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LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
02/28/2018	.	
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The Committee on Appropriations (Baxley) recommended the following:

1 **Senate Amendment to Amendment (240726) (with title**
2 **amendment)**

3
4 Between lines 2023 and 2024
5 insert:

6 Section 25. Section 1004.097, Florida Statutes, is created
7 to read:

8 1004.097 Free expression on campus.—

9 (1) DEFINITIONS.—As used in this section, the term:

10 (a) "Free speech zone" means a designated area on a public



11 institution of higher education's campus for the purpose of
12 political protesting.

13 (b) "Outdoor areas of campus" means generally accessible
14 areas of the campus where members of the campus community are
15 commonly allowed, including grassy areas, walkways, or other
16 similar common areas. The term does not include outdoor areas
17 where access is restricted.

18 (c) "Public institution of higher education" means any
19 public technical center, state university, law school, medical
20 school, dental school, or Florida College System institution as
21 defined in s. 1000.21.

22 (2) RIGHT TO FREE SPEECH ACTIVITIES.-

23 (a) Expressive activities protected under this section
24 include, but are not limited to, any lawful verbal or written
25 means by which an individual may communicate ideas to others,
26 including all forms of peaceful assembly, protests, speeches,
27 and guest speakers; distributing literature; carrying signs;
28 circulating petitions; and the recording and publication,
29 including Internet publication, of video or audio recorded in
30 outdoor areas of campus of public institutions of higher
31 education.

32 (b) A person who wishes to engage in an expressive activity
33 in the outdoor areas of campus of a public institution of higher
34 education may do so freely, spontaneously, and contemporaneously
35 as long as the person's conduct is lawful and does not
36 materially and substantially disrupt the functioning of the
37 public institution of higher education.

38 (c) The outdoor areas of campus of a public institution of
39 higher education that accepts federal funding are considered



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40 traditional public forums. A public institution of higher
41 education may create and enforce restrictions that are
42 reasonable and content-neutral on time, place, and manner of
43 expression and that are narrowly tailored to a significant
44 institutional interest. Restrictions must be clear, be
45 published, and provide for ample alternative means of
46 expression.

47 (d) A public institution of higher education may not
48 designate any area of campus as a free speech zone or otherwise
49 create policies restricting expressive activities to a
50 particular area of campus.

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

54
55 ===== T I T L E A M E N D M E N T =====

56 And the title is amended as follows:

57 Delete line 3514

58 and insert:

59 made by the act; creating s. 1004.097, F.S.; defining
60 terms; providing applicability; authorizing a public
61 institution of higher education to create and enforce
62 certain restrictions relating to expressive activities
63 on campus; providing applicability; prohibiting a
64 public institution of higher education from
65 designating free speech zones or other restrictive
66 policies; prohibiting students, faculty, or staff of a
67 public institution of higher education from materially
68 disrupting scheduled activities; creating s. 1006.05,



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F.S.; providing