



793606

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/26/2021	.	
	.	
	.	
	.	

The Committee on Education (Rodrigues) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsection (19) is added to section 1001.03,
Florida Statutes, to read:

1001.03 Specific powers of State Board of Education.—

(19) INTELLECTUAL FREEDOM AND VIEWPOINT DIVERSITY

ASSESSMENT.—

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



793606

11 1. "Intellectual freedom and viewpoint diversity" means the
12 exposure of students to, and the encouragement of students'
13 exploration of, a variety of ideological and political
14 perspectives.

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

18 (b) The State Board of Education shall require each Florida
19 College System institution to conduct an annual assessment of
20 the intellectual freedom and viewpoint diversity at that
21 institution. The state board shall select or create an
22 objective, nonpartisan, and statistically valid survey to be
23 used by each institution which considers the extent to which
24 competing ideas and perspectives are presented and members of
25 the college community feel free to express their beliefs and
26 viewpoints on campus and in the classroom. The state board shall
27 annually compile and publish the assessments by September 1 of
28 each year, beginning on September 1, 2022.

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

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

35 1001.706 Powers and duties of the Board of Governors.—

36 (13) INTELLECTUAL FREEDOM AND VIEWPOINT DIVERSITY
37 ASSESSMENT.—

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

39 1. "Intellectual freedom and viewpoint diversity" means the



793606

40 exposure of students to, and the encouragement of students'
41 exploration of, a variety of ideological and political
42 perspectives.

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

46 (b) The Board of Governors shall require each state
47 university to conduct an annual assessment of the intellectual
48 freedom and viewpoint diversity at that institution. The Board
49 of Governors shall select or create an objective, nonpartisan,
50 and statistically valid survey to be used by each state
51 university which considers the extent to which competing ideas
52 and perspectives are presented and members of the university
53 community feel free to express their beliefs and viewpoints on
54 campus and in the classroom. The Board of Governors shall
55 annually compile and publish the assessments by September 1 of
56 each year, beginning on September 1, 2022.

57 (c) The Board of Governors may not shield students at state
58 universities from free speech protected under the First
59 Amendment to the United States Constitution and Art. I of the
60 State Constitution.

61 Section 3. Paragraph (a) of subsection (3) of section
62 1004.097, Florida Statutes, is amended, and paragraph (f) of
63 subsection (2) and paragraph (f) of subsection (3) are added to
64 that section, to read:

65 1004.097 Free expression on campus.—

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

67 (f) "Shield" means to limit students' access to or
68 observation of ideas and opinions they may find uncomfortable,



793606

69 unwelcome, disagreeable, or offensive.

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

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

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

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

85

86 ===== T I T L E A M E N D M E N T =====

87 And the title is amended as follows:

88 Delete everything before the enacting clause
89 and insert:

90 A bill to be entitled
91 An act relating to higher education; amending s.
92 1001.03, F.S.; defining terms; requiring the State
93 Board of Education to require each Florida College
94 System institution to conduct an annual assessment
95 related to intellectual freedom and viewpoint
96 diversity; providing criteria relating to such
97 assessment; requiring the State Board of Education to



793606

98 annually publish such assessments by a specified date;
99 prohibiting the State Board of Education from
100 shielding Florida College System institution students
101 from certain speech; amending s. 1001.706, F.S.;
102 defining terms; requiring the Board of Governors to
103 require each state university to conduct an annual
104 assessment related to intellectual freedom and
105 viewpoint diversity; providing criteria relating to
106 such assessment; requiring the Board of Governors to
107 annually publish such assessments by a specified date;
108 prohibiting the Board of Governors from shielding
109 state university students from certain speech;
110 amending s. 1004.097, F.S.; defining the term
111 "shield"; allowing students at public postsecondary
112 institutions to record certain audio and video in
113 classrooms; prohibiting Florida College System
114 institutions or state universities from shielding
115 students from expressive activities; providing an
116 effective date.