

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** CS/CS/HB 909 Higher Education

**SPONSOR(S):** Education Committee; Civil Justice & Claims Subcommittee, Rommel; Clemons and others

**TIED BILLS:** None **IDEN./SIM. BILLS:** CS/SB 1234

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Post-Secondary Education Subcommittee	9 Y, 5 N	McAlarney	Bishop
2) Civil Justice & Claims Subcommittee	11 Y, 4 N, As CS	Jones	Bond
3) Education Committee	14 Y, 6 N, As CS	Bishop	Hassell

### SUMMARY ANALYSIS

The bill creates the "RISE to 55 Initiative" to boost postsecondary attainment among Floridians to 55 percent by 2025. The bill directs the Higher Education Coordinating Council (HECC) to:

- increase awareness and utilization of existing state and local strategies and resources that assist students in earning postsecondary credentials in a timely manner;
- develop public and private partnerships that encourage students to enroll in postsecondary programs, recognize and celebrate academic achievement, and increase communication among stakeholders;
- facilitate transfer agreements to ensure that students are awarded postsecondary credentials that they have earned; and
- provide recommendations to the Legislature, no later than January 15, 2019, on ways to increase postsecondary certificate and associate degree attainment of Florida College System (FCS) institution students who demonstrate unmet financial need after receiving existing state and federal financial aid awards.

The bill creates the "Campus Free Expression Act" (Act) and defines commercial speech, free speech zone, outdoor areas of campus, public institutions of higher education, and material and substantial disruption. An individual's expressive rights may not be infringed upon and institutions are prohibited from restricting expressive activities to a particular area of campus and designating free speech zones. Reasonable limits on expressive activities are allowed; however, students, faculty, or staff may not materially and substantially disrupt activities on campus. Restrictions must be content-neutral on time, place, and manner of expression, and must be narrowly tailored to a significant institutional interest. All restrictions must be clear, published, and provide for ample alternative means of expression.

The bill grants an individual standing to seek declaratory and injunctive relief, including reasonable court costs and attorneys' fees, if his or her expressive rights are violated. It also requires student government associations to provide a written justification of funds allocated from the activity and service fee to each student organization that requests funding. In addition, each student government association must maintain a list of funding requests and awards on its website.

The bill requires the BOG to annually, by September 1, report on the intellectual freedom and viewpoint diversity at each institution by conducting a survey of students, faculty and administrators.

The bill allows students who are enrolled in the Innovation Academy at the University of Florida and are eligible to receive Bright Futures Scholarship awards to receive their awards for the fall semester, in addition to their current spring and summer semester awards.

The bill does not appear to have a fiscal impact on state or local governments.

The bill has an effective date of July 1, 2018.

**This document does not reflect the intent or official position of the bill sponsor or House of Representatives.**

**STORAGE NAME:** h0909d.EDC

**DATE:** 2/21/2018

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### **Present Situation**

##### **Postsecondary Attainment**

Postsecondary attainment refers to the educational level of a state's population.<sup>1</sup> In other words, it is the percentage of residents of a state that have earned a high quality postsecondary credential. The Lumina Foundation has set a goal that, by 2025, 60 percent of Americans will hold degrees, certificates, or other high-quality credentials. As of 2015, the national average for attainment was 40.9 percent.<sup>2</sup>

On November 28, 2016, the Higher Education Coordinating Council (HECC) set as its attainment goal that 55 percent of Florida citizens between the ages of 25 and 64 would hold a high quality postsecondary credential by 2025.<sup>3</sup> In 2015, Florida's educational attainment rate was estimated to be 39.9%. According to The Lumina Foundation's "A Stronger Nation" policy brief on Florida's 67 counties, 21 have an educational attainment level of less than 20 percent, 32 counties have an attainment level between 20 and 40 percent, and only 14 counties have an educational attainment level above 40 percent. Leon County (at 55.01 percent) is the only county that has met or exceeded the statewide goal.<sup>4</sup>

The HECC has partnered with the Lumina Foundation, the Helios Foundation, the Florida College Access Network and Local College Access Network, the Florida Chamber Foundation, and the Florida Philanthropic Network to work with and encourage employers, organizations, policymakers, community leaders, and other stakeholders to adopt Florida's goal. Through research, communication, and convenings of stakeholder groups around the state, the HECC has sought to create and strengthen the collaborative partnerships needed to increase attainment and more closely align postsecondary education with workforce and civic needs.<sup>5</sup>

##### **Intellectual and Viewpoint Diversity**

In 2006, the American Association of Colleges and Universities (AAC&U) issued a statement on academic freedom and educational responsibility.<sup>6</sup> According to AAC&U:

*In any education of quality, students encounter an abundance of intellectual diversity—new knowledge, different perspectives, competing ideas, and alternative claims of truth. This intellectual diversity is experienced by some students as exciting and challenging, while others are confused and overwhelmed by the complexity. Liberal education, the nation's signature*

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<sup>1</sup> *National Overview of Postsecondary Attainment*. Presentation to the Florida House of Representatives Post-Secondary Education Subcommittee (November 16, 2017), available at: [http://myfloridahouse.gov/Sections/Documents/loadaddoc.aspx?PublicationType=Committees&CommitteeId=2907&Session=2018&DocumentType=Meeting Packets&FileName=pse 11-16-17.pdf](http://myfloridahouse.gov/Sections/Documents/loadaddoc.aspx?PublicationType=Committees&CommitteeId=2907&Session=2018&DocumentType=Meeting%20Packets&FileName=pse%2011-16-17.pdf).

<sup>2</sup> *Id.*

<sup>3</sup> Higher Education Coordinating Council. *Higher Education Coordinating Council Annual Report* (2016), available at: [http://www.floridahighereducation.org/doc/2016\\_HECC\\_Annual\\_Report.pdf](http://www.floridahighereducation.org/doc/2016_HECC_Annual_Report.pdf).

<sup>4</sup> *National Overview of Postsecondary Attainment*. Presentation to the Florida House of Representatives Post-Secondary Education Subcommittee (November 16, 2017), available at: [http://myfloridahouse.gov/Sections/Documents/loadaddoc.aspx?PublicationType=Committees&CommitteeId=2907&Session=2018&DocumentType=Meeting Packets&FileName=pse 11-16-17.pdf](http://myfloridahouse.gov/Sections/Documents/loadaddoc.aspx?PublicationType=Committees&CommitteeId=2907&Session=2018&DocumentType=Meeting%20Packets&FileName=pse%2011-16-17.pdf).

<sup>5</sup> *Id.*

<sup>6</sup> American Association of Colleges and Universities, *Academic Freedom and Educational Responsibility* (Washington DC: Association of Colleges and Universities, 2006) Available at: <https://www.aacu.org/about/statements/academic-freedom>.

*educational tradition, helps students develop the skills of analysis and critical inquiry with particular emphasis on exploring and evaluating competing claims and different perspectives.*

Diversity is defined by Webster's dictionary as "the condition of having or being composed of differing elements" and "the inclusion of different types of people (such as people of different races or cultures) in a group or organization."<sup>7</sup> Colleges and universities have long sought to foster diversity on campus. However, recent events on multiple college campuses across the country have raised the question of whether diversity of thought is included in what appears to be an evolving definition of diversity.

## **Freedom of Expression on Campus**

In 2013, the American Council of Trustees and Alumni (ACTA), with the James Madison Institute (JMI), produced a comprehensive report that reviewed state university policies in Florida relating to the right to free expression on campus.<sup>8</sup> The report found that, while Florida institutions have broad policy statements that declare the right to free expression on campus, they also have broad policies that punish "offensive" speech or restrict expression to designated "free speech zones."<sup>9</sup> The Foundation for Individual Rights in Education (FIRE) also conducted a review of the state of free speech on college campuses.<sup>10</sup> FIRE conducted a survey of the publicly available policies at 449 4-year postsecondary institutions (345 public and 104 private) and found that 39.6 percent of those institutions maintain severely restrictive speech codes that prohibit constitutionally protected speech.<sup>11</sup> FIRE rated colleges and universities as either "red light,"<sup>12</sup> "yellow light,"<sup>13</sup> or "green light"<sup>14</sup> based on the amount of restrictions their written policies place on protected speech. Over a 9-year period, the number of public postsecondary institutions that received a "red light" rating dropped from 79 percent to 33.9 percent.<sup>15</sup>

As of 2017, the only Florida public universities that have received a "green light" campus free speech rating are the University of Florida and the University of North Florida.<sup>16</sup>

In January 2015, the Committee on Freedom of Expression at the University of Chicago produced a free speech policy statement (referred to as the "Chicago Statement") that affirmed the centrality of unfettered debate to the university's mission.<sup>17</sup> The statement provided in part:<sup>18</sup>

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<sup>7</sup> Merriam-Webster Dictionary, <https://www.merriam-webster.com/dictionary/diversity> (last visited Jan. 11, 2018).

<sup>8</sup> American Council of Trustees and Alumni (with the James Madison Institute), *Florida Rising: An assessment of Public Universities in the Sunshine State* (June 2013), [https://www.goacta.org/publications/florida\\_rising](https://www.goacta.org/publications/florida_rising) (last visited Jan. 11, 2018).

<sup>9</sup> *Id.*

<sup>10</sup> Foundation for Individual Rights in Education, *Spotlight on Free Speech Codes 2017*, <https://www.thefire.org/spotlight-on-speech-codes-2017/> (last visited Jan. 17, 2018).

<sup>11</sup> *Id.*

<sup>12</sup> Foundation for Individual Rights in Education, *Spotlight on Free Speech Codes 2017*, <https://www.thefire.org/spotlight-on-speech-codes-2017/> (last visited Jan. 17, 2018). A "red light" institution is one that has at least one policy both clearly and substantially restricting freedom of speech, or that bars public access to its speech-related policies by requiring a university login and password for access. A "clear" restriction is one that unambiguously infringes on protected expression.

<sup>13</sup> Foundation for Individual Rights in Education, *Spotlight on Free Speech Codes 2017*, <https://www.thefire.org/spotlight-on-speech-codes-2017/> (last visited Jan. 17, 2018). A "yellow light" institution is one that maintains policies that could be interpreted to suppress protected speech or policies that, while clearly restricting freedom of speech, restrict narrow categories of speech.

<sup>14</sup> Foundation for Individual Rights in Education, *Spotlight on Free Speech Codes 2017*, <https://www.thefire.org/spotlight-on-speech-codes-2017/> (last visited Jan. 17, 2018). A "green light" institution is one whose written policies do not seriously threaten campus expression. It does not indicate whether an institution actively supports free expression in practice.

<sup>15</sup> Foundation for Individual Rights in Education, *Spotlight on Free Speech Codes 2017*, <https://www.thefire.org/spotlight-on-speech-codes-2017/> (last visited Jan. 17, 2018).

<sup>16</sup> James Madison Institute, *Free expression and Intellectual Diversity: How Florida Universities Currently Measure Up*. (December 14, 2017), available at <https://www.jamesmadison.org/Library/docLib/PolicyBrief-FreeSpeech-v05.pdf>.

<sup>17</sup> *Id.*

<sup>18</sup> University of Chicago, *Report of the Committee on Free Expression* (2015), available at <https://freeexpression.uchicago.edu/sites/freeexpression.uchicago.edu/files/FOECommitteeReport.pdf> (last visited Jan. 11, 2018).

Because the University is committed to free and open inquiry in all matters, it guarantees all members of the University community the broadest possible latitude to speak, write, listen, challenge, and learn. Except insofar as limitations on that freedom are necessary to the functioning of the University, the University of Chicago fully respects and supports the freedom of all members of the University community “to discuss any problem that presents itself.”

Of course, the ideas of different members of the University community will often and quite naturally conflict. But it is not the proper role of the University to attempt to shield individuals from ideas and opinions they find unwelcome, disagreeable, or even deeply offensive. Although the University greatly values civility, and although all members of the University community share in the responsibility for maintaining a climate of mutual respect, concerns about civility and mutual respect can never be used as a justification for closing off discussion of ideas, however offensive or disagreeable those ideas may be to some members of our community.

Several other postsecondary institutions have adopted some version of the “Chicago Statement” since 2015.<sup>19</sup>

## US Constitutional Right to Free Speech

The First Amendment to the U.S. Constitution states that:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.<sup>20</sup>

### What Does Free Speech Mean?

The Supreme Court of the United States (SCOTUS) historically determines what exactly constitutes protected speech. The following are examples of speech, both direct (words) and symbolic (actions), that the SCOTUS has decided are, or are not, entitled to First Amendment protections.<sup>21</sup>

Freedom of speech includes the right:<sup>22</sup>

- Not to speak (specifically, the right not to salute the flag).<sup>23</sup>
- Of students to wear black armbands to school to protest a war (“Students do not shed their constitutional rights at the schoolhouse gate.”).<sup>24</sup>
- To use certain offensive words and phrases to convey political messages.<sup>25</sup>
- To contribute money to political campaigns.<sup>26</sup>
- To advertise commercial products and professional services.<sup>27</sup>

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<sup>19</sup> Foundation for Individual Rights in Education, *Spotlight on Free Speech Codes 2017*. Available at: <https://www.thefire.org/spotlight-on-speech-codes-2017/> (last visited Jan. 11, 2018).

<sup>20</sup> Congress.gov, The Constitution of the United States of America: Analysis and Interpretation, Amendments to the Constitution, Bill of Rights, 1<sup>st</sup> Amendment, p. 1071, available at <https://www.congress.gov/content/conan/pdf/GPO-CONAN-2017-10-2.pdf>.

<sup>21</sup> Administrative Office of the U.S. Courts, *About Federal Courts, Educational Resources, What Does Free Speech Mean?*, <http://www.uscourts.gov/about-federal-courts/educational-resources/about-educational-outreach/activity-resources/what-does> (last visited Jan. 11, 2018).

<sup>22</sup> *Id.*

<sup>23</sup> *West Virginia Board of Education v. Barnette*, 319 U.S. 624 (1943).

<sup>24</sup> *Tinker v. Des Moines*, 393 U.S. 503 (1969).

<sup>25</sup> *Cohen v. California*, 403 U.S. 15 (1971).

<sup>26</sup> *Buckley v. Valeo*, 424 U.S. 1 (1976).

<sup>27</sup> *Virginia Board of Pharmacy v. Virginia Consumer Council*, 425 U.S. 748 (1976); *Bates v. State Bar of Arizona*, 433 U.S. 350 (1977).

- To engage in symbolic speech such as burning the American flag in protest.<sup>28</sup>

Freedom of speech does not include the right.<sup>29</sup>

- To incite actions that would harm others such as shouting ‘fire’ in a crowded theater.<sup>30</sup>
- To make or distribute obscene materials.<sup>31</sup>
- To burn draft cards as an anti-war protest.<sup>32</sup>
- To permit students to print articles in a school newspaper over the objections of the school administration.<sup>33</sup>
- Of students to make an obscene speech at a school-sponsored event.<sup>34</sup>
- Of students to advocate illegal drug use at a school-sponsored event.<sup>35</sup>

## Free Speech at Higher Education Institutions

The SCOTUS stated that the “college classroom with its surrounding environs is peculiarly the ‘marketplace of ideas.’”<sup>36</sup> If public universities stifle student speech and prevent the open exchange of ideas on campus “our civilization will stagnate and die.”<sup>37</sup> In college classrooms young adults learn to exercise these constitutional rights necessary to participate in our system of government and to tolerate others’ exercise of the same rights. There is “no room for the view that . . . First Amendment protections should apply with less force on college campuses than in the community at large . . . Quite to the contrary, the vigilant protection of constitutional freedoms is nowhere more vital than in the community of American schools.”<sup>38</sup>

## Student Activity and Service Fees

Florida law requires each state university’s board of trustees to establish a student activity and service fee on the main campus of the university.<sup>39</sup> The fee is used to benefit the general student body by paying for things such as student publications and grants to duly recognized student organizations.<sup>40</sup> These organizations request money for their activities and events. The allocation and expenditure of the funds is determined by the student government association of the university.<sup>41</sup> The United States Supreme Court has ruled that public universities that collect activity and service fees cannot discriminate based on the viewpoint or the organization when disbursing the funds to student organizations.<sup>42</sup>

## University of Florida Innovation Academy

Innovation Academy was created by the Florida Legislature to increase access to the University of Florida. Innovation Academy students take course work on campus during the spring and summer terms. In addition, these students take coursework through on-line classes, participating in internships,

<sup>28</sup> *Texas v. Johnson*, 491 U.S. 397 (1989); *United States v. Eichman*, 496 U.S. 310 (1990).

<sup>29</sup> Administrative Office of the U.S. Courts, *About Federal Courts, Educational Resources, What Does Free Speech Mean?*, <http://www.uscourts.gov/about-federal-courts/educational-resources/about-educational-outreach/activity-resources/what-does> (last visited Jan. 11, 2018).

<sup>30</sup> *Schenck v. United States*, 249 U.S. 47 (1919).

<sup>31</sup> *Roth v. United States*, 354 U.S. 476 (1957).

<sup>32</sup> *United States v. O’Brien*, 391 U.S. 367 (1968).

<sup>33</sup> *Hazelwood School District v. Kuhlmeier*, 484 U.S. 260 (1988).

<sup>34</sup> *Bethel School District #43 v. Fraser*, 478 U.S. 675 (1986).

<sup>35</sup> *Morse v. Frederick*, 551 U.S. 393 (2007).

<sup>36</sup> *Healy v. James*, 408 U.S. 169, 180 (1972).

<sup>37</sup> *Sweezy v. New Hampshire*, 354 U.S. 234, 250 (1957).

<sup>38</sup> *Healy v. James*, 408 U.S. 169, 180 (1972).

<sup>39</sup> Section 1009.24(10)(a), F.S.

<sup>40</sup> Section 1009.24(10)(b), F.S.

<sup>41</sup> *Id.*

<sup>42</sup> *Bd. of Regents v. Southworth*, 526 U.S. 1038, 119 S. Ct. 1332 (1999).

and study abroad programs. Current law authorizes Innovation Academy students who are eligible for Bright Futures Scholarship awards to utilize their awards during only the spring and fall academic terms.<sup>43</sup> These students are not currently authorized to use their awards during the fall term.

## **Effect of Proposed Changes**

### **Postsecondary Attainment**

The bill creates the “RISE to 55 Initiative” to boost postsecondary attainment among Floridians to 55 percent by 2025.

The bill directs the HECC to:

- increase awareness and utilization of existing state and local strategies and resources that assist students in earning postsecondary credentials in a timely manner;
- develop public and private partnerships that encourage students to enroll in postsecondary programs, recognize and celebrate academic achievement, and increase communication among stakeholders; and
- facilitate transfer agreements to ensure that students are awarded postsecondary credentials that they have earned.

The HECC must also provide recommendations to the Legislature, no later than January 15, 2019, on ways to increase postsecondary certificate and associate degree attainment of Florida College System (FCS) institution students who demonstrate unmet financial need after receiving existing state and federal financial aid awards. The HECC must include a cost estimate of covering the remaining cost of full-time tuition for such students.

The bill also requires school districts to recognize and celebrate academic achievement of students by declaring a “College Decision Day.”

### **Intellectual and Viewpoint Diversity**

The bill requires the BOG to annually, by September 1, report on the intellectual freedom and viewpoint diversity at each institution by conducting a survey of students, faculty and administrators. The survey must be objective, non-partisan, statistically valid, and enable comparisons among institutions over time.

### **Freedom of Expression on Campus**

The bill creates the "Campus Free Expression Act" (Act), which addresses the issue of free speech on the campuses of public postsecondary institutions.

The Act defines the following terms:

- Commercial Speech is defined as speech where the individual is engaged in commerce, where the intended audience is commercial or actual or potential customers, and where the content of the message is commercial.
- Free speech zone is defined as a designated area on a public institution of higher education's campus for the purpose of engaging in expressive activities.
- Outdoor areas of campus is defined as generally accessible areas of the campus where members of the campus community are commonly allowed, including grassy areas, walkways, or other similar common areas. The term does not include outdoor areas where access is restricted.
- Public institution of higher education (institution) is defined as any public technical center, state college, state university, law school, medical school, dental school, or other FCS institution as defined in s. 1000.21, F.S.

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<sup>43</sup> Section 1009.215, F.S.

- Material and substantial disruption is defined as any conduct that intentionally and significantly hinders another person's or group's expressive rights. It does not include conduct protected under the First Amendment to the U.S. Constitution or Article I of the State Constitution, including but not limited to, lawful protests and counter protests in the outdoor areas of campus or minor, brief, and fleeting nonviolent disruptions that are isolated or short in duration.

Free speech rights are protected by enforcing the right to peacefully protest or distribute literature on campus, and clarifying that an individual's expressive rights may not be infringed upon. Protected activities include speeches and writings that an individual uses to communicate ideas to others.

The bill expressly includes the following protected activities:

- Peaceful assembly, protests, and speeches.
- Guest speakers.
- Distributing literature.
- Carrying signs.
- Circulating petitions.
- Video or audio recording in outdoor areas of campus.

Reasonable limits on expressive activities are permitted; however, students, faculty, or staff may not materially disrupt activities on campus. An individual may exercise rights freely as long as his or her conduct is lawful and does not materially and substantially disrupt the functioning of the public institution of higher education.

Restrictions must be reasonable and content-neutral on time, place, and manner of expression. These restrictions must be narrowly tailored to a significant institutional interest. This clarifies the legal standard for courts to apply and ensures that regulations are truly necessary to prevent disruption. All restrictions must be clear, published, and provide for ample alternative means of expression. Additionally, institutions are prohibited from creating policies restricting expressive activities to a particular area of campus and designating free speech zones.

The bill grants an individual standing to seek declaratory and injunctive relief, including reasonable court costs and attorneys' fees, if his or her expressive rights are violated.

### **Student Activity and Service Fees**

The bill requires student government associations to justify their decisions on funding requests from recognized student organizations in writing. The justification must be provided to the requesting organization. Student government associations are also required to maintain an organized list of funding requests and awards in an easy to find place on their website. The record must contain the name of each organization that requested funds, the amount the organization requested, the amount the organization received, and the written explanation that was provided to the requesting organization.

### **University of Florida Innovation Academy**

The bill allows students who are enrolled in the Innovation Academy at the University of Florida and are eligible to receive Bright Futures Scholarship awards to receive their awards for the fall semester, in addition to their current spring and summer semester awards. However, funding for the fall term is contingent upon other students (not enrolled in the Innovation Academy) receiving 3 semesters of Bright Futures awards per year as provided in the GAA.

## **B. SECTION DIRECTORY:**

**Section 1:** Amends s. 1001.43, F.S.; revising school district methods of recognition for academic achievement.

**Section 2:** Amends s. 1001.706, F.S.; requiring the BOG to annually report on intellectual freedom and viewpoint diversity at each state university.

**Section 3.** Creates s. 1004.016, F.S.; creating the “RISE to 55 Initiative”; requiring the HECC to conduct activities to increase postsecondary attainment and provide recommendations to the Legislature no later than January 15, 2019.

**Section 4.** Creates s. 1004.097, F.S.; naming the act the “Campus Free Expression Act”; authorizing public institutions of higher education to create and enforce restrictions on expressive activities on campus; provides cause of action for violation of the act; provides for injunctive relieve and reasonable court costs and attorneys’ fees.

**Section 5:** Amends s. 1009.215, F.S.; revising Bright Futures eligibility for students enrolled in the student enrollment pilot program at the University of Florida.

**Section 6:** Amends s. 1009.24, F.S.; requiring student government associations to provide a written justification of funds allocated from the activity and service fee to each student organization that requests funding; requiring each student government association to maintain a list of funding requests and awards on its website.

**Section 7:** Provides an effective date of July 1, 2018.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

There are currently 141 students enrolled in the Innovation Academy at the University of Florida that qualify for Florida Bright Futures Academic Scholars awards. An additional 272 students qualify for Medallion Scholars awards.

If the state funds the Florida Bright Futures Scholarship for 3 semesters per year, the additional cost to provide scholarships to the Innovation Academy students would be an estimated \$636,712, since Innovation students take an average of just over 8 credits per semester. However, funding for the 3<sup>rd</sup> semester is as provided in the GAA.

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

### C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

### D. FISCAL COMMENTS:

None.



### III. COMMENTS

#### A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable.

2. Other:

Not applicable.

#### B. RULE-MAKING AUTHORITY:

None.

#### C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

### IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On February 21, 2018, the Education Committee adopted a proposed committee substitute and reported the bill favorably as a committee substitute. The PCS is different from the original bill in the following ways:

- Adds definitions of commercial speech and material and substantial disruption.
- Revises the cause of action provisions to provide an opportunity for an individual whose expressive rights are violated to seek declaratory and injunctive relief including court costs and reasonable attorneys' fees. The ability to seek damages was removed.
- Requires the BOG to annually, by September 1, report on the intellectual freedom and viewpoint diversity at each institution by conducting a survey of students, faculty and administrators.
- Requires student government associations to provide written justification of funds allocated from the activity and service fee to each student organization that requests funding. Each student government association must maintain a list of funding requests and awards on its website.
- Creates the "RISE to 55 Initiative" to boost postsecondary attainment among Floridians to 55 percent by 2025. The HECC is directed to:
  - increase awareness and utilization of existing state and local strategies and resources that assist students in earning postsecondary credentials in a timely manner;
  - develop public and private partnerships that encourage students to enroll in postsecondary programs, recognize and celebrate academic achievement, and increase communication among stakeholders;
  - facilitate transfer agreements to ensure that students are awarded postsecondary credentials that they have earned; and
  - provide recommendations to the Legislature, no later than January 15, 2019, on ways to increase postsecondary certificate and associate degree attainment of Florida College System (FCS) institution students who demonstrate unmet financial need after receiving existing state and federal financial aid awards. The HECC must include a cost estimate of covering the remaining cost of full-time tuition for such students.
- Allows students who are enrolled in the Innovation Academy at the University of Florida and are eligible to receive Bright Futures Scholarship awards to receive their awards for the fall semester, in addition to their current spring and summer semester awards.

The analysis is drafted to the committee substitute as passed by the Education Committee.