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1
2 An act relating to postsecondary educational
3 institutions; amending ss. 1001.03 and 1001.706, F.S.;
4 revising the date by which the State Board of
5 Education and the Board of Governors must annually
6 compile and publish specified assessments; creating s.
7 1001.741, F.S.; prohibiting public institutions of
8 higher education from requiring the completion of a
9 political loyalty test or for persons to meet certain
10 qualifications; providing requirements for such
11 prohibited tests and qualifications; authorizing the
12 State Board of Education and the Board of Governors to
13 adopt rules and regulations for specified purposes;
14 providing severability; creating s. 1001.93, F.S.;
15 providing legislative findings; providing definitions;
16 requiring each state university to establish an Office
17 of Public Policy Events; providing duties of the
18 offices; authorizing a state university to assign the
19 duties of the office to an existing office within the
20 university; requiring such offices to report to
21 specified state university offices; amending s.
22 1004.26, F.S.; designating the Florida Student
23 Association as the nonprofit advocacy organization for
24 students of the State University System; authorizing
25 the Chancellor of the Board of Governors, with

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26 approval from the Board of Governors, to designate
 27 another organization to serve such students under
 28 certain circumstances; providing membership for the
 29 board of directors of the association; providing
 30 requirements for such board of directors relating to
 31 the board's chair and the association's president;
 32 requiring the board of directors to adopt certain
 33 bylaws; providing an effective date.

34

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

36

37 Section 1. Paragraph (b) of subsection (19) of section
 38 1001.03, Florida Statutes, is amended to read:

39 1001.03 Specific powers of State Board of Education.—

40 (19) INTELLECTUAL FREEDOM AND VIEWPOINT DIVERSITY
 41 ASSESSMENT.—

42 (b) The State Board of Education shall require each
 43 Florida College System institution to conduct an annual
 44 assessment of the intellectual freedom and viewpoint diversity
 45 at that institution. The State Board of Education shall select
 46 or create an objective, nonpartisan, and statistically valid
 47 survey to be used by each institution which considers the extent
 48 to which competing ideas and perspectives are presented and
 49 members of the college community, including students, faculty,
 50 and staff, feel free to express their beliefs and viewpoints on

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51 campus and in the classroom. The State Board of Education shall
 52 annually compile and publish the assessments by December 31
 53 ~~September 1~~ of each year, beginning on December 31, 2024
 54 ~~September 1, 2022~~. The State Board of Education may adopt rules
 55 to implement this paragraph.

56 Section 2. Paragraph (b) of subsection (13) of section
 57 1001.706, Florida Statutes, is amended to read:

58 1001.706 Powers and duties of the Board of Governors.—

59 (13) INTELLECTUAL FREEDOM AND VIEWPOINT DIVERSITY

60 ASSESSMENT.—

61 (b) The Board of Governors shall require each state
 62 university to conduct an annual assessment of the intellectual
 63 freedom and viewpoint diversity at that institution. The Board
 64 of Governors shall select or create an objective, nonpartisan,
 65 and statistically valid survey to be used by each state
 66 university which considers the extent to which competing ideas
 67 and perspectives are presented and members of the university
 68 community, including students, faculty, and staff, feel free to
 69 express their beliefs and viewpoints on campus and in the
 70 classroom. The Board of Governors shall annually compile and
 71 publish the assessments by December 31 ~~September 1~~ of each year,
 72 beginning on December 31, 2024 ~~September 1, 2022~~.

73 Section 3. Section 1001.741, Florida Statutes, is created
 74 to read:

75 1001.741 State university Boards of Trustees; personnel.—

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76 (1) (a) A public institution of higher education may not:
 77 1. Require or solicit a person to complete a political
 78 loyalty test as a condition of employment or admission into, or
 79 promotion within, such institution.
 80 2. Give preferential consideration to a person for
 81 employment by, admission into, or promotion within the
 82 institution for an opinion or actions in support of:
 83 a. A partisan, a political, or an ideological set of
 84 beliefs; or
 85 b. Another person or group of persons based on the
 86 person's or group's race or ethnicity or support of an ideology
 87 or movement identified under sub-subparagraph (b)1.a.
 88 (b)1. A political loyalty test includes compelling,
 89 requiring, or soliciting a person to identify commitment to or
 90 to make a statement of personal belief in support of:
 91 a. Any ideology or movement that promotes the differential
 92 treatment of a person or a group of persons based on race or
 93 ethnicity, including an initiative or a formulation of
 94 diversity, equity, and inclusion beyond upholding the equal
 95 protection of the laws guaranteed by the Fourteenth Amendment to
 96 the United States Constitution or a theory or practice that
 97 holds that systems or institutions upholding the equal
 98 protection of the laws guaranteed by the Fourteenth Amendment of
 99 the United States Constitution are racist, oppressive, or
 100 otherwise unjust; or

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101 b. A specific partisan, political, or ideological set of
 102 beliefs.

103 2. A political loyalty test does not include fidelity to,
 104 or an oath or effort taken to uphold, general and federal law,
 105 the United States Constitution, or the State Constitution.

106 (2) The State Board of Education and the Board of
 107 Governors may adopt rules and regulations, respectively, to
 108 implement this section and establish penalties for a willful
 109 violation of this section.

110 (3) If any provision of this section or its application to
 111 any person or circumstance is held invalid, the invalidity does
 112 not affect other provisions or applications of this section or
 113 chapter which can be given effect without the invalid provision
 114 or application, and to this end the provisions of this section
 115 are severable.

116 Section 4. Section 1001.93, Florida Statutes, is created
 117 to read:

118 1001.93 Offices of Public Policy Events within the State
 119 University System.—

120 (1) The Legislature finds that the advancement of
 121 knowledge is the fundamental purpose of the State University
 122 System and that such advancement is facilitated by the fearless
 123 sifting and winnowing of a wide diversity of views and that the
 124 open discussion and debate of contested public policy issues
 125 from diverse perspectives provides essential preparation for

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126 mature citizenship and an informed exercise of the right to
 127 vote.

128 (2) For purposes of this section, the term:

129 (a) "Debate" means an event at which two or more
 130 participants speak in favor of opposing approaches to the same
 131 public policy dispute, after which each participant is allotted
 132 time to address and rebut the position presented by the opposing
 133 speakers.

134 (b) "Group forum" means an event at which two or more
 135 speakers address a public policy dispute from divergent or
 136 opposing perspectives, after which each participant is allotted
 137 time to address questions from the audience and to comment on
 138 the other speakers' positions.

139 (3) Each state university within the State University
 140 System must have an Office of Public Policy Events and must
 141 appoint a Director of Public Policy Events who is responsible
 142 for the duties and reporting responsibilities of the office. The
 143 office must, at a minimum:

144 (a)1. Organize, publicize, and stage debates or group
 145 forums at the state university. These events must address, from
 146 multiple, divergent, and opposing perspectives, an extensive
 147 range of public policy issues widely discussed and debated in
 148 society at large. The university shall sponsor no less than four
 149 events each academic year. At least two events must occur during
 150 the fall semester and at least two events must occur during the

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151 spring semester.

152 2. Such debates and group forums must include speakers who
153 represent widely held views on opposing sides of the most widely
154 discussed public policy issues of the day and who hold a wide
155 diversity of perspectives from within and outside of the state
156 university community.

157 3. If the office is unable to readily find an advocate
158 from within the state university community who is well-versed in
159 a perspective, the office shall invite a speaker who is able to
160 represent such perspective. The office shall, when necessary,
161 provide such speakers who are not from within the state
162 university community with per diem and a reimbursement for
163 travel expenses.

164 (b) Maintain a permanent, publicly accessible, searchable,
165 and up-to-date calendar in print, on the office's website, and
166 on the state university's website listing all of the events
167 sponsored by the office and all other debates, group forums, and
168 events open to the entire campus community at the state
169 university that address public policy issues. The calendar must
170 itemize the title of the event, the name and institutional
171 affiliation of the speaker or speakers, and the office,
172 institute, department, program, or organization that sponsored
173 the event, excluding those events sponsored by off-campus groups
174 in rented state university facilities. Such calendars must be
175 kept in the library system of each state university.

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176 (c) Beginning September 1, 2024, and annually each
177 September 1 thereafter, provide to the Board of Governors a
178 report detailing the following:

179 1. The number of debates and group forums.

180 2. In chronological order, the calendars itemizing the
181 title of each event, the name and institutional affiliation of
182 the speaker or speakers, and the office, institute, department,
183 program, or organization that sponsored the event.

184 3. The number of enrolled students attending each event.

185 4. Expenditure information relating to any per diem or
186 reimbursement for travel expenses.

187
188 The report must reflect prior academic year statistics.

189 (d) Make publicly available, in an online format, a
190 complete video record of every debate and group forum organized
191 by the office. The video recording for an event organized by the
192 office must be posted on the office's website within 10 business
193 days after the event. Such video must remain publicly accessible
194 on the office's website for at least 5 years after the date of
195 the event. Such videos must also be permanently preserved
196 within, and made available to the public through, the library of
197 the state university that hosted the event.

198 (4) Upon approval of the board of trustees of the state
199 university and the Board of Governors, a state university may
200 assign the duties of the office to an existing administrative

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201 office within the state university rather than establish a
 202 separate office.

203 (5) Each office shall report directly to either the state
 204 university's office that is responsible for compiling and
 205 reporting the Integrated Postsecondary Education Data System's
 206 graduation rate survey or Office of General Counsel.

207 (6) Each debate and group forum organized by the office
 208 must be open to all students, faculty, and staff of the state
 209 university and, unless restricting attendance to such event is
 210 necessary to achieve a compelling governmental interest, to the
 211 general public.

212 Section 5. Subsection (5) of section 1004.26, Florida
 213 Statutes, is renumbered as subsection (6), and a new subsection
 214 (5) is added to that section, to read:

215 1004.26 University student governments; the Florida
 216 Student Association.—

217 (5)(a) The Florida Student Association is designated as
 218 the nonprofit advocacy organization serving the needs of the
 219 students of the State University System. If the Florida Student
 220 Association fails to meet the requirements of this section, the
 221 Chancellor of the Board of Governors shall designate an
 222 equivalent nonprofit advocacy organization to serve the needs of
 223 the students of the State University System with the approval of
 224 the Board of Governors.

225 (b) The Florida Student Association shall be governed by a

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226 board of directors. The membership of the board of directors
227 shall be comprised of the 12 student body presidents of the
228 state universities. The board of directors shall annually elect
229 a chair from among the board's members. The chair shall also
230 serve as president of the association.

231 (c) The Florida Student Association shall adopt bylaws to
232 establish:

233 1. A due process for the removal or impeachment of the
234 president of the association. Such due process must provide that
235 the president of the association may be removed by the majority
236 vote of members of the board of directors. The grounds for
237 removal of the president of the association are limited to
238 malfeasance, misfeasance, neglect of duty, incompetence,
239 permanent inability to perform official duties, or conviction of
240 a felony.

241 2. Procedures for the suspension and removal of the
242 president of the association following the conviction of a
243 felony.

244 3. Procedures for a president of the association who has
245 been disciplined, suspended, or removed from his or her position
246 to directly appeal such decision to the Vice Chancellor for
247 Academic and Student Affairs for the Board of Governors. The
248 bylaws may not place any condition precedent on the exercise of
249 such right granted by this paragraph and the association may not
250 elect a new president until the exhaustion of the appeals

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251 | process or any other due process rights afforded by this
252 | section.

253 | Section 6. This act shall take effect July 1, 2023.