

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.

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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  
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.