



RON DESANTIS
GOVERNOR

May 31, 2019

Secretary Laurel Lee
Secretary of State
R.A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, FL 32399-0250

Dear Secretary Lee:

I have signed into law Committee Substitute for Committee Substitute for House Bill 741, which defines anti-Semitism for purposes of Florida law and requires Florida's public education systems to treat anti-Semitism the same way as they treat racism. This approach represents a sensible way for educational institutions to combat anti-Semitism, and, given the troubling rise in Anti-Semitic incidents, it was wise for the Florida Legislature to make this a priority.

My administration will implement CS/CS/HB 741 in accordance with subsection 7(c) of the bill, which requires the provisions to be construed consistent with the rights protected by the federal and state constitutions. Accordingly, I direct the Florida Department of Education, and advise any public school system that may issue policies or regulations pursuant to CS/CS/HB 741, to ensure that implementation is consistent with First Amendment freedoms.

With this in mind, CS/CS/HB 741 permits regulation to combat anti-Semitism within the realm of government institutions - such as an institution's anti-Semitic hiring or admissions policies, an instructor's indulgence of bizarre theories or pedagogical perversions, and student behavior that is harmful or disruptive. The legislation would, however, not apply to areas, such as lawful demonstrations and public-forum student speech, that fall within the free speech protections of the First Amendment.

Sincerely,

A handwritten signature of Ron DeSantis in black ink.

Ron DeSantis
Governor

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2019 MAY 31 PM 4:02
DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

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CS/CS/HB 741

2019 Legislature

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2 An act relating to anti-Semitism; amending s. 1000.05,
3 F.S.; prohibiting discrimination in the Florida K-20
4 public education system based on religion; requiring a
5 public K-20 educational institution to take into
6 consideration anti-Semitism under certain instances of
7 discrimination; defining the term "anti-Semitism";
8 providing construction; amending s. 1002.20, F.S.;
9 conforming provisions to changes made by the act;
10 providing an effective date.

11
12 Be It Enacted by the Legislature of the State of Florida:

13
14 Section 1. Subsection (7) of section 1000.05, Florida
15 Statutes, is renumbered as subsection (8), paragraphs (a), (b),
16 (c), and (e) of subsection (2) are amended, and a new subsection
17 (7) is added to that section, to read:

18 1000.05 Discrimination against students and employees in
19 the Florida K-20 public education system prohibited; equality of
20 access required.—

21 (2)(a) Discrimination on the basis of race, ethnicity,
22 national origin, gender, disability, religion, or marital status
23 against a student or an employee in the state system of public
24 K-20 education is prohibited. No person in this state shall, on
25 the basis of race, ethnicity, national origin, gender,

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26 disability, religion, or marital status, be excluded from
27 participation in, be denied the benefits of, or be subjected to
28 discrimination under any public K-20 education program or
29 activity, or in any employment conditions or practices,
30 conducted by a public educational institution that receives or
31 benefits from federal or state financial assistance.

32 (b) The criteria for admission to a program or course
33 shall not have the effect of restricting access by persons of a
34 particular race, ethnicity, national origin, gender, disability,
35 religion, or marital status.

36 (c) All public K-20 education classes shall be available
37 to all students without regard to race, ethnicity, national
38 origin, gender, disability, religion, or marital status;
39 however, this is not intended to eliminate the provision of
40 programs designed to meet the needs of students with limited
41 proficiency in English, gifted students, or students with
42 disabilities or programs tailored to students with specialized
43 talents or skills.

44 (e) Guidance services, counseling services, and financial
45 assistance services in the state public K-20 education system
46 shall be available to students equally. Guidance and counseling
47 services, materials, and promotional events shall stress access
48 to academic and career opportunities for students without regard
49 to race, ethnicity, national origin, gender, disability,
50 religion, or marital status.

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51 (7) A public K-20 educational institution must treat
52 discrimination by students or employees or resulting from
53 institutional policies motivated by anti-Semitic intent in an
54 identical manner to discrimination motivated by race. For
55 purposes of this section, the term "anti-Semitism" includes a
56 certain perception of the Jewish people, which may be expressed
57 as hatred toward Jewish people, rhetorical and physical
58 manifestations of anti-Semitism directed toward a person, his or
59 her property, or toward Jewish community institutions or
60 religious facilities.

61 (a) Examples of anti-Semitism include:

62 1. Calling for, aiding, or justifying the killing or
63 harming of Jews, often in the name of a radical ideology or an
64 extremist view of religion.

65 2. Making mendacious, dehumanizing, demonizing, or
66 stereotypical allegations about Jews as such or the power of
67 Jews as a collective, especially, but not exclusively, the myth
68 about a world Jewish conspiracy or of Jews controlling the
69 media, economy, government or other societal institutions.

70 3. Accusing Jews as a people of being responsible for real
71 or imagined wrongdoing committed by a single Jewish person or
72 group, the State of Israel, or even for acts committed by non-
73 Jews.

74 4. Accusing Jews as a people or the State of Israel of
75 inventing or exaggerating the Holocaust.

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76 5. Accusing Jewish citizens of being more loyal to Israel,
77 or the alleged priorities of Jews worldwide, than to the
78 interest of their own nations.

79 (b) Examples of anti-Semitism related to Israel include:

80 1. Demonizing Israel by using the symbols and images
81 associated with classic anti-Semitism to characterize Israel or
82 Israelis, drawing comparisons of contemporary Israeli policy to
83 that of the Nazis, or blaming Israel for all inter-religious or
84 political tensions.

85 2. Applying a double standard to Israel by requiring
86 behavior of Israel that is not expected or demanded of any other
87 democratic nation, or focusing peace or human rights
88 investigations only on Israel.

89 3. Delegitimizing Israel by denying the Jewish people
90 their right to self-determination and denying Israel the right
91 to exist.

92
93 However, criticism of Israel that is similar to criticism toward
94 any other country may not be regarded as anti-Semitic.

95 (c) Nothing in this subsection shall be construed to
96 diminish or infringe upon any right protected under the First
97 Amendment to the United States Constitution, or the State
98 Constitution. Nothing in this subsection shall be construed to
99 conflict with federal or state discrimination laws.

100 Section 2. Subsection (7) of section 1002.20, Florida

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Statutes, is amended to read:

1002.20 K-12 student and parent rights.—Parents of public school students must receive accurate and timely information regarding their child's academic progress and must be informed of ways they can help their child to succeed in school. K-12 students and their parents are afforded numerous statutory rights including, but not limited to, the following:

(7) NONDISCRIMINATION.—All education programs, activities, and opportunities offered by public educational institutions must be made available without discrimination on the basis of race, ethnicity, national origin, gender, disability, religion, or marital status, in accordance with the provisions of s.

1000.05.

Section 3. This act shall take effect upon becoming a law.