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The antievolution bills — the so-called Academic Freedom Acts — in Florida are progressing, despite protests from teachers, scientists, and the Florida ACLU, and despite the criticisms of the legislature's own staff. On March 26, 2008, the Senate version of the bill, SB 2692, was passed by a 4-1 vote by the Senate Education Pre-K-12 Committee; on April 8, 2008, it was passed by a 7-3 vote by the Senate Judiciary Committee, and placed on the calendar for a second reading in the Senate. The House of Representatives version of the bill, HB 1483, was amended and passed by a 7-4 vote in the House's School and Learning Council; so far, it is not on the calendar for a second reading in the House.

All three committees received reports from the legislature's staff raising serious questions about the bills. The reports noted that the bills addressed a non-existent problem: the [report](#) [4] (PDF) to the Senate Education Pre-K-12 Committee, for example, stated, "According to the Department of Education, there has never been a case in Florida where a public school teacher or public school student has claimed that they have been discriminated against based on their science teaching or science course work." After the committee's hearing, Senator Ted Deutch (D-District 30) [told](#) [5] the *St. Petersburg Times* (March 26, 2008), "We didn't hear from anyone today that suggested there were any kind [of] repercussions for questioning evolution with science."

The bill's original sponsor, Senator Ronda Storms (R-District 10), [told](#) [6] the *Ft. Myers News-Press* (April 9, 2008) that "There have been instances where both teachers and students feel muzzled," citing cases in which teachers have supposedly been assigned to extra duties in retaliation for questioning evolution. But Mary Bahr, a veteran science teacher who helped to write the new state science standards, [told](#) [7]

the *Lakeland Ledger* (April 9, 2008) that in her fifteen years of teaching in Marion County, "I have never heard anyone express concerns for their academic freedom, or that they felt constrained from teaching all the scientific evidence surrounding any concept."

Furthermore, the report to the Education Pre-K-12 Committee observed that, while teachers are given the right to present "objective scientific information" to students, "the bill is silent on who defines the objectivity of the scientific information presented," adding, "The administration and the teacher may have quite different views on the objectiveness of the information presented." Senator Larcenia Bullard (D-District 39), who voted for the bill in committee, [told](#) ^[5] the *St. Petersburg Times* (March 26, 2008) that she still "had reservations" and "might not support it if a final Senate vote is taken." She added, "I believe this is going to open the door for some serious problems in the public school system."

The [report](#) ^[8] (PDF) to the Judiciary Committee also noted, "because evolution and countervailing theories are subject to intense controversy, objective presentation of scientific information critical of the theory of evolution may be difficult to achieve in the classroom. If at any point objectivity is abandoned, it is possible that a court could determine that the state is promoting religion in violation of the Establishment Clause." Echoing the concern, Senator Steve Geller (D-District 31) [told](#) ^[9] the *South Florida Sun-Sentinel* (April 8, 2008), "I believe the purpose of this bill is to let people bring their religious beliefs into school."

The ACLU of Florida actively opposed SB 2692 as it was proceeding through the Senate. At the Senate Education Pre-K-12 Committee hearing, the *St. Petersburg Times* (March 26, 2008) [reported](#) ^[5], "ACLU lobbyist Courtenay Strickland said if schools act on the bill, the civil liberties group would sue, as it did in a landmark Pennsylvania case [*Kitzmiller v. Dover*] that rejected creationism." At the Senate Judiciary Committee hearing, the *Ft. Myers News-Press* [reported](#) ^[6] (April 9, 2008), Rebecca Steele, Director of the ACLU of Florida's West Central Florida regional office, testified, "This bill is bad for education, it's bad for our efforts to bring the biotech industry to Florida and it's bad for the constitution."

SB 2692 was [modified](#) ^[10] somewhat by the Education Pre-K-12 Committee, which changed its name from the "Academic Freedom Act" to the "Evolution Academic Freedom Act," defined "scientific information" as used in the bill as "germane current facts, data, and peer-reviewed research specific to the topic of chemical and biological evolution as prescribed in Florida's Science Standards," and changed a clause providing that students "may be evaluated based upon their understanding of course materials" to "shall be evaluated based upon their understanding of course materials through normal testing procedures." The Judiciary Committee passed the bill without changes.

In the House, HB 1483 was modified differently, and substantially, by the House Schools and Learning Council. The *Miami Herald* (April 11, 2008) [reported](#) ^[11] that its sponsor, Representative Alan Hays (R-District 25) acknowledged that "the original form of the bill raised constitutional questions about proselytizing in public school science classes" and substituted a one-line version instead. According to a [briefing packet](#) ^[12] (PDF, p. 35), the proposed substitute would require public schools to provide "[a] thorough presentation and critical analysis of the scientific theory of evolution." (The Florida legislature's website currently reports that the Schools and Learning Council approved the amendment, but fails to give its text.)

Even the one-line version of the bill aroused doubt in the council hearing. The *St. Petersburg Times* (April 11, 2008) [reported](#) ^[13], "During further discussion, Rep. Shelly Vana, D-Lantana, suggested the bill is unnecessary. A science teacher herself, Vana said good science educators already use the inquiry method to get students to think critically. 'Why has evolution then been singled out?' she asked Hays.

'Because right now there is no prohibition from doing this.'" Hays claimed that it was necessary to protect teachers seeking to "provide a critical analysis" of evolution, although the *Times* (March 6, 2008) previously [reported](#) [14] that it was unable to substantiate such claims of persecution.

The amended version of HB 1483 passed the House Schools and Learning Council on a party-line vote, after the panel rejected a proposed amendment that would have removed the reference to "critical analysis," language exploited by creationists in [Ohio](#) [15] and elsewhere; in practice, proposals for "critical analysis" of evolution have translated as proposals for scientifically unwarranted criticisms of evolution. According to the *Miami Herald* (April 11, 2008), Representative Martin Kiar (D-District 97) [expressed](#) [11] his concern that "'criticisms' of evolution could include biblical creationism. 'The Bible says something else than evolution,' he said. 'So that's a criticism, and this bill allows that. Unfortunately, it's not constitutional.'"

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http://www.flsenate.gov/Session/index.cfm?Mode=Bills&SubMenu=1&BI_Mode=ViewBillInfo&Year=2008&BillNum=2692

[11] http://www.miamiherald.com/news/breaking_news/story/492099.html

[12]

[http://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&Committeed=2366&Session=2008&DocumentType=Meeting%20Packets&FileName=Schools_Tabs_04_11_08_Online_w-Amends\(OCR\).pdf](http://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&Committeed=2366&Session=2008&DocumentType=Meeting%20Packets&FileName=Schools_Tabs_04_11_08_Online_w-Amends(OCR).pdf)

[13] <http://blogs.tampabay.com/schools/2008/04/academic-freedom.html>

[14] <http://blogs.tampabay.com/schools/2008/03/the-persecution.html>

[15] http://www.ncseweb.org/resources/news/2006/OH/636_a_clean_break_from_creationis_10_17_2006.asp

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