

1 A bill to be entitled
2 An act relating to intellectual freedom in
3 postsecondary education; amending s. 1001.03, F.S.;
4 defining the term "intellectual freedom and viewpoint
5 diversity"; requiring the State Board of Education to
6 require each Florida College System institution to
7 conduct an annual assessment related to intellectual
8 freedom and viewpoint diversity at that institution;
9 providing criteria relating to such assessment;
10 prohibiting the State Board of Education from
11 shielding Florida College System institution students
12 from certain speech; amending s. 1001.706, F.S.;
13 requiring the Board of Governors to require each state
14 university to conduct an annual assessment related to
15 intellectual freedom and viewpoint diversity at that
16 institution; providing criteria relating to such
17 assessment; prohibiting the Board of Governors from
18 shielding state university students from certain
19 speech; amending s. 1004.097, F.S.; allowing students
20 at public postsecondary institutions to record certain
21 audio and video in classrooms; providing an effective
22 date.

23
24 Be It Enacted by the Legislature of the State of Florida:
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26 Section 1. Subsection (19) is added to section 1001.03,
27 Florida Statutes, to read:

28 1001.03 Specific powers of State Board of Education.—

29 (19) INTELLECTUAL FREEDOM AND VIEWPOINT DIVERSITY
30 ASSESSMENT.—

31 (a) For the purposes of this subsection, the term
32 "intellectual freedom and viewpoint diversity" means the
33 exposure of students to, and the encouragement of students'
34 exploration of, a variety of ideological and political
35 perspectives.

36 (b) The State Board of Education shall require each
37 Florida College System institution to conduct an annual
38 assessment of the intellectual freedom and viewpoint diversity
39 at that institution. The State Board of Education shall select
40 or create an objective, nonpartisan, and statistically valid
41 survey to be used by each institution which considers the extent
42 to which competing ideas and perspectives are presented and
43 members of the college community feel free to express their
44 beliefs and viewpoints on campus and in the classroom. The State
45 Board of Education shall annually compile and publish the
46 assessments by September 1 of each year, beginning on September
47 1, 2022.

48 (c) The State Board of Education may not shield students
49 at Florida College System institutions from free speech
50 protected under the First Amendment to the United States

51 Constitution and Art. I of the State Constitution.

52 Section 2. Subsection (13) is added to section 1001.706,
53 Florida Statutes, to read:

54 1001.706 Powers and duties of the Board of Governors.—

55 (13) INTELLECTUAL FREEDOM AND VIEWPOINT DIVERSITY

56 ASSESSMENT.—

57 (a) The Board of Governors shall require each state
58 university to conduct an annual assessment of the intellectual
59 freedom and viewpoint diversity, as defined in s.

60 1001.03(19)(a), at that institution. The Board of Governors
61 shall select or create an objective, nonpartisan, and
62 statistically valid survey to be used by each state university
63 which considers the extent to which competing ideas and
64 perspectives are presented and members of the university
65 community feel free to express their beliefs and viewpoints on
66 campus and in the classroom. The Board of Governors shall
67 annually compile and publish the assessments by September 1 of
68 each year, beginning on September 1, 2022.

69 (b) The Board of Governors may not shield students at
70 state universities from free speech protected under the First
71 Amendment to the United States Constitution and Art. I of the
72 State Constitution.

73 Section 3. Paragraph (a) of subsection (3) of section
74 1004.097, Florida Statutes, is amended to read:

75 1004.097 Free expression on campus.—

76 (3) RIGHT TO FREE-SPEECH ACTIVITIES.—

77 (a) Expressive activities protected under the First
78 Amendment to the United States Constitution and Art. I of the
79 State Constitution include, but are not limited to, any lawful
80 oral or written communication of ideas, including all forms of
81 peaceful assembly, protests, and speeches; distributing
82 literature; carrying signs; circulating petitions; and, not
83 withstanding s. 934.03(1), the recording and publication,
84 including the Internet publication, of video or audio recorded
85 in outdoor areas of campus and in classrooms. Expressive
86 activities protected by this section do not include commercial
87 speech.

88 Section 4. This act shall take effect July 1, 2021.