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LEGISLATIVE ACTION

Senate

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House

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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:



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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



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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,



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.

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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



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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.