

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Education

CS/CS/HB 233 — Postsecondary Education

by Education and Employment Committee; Postsecondary Education and Lifelong Learning Subcommittee; and Rep. Roach and others (CS/CS/SB 264 by Appropriations Committee; Education Committee; and Senator Rodrigues)

The bill adds requirements designed to protect the expression of diverse viewpoints at Florida College System (FCS) institutions and state universities. The bill:

- Requires each FCS institution and state university to annually assess the intellectual freedom and viewpoint diversity at that institution using a survey adopted by the State Board of Education (SBE) or the Board of Governors of the State University System (BOG), as applicable. The SBE and the BOG must publish the results by September 1, 2022, and each September 1 thereafter.
- Prohibits the SBE and the BOG, and FCS institutions and state universities, from shielding students, faculty, or staff from protected free speech.
- Includes in the definition of protected expressive activities faculty research, lectures, writings, and commentary, whether published or unpublished. The bill clarifies that expressive activities do not include defamatory speech.
- Authorizes a student to record video or audio of class lectures for personal educational use, in connection with a complaint to the public institution of higher education where the recording was made, or as evidence in, or in preparation for, a criminal or civil proceeding.
- Modifies the cause of action for violations of student expressive rights to authorize a cause of action for persons injured by violations of specified rights to free speech activities, and adds a cause of action for violations related to the recording and publication of classroom lectures.

The bill requires that state university student government associations provide elected or appointed officers a direct appeal to a senior university administrator of any discipline, suspension, or removal from office. In addition, the bill requires all FCS institutions and state universities to adopt student codes of conduct that meet a set of minimum due process protections for students and student organizations.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 23-15; House 77-42