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MEMORANDUM

TO: State University System Presidents
Florida College System Presidents

FROM: Chancellor Ray Rodrigues
Commissioner Manny Diaz

DATE: October 9, 2023

SUBJECT: Legal Obligations to Protect Jewish Students

This weekend, the world watched Hamas, an Iran-backed terrorist organization, commit a barbaric attack against Israel including innocent Israeli women, children, babies, and grandparents who were Holocaust survivors. Israel not only has the right to defend itself against these heinous attacks, but it has a duty to respond with overwhelming force. Florida unequivocally stands with Israel and the Jewish people during this difficult moment in history.

Over the last four years, Governor DeSantis, the Florida Legislature, the Board of Governors, and the Florida Department of Education have aggressively implemented policies to ensure that Jewish students, employees, and communities are protected from discrimination, harassment, intimidation, and violence. We are directing our institutions to take immediate, aggressive steps to ensure that all faculty and staff are aware of their legal obligations to ensure that Jewish Floridians are protected during this time.

In 2019, Governor Ron DeSantis signed into law [House Bill 741](#) which set specific requirements for K-20 public educational institutions in dealing with discrimination against Jewish students and employees. The law recognizes discrimination motivated by anti-Semitism as discrimination based on race and includes specific examples of discriminatory conduct. It added religion as a protected class with regard to discrimination against students and employees and requires a public K-20 educational institution to treat discrimination by students or employees or resulting from institutional policies motivated by anti-Semitism in an identical manner to discrimination

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motivated by race. Pursuant to § 1000.05, Florida Statutes, forms of anti-Semitism that may constitute discrimination on the basis of race include:

1. Calling for, aiding, or justifying the killing or harming of Jews, often in the name of a radical ideology or an extremist view of religion.
2. Making mendacious, dehumanizing, demonizing, or stereotypical allegations about Jews as such or the power of Jews as a collective, especially, but not exclusively, the myth about a world Jewish conspiracy or of Jews controlling the media, economy, government or other societal institutions.
3. Accusing Jews as a people of being responsible for real or imagined wrongdoing committed by a single Jewish person or group, the State of Israel, or even for acts committed by non-Jews.
4. Accusing Jews as a people or the State of Israel of inventing or exaggerating the Holocaust.
5. Accusing Jewish citizens of being more loyal to Israel, or the alleged priorities of Jews worldwide, than to the interest of their own nations.

Anti-Semitic conduct also includes conduct related to Israel, such as:

1. Demonizing Israel by using the symbols and images associated with classic anti-Semitism to characterize Israel or Israelis, drawing comparisons of contemporary Israeli policy to that of the Nazis, or blaming Israel for all inter-religious or political tensions.
2. Applying a double standard to Israel by requiring behavior of Israel that is not expected or demanded of any other democratic nation, or focusing peace or human rights investigations only on Israel.
3. Delegitimizing Israel by denying the Jewish people their right to self-determination and denying Israel the right to exist.

Florida law requires educational institutions ensure that all education programs, activities and opportunities are offered free from discrimination on the basis of race and national origin. This includes ensuring that Jewish students can participate in all educational programs and activities free from discrimination and in a safe environment free from intimidation, harassment, threats, and physical violence. This guidance is important to reaffirm given the anti-Semitic, pro-Hamas student groups preparing to hold events on campuses. Educational institutions must fully protect Jewish students from any anti-Semitic discrimination and physical attacks and make it clear anyone who violates the law will be punished to the fullest extent of the law.

In addition to fulfilling their obligations under § 1000.05, Florida Statutes, educational institutions should be aware of recent statutory changes that provide more tools to local law enforcement agencies to ensure safeguards and protect Jewish students and communities across our state.

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On April 28, 2023, Governor Ron DeSantis signed [House Bill 269](#) to establish stronger criminal penalties for committing certain anti-Semitic crimes.

§ 784.0493, Florida Statutes, was created to prohibit harassment or intimidation based on religious or ethnic heritage and states: (2) A person may not willfully and maliciously harass or intimidate another person based on the person's wearing or displaying of any indicia relating to any religious or ethnic heritage. (3) A person who violates subsection (2) commits a misdemeanor of the first degree, punishable as provided in s. 80 775.082 or s. 775.083. (4) A person who violates subsection (2), and in the course of committing the violation makes a credible threat to the person who is the subject of the harassment or intimidation, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. (5) A violation of this section is considered a hate crime for purposes of the reporting requirements of s. 877.19.

Additionally, § 810.098, Florida Statutes, was created to prohibit trespassing for the purpose of threatening or intimidating another person. Specifically, the new law states: (1)(a) Whoever, without being authorized, licensed, or invited, willfully enters the campus of a state university or Florida College System institution for the purpose of threatening or intimidating another person, and is warned by the state university or Florida College System institution to depart and refuses to do so, commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. (b) If the penalty for a violation of this subsection is reclassified under s. 775.085, such a violation is considered a hate crime for purposes of the reporting requirements of s. 877.19.

Florida law enforcement recently arrested four individuals pursuant to the recent changes in statute under HB 269.

The State of Florida will not tolerate anti-Semitic violence, intimidation, harassment, or threats against Jewish students, employees, or communities. It is important to also emphasize that Hamas is a designated terrorist organization. And under § 775.33, Florida Statutes, it is a first-degree felony for any person to provide material support or resources to Hamas, or any designated foreign terrorist organization. Any individual or student organization providing support to support or resources to Hamas, or any designated foreign terrorist organization will be prosecuted to the fullest extent of the law.

Educational institutions have an obligation to ensure that acts of anti-Semitism are thoroughly investigated and handled appropriately, as acts of discrimination, and that appropriate action is taken to ensure discriminatory conduct does not continue. Our agencies will spare no

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resources to ensure Florida institutions uphold their commitment to protect and safeguard Jewish students and faculty.

The staff at the Board of Governors and the Florida Department of Education are prepared to assist if you have any questions or if you need technical assistance to ensure that your institutions are in compliance with these significant provisions of the law.