

By Senator Rodrigues

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

22
23 Be It Enacted by the Legislature of the State of Florida:

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

27 1001.03 Specific powers of State Board of Education.—

28 (19) INTELLECTUAL FREEDOM AND VIEWPOINT DIVERSITY

29 ASSESSMENT.—

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

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

46 (c) The State Board of Education may not shield students at
47 Florida College System institutions from free speech protected
48 under the First Amendment to the United States Constitution and
49 Art. I of the State Constitution

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

52 1001.706 Powers and duties of the Board of Governors.—

53 (13) INTELLECTUAL FREEDOM AND VIEWPOINT DIVERSITY
54 ASSESSMENT.—

55 (a) The Board of Governors shall require each state
56 university to conduct an annual assessment of the intellectual
57 freedom and viewpoint diversity, as defined in s.
58 1001.03(19)(a), at that institution. The Board of Governors

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

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

71 Section 3. Paragraph (a) of subsection (3) of section
72 1004.097, Florida Statutes, is amended to read:

73 1004.097 Free expression on campus.—

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

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

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