

1 A bill to be entitled
 2 An act relating to postsecondary intellectual freedom
 3 and viewpoint diversity; amending ss. 1001.03 and
 4 1001.706, F.S.; removing provisions relating to an
 5 intellectual freedom and viewpoint diversity
 6 assessment within Florida College System institutions
 7 and state universities; removing a prohibition against
 8 the State Board of Education and Board of Governors
 9 from shielding specified individuals from free speech;
 10 amending s. 1004.097, F.S.; removing a prohibition
 11 against the State Board of Education and Board of
 12 Governors from shielding specified individuals from
 13 access to or observation of certain ideas and
 14 opinions; removing an authorization for students to
 15 record video or audio of class lectures for specified
 16 purposes; removing an authorization to bring specified
 17 actions related to injuries from such video or audio
 18 recordings; providing an effective date.

19
 20 Be It Enacted by the Legislature of the State of Florida:

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 22 Section 1. Subsection (19) of section 1001.03, Florida
 23 Statutes, is amended to read:

24 1001.03 Specific powers of State Board of Education.—

25 ~~(19) INTELLECTUAL FREEDOM AND VIEWPOINT DIVERSITY~~

26 ~~ASSESSMENT.~~

27 ~~(a) For the purposes of this subsection, The term:~~

28 ~~1. "Intellectual freedom and viewpoint diversity" means~~
 29 ~~the exposure of students, faculty, and staff to, and the~~
 30 ~~encouragement of their exploration of, a variety of ideological~~
 31 ~~and political perspectives.~~

32 ~~2. "Shield" means to limit students', faculty members', or~~
 33 ~~staff members' access to, or observation of, ideas and opinions~~
 34 ~~that they may find uncomfortable, unwelcome, disagreeable, or~~
 35 ~~offensive.~~

36 ~~(b) The State Board of Education shall require each~~
 37 ~~Florida College System institution to conduct an annual~~
 38 ~~assessment of the intellectual freedom and viewpoint diversity~~
 39 ~~at that institution. The State Board of Education shall select~~
 40 ~~or create an objective, nonpartisan, and statistically valid~~
 41 ~~survey to be used by each institution which considers the extent~~
 42 ~~to which competing ideas and perspectives are presented and~~
 43 ~~members of the college community, including students, faculty,~~
 44 ~~and staff, feel free to express their beliefs and viewpoints on~~
 45 ~~campus and in the classroom. The State Board of Education shall~~
 46 ~~annually compile and publish the assessments by September 1 of~~
 47 ~~each year, beginning on September 1, 2022. The State Board of~~
 48 ~~Education may adopt rules to implement this paragraph.~~

49 ~~(c) The State Board of Education may not shield students,~~
 50 ~~faculty, or staff at Florida College System institutions from~~

51 ~~free speech protected under the First Amendment to the United~~
 52 ~~States Constitution, Art. I of the State Constitution, or s.~~
 53 ~~1004.097.~~

54 Section 2. Subsection (13) of section 1001.706, Florida
 55 Statutes, is amended to read:

56 1001.706 Powers and duties of the Board of Governors.—

57 ~~(13) INTELLECTUAL FREEDOM AND VIEWPOINT DIVERSITY~~
 58 ~~ASSESSMENT.—~~

59 ~~(a) For the purposes of this subsection, The term:~~

60 1. ~~"Intellectual freedom and viewpoint diversity" means~~
 61 ~~the exposure of students, faculty, and staff to, and the~~
 62 ~~encouragement of their exploration of, a variety of ideological~~
 63 ~~and political perspectives.~~

64 2. ~~"Shield" means to limit students', faculty members', or~~
 65 ~~staff members' access to, or observation of, ideas and opinions~~
 66 ~~that they may find uncomfortable, unwelcome, disagreeable, or~~
 67 ~~offensive.~~

68 ~~(b) The Board of Governors shall require each state~~
 69 ~~university to conduct an annual assessment of the intellectual~~
 70 ~~freedom and viewpoint diversity at that institution. The Board~~
 71 ~~of Governors shall select or create an objective, nonpartisan,~~
 72 ~~and statistically valid survey to be used by each state~~
 73 ~~university which considers the extent to which competing ideas~~
 74 ~~and perspectives are presented and members of the university~~
 75 ~~community, including students, faculty, and staff, feel free to~~

76 ~~express their beliefs and viewpoints on campus and in the~~
77 ~~classroom. The Board of Governors shall annually compile and~~
78 ~~publish the assessments by September 1 of each year, beginning~~
79 ~~on September 1, 2022.~~

80 ~~(c) The Board of Governors may not shield students,~~
81 ~~faculty, or staff at state universities from free speech~~
82 ~~protected under the First Amendment to the United States~~
83 ~~Constitution, Art. I of the State Constitution, or s. 1004.97.~~

84 Section 3. Paragraph (f) of subsection (2), paragraphs (f)
85 and (g) of subsection (3), and subsection (4) of section
86 1004.097, Florida Statutes, are amended to read:

87 1004.097 Free expression on campus.—

88 (2) DEFINITIONS.—As used in this section, the term:

89 ~~(f) "Shield" means to limit students', faculty members',~~
90 ~~or staff members' access to, or observation of, ideas and~~
91 ~~opinions that they may find uncomfortable, unwelcome,~~
92 ~~disagreeable, or offensive.~~

93 (3) RIGHT TO FREE-SPEECH ACTIVITIES.—

94 ~~(f) A Florida College System institution or a state~~
95 ~~university may not shield students, faculty, or staff from~~
96 ~~expressive activities.~~

97 ~~(g) Notwithstanding s. 934.03 and subject to the~~
98 ~~protections provided in the Family Educational Rights and~~
99 ~~Privacy Act of 1974, 20 U.S.C. s. 1232g, and ss. 1002.22 and~~
100 ~~1002.225, a student may record video or audio of class lectures~~

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101 ~~for their own personal educational use, in connection with a~~
102 ~~complaint to the public institution of higher education where~~
103 ~~the recording was made, or as evidence in, or in preparation~~
104 ~~for, a criminal or civil proceeding. A recorded lecture may not~~
105 ~~be published without the consent of the lecturer.~~

106 (4) CAUSE OF ACTION.—A person injured by a violation of
107 this section may bring an action:

108 ~~(a)~~ against a public institution of higher education based
109 on the violation of the individual's expressive rights in a
110 court of competent jurisdiction to obtain declaratory and
111 injunctive relief and may be entitled to damages plus court
112 costs and reasonable attorney fees, which may only be paid from
113 nonstate funds.

114 ~~(b)~~ Against a person who has published video or audio
115 recorded in a classroom in violation of paragraph (3) (g) in a
116 court of competent jurisdiction to obtain declaratory and
117 injunctive relief and may be entitled to damages plus court
118 costs and reasonable attorney fees, with the total recovery not
119 to exceed \$200,000.

120 Section 4. This act shall take effect July 1, 2022.