

By Senator Baxley

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1 A bill to be entitled
2 An act relating to free expression on campus;
3 providing a short title; creating s. 1004.097, F.S.;
4 defining terms; providing applicability; authorizing a
5 public institution of higher education to create and
6 enforce certain restrictions relating to expressive
7 activities on campus; providing for a cause of action
8 against a public institution of higher education for
9 violations of the act; providing for damages;
10 providing a statute of limitations; providing an
11 effective date.

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

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

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

19 1004.097 Free expression on campus.-

20 (1) DEFINITIONS.-

21 (a) "Free speech zone" means a designated area on a public
22 institution of higher education's campus for the purpose of
23 political protesting.

24 (b) "Outdoor areas of campus" means generally accessible
25 areas of the campus where members of the campus community are
26 commonly allowed, including grassy areas, walkways, or other
27 similar common areas. The term does not include outdoor areas
28 where access is restricted.

29 (c) "Public institution of higher education" means any

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30 public technical center, state college, state university, law
31 school, medical school, dental school, or other Florida College
32 System institution as defined in s. 1000.21.

33 (2) RIGHT TO FREE SPEECH ACTIVITIES.-

34 (a) Expressive activities protected under this section
35 include, but are not limited to, any lawful verbal or written
36 means by which an individual may communicate ideas to others,
37 including all forms of peaceful assembly, protests, speeches,
38 and guest speakers; distributing literature; carrying signs;
39 circulating petitions; and the recording and publication,
40 including Internet publication, of video or audio recorded in
41 outdoor areas of campus of public institutions of higher
42 education.

43 (b) A person who wishes to engage in an expressive activity
44 in the outdoor areas of campus of a public institution of higher
45 education may do so freely, spontaneously, and contemporaneously
46 as long as the person's conduct is lawful and does not
47 materially and substantially disrupt the functioning of the
48 public institution of higher education.

49 (c) The outdoor areas of campus of a public institution of
50 higher education that accept federal funding are considered
51 traditional public forums. A public institution of higher
52 education may create and enforce restrictions that are
53 reasonable and content-neutral on time, place, and manner of
54 expression and that are narrowly tailored to a significant
55 institutional interest. Restrictions must be clear, be
56 published, and provide for ample alternative means of
57 expression.

58 (d) A public institution of higher education may not

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59 designate any area of campus as a free speech zone or otherwise
60 create policies restricting expressive activities to a
61 particular area of campus.

62 (e) Students, faculty, or staff of a public institution of
63 higher education may not materially disrupt previously scheduled
64 or reserved activities on campus occurring at the same time.

65 (3) CAUSE OF ACTION; DAMAGES.—

66 (a) The Attorney General or a person whose expressive
67 rights are violated by an action prohibited under this section
68 may bring an action in a court of competent jurisdiction to
69 recover compensatory damages, reasonable court costs, and
70 attorney fees.

71 (b) If the court finds that a violation of this section
72 occurred, the court shall award the aggrieved party a minimum of
73 \$500 for the initial violation plus an additional \$50 for each
74 day the violation remains ongoing starting the day after the
75 date the complaint is served on the public institution of higher
76 education.

77 (c) Excluding reasonable court costs and attorney fees, the
78 total compensatory damages available to a plaintiff in a case
79 arising from a single violation of this section may not exceed
80 \$100,000. If there are multiple plaintiffs, the court shall
81 divide the damages equally among the plaintiffs until the
82 maximum award is exhausted.

83 (4) STATUTE OF LIMITATIONS.—A person aggrieved by a
84 violation of this section must bring suit no later than 1 year
85 after the date the cause of action accrues. For the purpose of
86 calculating the 1-year limitation period, each day that a
87 violation of this section persists or each day that a policy in

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88 violation of this section remains in effect constitutes a new
89 violation and, therefore, a new day that the cause of action
90 accrues.

91 Section 3. This act shall take effect July 1, 2018.