



576-02037-21

Proposed Committee Substitute by the Committee on Appropriations
(Appropriations Subcommittee on Education)

A bill to be entitled

An act relating to higher education; amending s. 1001.03, F.S.; defining terms; requiring the State Board of Education to require each Florida College System institution to conduct an annual assessment related to intellectual freedom and viewpoint diversity; providing criteria relating to such assessment; requiring the State Board of Education to annually publish such assessments by a specified date; authorizing the State Board of Education to adopt rules; prohibiting the State Board of Education from shielding Florida College System institution students from certain speech; amending s. 1001.706, F.S.; defining terms; requiring the Board of Governors to require each state university to conduct an annual assessment related to intellectual freedom and viewpoint diversity; providing criteria relating to such assessment; requiring the Board of Governors to annually publish such assessments by a specified date; prohibiting the Board of Governors from shielding state university students from certain speech; amending s. 1004.097, F.S.; defining the term "shield"; allowing students at public postsecondary institutions to record video or audio in classrooms for personal use and record and publish, including Internet publishing, video or audio in outdoor areas of campus, subject to certain federal and state



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28 provisions; prohibiting Florida College System
29 institutions or state universities from shielding
30 students from expressive activities; providing an
31 effective date.
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33 Be It Enacted by the Legislature of the State of Florida:
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35 Section 1. Subsection (19) is added to section 1001.03,
36 Florida Statutes, to read:

37 1001.03 Specific powers of State Board of Education.—

38 (19) INTELLECTUAL FREEDOM AND VIEWPOINT DIVERSITY
39 ASSESSMENT.—

40 (a) For the purposes of this subsection, the term:

41 1. "Intellectual freedom and viewpoint diversity" means the
42 exposure of students to, and the encouragement of students'
43 exploration of, a variety of ideological and political
44 perspectives.

45 2. "Shield" means to limit students' access to or
46 observation of ideas and opinions they may find uncomfortable,
47 unwelcome, disagreeable, or offensive.

48 (b) The State Board of Education shall require each Florida
49 College System institution to conduct an annual assessment of
50 the intellectual freedom and viewpoint diversity at that
51 institution. The state board shall select or create an
52 objective, nonpartisan, and statistically valid survey to be
53 used by each institution which considers the extent to which
54 competing ideas and perspectives are presented and members of
55 the college community feel free to express their beliefs and
56 viewpoints on campus and in the classroom. The state board shall



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57 annually compile and publish the assessments by September 1 of
58 each year, beginning on September 1, 2022. The state board may
59 adopt rules to implement this paragraph.

60 (c) The state board may not shield students at Florida
61 College System institutions from free speech protected under the
62 First Amendment to the United States Constitution and Art. I of
63 the State Constitution.

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

66 1001.706 Powers and duties of the Board of Governors.—

67 (13) INTELLECTUAL FREEDOM AND VIEWPOINT DIVERSITY
68 ASSESSMENT.—

69 (a) For the purposes of this subsection, the term:

70 1. "Intellectual freedom and viewpoint diversity" means the
71 exposure of students to, and the encouragement of students'
72 exploration of, a variety of ideological and political
73 perspectives.

74 2. "Shield" means to limit students' access to or
75 observation of ideas and opinions they may find uncomfortable,
76 unwelcome, disagreeable, or offensive.

77 (b) The Board of Governors shall require each state
78 university to conduct an annual assessment of the intellectual
79 freedom and viewpoint diversity at that institution. The Board
80 of Governors shall select or create an objective, nonpartisan,
81 and statistically valid survey to be used by each state
82 university which considers the extent to which competing ideas
83 and perspectives are presented and members of the university
84 community feel free to express their beliefs and viewpoints on
85 campus and in the classroom. The Board of Governors shall



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86 annually compile and publish the assessments by September 1 of
87 each year, beginning on September 1, 2022.

88 (c) The Board of Governors may not shield students at state
89 universities from free speech protected under the First
90 Amendment to the United States Constitution and Art. I of the
91 State Constitution.

92 Section 3. Paragraph (a) of subsection (3) of section
93 1004.097, Florida Statutes, is amended, and paragraph (f) of
94 subsection (2) and paragraph (f) of subsection (3) are added to
95 that section, to read:

96 1004.097 Free expression on campus.—

97 (2) DEFINITIONS.—As used in this section, the term:

98 (f) "Shield" means to limit students' access to or
99 observation of ideas and opinions they may find uncomfortable,
100 unwelcome, disagreeable, or offensive.

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

102 (a) Expressive activities protected under the First
103 Amendment to the United States Constitution and Art. I of the
104 State Constitution include, but are not limited to, any lawful
105 oral or written communication of ideas, including all forms of
106 peaceful assembly, protests, and speeches; distributing
107 literature; carrying signs; circulating petitions; and,
108 notwithstanding s. 934.03(1), the recording for personal use of
109 video or audio in classrooms and the recording and publication,
110 including the Internet publication, of video or audio ~~recorded~~
111 in outdoor areas of campus, subject to the protections provided
112 in the Family Educational Rights and Privacy Act, 20 U.S.C.
113 1232g and ss. 1002.22 and 1002.225. Expressive activities
114 protected by this section do not include commercial speech.



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115 (f) A Florida College System institution or a state
116 university may not shield students from expressive activities.

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