



697298

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/21/2018	.	
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The Committee on Judiciary (Baxley) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. This act may be cited as the "Campus Free  
Expression Act."

Section 2. Section 1004.097, Florida Statutes, is created  
to read:

1004.097 Free expression on campus.—

(1) DEFINITIONS.—

(a) "Commercial speech" means speech where the individual



697298

12 is engaged in commerce, where the intended audience is  
13 commercial or actual or potential consumers, and where the  
14 content of the message is commercial.

15 (b) "Free speech zone" means a designated area on a public  
16 institution of higher education's campus which is designated for  
17 the purpose of engaging in expressive activities.

18 (c) "Material and substantial disruption" means any conduct  
19 that intentionally and significantly hinders another person's or  
20 group's expressive rights. It does not include conduct that is  
21 protected under the First Amendment to the United States  
22 Constitution and Art. I of the State Constitution, including,  
23 but not limited to, lawful protests and counter-protests in the  
24 outdoor areas of campus or minor, brief, or fleeting nonviolent  
25 disruptions that are isolated or short in duration.

26 (d) "Outdoor areas of campus" means generally accessible  
27 areas of the campus of a public institution of higher education  
28 where members of the campus community are commonly allowed,  
29 including grassy areas, walkways, or other similar common areas.  
30 The term does not include outdoor areas where access is  
31 restricted.

32 (e) "Public institution of higher education" means any  
33 public technical center, state university, law school, medical  
34 school, dental school, or other Florida College System  
35 institution as defined in s. 1000.21.

36 (2) RIGHT TO FREE SPEECH ACTIVITIES.-

37 (a) Expressive activities protected under the First  
38 Amendment to the United States Constitution and Art. I of the  
39 State Constitution include, but are not limited to, any lawful  
40 oral or written communication of ideas, including all forms of



697298

41 peaceful assembly, protests, and speeches; distributing  
42 literature; carrying signs; circulating petitions; and the  
43 recording and publication, including Internet publication, of  
44 video or audio recorded in outdoor areas of campus of public  
45 institutions of higher education. Expressive activities  
46 protected by this section do not include commercial speech.

47 (b) A person who wishes to engage in an expressive activity  
48 in the outdoor areas of campus may do so freely, spontaneously,  
49 and contemporaneously as long as the person's conduct is lawful  
50 and is not a material and substantial disruption of the  
51 functioning of the public institution of higher education or  
52 does not infringe upon the rights of other individuals or  
53 organizations to engage in expressive activities.

54 (c) The outdoor areas of campus are considered traditional  
55 public forums for individuals, organizations, and guest  
56 speakers. A public institution of higher education may create  
57 and enforce restrictions that are reasonable and content-neutral  
58 on time, place, and manner of expression and that are narrowly  
59 tailored to a significant institutional interest. Restrictions  
60 must be clear, published, and provide for ample alternative  
61 means of expression.

62 (d) A public institution of higher education may not  
63 designate any area of campus as a free speech zone or otherwise  
64 create policies restricting expressive activities to particular  
65 outdoor areas of campus, except as provided in paragraph (c).

66 (e) Students, faculty, or staff of a public institution of  
67 higher education may not cause a material and substantial  
68 disruption of a previously scheduled or reserved activity on  
69 campus occurring at the same time.



697298

70           (3) CAUSE OF ACTION.—Any person whose expressive rights are  
71 violated by an action prohibited under this section may bring an  
72 action in a court of competent jurisdiction to obtain  
73 declaratory and injunctive relief, reasonable court costs and  
74 attorneys' fees.

75           Section 3. Subsection (10) of section 1009.24, Florida  
76 Statutes, is amended to read:

77           1009.24 State university student fees.—

78           (10) (a) Each university board of trustees shall establish a  
79 student activity and service fee on the main campus of the  
80 university. The university board may also establish a student  
81 activity and service fee on any branch campus or center. Any  
82 subsequent increase in the activity and service fee must be  
83 recommended by an activity and service fee committee, at least  
84 one-half of whom are students appointed by the student body  
85 president. The remainder of the committee shall be appointed by  
86 the university president. A chairperson, appointed jointly by  
87 the university president and the student body president, shall  
88 vote only in the case of a tie. The recommendations of the  
89 committee shall take effect only after approval by the  
90 university president, after consultation with the student body  
91 president, with final approval by the university board of  
92 trustees. An increase in the activity and service fee may occur  
93 only once each fiscal year and must be implemented beginning  
94 with the fall term. The Board of Governors is responsible for  
95 adopting the regulations and timetables necessary to implement  
96 this fee.

97           (b) The student activity and service fees shall be expended  
98 for lawful purposes to benefit the student body in general. This



697298

99 shall include, but shall not be limited to, student publications  
100 and grants to duly recognized student organizations, the  
101 membership of which is open to all students at the university  
102 without regard to race, sex, or religion. The fund may not  
103 benefit activities for which an admission fee is charged to  
104 students, except for student-government-association-sponsored  
105 concerts. The allocation and expenditure of the fund shall be  
106 determined by the student government association of the  
107 university, except that the president of the university may veto  
108 any line item or portion thereof within the budget when  
109 submitted by the student government association legislative  
110 body. The university president shall have 15 school days from  
111 the date of presentation of the budget to act on the allocation  
112 and expenditure recommendations, which shall be deemed approved  
113 if no action is taken within the 15 school days. If any line  
114 item or portion thereof within the budget is vetoed, the student  
115 government association legislative body shall within 15 school  
116 days make new budget recommendations for expenditure of the  
117 vetoed portion of the fund. If the university president vetoes  
118 any line item or portion thereof within the new budget  
119 revisions, the university president may reallocate by line item  
120 that vetoed portion to bond obligations guaranteed by activity  
121 and service fees. Unexpended funds and undisbursed funds  
122 remaining at the end of a fiscal year shall be carried over and  
123 remain in the student activity and service fund and be available  
124 for allocation and expenditure during the next fiscal year.

125 (c) To preserve viewpoint neutrality in the allocation of  
126 activity and service fees, any recognized student organization  
127 that submits an activity and service fee funding request to the



697298

128 student government association that disburses such funds shall  
129 be provided a written justification for the amount of funds  
130 awarded to the requesting organization.

131  
132 Each student government association shall maintain on its  
133 website an organized record of funding requests and awards. The  
134 record shall contain the name of each organization that  
135 requested funds, the amount the organization requested, the  
136 amount the organization received, and the written explanation  
137 that was provided pursuant to paragraph (c) to the requesting  
138 organization. The record shall be displayed in an easy-to-find  
139 place on the student government association's website.

140 Section 4. This act shall take effect July 1, 2018.

141  
142 ===== T I T L E A M E N D M E N T =====

143 And the title is amended as follows:

144 Delete everything before the enacting clause  
145 and insert:

146 A bill to be entitled  
147 An act relating to free expression on campus;  
148 providing a short title; creating s. 1004.097, F.S.;  
149 defining terms; providing applicability; authorizing a  
150 public institution of higher education to create and  
151 enforce certain restrictions relating to expressive  
152 activities on campus; providing requirements for such  
153 restrictions; prohibiting the students, faculty, and  
154 staff of a public institution of higher education from  
155 causing certain disruptions; providing a cause of  
156 action; amending s. 1009.24, F.S.; providing



697298

157 disclosure requirements when allocating activity and  
158 service fees; requiring student government  
159 associations to maintain and display certain records  
160 in their websites; providing requirements for such  
161 records; providing an effective date.