

CHAPTER 2023-83

Committee Substitute for Committee Substitute for House Bill No. 931

An act relating to postsecondary educational institutions; amending ss. 1001.03 and 1001.706, F.S.; revising the date by which the State Board of Education and the Board of Governors must annually compile and publish specified assessments; creating s. 1001.741, F.S.; prohibiting public institutions of higher education from requiring the completion of a political loyalty test or for persons to meet certain qualifications; providing requirements for such prohibited tests and qualifications; authorizing the State Board of Education and the Board of Governors to adopt rules and regulations for specified purposes; providing severability; creating s. 1001.93, F.S.; providing legislative findings; providing definitions; requiring each state university to establish an Office of Public Policy Events; providing duties of the offices; authorizing a state university to assign the duties of the office to an existing office within the university; requiring such offices to report to specified state university offices; amending s. 1004.26, F.S.; designating the Florida Student Association as the nonprofit advocacy organization for students of the State University System; authorizing the Chancellor of the Board of Governors, with approval from the Board of Governors, to designate another organization to serve such students under certain circumstances; providing membership for the board of directors of the association; providing requirements for such board of directors relating to the board's chair and the association's president; requiring the board of directors to adopt certain bylaws; providing an effective date.

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

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

1001.03 Specific powers of State Board of Education.—

(19) INTELLECTUAL FREEDOM AND VIEWPOINT DIVERSITY ASSESSMENT.—

(b) The State Board of Education shall require each Florida College System institution to conduct an annual assessment of the intellectual freedom and viewpoint diversity at that institution. The State Board of Education shall select or create an objective, nonpartisan, and statistically valid survey to be used by each institution which considers the extent to which competing ideas and perspectives are presented and members of the college community, including students, faculty, and staff, feel free to express their beliefs and viewpoints on campus and in the classroom. The State Board of Education shall annually compile and publish the assessments by December 31 ~~September 1~~ of each year, beginning on December 31, 2024

~~September 1, 2022.~~ The State Board of Education may adopt rules to implement this paragraph.

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

1001.706 Powers and duties of the Board of Governors.—

(13) INTELLECTUAL FREEDOM AND VIEWPOINT DIVERSITY ASSESSMENT.—

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

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

1001.741 State university Boards of Trustees; personnel.—

(1)(a) A public institution of higher education may not:

1. Require or solicit a person to complete a political loyalty test as a condition of employment or admission into, or promotion within, such institution.

2. Give preferential consideration to a person for employment by, admission into, or promotion within the institution for an opinion or actions in support of:

a. A partisan, a political, or an ideological set of beliefs; or

b. Another person or group of persons based on the person's or group's race or ethnicity or support of an ideology or movement identified under subparagraph (b)1.a.

(b)1. A political loyalty test includes compelling, requiring, or soliciting a person to identify commitment to or to make a statement of personal belief in support of:

a. Any ideology or movement that promotes the differential treatment of a person or a group of persons based on race or ethnicity, including an initiative or a formulation of diversity, equity, and inclusion beyond upholding the equal protection of the laws guaranteed by the Fourteenth Amendment to the United States Constitution or a theory or practice that

holds that systems or institutions upholding the equal protection of the laws guaranteed by the Fourteenth Amendment of the United States Constitution are racist, oppressive, or otherwise unjust; or

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

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

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

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

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

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

(1) The Legislature finds that the advancement of knowledge is the fundamental purpose of the State University System and that such advancement is facilitated by the fearless sifting and winnowing of a wide diversity of views and that the open discussion and debate of contested public policy issues from diverse perspectives provides essential preparation for mature citizenship and an informed exercise of the right to vote.

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

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

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

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

(a)1. Organize, publicize, and stage debates or group forums at the state university. These events must address, from multiple, divergent, and

opposing perspectives, an extensive range of public policy issues widely discussed and debated in society at large. The university shall sponsor no less than four events each academic year. At least two events must occur during the fall semester and at least two events must occur during the spring semester.

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

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

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

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

1. The number of debates and group forums.

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

3. The number of enrolled students attending each event.

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

The report must reflect prior academic year statistics.

(d) Make publicly available, in an online format, a complete video record of every debate and group forum organized by the office. The video recording for an event organized by the office must be posted on the office's website within 10 business days after the event. Such video must remain publicly

accessible on the office's website for at least 5 years after the date of the event. Such videos must also be permanently preserved within, and made available to the public through, the library of the state university that hosted the event.

(4) Upon approval of the board of trustees of the state university and the Board of Governors, a state university may assign the duties of the office to an existing administrative office within the state university rather than establish a separate office.

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

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

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

1004.26 University student governments; the Florida Student Association.—

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

(b) The Florida Student Association shall be governed by a board of directors. The membership of the board of directors shall be comprised of the 12 student body presidents of the state universities. The board of directors shall annually elect a chair from among the board's members. The chair shall also serve as president of the association.

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

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

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

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

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

Approved by the Governor May 15, 2023.

Filed in Office Secretary of State May 15, 2023.