

ENROLLED

CS/CS/HB 741

2019 Legislature

1  
 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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101 Statutes, is amended to read:

102       1002.20 K-12 student and parent rights.—Parents of public  
103 school students must receive accurate and timely information  
104 regarding their child's academic progress and must be informed  
105 of ways they can help their child to succeed in school. K-12  
106 students and their parents are afforded numerous statutory  
107 rights including, but not limited to, the following:

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

113 1000.05.

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