

## 9.016 Prohibited Expenditures.

### (1) Definitions

#### (a) For purposes of this regulation:

1. "Diversity, Equity or Inclusion (DEI)" is any program, activity, or policy that promotes differential or preferential treatment of individuals, or classifies such individuals on the basis of race, color, sex, national origin, gender identity, or sexual orientation.
2. "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 university 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 institutions.
3. "Social Issues" are topics that polarize or divide society among political, ideological, moral, or religious beliefs, positions, or norms.
4. "Any programs or campus activities" are activities authorized or administered by the institution or an institution's direct-support organization that involve:
  - a. Academic programs subject to review as outlined in 1001.706(5)(a), Florida Statutes and 1007.25, Florida Statutes; or
  - b. Student participation, other than classroom instruction or curriculum; or
  - c. Hiring, recruiting, evaluating, promoting, or training university employees, or contractors.
5. "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 and receives activity and service fees pursuant to section 1009.24, Florida Statutes.

(2) A state university or state university direct-support organization may not expend any funds, regardless of source, to purchase membership in, or goods and services from, any organization that discriminates on the basis of race, color, national origin, sex, disability, or religion.

(3) A state university or state university direct-support organization may not expend any state or federal funds to promote, support, or maintain any programs or campus activities constituting government speech that:

- (a) Violate section 1000.05, Florida Statutes;
  - (b) Advocate for diversity, equity, and inclusion; or
  - (c) Promote or engage in political or social activism.
- (4) A state university or state university direct-support organization advocates for DEI when it engages in a program, policy or activity that, includes but is not limited to:
- (a) manipulating, or attempting to manipulate, the status of an individual or group to equalize or increase outcomes, participation or representation as compared to other individuals or groups; or
  - (b) advancing the premise or position that a group or an individual's action is inherently, unconsciously, or implicitly biased.
- (5) State funds are those funds provided to an institution or 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.
- (6) Federal funds are those funds provided to the institution or direct support organization for an institution directly or indirectly by an appropriation by the 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.
- (7) State and federal funds do not include scholarships and grants that are funded by private donations, even if those donations are provided to a direct support organization.
- (8) State and 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 subsection, provided that the student fees must be allocated to student-led organizations pursuant to written policies or regulations of each state university, as applicable.
- (9) Student-led organizations may use institution facilities notwithstanding any speech or expressive activity by such organizations which would otherwise violate subsection (3), provided that such use must be granted to student-led organizations pursuant to written policies or regulations of each state university, as applicable.
- (10) Subsection (3) 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

Board of Governors; or for access programs for military veterans, Pell Grant recipients, first generation college students, nontraditional students, “2+2” transfer students from the Florida College System, students from low-income families, or students with unique abilities.

(11) A university shall designate an agent to ensure that it observes the prohibited expenditure provisions of this regulation.

(12) Terms of a grant are not considered a law or regulation for purposes of s. 1004.06 F.S.

Authority: Section 7(d), Art. IX Fla. Const. § 1004.06, Fla. Stat. (2023); History – New XX-XX-XX.