

FLORIDA HOUSE OF REPRESENTATIVES BILL ANALYSIS

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BILL #: CS/HB 1009 TITLE: Religious and Patriotic Expression in the Public School System SPONSOR(S): Daniels	COMPANION BILL: SB 1504 (Rodriguez) LINKED BILLS: None RELATED BILLS: None
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Committee References

[Education Administration](#)

17 Y, 1 N, As CS

[PreK-12 Budget](#)

[Education & Employment](#)

SUMMARY

Effect of the Bill:

The bill clarifies that the Florida Department of Education (DOE) must annually distribute the United States Department of Education's Guidance on Constitutionally Protected Prayer and Religious Expression in Public Elementary and Secondary Schools. The DOE must also distribute its Model Policy on Religious Expression alongside the guidance. The bill also clarifies that the required displays of the State Motto must be located in a clearly visible and public area of the school or building used by the district school board.

Fiscal or Economic Impact:

None

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ANALYSIS

EFFECT OF THE BILL:

The bill updates Florida law to specify that the Florida Department of Education (DOE) must annually distribute the United States Department of Education's (U.S. DOE) [Guidance](#) on Constitutionally Protected Prayer and Religious Expression in Public Elementary and Secondary Schools; this aligns the requirements with the current name of the U.S. DOE guidance. Moreover, the Florida DOE must distribute its Model Policy on [Religious Expression](#) in Public Schools annually, alongside the guidance. (Section [1](#)).

The bill clarifies that each district school board must adopt rules requiring every school to display the [State Motto](#) of "In God We Trust" in a clearly visible and public location which is readily accessible to and widely used by students; the district school boards' rules must also require that every building used by the district school board displays the State Motto in a clearly visible and public location. (Section [2](#)).

The effective date of the bill is July 1, 2025. (Section [3](#)).

RELEVANT INFORMATION

SUBJECT OVERVIEW:

In the United States, the First Amendment governs the relationship between religion and the government. While preventing federal, state, and local governments¹ from establishing religion, the First Amendment also prohibits

¹ While the text of the 1st Amendment reads that "Congress shall make no law . . ." courts have held that the 1st Amendment applies to all levels of government under the 14th Amendment. See e.g. *Murdock v. Pennsylvania*, 319 U.S. 105, 108 (1943).

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governments from interfering with or discriminating against privately initiated religious expression and activities.² As a result, the key distinction is whether the religious expression is government sponsored or privately initiated.³

[United States Department of Education Guidance](#)

The Elementary and Secondary Education Act (ESEA) requires that, as a condition of receiving ESEA funds, local educational agencies certify in writing that the state educational agency has no policy preventing or denying participation in constitutionally protected prayer. Moreover, the ESEA requires the Secretary of Education to issue guidance to state educational agencies, local educational agencies, and the public on constitutionally protected prayer in public schools.⁴ The Guidance on Constitutionally Protected Prayer and Religious Expression in Public Elementary and Secondary Schools clarifies the current legal landscape regarding school prayer in specific contexts.⁵

[Florida Law-Religious Expression](#)

Florida law requires that the DOE annually distribute the U.S. DOE guidelines on religious expression in public schools to all district school board members, superintendents, school principals, and teachers.⁶

Florida law also codifies protections of religious expression under the Florida Student and School Personnel Religious Liberties Act (FSPRLA).⁷ Under the FSPRLA, students are permitted to express religious beliefs in coursework, free from discrimination, and may not be penalized for such expressions.⁸ Students are also permitted to wear clothing, accessories, and jewelry that display religious messaging and to pray or engage in religious activities before, during, and after the school day in the same manner that students are permitted to engage in secular activity.⁹

The FSPRLA imposes several restrictions and requirements on school districts aimed at ensuring the freedom of religious expression in public schools. School districts are forbidden from discriminating against a student, parent, or school personnel on the basis of a religious viewpoint or expression.¹⁰ Moreover, they may not prevent school personnel from participating in religious activities on school grounds that are initiated by students before or after the school day, so long as those activities are voluntary and do not conflict with the responsibilities of the school personnel.¹¹ School districts must also give religious groups access to school facilities as given to secular groups. Finally, school districts are required to adopt a policy that establishes a limited public forum for student speakers that:¹²

- Provides the forum in a manner that does not discriminate against a student’s voluntary expression of religious viewpoints on an otherwise permissible subject;
- Provides a method for the selection of student speakers at school events, activities, and graduation ceremonies that is based on neutral criteria;
- Ensures that a student speaker does not engage in obscene, vulgar, offensively lewd, or indecent speech; and
- States in oral or written form that the student’s speech does not reflect the endorsement, sponsorship, position, or expression of the school district.

² U.S. Const. Amend. 1.

³ *Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290, 302 (2000) (“there is a crucial difference between government speech endorsing religion, which the Establishment Clause forbids, and private speech endorsing religion, which the Free Speech and Free Exercise Clauses protect.”).

⁴ 20 U.S.C. Section 7904(a).

⁵ U.S. Department of Education, *Guidance on Constitutionally Protected Prayer and Religious Expression in Public Elementary and Secondary Schools*, <https://www.ed.gov/laws-and-policy/education-policy/guidance-on-constitutionally-protected-prayer-and-religious-expression-in-public-elementary-and-secondary-schools> (last visited Mar. 27, 2025).

⁶ Section, [1002.205, F.S.](#)

⁷ See ch. 2017-74, L.O.F.

⁸ Section [1002.206\(3\), F.S.](#)

⁹ Section [1002.206\(4\), F.S.](#)

¹⁰ Section [1002.206\(2\), F.S.](#)

¹¹ Section [1002.206\(4\)\(b\), F.S.](#)

¹² Section [1002.206\(5\)\(a\), F.S.](#)

The DOE must also develop and publish on its website, a model policy regarding limited public forum and voluntary expression of religious viewpoints by students and school personnel.¹³ A school district must adopt and implement the DOE’s model policy.

Florida Law-Patriotic Programs

Under Florida Law, school districts are permitted to adopt various patriotic programs to encourage greater respect for the government of the United States. For example, school districts are encouraged to coordinate instructions related to our nation’s founding fathers for “American Founders’ Month.”¹⁴ Florida Law requires, however, that the pledge of allegiance to the flag be recited at the beginning of each day in every public elementary, middle, and high school.¹⁵ Moreover, each district school board must adopt rules that require the display of the state motto, “In God We Trust,” at every school and building used by the district school board in a conspicuous place.¹⁶

OTHER RESOURCES:

- [Guidance on Constitutionally Protected Prayer and Religious Expression in Public Elementary and Secondary Schools | U.S. Department of Education](#)
- [Florida Department of Education Model Policy on Religious Expression in Public Schools](#)

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Education Administration Subcommittee	17 Y, 1 N, As CS	4/2/2025	Sleep	Blank
THE CHANGES ADOPTED BY THE COMMITTEE:	<ul style="list-style-type: none"> • Removed restatement of current law from the bill. • Removed the requirement to play the national anthem at the beginning of the school day. • Removed the requirement to provide students with notice of a right to not participate in the singing of the anthem or the moment of silence. • Updated the statute to reflect the current name of the U.S. DOE’s Guidance on Constitutionally Protected Prayer and Religious Expression in Public Elementary and Secondary Schools. • Required that the DOE distribute its Model Policy on Religious Expression alongside the U.S. DOE guidance. • Revised the requirements for the display of the State Motto. 			
PreK-12 Budget Subcommittee				
Education & Employment Committee				

THIS BILL ANALYSIS HAS BEEN UPDATED TO INCORPORATE ALL OF THE CHANGES DESCRIBED ABOVE.

¹³ Section [1002.206\(6\), F.S.](#)
¹⁴ Section [1003.44\(2\), F.S.](#)
¹⁵ Section [1003.44\(1\), F.S.](#)
¹⁶ Section [1003.44\(4\), F.S.](#)

