



OFFICE OF THE PRESIDENT

Item 6.2.1

NEW

**SOUTH FLORIDA STATE COLLEGE  
DISTRICT BOARD OF TRUSTEES POLICIES**

**POLICY NO. 2.21****TITLE:** FREE EXPRESSION**LEGAL AUTHORITY:** FLORIDA STATUTE 1004.097 (Campus Free Expression Act)**OFFICE OF PRIMARY RESPONSIBILITY:** PRESIDENT'S OFFICE

## Definitions:

**Commercial Speech:** speech in which the individual is engaged in commerce, the intended audience is commercial or actual or potential consumers, and the content of the message is commercial.

**Free Speech Zone:** an area on a campus of the college which is designated for the purpose of engaging in expressive activities.

**Material and Substantial Disruption:** any conduct that intentionally and significantly hinders another person's or group's expressive rights. The term does not include conduct that is protected under the First Amendment to the United States Constitution and Art. I of the State Constitution, including, but not limited to, lawful protests and counter-protests in the outdoor areas of campus or minor, brief, or fleeting nonviolent disruptions that are isolated or brief in duration.

**Outdoor Areas of Campus:** generally accessible areas of a campus of a public institution of higher education in which members of the campus community are commonly allowed, including grassy areas, walkways, or other similar common areas. The term does not include outdoor areas of campus to which access is restricted.

## Right to Free-Speech Activities

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; 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 commercial speech.

A person who wishes to engage in an expressive activity in outdoor areas of campus may do so freely, spontaneously, and contemporaneously as long as the

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person's conduct is lawful and does not materially and substantially disrupt the functioning of the college or infringe upon the rights of other individuals or organizations to engage in expressive activities.

Outdoor areas of campus are considered traditional public forums for individuals, organizations, and guest speakers. The president or designee may create and enforce restrictions that are reasonable and content-neutral on time, place, and manner of expression and that are narrowly tailored to a significant institutional interest. Restrictions must be clear and published and must ~~and~~ provide for ample alternative means of expression.

The college will not designate any area of campus as a free-speech zone or otherwise create policies restricting expressive activities to a particular outdoor area of campus, except as provided in the prior paragraph.

Students, faculty, or staff may not materially disrupt previously scheduled or reserved activities on campus occurring at the same time.

A person whose expressive rights are violated by an action prohibited under this section may seek relief pursuant to Florida Statute 1004.097.

**HISTORY: Adopted: xx/xx/xx**

**Issued by District Board of Trustees: xx/xx/xx**

**Reviewed:**

**Revised:**

**AFFIDAVIT OF PUBLICATION**

**HIGHLANDS NEWS-SUN**  
**Published – Daily**  
**SEBRING, HIGHLANDS COUNTY, FL**

**STATE OF FLORIDA,**  
**COUNTY OF HIGHLANDS**

Before the undersigned authority personally appeared Janet Emerson, who on oath says that she is an authorized employee of The Highlands News-Sun, a daily newspaper published at Sebring, in Highlands County, Florida; that the attached copy of advertisement, being a notice in the matter of

**NOTICE OF POLICY REVISION & DEVELOPMENT**  
**SOUTH FLORIDA STATE COLLEGE**  
**DISTRICT BOARD OF TRUSTEES**  
**MAY 23, 2018**

was published in said newspaper in the issues of MAY 9, 12, 2018

Affiant further says that the said HIGHLANDS NEWS-SUN is a newspaper published at Sebring, in said Highlands County, Florida, and that the said newspaper has heretofore been continuously published in said Highlands County, Florida, and has been entered as second class, mail matter at the post office in Sebring, in said Highlands County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

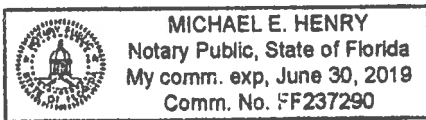
*Janet Emerson*

Sworn to and subscribed before me this 15<sup>th</sup> day of May, 2018

*Michael E. Henry*

Notary Public

(Notary Stamp)



**NOTICE OF POLICY REVISION & DEVELOPMENT**  
**SOUTH FLORIDA STATE COLLEGE**  
**DISTRICT BOARD OF TRUSTEES**

The following policy will be considered at the regular Board meeting to be held Wednesday, May 23, 2018 at 1:00 p.m. at the Highlands Campus at 600 W. College Drive, Avon Park, FL.

**Policy revisions: Proposed revisions to the following policies.**  
Policy 2.11 Advertisements Posted on Bulletin Boards and Distribution of Signs, Handbills, and Advertising  
Policy 2.13 Public Speakers and Invited Resource Personnel  
Policy 5.23 Prohibited Discrimination

**Policy Development:**  
Policy 2.21 Free Expression

For additional information, interested parties may visit the college website at [www.southflorida.edu/trustees](http://www.southflorida.edu/trustees), or contact the Office of the President, South Florida State College at 600 West College Drive, Avon Park, FL 33825.

**IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE DISTRICT BOARD OF TRUSTEES WITH RESPECT TO ANY MATTER CONSIDERED AT THIS MEETING, THAT PERSON WILL NEED A RECORD OF THE PROCEEDINGS, AND MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.**

May 9, 12, 2018

**Received**

**MAY 29 2018**

**President's Office**