



697298

LEGISLATIVE ACTION

Senate

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House

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



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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



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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.



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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



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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



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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.

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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



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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.