

6A-14.0718 Prohibited Expenditures for Florida College System (FCS) Institutions.

(1) Purpose. The purpose of this rule is to implement the expenditure prohibitions found in s. 1004.06, F.S.

(2) Definitions. For the purposes of this rule, the following terms mean:

(a) “Diversity, Equity and Inclusion” or “DEI” is any program, campus activity, or policy that classifies individuals on the basis of race, color, sex, national origin, gender identity, or sexual orientation and promotes differential or preferential treatment of individuals on the basis of such classification.

(b) “Federal funds” are those funds provided to the institution or a direct-support organization for an institution directly or indirectly by an appropriation by Congress. This includes financial aid provided to the institution by or on behalf of a student attending the institution if that financial aid is provided to the student via a governmental aid or grant program. Federal funds do not include student fees to support student-led organizations notwithstanding any speech or expressive activity by such organizations which would otherwise violate this section, provided that the student fees must be allocated to student-led organizations pursuant to written policies or regulations of each institution, as applicable.

(c) “Non-traditional Student” is an undergraduate student not pursuing higher education immediately or up to two (2) years after graduating high school.

(d) “Political or Social Activism” is any activity organized with a purpose of effecting or preventing change to a government policy, action, or function, or any activity intended to achieve a desired result related to social issues, where the institution endorses or promotes a position in communications, advertisements, programs, or campus activities. Political or Social activism does not include authorized government relations and lobbying activities of the institution concerning matters that directly affect the operations of the institution or direct-support organizations of the institution. Political or Social Activism does not include endorsement or promotion of a position that encourages compliance with state or federal law or State Board of Education rule.

(e) “Programs or campus activities” are any activities authorized or administered by the institution or an institution’s direct-support organization(s) that involve:

1. Academic programs subject to review as outlined in ss. 1001.02(6)(c), 1007.25, 1007.33, F.S., other than classroom instruction;

2. Student participation, other than classroom instruction; or

3. Hiring, recruiting, evaluating, promoting, disciplining, or terminating institution employees, or contractors.

(f) “Social Issues” are topics that polarize or divide society among political, ideological, moral, or religious beliefs.

(g) “Student-led Organization” is an organization recognized by the institution as an active and registered student organization that is comprised of student members with a faculty or staff advisor including, but not limited to, organizations that receive activity and service fees pursuant to s. 1009.23, F.S.

(h) “State funds” are those funds provided to an institution or a direct-support organization for an institution directly or indirectly by an appropriation by the Florida Legislature. This includes financial aid provided to the institution by or on behalf of a student attending the institution if that financial aid is provided to the student via a state government aid or grant program. State funds do not include student fees to support student-led organizations notwithstanding any speech or expressive activity by such organizations which would otherwise violate this section, provided that the student fees must be allocated to student-led organizations pursuant to written policies or regulations of each institution, as applicable.

(3) An FCS institution or FCS institution direct-support organization may not expend any state or federal funds to promote, support, or maintain any programs or campus activities that:

(a) Violate s. 1000.05, F.S.;

(b) Advocate for DEI as defined in this rule; or

(c) Promote or engage in political or social activism as defined in this rule.

(4) An FCS institution or FCS institution direct-support organization advocates for DEI when it engages in a program, policy, or activity that:

(a) Advantages or disadvantages, or attempts to advantage or disadvantage, an individual or group on the basis of race, color, sex, national origin, gender identity, or sexual orientation, to equalize or increase outcomes, participation, or representation as compared to other individuals or groups; or

(b) Promotes the position that a group or an individual’s action is inherently, unconsciously, or implicitly biased on the basis of race, color, sex, national origin, gender identity, or sexual orientation.

(5) Student-led organizations may use institution facilities notwithstanding any speech or expressive activity by such organizations that would otherwise violate subsection (3) of this rule, provided that such use must be granted to student-led organizations pursuant to written policies or regulations of each institution, as applicable.

(6) Subsection (3) of this rule does not prohibit programs, campus activities, or functions required for compliance

with general or federal laws or regulations; for obtaining or retaining institutional or discipline-specific accreditation with the approval of the State Board of Education; or for access programs for military veterans, Pell Grant recipients, first generation college students, nontraditional students, “2+2” transfer students from an FCS institution or state university, students from low-income families, or students with unique abilities.

(7) Subsection (3) of this rule does not prohibit expenditure of state or federal funds, so long as the expenditure is for ministerial or administrative activities of a program or campus activity that is not unique to that program or campus activity and that specific program or campus activity is otherwise supported by private funds.

(8) An FCS institution must designate an institution official or officials who are responsible for compliance, oversight, and adherence with the prohibited expenditure provisions of this rule.

Rulemaking Authority 1004.06(4) FS. Law Implemented 1004.06 FS. History–New