

STUDENT SENATE BILL 2023-1051

TITLE: Resolution Condemning the Passage of Florida Senate Bill 266 (2023) and the Previous Attempts of Florida House Bill 999 (2023) and their Attacks on Diversity, Equity, & Inclusion (DEI) and the Freedoms of Higher Education in the State of Florida

AUTHOR(S): LGBTQ+ and Pan-Asian Caucus Chairperson Joaquin Rafaele C. Marcelino, Deputy Majority Party Leader Navya Nair, Majority Party Leader Simone Liang

SPONSOR(S): Senate President Oscar Santiago Perez, Senate President Pro Tempore Nathan McGinnis, Judiciary Chair Jonathan C. Stephens, Senator Chalisa Budhai, Senator Anghelo Gangano, Senator Ana Alvarez, Senator Cec Wood-Barron, Senator Bryan Garcia-Ramos

WHEREAS, In the legislative history, House Bill 999: Public Postsecondary Educational Institutions was filed in the Florida House of Representatives on 21 February 2023 (hereby referred to as “HB 999”), but was ultimately laid on the table and replaced by the Senate version [1]; and,

WHEREAS, The legislation aimed to greatly limit educational freedoms and its focus on diversity, equity, and inclusion in academia by prohibiting the inclusion of curricula that “teaches identity politics, such as Critical Race Theory” and refuses diversity of objective historical analysis by stringently defining American history as “the creation of a new nation based on universal principles stated in the Declaration of Independence” [2]; and,

WHEREAS, Critical Race Theory (CRT) is the “practice of interrogating the role of race and racism in society that emerged in the legal academy and spread to other fields of scholarship... It cannot be confined to a static and narrow definition but is considered to be an evolving and malleable practice. It critiques how the social construction of race and institutionalized racism perpetuate a racial caste system that relegates people of color to the bottom tiers. CRT also recognizes that race intersects with other identities, including sexuality, gender identity, and others. CRT recognizes that racism is not a bygone relic of the past. Instead, it acknowledges that the legacy of slavery, segregation, and the imposition of second-class citizenship on Black Americans and other people of color continue to permeate the social fabric of this nation [the United States]” [3]; and,

WHEREAS, House Bill 999 prohibited institutions under the State University System of Florida from expending funds, whether “directly, or through a contract, grant, or agreement that provides services” that “[p]romote, support, or maintain any programs or campus activities that... espouse diversity, equity, and inclusion or Critical Race Theory rhetoric” [2]; and,

WHEREAS, House Bill 999 authorized state university boards of trustees to “initiate post-tenure reviews at any time for any cause” [2], which the United Faculty of Florida at UF has stated “undermines tenure and academic freedom while simultaneously placing an entirely

superfluous and wastefully bureaucratic burden on universities at the expense of Florida taxpayers.” [4]; and,

WHEREAS, The Board of Governors of the State University System of Florida is a purely political and partisan body of which fourteen of its seventeen members are “appointed by the Florida Governor and confirmed by the Florida Senate for a term of seven years” [5]; and,

WHEREAS, The legislation mandated the state Board of Governors to review, revise, and update the missions of state universities as the board sees fit, including the ability to eliminate academic programs that do not comply with the board’s interpretation or make revisions to a university’s mission [2]; and,

WHEREAS, HB 999 allowed the Board of Governors the prerogative of removing “any major or minor that is based on or otherwise utilizes pedagogical methodology associated with Critical Theory, including, but not limited to, Critical Race Theory, Critical Race Studies, Critical Ethnic Studies, Radical Feminist Theory, Radical Gender Theory, Queer Theory, Critical Social Justice, or Intersectionality, as defined in the Board of Governors regulation, or any major or minor that includes curriculum that promotes the concepts listed in s. 1000.05(4)(a)” [2]; and,

WHEREAS, s. 1000.05(4)(a) also prohibits the discussion of race, color, sex, and national origin regarding the perspectives of social issues and diversity, equity, and inclusion [6]; and,

WHEREAS, HB 999 limited the promotion and advocacy of diversity on campus as it prohibits state universities from making “statements or commitments for or against certain viewpoints about diversity, equity, and inclusion, Critical Race Theory rhetoric, or political identity or ideology, as part of any hiring, promotion, disciplinary, or evaluation process, including as part of applications for employment, promotion and tenure applications, conditions of employment, job qualifications, job descriptions, or performance evaluations, or as part of any admissions or student disciplinary process, including as part of any admissions applications or orientations. This paragraph applies to all students and employees at the university, including the president of the university” [2]; and,

WHEREAS, HB 999 struck “gender” from Section 1004.06 of the Florida Statutes from the list of discriminatory practices that shall disallow any Florida College System institution, state university, Florida College System institution direct-support organization, or state university direction-support organization from expending any funds “to purchase membership in, or goods and services from, any organization” that engages in those aforementioned discriminatory practices [2]; and,

WHEREAS, Disability rights groups have issued statements in opposition due to the lack of clarity of what inclusion refers to [7]; and,

WHEREAS, Senate Bill 266: Higher Education (hereby referred to as “SB 266”) was filed in the Florida Senate on 7 March 2023 as the Senate version of the aforementioned HB 999 with

significant revisions from the original HB 999 text [8]; and,

WHEREAS, The aforementioned SB 266 was passed and signed by the Governor Ron DeSantis of Florida on 15 May 2023 [8]; and,

WHEREAS, The most recent version of SB 266, filed on 3 May 2023, encroaches upon the academic freedoms of higher education by stating that “[T]he Board of Governors shall periodically review the mission of each constituent university and make updates or revisions as needed...[and] shall review existing academic programs for alignment with the mission. The board shall include in its review a directive to each constituent university regarding its programs for any curriculum that violates s. 1000.05 or that is based on theories that systemic racism, sexism, oppression, and privilege are inherent in the institutions of the United States and were created to maintain social, political, and economic inequities” [9]; and,

WHEREAS, SB 266 also infringes upon academic freedoms through the restrictions on the tenure and termination of university faculty by stating: “[N]otwithstanding s. 447.401 or any other law related to faculty grievance procedures, personnel actions or decisions regarding faculty, including in the areas of evaluations, promotions, tenure, discipline, or termination, may not be appealed beyond the level of a university president or designee. Such actions or decisions must have as their terminal step a final agency disposition, which must be issued in writing to the faculty member, and are not subject to arbitration” [9]; and,

WHEREAS, SB 266 maintains the striking of “gender” from Section 1004.06 of the Florida Statutes from the list of discriminatory practices that shall disallow any Florida College System institution, state university, Florida College System institution direct-support organization, or state university direction-support organization from expending any funds “to purchase membership in, or goods and services from, any organization” that engages in those aforementioned discriminatory practices [9]; and,

WHEREAS, SB 266 also threatens the operations of important diversity, equity, and inclusion offices and initiatives at the University of Florida and within the Florida College System by stating that a “Florida College System institution, state university, Florida College System institution direct-support organization, or state university direct-support organization may not expend any state or federal funds to promote, support, or maintain any programs or campus activities that: (a) Violate s. 1000.05; or (b) Advocate for diversity, equity, and inclusion, or promote or engage in political or social activism, as defined by rules of the State Board of Education and regulations of the Board of Governors” [9]; and,

WHEREAS, The University of Florida is home to the Center of Inclusion and Multicultural Engagement, under which exist spaces for LGBTQ+ Student Engagement, Asian Pacific Islander Desi Student Engagement, Black Student Engagement, and Hispanic-Latinx Student Engagement which allows for the representation and access to welcoming and safe resources for students of all backgrounds [10]; and,

WHEREAS, The University of Florida, as of Fall 2020, is largely composed of White identifying individuals, with more than half or close to half of the entire population of undergraduates, graduates, faculty, and staff identifying as such, thus emphasizing the need for representation and support for racial minorities, including international students [11]; and,

WHEREAS, The University of Florida student body has established communities, organizations, and signature programs which receive university funding and are supported by university programs and offices such as the Asian American Student Assembly hosted by the Asian American Student Union, Def Talent Jam hosted by the Filipino Student Association, Chinese New Year Shows hosted by the Chinese-American Student Association, the Women's Welcome Assembly and Women's History Month hosted by the Women's Student Association, the Hispanic-Latinx Student Assembly hosted by Hispanic Student Association, Dia De Los Muertos hosted by the Mexican-American Student Association, the Pride Student Assembly hosted by the Pride Student Union, and the Black Student Assembly hosted by the Black Student Union, all of which are integral parts to the community of the University of Florida and have significant impacts on student engagement and the campus community [12]; and,

WHEREAS, The Constitution of the United States, Amendment XIV, § 1 states that "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws" [13]; and,

WHEREAS, the philosopher John Stuart Mill stated that "the only purpose for which power can be rightfully exercised over any member of a civilized community, against [their] will, is to prevent harm to others. [Their] own good, either physical or moral, is not a sufficient warrant. [They] cannot rightfully be compelled to do or forbear because it will be better for [them] to do so, because it will make [them] happier, because, in the opinions of others, to do so would be wise, or even right... The only part of the conduct of any one, for which [they are] amenable to society, is that which concerns others. In the part which merely concerns [themselves], [their] independence is, of right, absolute. Over [themselves], over [their] own body and mind, the individual is sovereign" [14]; and,

WHEREAS, The University of Florida Student Senate has previously recognized the importance of diversity initiatives through SSB 2022-1005, SSB 2022-1060, SSB 2023-1016, and more, and will continue to condemn exclusionary rhetoric and advocate for protections against political encroachment [15]; and,

WHEREAS, The history of the United States, the progression of society, and the fight against oppression has been supported and spearheaded by civil disobedience as Martin Luther King, Jr. has said: "[O]ne has not only a legal, but a moral responsibility to obey just laws. Conversely, one has a moral responsibility to disobey unjust laws" [16]; then,

THEREFORE, LET IT BE RESOLVED That the University of Florida Student Senate strongly condemns the rhetoric of Florida House Bill 999 (2023) and the passage of Florida Senate Bill 266 (2023) in its political overreach, limitation on academic freedom, and resolve to undermine the importance of diversity of the institutions of the State University System of Florida.

THEREFORE, LET IT FURTHER BE RESOLVED That the University of Florida Student Senate demands Governor Ron DeSantis reverse his previous position of support for such provisions, acknowledges the autonomy of students, faculty, and staff at state universities.

THEREFORE, LET IT FURTHER BE RESOLVED That the University of Florida Student Senate implores University President Ben Sasse, the University of Florida Board of Trustees, and University administration to not comply with the aforementioned provisions of SB 266, maintaining university programs such as the Office of the Chief Diversity Officer of the University of Florida and the Center for Inclusion & Multicultural Engagement at the University of Florida.

THEREFORE, LET IT FURTHER BE RESOLVED That the University of Florida Student Senate urges all branches of Student Government to maintain any and all programs, activities, and initiatives that may be threatened by the aforementioned provisions of SB 266, and promises the support of the Student Senate in maintaining such programs, activities, and initiatives.

THEREFORE, LET IT FURTHER BE RESOLVED That the University of Florida Student Senate encourages a coalition amongst institutes of higher education in the state and the nation to formulate lines of communication for the execution of collective action for the upkeep of our general welfare and protections against impediments to our universal freedoms under egregiously restrictive policies.

THEREFORE, LET IT FURTHER BE RESOLVED That the University of Florida Student Senate calls upon University President Ben Sasse and Student Body President Olivia Green to issue a public statement vocalizing their support for the preservation of Diversity, Equity, and Inclusion initiatives and offices at the University of Florida, including, but not limited to the Center for Inclusion & Multicultural Engagement, Office of the Chief Diversity Officer of the University of Florida, and other DEI offices housed within the university's sixteen academic colleges.

THEREFORE, LET IT FINALLY BE RESOLVED That the University of Florida Student Senate remains staunch in its stance for the advocacy, promotion, and defense of the welfare of our diverse community, society, and of our disadvantaged communities, ensuring that Diversity, Equity, and Inclusion are abided to as foundational to our free and democratic society.

Proviso: A copy of this resolution shall be sent to University President Dr. Ben Sasse, Governor Ron DeSantis, Speaker of the Florida House of Representative Paul Renner, President of the Florida Senate Kathleen Passidomo, University of Florida Board of Trustees, University of

Florida Chief Diversity Officer Dr. Marsha McGriff, University of Florida Vice President of Student Life Dr. Heather White, CIME Director Patricia Jordan, Student Body President Olivia Green, co-Presidents of the Asian American Student Union of the University of Florida Amy Guo and Julia Guerrero, President of the Pride Student Union of the University of Florida Jonathan C. Stephens, President of the University of Florida Filipino Student Association Rafael “Rocky” Villanueva, interim-President of the Chinese-American Student Association of the University of Florida Jason Gao, President of the Women’s Student Association of the University of Florida Padma Adimula, President of the Black Student Union of the University of Florida Laura Thomas, President of the Hispanic Student Association of the University of Florida Daniela Duarte, President of the Mexican-American Student Association of the University of Florida Lucero Aguirre-Bolivar, President of the University of Florida Multicultural Greek Council Ashlynn Donaldson, President of the University of Florida National Pan-Hellenic Council Azia Nicole, Florida State University Student Government President Jack Hitchcock, Florida State University Student Senate President Sam Diaz, University of Central Florida Student Government President Daniella Lopez, University of Central Florida Student Government Senate Speaker Dylan Hall, University of North Florida Student Government President Nathaniel Rodefer, University of North Florida Student Government Senate President Raymon Johnson, University of South Florida Student Government President Nithin Palyam, University of South Florida Student Government Senate President Ashria Daskundu, Florida Agricultural and Mechanical University Student Government Association President Zachary C. Bell, Florida Agricultural and Mechanical University Student Government Senate President Kelton Williams, Florida Atlantic University Student Government President Pierce Kennamer, Florida Atlantic University Student Government Senate President Dalia Calvillo, Florida Atlantic University Speaker of the House of Representatives Juliana L. Walters, Florida Gulf Coast University Student Government President Grace Brannigan, Florida Gulf Coast University Student Government Senate President Makayla Shinnick, Florida International University Student Government President Cristhofer Lugo, Florida International University Student Government Senate President Alexander Sutton, New College of Florida New College Student Alliance President Grace Keenan, New College of Florida New College Student Alliance Co-Chairs of Diversity and Inclusion Aurelie Smart and Hayden Garbez, Florida Polytechnic University Student Government President Melia Rodriguez, University of West Florida Student Government President Patrick Marshall, University of West Florida Student Government Senate President Brooke Proffitt, University of West Florida Student Government Senate President Pro-Tempore Ariauna Range, Equality Florida Executive Director Nadine Smith, Pride Community Center of North Central Florida President Tamara Perry-Lunardo.

[1]: <https://www.flsenate.gov/Session/Bill/2023/999>

[2]: <https://www.flsenate.gov/Session/Bill/2023/999/?Tab=BillText>

[3]: https://www.americanbar.org/groups/crsj/publications/human_rights_magazine_home/civil-rights-reimagining-policing/a-lesson-on-critical-race-theory/

- [4]: <https://uff-uf.org/urgent-comment-on-post-tenure-review-by-march-9-2023/>
- [5]: <https://www.flbog.edu/board/members/>
- [6]: http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=1000-1099/1000/Sections/1000.05.html
- [7]: https://disabilityrightsflorida.org/newsroom/story/drfl_opposes_desantis_administrations_Plan_to_defund_dei_initiatives
- [8]: <https://www.flsenate.gov/Session/Bill/2023/266/?Tab=BillHistory>
- [9]: <https://www.flsenate.gov/Session/Bill/2023/266/?Tab=BillText>
- [10]: <https://multicultural.ufl.edu/>
- [11]: <https://cdo.ufl.edu/strategic-initiatives/metrics/>
- [12]: <https://studentinvolvement.ufl.edu/join-us/signature-events/>
- [13]: <https://constitutioncenter.org/the-constitution/amendments/amendment-xiv>
- [14]: John Stuart Mill, *On Liberty* (Ontario: Batoche Books Limited, 2001).
- [15]: <https://sg.ufl.edu/branches/legislative/senate-resources/>
- [16]: <https://www.billofrightsintstitute.org/resources/civil-disobedience>