

By the Committee on Education; and Senator Rodrigues

581-01284-21

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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 terms; requiring the State
4 Board of Education to require each Florida College
5 System institution to conduct an annual assessment
6 related to intellectual freedom and viewpoint
7 diversity; providing criteria relating to such
8 assessment; requiring the State Board of Education to
9 annually publish such assessments by a specified date;
10 authorizing the State Board of Education to adopt
11 rules; prohibiting the State Board of Education from
12 shielding Florida College System institution students
13 from certain speech; amending s. 1001.706, F.S.;
14 defining terms; requiring the Board of Governors to
15 require each state university to conduct an annual
16 assessment related to intellectual freedom and
17 viewpoint diversity; providing criteria relating to
18 such assessment; requiring the Board of Governors to
19 annually publish such assessments by a specified date;
20 prohibiting the Board of Governors from shielding
21 state university students from certain speech;
22 amending s. 1004.097, F.S.; defining the term
23 "shield"; allowing students at public postsecondary
24 institutions to record certain audio and video in
25 classrooms, subject to certain federal and state
26 provisions; prohibiting Florida College System
27 institutions or state universities from shielding
28 students from expressive activities; providing an
29 effective date.

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31 Be It Enacted by the Legislature of the State of Florida:

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

35 1001.03 Specific powers of State Board of Education.—

36 (19) 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
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 State Board of Education shall require each Florida
47 College System institution to conduct an annual assessment of
48 the intellectual freedom and viewpoint diversity at that
49 institution. The state board shall select or create an
50 objective, nonpartisan, and statistically valid survey to be
51 used by each institution which considers the extent to which
52 competing ideas and perspectives are presented and members of
53 the college community feel free to express their beliefs and
54 viewpoints on campus and in the classroom. The state board shall
55 annually compile and publish the assessments by September 1 of
56 each year, beginning on September 1, 2022. The state board may
57 adopt rules to implement this paragraph.

58 (c) The state board may not shield students at Florida

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59 College System institutions from free speech protected under the
60 First Amendment to the United States Constitution and Art. I of
61 the State Constitution.

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

64 1001.706 Powers and duties of the Board of Governors.—

65 (13) INTELLECTUAL FREEDOM AND VIEWPOINT DIVERSITY
66 ASSESSMENT.—

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

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

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

75 (b) The Board of Governors shall require each state
76 university to conduct an annual assessment of the intellectual
77 freedom and viewpoint diversity at that institution. The Board
78 of Governors shall select or create an objective, nonpartisan,
79 and statistically valid survey to be used by each state
80 university which considers the extent to which competing ideas
81 and perspectives are presented and members of the university
82 community feel free to express their beliefs and viewpoints on
83 campus and in the classroom. The Board of Governors shall
84 annually compile and publish the assessments by September 1 of
85 each year, beginning on September 1, 2022.

86 (c) The Board of Governors may not shield students at state
87 universities from free speech protected under the First

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88 Amendment to the United States Constitution and Art. I of the
89 State Constitution.

90 Section 3. Paragraph (a) of subsection (3) of section
91 1004.097, Florida Statutes, is amended, and paragraph (f) of
92 subsection (2) and paragraph (f) of subsection (3) are added to
93 that section, to read:

94 1004.097 Free expression on campus.—

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

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

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

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

111 Expressive activities protected by this section do not include
112 commercial speech.

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

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