



The Freedom to Write

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February 13, 2024

Honorable Kathleen Passidomo
President, Florida Senate
404 S. Monroe Street
Tallahassee, FL 32399-1100

Re: PEN America's opposition to SB 470: Postsecondary Education Students

Dear President Passidomo:

As Director of the PEN America Florida office, I write to express PEN America's opposition to SB 470: Postsecondary Education Students (SB470). PEN America is a nonpartisan, nonprofit organization which stands at the intersection of literature and human rights to support free expression in the United States and worldwide. SB470 is both duplicative of already existing federal law, and in its vagueness, places overly broad restrictions on students that risks compromising their federally-protected rights to peacefully assemble and protest under the First Amendment. I urge you to reconsider.

As written, SB470 would deprive any student who "promotes" a federally recognized foreign terrorist organization of in-state tuition and state financial aid. The bill also mandates that foreign students on F-1 visas shall be reported to the Department of Homeland if their speech is interpreted as "promotion" of this nature. This is duplicative of the federal Immigration and Naturalization Act, which already provides that individuals can be disqualified from student visas or have their visa revoked if they "endorse or espouse" terror activity. Yet SB470 would supplant those established legal definitions with vague prohibitions of "promoting" terrorism that will be subject to ambiguous interpretation.

SB470 will also run afoul of the First Amendment, most chiefly in its extreme vagueness. The bill fails to define what it means to "promote" a foreign terrorist organization, nor how to distinguish it from protected forms of expression, be they academic, artistic, or political. Consequently, it will likely threaten broad swaths of speech that are protected by the First Amendment—discouraging research inquiries, chilling class discussions, and shrinking the boundaries of artistic

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freedom, out of fear that speech might be viewed as promoting ideas or objectives shared by terrorist groups. What it means to “promote” a terrorist organization would become subject to enforcement that could threaten constitutionally protected speech.

Coupled with this vagueness is a powerful enforcement mechanism which threatens the financial futures of students who rely on state financial aid, grants, and scholarships to afford tuition. Students found to be “promoting” terrorist groups based on an interpretation determined by school administrators or staff would be ineligible for any such financial support. Given the swaths of speech that could be labeled “promotion” of terrorist organizations, this bill risks unduly chilling speech.

Finally, though the bill specifies that it includes the “promotion” of all terrorist groups designated by the State Department, it also singles out both Hamas and the Palestine Islamic Jihad—both designated terror groups—explicitly, signaling a particular focus of the government in targeting students who express speech that may be aligned with these groups. Following [efforts by](#) the Florida Department of Education to ban the student group Students for Justice in Palestine (SJP) on state campuses based on the allegation that the group provided “material support” to Hamas in the fall, the bill demonstrates a concerning pattern of targeting a specific group and political viewpoint for suppression rather than treating all groups neutrally regardless of viewpoint, as the First Amendment requires.

PEN America urges you to reject SB470.

Sincerely,

A handwritten signature in black ink, appearing to read 'Katie Blankenship', with a large, stylized loop at the end.

Katie Blankenship
Director, PEN America Florida

Cc: Members of the Florida Senate