announce meetings in the same  
20      manner and to the same extent as other groups;  
21      requiring that the Department of Education develop and  
22      publish a model policy regarding a limited public  
23      forum and political or ideological expression;  
24      providing construction; creating a private cause of  
25      action for persons and student clubs or groups harmed

26 by specified violations; providing for specified  
27 awards to such persons and clubs or groups;  
28 authorizing such persons and clubs or groups to use  
29 specified violations as a defense or counterclaim  
30 under certain circumstances; providing applicability;  
31 requiring such actions to be brought within a  
32 specified period of time; providing that state waives  
33 specified immunity; providing school district  
34 liability; providing severability; providing an  
35 effective date.  
36

37 Be It Enacted by the Legislature of the State of Florida:  
38

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

41 1002.206 Freedom of speech and religious expression in  
42 public schools.—

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

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

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

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

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

74 (4) (a) A student may pray or engage in or organize  
75 religious, political, or ideological activities or religious,

76 political, or ideological expression before, during, and after  
77 the school day in the same manner and to the same extent that a  
78 student may engage in other ~~secular~~ activities or expression. A  
79 student may organize prayer groups or, religious, political, or  
80 ideological clubs, and other religious, political, or  
81 ideological gatherings before, during, and after the school day  
82 in the same manner and to the same extent that a student is  
83 permitted to organize other ~~secular~~ activities, clubs,  
84 gatherings, and groups. A school district may not discriminate  
85 against a student club or group based on:

86 1. The religious, political, or ideological viewpoints  
87 expressed by the students or the club; or

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

92 (b)1. A school district may not prevent school personnel  
93 from participating in religious activities on school grounds  
94 that are initiated by students at reasonable times before or  
95 after the school day if such activities are voluntary and do not  
96 conflict with the responsibilities or assignments of such  
97 personnel.

98 2. A school district shall comply with the federal  
99 requirements in Title VII of the Civil Rights Act of 1964, which  
100 prohibits an employer from discriminating against an employee on

101 the basis of religion.

102 (c) A school district shall give a religious, political,  
103 or ideological group access to the same school facilities for  
104 assembling as given to other ~~secular~~ groups without  
105 discrimination based on the religious, political, or ideological  
106 content of the group's expression. A group that meets for prayer  
107 or ~~other~~ religious, political, or ideological speech may  
108 advertise or announce its meetings in the same manner and to the  
109 same extent that another ~~a secular~~ group may advertise or  
110 announce its meetings.

111 (5)(a) A school district shall adopt a policy that  
112 establishes a limited public forum for student speakers at any  
113 school event at which a student is to speak publicly. The  
114 limited public forum policy shall require the school district  
115 to:

116 1. Provide the forum in a manner that does not  
117 discriminate against a student's voluntary expression of a  
118 religious, political, or ideological viewpoint on an otherwise  
119 permissible subject;

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

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

125 4. State in written or oral form that the student's speech

126 does not reflect the endorsement, sponsorship, position, or  
127 expression of the school district.

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

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

134 (6) The Department of Education shall develop a model  
135 policy regarding a limited public forum and voluntary expression  
136 of religious, political, or ideological viewpoints by students  
137 and school personnel in public schools pursuant to this section.  
138 The department shall publish the model policy on its website.  
139 Each district school board shall adopt and implement the  
140 department's model policy.

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

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

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

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

151       1. The operations of the school; or

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

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

162       (b) If a person or student club or group prevails in any  
163 such action, the person or student club or group shall be  
164 awarded statutory punitive damages in an amount of at least  
165 \$15,000, not to exceed \$25,000.

166       (c) Any person or student club or group aggrieved by a  
167 violation of this section may assert such violation as a defense  
168 or counterclaim in any disciplinary action or in any civil or  
169 administrative proceedings brought against such person or  
170 student club or group.

171       (d) Nothing in this section shall be interpreted to limit  
172 any other remedies available to any student or student club or  
173 group.

174       (e) A person or student club or group shall be required to  
175 bring suit for violation of this section not later than 2 years

176 after the day the cause of action accrues. For purposes of  
177 calculating the 2-year limitation period, each day that the  
178 violation persists, and each day that a policy in violation of  
179 this section remains in effect, shall constitute a new day that  
180 the cause of action has accrued.

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

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

189 (10) If any provision of this section or its application  
190 to any person or circumstance is held invalid, the invalidity  
191 does not affect other provisions or applications of this section  
192 which can be given effect without the invalid provision or  
193 application, and to this end the provisions of this act are  
194 severable.

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