

1                                   A bill to be entitled  
 2           An act relating to higher education; amending s.  
 3           1001.43, F.S.; revising methods of recognition for  
 4           academic achievement; amending s. 1001.706, F.S.;  
 5           requiring the Board of Governors to report on the  
 6           intellectual freedom and viewpoint diversity of each  
 7           state university; creating s. 1004.016, F.S.; creating  
 8           the "RISE to 55 Initiative"; requiring the Higher  
 9           Education Coordinating Council to conduct activities  
 10          to increase postsecondary attainment and provide  
 11          recommendations to the Legislature by a specified  
 12          date; creating s. 1004.097, F.S.; providing a short  
 13          title; providing definitions; providing applicability;  
 14          authorizing a public institution of higher education  
 15          to create and enforce certain restrictions relating to  
 16          expressive activities on campus; amending s. 1009.215,  
 17          F.S.; revising Bright Futures eligibility requirements  
 18          for students enrolled in the student enrollment pilot  
 19          program; amending s. 1009.24, F.S.; providing  
 20          disclosure requirements when allocating activity and  
 21          service fees; providing an effective date.

22  
 23   Be It Enacted by the Legislature of the State of Florida:

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 25           Section 1. Paragraph (b) of subsection (14) of section

26 | 1001.43, Florida Statutes, is amended to read:

27 |       1001.43 Supplemental powers and duties of district school  
28 | board.—The district school board may exercise the following  
29 | supplemental powers and duties as authorized by this code or  
30 | State Board of Education rule.

31 |       (14) RECOGNITION OF ACADEMIC ACHIEVEMENT.—

32 |       (b) The district school board is encouraged to adopt  
33 | policies and procedures to recognize and celebrate the academic  
34 | achievement of students by: ~~provide for a student~~

35 |       1. "Academic Scholarship Signing Day" by declaring the  
36 | third Tuesday in April each year as "Academic Scholarship  
37 | Signing Day." The Declaring an "Academic Scholarship Signing  
38 | Day" that recognizes shall recognize the outstanding academic  
39 | achievement of high school seniors who sign a letter of intent  
40 | to accept an academic scholarship offered to the student by a  
41 | postsecondary educational institution.

42 |       2. Declaring a "College Decision Day" to recognize and  
43 | celebrate high school seniors for their postsecondary plans and  
44 | to encourage early preparation for college.

45 |  
46 | District school board policies and procedures may include, but  
47 | need not be limited to, conducting assemblies or other  
48 | appropriate public events in which students ~~offered academic~~  
49 | ~~scholarships assemble and~~ sign actual or ceremonial documents  
50 | accepting ~~those~~ scholarships or enrollment. The district school

51 board may encourage holding such events in an assembly or  
 52 gathering of the entire student body as a means of making  
 53 academic success and recognition visible to all students.

54 Section 2. Subsection (j) is added to (3) of section  
 55 1001.706, F.S., to read:

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

57 (3) POWERS AND DUTIES RELATING TO ORGANIZATION AND  
 58 OPERATION OF STATE UNIVERSITIES.—

59 (j) By September 1 of each year, the Board of Governors  
 60 shall report on the intellectual freedom and viewpoint diversity  
 61 at each institution through an objective, nonpartisan, and  
 62 statistically valid survey that enables comparison among such  
 63 institutions over time. Each institution shall conduct an annual  
 64 survey of students, faculty, and administrators that assesses  
 65 the extent to which competing ideas and perspectives are  
 66 presented and members of the university community feel safe and  
 67 supported in exploring and articulating their beliefs and  
 68 viewpoints on campus and in the classroom.

69 Section 3. Section 1004.016, Florida Statutes, is created  
 70 to read:

71 1004.016 RISE to 55 Initiative.—The Resourcing Industry  
 72 for a Stronger Economy Initiative is created to increase  
 73 postsecondary attainment among Floridians to 55 percent by 2025.

74 The Higher Educating Coordinating Council shall, at a minimum:

75 (1) Increase awareness and utilization of:

76        (a) The student advising system established pursuant to s.  
 77        1006.735(4)(b).

78        (b) The Complete Florida Degree Initiative established  
 79        pursuant to s. 1006.735(2), which helps adult learners who have  
 80        earned some college credit, but have not earned a degree,  
 81        complete their credential.

82        (c) Summer bridge programs at state universities and  
 83        Florida College System institutions that help students  
 84        transition to postsecondary education.

85        (2) Develop public and private partnerships to:

86        (a) Increase the number of high school seniors completing  
 87        at least one postsecondary education application.

88        (b) Increase the number of high school seniors completing  
 89        the Free Application for Federal Student Aid, which helps  
 90        students qualify for financial aid to pay for their  
 91        postsecondary education expenses.

92        (c) Recognize and celebrate high school seniors for their  
 93        postsecondary education plans and encourage early preparation  
 94        for college through "College Decision Day" and "Academic  
 95        Scholarship Signing Day" pursuant to s. 1001.43(14).

96        (d) Conduct regional meetings with local postsecondary  
 97        institutions, business leaders, and community organizations to  
 98        solve community specific issues related to attainment.

99        (3) Facilitate a reverse transfer agreement between the  
 100       State Board of Education and the Board of Governors to award

101 postsecondary credentials to students who have earned them.

102 (4) Provide recommendations to the Legislature by January  
103 15, 2019, on ways to increase postsecondary certificate and  
104 associate degree attainment of Florida College System students  
105 who continue to demonstrate unmet financial need after receiving  
106 existing federal and state financial aid awards. The  
107 recommendation must include an estimate of the number of  
108 students who would benefit and the annual cost of covering the  
109 remaining cost of tuition and fees for such students enrolled  
110 full-time in a certificate or degree program.

111 Section 4. Section 1004.097, Florida Statutes, is created  
112 to read:

113 1004.097 Free expression on campus.-

114 (1) This section may be cited as the "Campus Free  
115 Expression Act."

116 (2) DEFINITIONS.-

117 (a) "Commercial speech" means speech where the individual  
118 is engaged in commerce, where the intended audience is  
119 commercial or actual or potential consumers, and where the  
120 content of the message is commercial.

121 (b) "Free speech zone" means a designated area on a public  
122 institution of higher education's campus for the purpose of  
123 engaging in expressive activities.

124 (c) "Outdoor areas of campus" means generally accessible  
125 areas of the campus of a higher education institution where

126 members of the campus community are commonly allowed, including  
 127 grassy areas, walkways, or other similar common areas. The term  
 128 does not include outdoor areas where access is restricted.

129 (d) "Public institution of higher education" means any  
 130 public technical center, state college, state university, law  
 131 school, medical school, dental school, or other Florida College  
 132 System institution as defined in s. 1000.21.

133 (e) "Material and substantial disruption" means any conduct  
 134 that intentionally and significantly hinders another person's or  
 135 group's expressive rights. It does not include conduct that is  
 136 protected under the First Amendment to the United States  
 137 Constitution and Art. I of the State Constitution, including but  
 138 not limited to, lawful protests and counter-protests in the  
 139 outdoor areas of campus or minor, brief, or fleeting nonviolent  
 140 disruptions that are isolated or short in duration.

141 (3) RIGHT TO FREE SPEECH ACTIVITIES.—

142 (a) Expressive activities protected under the First  
 143 Amendment to the United States Constitution and Art. I of the  
 144 State Constitution include, but are not limited to, any lawful  
 145 oral or written communication of ideas, including all forms of  
 146 peaceful assembly, protests, and speeches; distributing  
 147 literature; carrying signs; circulating petitions; and the  
 148 recording and publication, including Internet publication, of  
 149 video or audio recorded in outdoor areas of campus of public

150 institutions of higher education. Expressive activities  
151 protected by this section do not include commercial speech.

152 (b) A person who wishes to engage in an expressive  
153 activity in the outdoor areas of campus may do so freely,  
154 spontaneously, and contemporaneously as long as the person's  
155 conduct is lawful and does not materially and substantially  
156 disrupt the functioning of the public institution of higher  
157 education or infringe upon the rights of other individuals or  
158 organizations to engage in expressive activities.

159 (c) The outdoor areas of campus are considered traditional  
160 public forums for individuals, organizations, and guest  
161 speakers. A public institution of higher education may create  
162 and enforce restrictions that are reasonable and content-neutral  
163 on time, place, and manner of expression and that are narrowly  
164 tailored to a significant institutional interest. Restrictions  
165 must be clear, published, and provide for ample alternative  
166 means of expression.

167 (d) A public institution of higher education may not  
168 designate any area of campus as a free speech zone or otherwise  
169 create policies restricting expressive activities to a  
170 particular outdoor area of campus, except as provided in  
171 paragraph (c).

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

175 (4) CAUSE OF ACTION.- Any person whose expressive rights  
 176 are violated by an action prohibited under this section may  
 177 bring an action in a court of competent jurisdiction to obtain  
 178 declaratory and injunctive relief, reasonable court costs and  
 179 attorneys' fees.

180 Section 5. Section 1009.215, Florida Statutes, is amended  
 181 to read:

182 1009.215 Student enrollment pilot program for the spring  
 183 and summer terms.-

184 (1) Subject to approval by the Board of Governors, the  
 185 University of Florida may plan and implement a student  
 186 enrollment pilot program for the spring and summer terms for the  
 187 purpose of aligning on-campus student enrollment and the  
 188 availability of instructional facilities.

189 (2) The pilot program shall provide for a student cohort  
 190 that is limited to on-campus enrollment during the spring and  
 191 summer terms. Students in this cohort are not eligible for on-  
 192 campus enrollment during the fall term.

193 (3) Students who are enrolled in the pilot program and who  
 194 are eligible to receive Bright Futures Scholarships under ss.  
 195 1009.53-1009.536 shall be eligible to receive the scholarship  
 196 award for attendance during the spring and summer terms ~~no more~~  
 197 ~~than 2 semesters or the equivalent in any fiscal year, including~~  
 198 ~~the summer term.~~ Such students shall be eligible to receive the  
 199 scholarship award for one semester of off-campus or on-line



200 coursework taken during the fall term, in addition to the spring  
201 and summer terms, if funding is provided in the General  
202 Appropriations Act for three terms for other students.

203 ~~(4) By January 31, 2013, the University of Florida shall~~  
204 ~~report to the Board of Governors, the President of the Senate,~~  
205 ~~and the Speaker of the House of Representatives regarding the~~  
206 ~~result of the pilot program.~~

207 Section 6. Subsection (10) of section 1009.24, Florida  
208 Statutes, is amended to read:

209 1009.24 State university student fees.—

210 (10) (a) Each university board of trustees shall establish  
211 a student activity and service fee on the main campus of the  
212 university. The university board may also establish a student  
213 activity and service fee on any branch campus or center. Any  
214 subsequent increase in the activity and service fee must be  
215 recommended by an activity and service fee committee, at least  
216 one-half of whom are students appointed by the student body  
217 president. The remainder of the committee shall be appointed by  
218 the university president. A chairperson, appointed jointly by  
219 the university president and the student body president, shall  
220 vote only in the case of a tie. The recommendations of the  
221 committee shall take effect only after approval by the  
222 university president, after consultation with the student body  
223 president, with final approval by the university board of  
224 trustees. An increase in the activity and service fee may occur

225 | only once each fiscal year and must be implemented beginning  
226 | with the fall term. The Board of Governors is responsible for  
227 | adopting the regulations and timetables necessary to implement  
228 | this fee.

229 |       (b) The student activity and service fees shall be  
230 | expended for lawful purposes to benefit the student body in  
231 | general. This shall include, but shall not be limited to,  
232 | student publications and grants to duly recognized student  
233 | organizations, the membership of which is open to all students  
234 | at the university without regard to race, sex, or religion. The  
235 | fund may not benefit activities for which an admission fee is  
236 | charged to students, except for student-government-association-  
237 | sponsored concerts. The allocation and expenditure of the fund  
238 | shall be determined by the student government association of the  
239 | university, except that the president of the university may veto  
240 | any line item or portion thereof within the budget when  
241 | submitted by the student government association legislative  
242 | body. The university president shall have 15 school days from  
243 | the date of presentation of the budget to act on the allocation  
244 | and expenditure recommendations, which shall be deemed approved  
245 | if no action is taken within the 15 school days. If any line  
246 | item or portion thereof within the budget is vetoed, the student  
247 | government association legislative body shall within 15 school  
248 | days make new budget recommendations for expenditure of the  
249 | vetoed portion of the fund. If the university president vetoes

250 any line item or portion thereof within the new budget  
251 revisions, the university president may reallocate by line item  
252 that vetoed portion to bond obligations guaranteed by activity  
253 and service fees. Unexpended funds and undisbursed funds  
254 remaining at the end of a fiscal year shall be carried over and  
255 remain in the student activity and service fund and be available  
256 for allocation and expenditure during the next fiscal year.

257 (c) To preserve viewpoint neutrality in the allocation of  
258 activity and service fees, any recognized student organization  
259 that submits an activity and service fee funding request to the  
260 student government association that disburses such funds shall  
261 be provided a written justification for the amount of funds  
262 awarded to the requesting organization.

263  
264 Each student government association shall maintain on its  
265 website an organized record of funding requests and awards. The  
266 record shall contain the name of each organization that  
267 requested funds, the amount the organization requested, the  
268 amount the organization received, and the written explanation in  
269 paragraph (c) that was provided to the requesting organization.  
270 The record shall be displayed in an easy-to-find place on the  
271 student government association's website.

272 Section 7. This act shall take effect July 1, 2018.