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LEGISLATIVE ACTION

Senate

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House

The Committee on Education (Rodrigues) recommended the following:

1 **Senate Amendment to Amendment (793606) (with title**
2 **amendment)**

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4 Delete lines 28 - 79
5 and insert:

6 each year, beginning on September 1, 2022. The state board may
7 adopt rules to implement this paragraph.

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



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11 the State Constitution.

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

14 1001.706 Powers and duties of the Board of Governors.—

15 (13) INTELLECTUAL FREEDOM AND VIEWPOINT DIVERSITY
16 ASSESSMENT.—

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

18 1. "Intellectual freedom and viewpoint diversity" means the
19 exposure of students to, and the encouragement of students'
20 exploration of, a variety of ideological and political
21 perspectives.

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

25 (b) The Board of Governors shall require each state
26 university to conduct an annual assessment of the intellectual
27 freedom and viewpoint diversity at that institution. The Board
28 of Governors shall select or create an objective, nonpartisan,
29 and statistically valid survey to be used by each state
30 university which considers the extent to which competing ideas
31 and perspectives are presented and members of the university
32 community feel free to express their beliefs and viewpoints on
33 campus and in the classroom. The Board of Governors shall
34 annually compile and publish the assessments by September 1 of
35 each year, beginning on September 1, 2022.

36 (c) The Board of Governors may not shield students at state
37 universities from free speech protected under the First
38 Amendment to the United States Constitution and Art. I of the
39 State Constitution.



40 Section 3. Paragraph (a) of subsection (3) of section
41 1004.097, Florida Statutes, is amended, and paragraph (f) of
42 subsection (2) and paragraph (f) of subsection (3) are added to
43 that section, to read:

44 1004.097 Free expression on campus.—

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

46 (f) “Shield” means to limit students’ access to or
47 observation of ideas and opinions they may find uncomfortable,
48 unwelcome, disagreeable, or offensive.

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

50 (a) Expressive activities protected under the First
51 Amendment to the United States Constitution and Art. I of the
52 State Constitution include, but are not limited to, any lawful
53 oral or written communication of ideas, including all forms of
54 peaceful assembly, protests, and speeches; distributing
55 literature; carrying signs; circulating petitions; and, not
56 withstanding s. 934.03(1), the recording and publication,
57 including the Internet publication, of video or audio recorded
58 in outdoor areas of campus and in classrooms, subject to the
59 protections provided in the Family Educational Rights and
60 Privacy Act, 20 U.S.C. 1232g and ss. 1002.22 and 1002.225.

61 Expressive

62
63 ===== T I T L E A M E N D M E N T =====

64 And the title is amended as follows:

65 Delete lines 99 - 113

66 and insert:

67 authorizing the State Board of Education to adopt
68 rules; prohibiting the State Board of Education from



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69 shielding Florida College System institution students
70 from certain speech; amending s. 1001.706, F.S.;
71 defining terms; requiring the Board of Governors to
72 require each state university to conduct an annual
73 assessment related to intellectual freedom and
74 viewpoint diversity; providing criteria relating to
75 such assessment; requiring the Board of Governors to
76 annually publish such assessments by a specified date;
77 prohibiting the Board of Governors from shielding
78 state university students from certain speech;
79 amending s. 1004.097, F.S.; defining the term
80 "shield"; allowing students at public postsecondary
81 institutions to record certain audio and video in
82 classrooms, in classrooms, subject to certain federal
83 and state provisions; prohibiting Florida College
84 System