



Written by [Elad Hakim](#) on April 28, 2021

Florida Senate Passes Bill to “Equalize the Playing Field” in the State Universities and Colleges

The Florida Senate recently passed a [bill](#) that seeks to “equal the playing field” in the state’s public universities and colleges.

As reported by [the Guardian](#), “the bill encourages the reporting of lecturers perceived to be stifling ‘viewpoint diversity’ on campus.” If Florida Governor Ron DeSantis, a Republican, signs the legislation, it will go a long way toward protecting free-speech rights on campus, regardless of political affiliation. Given the [liberal](#) world of academia, this bill would serve to protect those who seek to express opinions that do not align with the left-wing ideologies permeating the state’s institutions of higher education.



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The legislation includes important provisions to uphold the First Amendment. More specifically, the [bill](#) safeguards certain types of “expressive activities” protected under the First Amendment:

Expressive activities protected under the First Amendment to the United States Constitution and Art. I of the State Constitution include, but are not limited to, any lawful oral or written communication of ideas, including all forms of peaceful assembly, protests, and speeches; distributing literature; carrying signs; circulating petitions; faculty research, lectures, writings, and commentary, whether published or unpublished; and the recording and publication, including the Internet publication, of video or audio recorded in outdoor areas of campus. Expressive activities protected by this section do not include defamatory or commercial speech.

As reported by [the Guardian](#):

[The bill] requires all 40 of Florida’s state-funded institutions of postsecondary education to conduct an annual survey of faculty and students to establish how well intellectual freedoms are protected on campus; and to “shield” students from efforts to limit their “access to, or observation of, ideas and opinions that they may find uncomfortable, unwelcome, disagreeable, or offensive.”

Notably, the [bill](#) also allows students to record lectures without their professors’ consent, and to use them for their own personal use, in connection to a complaint to the university/college, or as evidence (or in preparation for) a criminal or civil proceeding. However, the lectures may not be *published* without the lecturer’s consent. Moreover, the [bill](#) permits an injured person to seek declaratory and injunctive relief, as well as damages, attorney’s fees and costs, against the university/college. And the



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damages (including fees and costs) may only be paid from non-state funds.

Finally, the bill also applies to [student governments](#), which must “abide by all rules and regulations dictated by the federal and state governments, universities, the Board of Governors and the State University system.”

Floridians who support free speech should praise this bill. As reported by the [Associated Press](#):

According to the Foundation for Individual Rights in Education, a group that promotes free speech on campuses, nine public universities in Florida have policies that limit protected expression or can be interpreted to restrict expression. For example, it said the University of Central Florida has a harassment policy against “offensive” actions toward particular people, but it does not specify what acts are considered “offensive.”

“It’s very upsetting that the silent conservative has to exist on a campus,” said Stephanie Torres, the chairwoman of the Florida Federation of College Republicans. She hopes the bill can help create civil discussion about free speech on Florida’s campuses.

Unfortunately, there have been widespread [instances](#) in Florida and nationwide in which conservatives were heckled or prevented from speaking on campus.

While the bill is important to protect against efforts to indoctrinate students and to protect free speech, care must be taken to ensure the reliability and accuracy of such political surveying on college campuses. The [bill](#) leaves this decision up to each school’s Board of Governors, which must “select or create an objective, nonpartisan, and statistically valid survey to be used by each state university.” Of course, there are no guarantees that the answers to the survey(s) will be honest. Finally, what will happen once the results of such surveys are published? In other words, are there any potential consequences directly relating to the results? The answers to these questions are important to understand.

If and when Governor DeSantis ultimately signs this bill, only time will tell if opponents seek to challenge it and pursue any type of legal recourse. Notwithstanding, this bill is a significant step toward equalizing the playing field in our universities and colleges. Everyone should have a voice, regardless of political affiliation. And if a state-funded college or university violates this sacred right, there should be legal consequences.



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