



101332

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/07/2018	.	
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The Committee on Education (Baxley) recommended the following:

Senate Amendment (with title amendment)

Delete lines 30 - 90
and insert:
public technical center, state university, law school, medical
school, dental school, or Florida College System institution as
defined in s. 1000.21.

(2) RIGHT TO FREE SPEECH ACTIVITIES.-

(a) Expressive activities protected under this section
include, but are not limited to, any lawful verbal or written
means by which an individual may communicate ideas to others,



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12 including all forms of peaceful assembly, protests, speeches,
13 and guest speakers; distributing literature; carrying signs;
14 circulating petitions; and the recording and publication,
15 including Internet publication, of video or audio recorded in
16 outdoor areas of campus of public institutions of higher
17 education.

18 (b) A person who wishes to engage in an expressive activity
19 in the outdoor areas of campus of a public institution of higher
20 education may do so freely, spontaneously, and contemporaneously
21 as long as the person's conduct is lawful and does not
22 materially and substantially disrupt the functioning of the
23 public institution of higher education.

24 (c) The outdoor areas of campus of a public institution of
25 higher education that accept federal funding are considered
26 traditional public forums. A public institution of higher
27 education may create and enforce restrictions that are
28 reasonable and content-neutral on time, place, and manner of
29 expression and that are narrowly tailored to a significant
30 institutional interest. Restrictions must be clear, be
31 published, and provide for ample alternative means of
32 expression.

33 (d) A public institution of higher education may not
34 designate any area of campus as a free speech zone or otherwise
35 create policies restricting expressive activities to a
36 particular area of campus.

37 (e) Students, faculty, or staff of a public institution of
38 higher education may not materially disrupt previously scheduled
39 or reserved activities on campus occurring at the same time.

40 (3) CAUSE OF ACTION; DAMAGES.—



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41 (a) The Attorney General or a person whose expressive
42 rights are violated by an action prohibited under this section
43 may bring an action in a court of competent jurisdiction against
44 the public institution of higher education to recover
45 compensatory damages plus court costs and a reasonable attorney
46 fee. If the court finds that a violation of this section
47 occurred, the court shall award the aggrieved party at least
48 \$500 for each violation or shall award compensatory damages.

49 (b) Excluding reasonable court costs and attorney fees, the
50 total compensatory damages available to a plaintiff in a case
51 arising from a single violation of this section may not exceed
52 \$100,000. If there are multiple plaintiffs, the court shall
53 divide the damages equally among the plaintiffs until the
54 maximum award is exhausted.

55 (4) STATUTE OF LIMITATIONS.—A person aggrieved by a
56 violation of this section must bring suit no later than 1 year
57 after the date the cause of action accrues. For the purpose of
58 calculating the 1-year limitation period, each day that a
59 violation of this section persists or each day that a policy in
60 violation of this section remains in effect constitutes a new
61 violation and, therefore, a new day that the cause of action
62 accrues.

63 Section 3. Paragraphs (c) and (d) are added to subsection
64 (10) of section 1009.24, Florida Statutes, to read:

65 1009.24 State university student fees.—

66 (10)

67 (c) In the interest of preserving viewpoint neutrality in
68 the allocation of activity and service fees, a student
69 government organization that receives a request for activity and



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70 service fee funding from a recognized student organization must
71 provide a written explanation to the recognized student
72 organization regarding its funding determination.

73 (d) Each student government association shall maintain on
74 its website an organized record of the funding requests and
75 awards it receives and disburses. The record must contain the
76 name of each organization that requested funds, the amount the
77 organization requested, the amount the organization received,
78 and the written explanation required in paragraph (c). The
79 record must be displayed prominently on the student government
80 association's website.

81
82 ===== T I T L E A M E N D M E N T =====

83 And the title is amended as follows:

84 Delete line 10

85 and insert:

86 providing a statute of limitations; amending s.
87 1009.24, F.S.; requiring student government
88 associations to provide specified information to
89 recognized student organizations that request funding;
90 requiring the organizations to maintain and
91 prominently display on their websites certain
92 information regarding such funding requests; providing
93 an