

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 providing definitions; providing applicability;
 5 authorizing a public institution of higher education
 6 to create and enforce certain restrictions relating to
 7 expressive activities on campus; providing for a cause
 8 of action against a public institution of higher
 9 education for violations of the act; providing for
 10 damages; providing a statute of limitations; providing
 11 an effective date.

12
 13 Be It Enacted by the Legislature of the State of Florida:

14
 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
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
44 activity in the outdoor areas of campus of a public institution
45 of higher education may do so freely, spontaneously, and
46 contemporaneously as long as the person's conduct is lawful and
47 does not materially and substantially disrupt the functioning of
48 the 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, published,
56 and provide for ample alternative means of expression.

57 (d) A public institution of higher education may not
58 designate any area of campus as a free speech zone or otherwise
59 create policies restricting expressive activities to a
60 particular area of campus.

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

64 (3) CAUSE OF ACTION; DAMAGES.—

65 (a) The Attorney General or a person whose expressive
66 rights are violated by an action prohibited under this section
67 may bring an action in a court of competent jurisdiction against
68 a public institution of higher education to recover compensatory
69 damages plus court costs and reasonable attorney fees. If the
70 court finds that a violation of this section occurred, the court
71 shall award the aggrieved party \$500 or reasonable compensatory
72 damages, whichever amount is greater, for each violation.

73 (b) Excluding court costs and reasonable attorney fees,
74 the total compensatory damages available to a plaintiff in a
75 case arising from a single violation of this section may not

76 | exceed \$100,000. If there are multiple plaintiffs, the court
77 | shall divide the damages equally among the plaintiffs until the
78 | maximum award is exhausted.

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

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