

# FLORIDA HOUSE OF REPRESENTATIVES

## BILL ANALYSIS

*This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.*

**BILL #:** [CS/HB 725](#)

**TITLE:** Political Activity at Public Institutions of Higher Education

**SPONSOR(S):** Gossett-Seidman

**COMPANION BILL:** [SB 1736](#) (Harrell)

**LINKED BILLS:** None

**RELATED BILLS:** None

### Committee References

[Education Administration](#)

13 Y, 5 N, As CS

[Government Operations](#)

[Education & Employment](#)

## SUMMARY

### Effect of the Bill:

The bill requires each public institution of higher education to inform students and employees of the Campus Free Expression Act at orientation and on its official website. The bill also requires the Board of Governors and the State Board of Education to adopt regulations and rules, respectively, describing the limitations of state universities and state colleges relating to certain political campaign activities. One month before a primary election, the board of trustees for each state university and state college must publish and provide to employees specified information relating to permissible and prohibited political activities.

### Fiscal or Economic Impact:

None

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## ANALYSIS

### EFFECT OF THE BILL:

The bill requires each public institution of higher education<sup>1</sup> to inform students and employees of the [Campus Free Expression Act](#)<sup>2</sup> at orientation and on its official website. (Section [1](#)).

The bill requires the Board of Governors (BOG) to adopt regulations for state university boards of trustees (UBOTs) and the State Board of Education (SBE) to adopt rules for Florida College System (FCS) institution boards of trustees (FCSBOTs) describing the limitations of such universities and institutions, as [tax-exempt entities](#), relating to participation or intervention in political campaign activities in support of or opposition to candidates for elective public office.

One month before a primary election,<sup>3</sup> the board of trustees for each state university and state college must send an e-mail to every employee of the university or institution and post the following information in a conspicuous area on the university or institution's official website:

- Permissible political activities, such as voter registration events that do not involve a campaign or political party and candidate forums at which all qualified candidates for the office are invited.
- Prohibited political activities, such as university or institution faculty and employees campaigning for or with candidates while on duty; any activity that directly or indirectly implies that the university or

<sup>1</sup> Section [1004.097\(2\)\(e\), F.S.](#) "Public institution of higher education" means any public technical center, state college, state university, law school, medical school, dental school, or other FCS institution as defined in s. [1000.21, F.S.](#)

<sup>2</sup> Section [1004.097, F.S.](#)

<sup>3</sup> See s. [100.061, F.S.](#) In each year in which a general election is held, a primary election for nomination of candidates of political parties must be held on the Tuesday 11 weeks prior to the general election. The candidate receiving the highest number of votes cast in each contest in the primary election must be declared the nominee for such office.

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institution supports any particular candidate; and the unauthorized use of facilities, property, logos, or equipment of the university or institution for any campaign.

- The Campus Free Expression Act.
- Disciplinary action that may be taken for violating provisions in the statute. (Section 2).

The effective date of the bill is July 1, 2026. (Section 3).

## RULEMAKING:

The bill requires the BOG to adopt regulations for UBOTs and the SBE to adopt rules for FCSBOTs to implement provisions in the bill relating to political activities of personnel.

***Lawmaking is a legislative power; however, the Legislature may delegate a portion of such power to executive branch agencies to create rules that have the force of law. To exercise this delegated power, an agency must have a grant of rulemaking authority and a law to implement.***

## RELEVANT INFORMATION

### SUBJECT OVERVIEW:

#### [The Campus Free Expression Act](#)

Expressive activities are protected under the First Amendment to the United States Constitution and Article I of the State Constitution including, but not limited to, any lawful oral or written communication of ideas.<sup>4</sup> Students at public colleges and universities must be free to engage in political activity, expression, and association on campus.<sup>5</sup> Protected activities under Florida law include:<sup>6</sup>

- Peaceful assembly, protests, and speeches.
- Guest speakers.
- Distributing literature.
- Carrying signs.
- Circulating petitions.
- Video or audio recording in outdoor areas of campus.<sup>7</sup>
- Faculty research, lectures, writings, and commentary, whether published or unpublished.

Protected expressive activities do not include defamatory or commercial speech. An individual may exercise rights freely as long as his or her conduct is lawful and does not materially and substantially disrupt the functioning of the public institution of higher education.<sup>8</sup>

The Campus Free Expression Act became Florida law in 2018.<sup>9</sup> Under the law, outdoor areas of campus are considered traditional public forums for individuals, organizations, and guest speakers. A public institution of higher education may create and enforce restrictions that are reasonable and content-neutral on time, place, and manner of expression and that are narrowly tailored to a significant institutional interest. Restrictions must be clear and published and must provide for ample alternative means of expression.<sup>10</sup> A public institution of higher education may not designate any area of campus as a free-speech zone or otherwise create policies restricting

<sup>4</sup> Section [1004.097\(3\)\(a\), F.S.](#)

<sup>5</sup> Foundation for Individual Rights and Expression, Research & Learn, *2024 Policy Statement on Political Speech on Campus*, <https://www.thefire.org/research-learn/2024-policy-statement-political-speech-campus> (last visited Feb. 12, 2026).

<sup>6</sup> Section [1004.097\(3\)\(a\), F.S.](#)

<sup>7</sup> Subject to privacy protections, a student may record video or audio of class lectures for his or her own personal educational use, in connection with a complaint to the public institution of higher education where the recording was made, or as evidence in, or in preparation for, a criminal or civil proceeding. A recorded lecture may not be published without the consent of the lecturer. Section [1004.097\(3\)\(g\), F.S.](#)

<sup>8</sup> Section [1004.097\(3\)\(a\)-\(b\), F.S.](#)

<sup>9</sup> Section 6, ch. 2018-4, L.O.F.

<sup>10</sup> Section [1004.097\(3\)\(c\), F.S.](#)

expressive activities to a particular outdoor area of campus.<sup>11</sup> A person injured by a violation of his or her expressive rights may bring an action against a public institution of higher education in a court of competent jurisdiction to obtain declaratory and injunctive relief and may be entitled to damages plus court costs and reasonable attorney fees, which may only be paid from nonstate funds.<sup>12</sup>

### Tax-Exempt Status and Political Campaign Activities

State universities and FCS institutions hold tax-exempt status as governmental entities under Section 115 of the Internal Revenue Code and often also as 501(c)(3) charitable organizations.<sup>13</sup> Direct support organizations (DSOs), often referred to as “foundations,” associated with state universities<sup>14</sup> and colleges<sup>15</sup> are also tax-exempt 501(c)(3) charitable organizations.<sup>16</sup> Charitable organizations include those organized and operated exclusively for religious, charitable, scientific, testing for public safety, literary, educational, or other specified purposes and they must meet additional requirements to maintain their tax-exempt status.<sup>17</sup>

All 501(c)(3) organizations are prohibited from directly or indirectly participating in, or intervening in, any political campaign on behalf of, or in opposition to, any candidate for elective public office. Contributions to political campaign funds or public statements of position, verbal or written, made on behalf of the organization in favor of or in opposition to any candidate for public office violate the prohibition against political campaign activity. Violating the prohibition may result in denial or revocation of tax-exempt status and the imposition of certain excise taxes.<sup>18</sup>

Some activities or expenditures may not be prohibited depending on the facts and circumstances. For example, certain voter education activities (including presenting public forums and publishing voter education guides) conducted in a non-partisan manner do not constitute prohibited political campaign activity. In addition, other activities intended to encourage people to participate in the electoral process, such as voter registration and get-out-the-vote drives, would not be prohibited political campaign activity if conducted in a non-partisan manner. Voter education or registration activities with evidence of bias that would favor one candidate over another; oppose a candidate in some manner; or have the effect of favoring a candidate or group of candidates, constitute prohibited participation or intervention.<sup>19</sup>

State law prohibits state universities, FCS institutions, and their DSOs from spending any state or federal funds to promote or engage in political or social activism, as defined by SBE rules and BOG regulations.<sup>20</sup> State law also prohibits state, county, and municipal officers and employees from using their official authority or influence to interfere with an election or nomination, influence another person’s vote, or to coerce a contribution for political purposes. Employees of the state or any political subdivision may not participate in any political campaign for

<sup>11</sup> Section [1004.097\(3\)\(d\), F.S.](#)

<sup>12</sup> Section [1004.097\(4\)\(a\), F.S.](#)

<sup>13</sup> Association of American Universities, *Tax-Exempt Status of Universities and Colleges*, <https://www.aau.edu/key-issues/tax-exempt-status-universities-and-colleges> (last visited Feb. 12, 2026).

<sup>14</sup> BOG Regulation 9.011.

<sup>15</sup> Sections [1004.70](#) and [1004.71, F.S.](#)

<sup>16</sup> See IRS, *Exempt organization types*, <https://www.irs.gov/charities-non-profits/exempt-organization-types> (last visited Feb. 12, 2026); IRS, *What are government entities and their federal tax obligations?*, <https://www.irs.gov/government-entities/federal-state-local-governments/government-entities-and-their-federal-tax-obligations> (last visited Feb. 12, 2026).

<sup>17</sup> *Id.*

<sup>18</sup> IRS, *Restriction of political campaign intervention by Section 501(c)(3) tax-exempt organizations*, <https://www.irs.gov/charities-non-profits/charitable-organizations/restriction-of-political-campaign-intervention-by-section-501c3-tax-exempt-organizations> (last visited Feb. 12, 2026). See also IRS, *Published guidance on political campaign activity of 501(c)(3) organizations*, <https://www.irs.gov/charities-non-profits/charitable-organizations/published-guidance-on-political-campaign-activity-of-501c3-organizations> (last visited Feb. 12, 2026).

<sup>19</sup> *Id.*

<sup>20</sup> Section [1004.06, F.S.](#) See BOG Regulation 9.016 and Rule 6A-14.0718, F.A.C.

elective office while on duty.<sup>21</sup> Candidates for public office are prohibited from using the services of any state, county, municipal, or district officer or employee during working hours in order to further their candidacy.<sup>22</sup>

State employees classified as career service employees are prohibited from holding or being a candidate for public office while employed by the state or taking part in a political campaign while on duty. Career service employees are also prohibited from using the authority of their position to support or oppose any candidate, party, or issue in a partisan election. Favoring or discriminating against a career service employee with respect to employment based upon political opinion or affiliation is prohibited.<sup>23</sup>

#### RECENT LEGISLATION:

| YEAR | BILL #/SUBJECT   | HOUSE/SENATE<br>SPONSOR(S) | OTHER INFORMATION            |
|------|--|----------------------------|------------------------------|
| 2021 | <a href="#">CS/CS/HB 233</a> - Postsecondary Education | Roach/ <i>Rodrigues</i>    | Became law on June 22, 2021. |

#### OTHER RESOURCES:

House Education & Employment Committee- [Student and Parent Rights Fact Sheet](#)

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<sup>21</sup> Section [104.31\(1\)-\(2\)](#), F.S.

<sup>22</sup> Section [106.15\(3\)](#), F.S.

<sup>23</sup> Section [110.233\(1\)](#) and [\(4\)\(a\)](#), F.S.

**BILL HISTORY**

| <b>COMMITTEE REFERENCE</b>   | <b>ACTION</b>    | <b>DATE</b> | <b>STAFF<br/>DIRECTOR/<br/>POLICY CHIEF</b> | <b>ANALYSIS<br/>PREPARED BY</b> |
|--|------------------|-------------|---|---------------------------------|
| <a href="#">Education Administration Subcommittee</a>  | 13 Y, 5 N, As CS | 2/12/2026   | Sleap                                       | Blalock                         |
| <p>THE CHANGES ADOPTED BY THE COMMITTEE:</p> <ul style="list-style-type: none"> <li>• Require each public institution of higher education to inform students and employees of the Campus Free Expression Act at orientation and on its official website.</li> <li>• Require the BOG and SBE to adopt regulations and rules, respectively, describing limitations of state universities and colleges relating to certain political campaign activities as tax-exempt entities.</li> <li>• Require that one month before a primary election, each UBOT and FCSBOT must publish and provide to employees specified information relating to permissible and prohibited political activities.</li> <li>• Remove provisions requiring public institutions of higher education to take specified actions and establish specified policies relating to political activities on campus, including voter registration drives, campaigns, elections, and political events.</li> <li>• Remove provisions requiring the BOG and SBE to monitor compliance with political activity policies.</li> <li>• Remove provisions requiring each public institution of higher education to provide a report of its campaign activities following each election cycle.</li> </ul> |                  |             |   |                                 |
| <a href="#">Government Operations Subcommittee</a>   |                  |             |   |                                 |
| <a href="#">Education &amp; Employment Committee</a>   |                  |             |   |                                 |

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**THIS BILL ANALYSIS HAS BEEN UPDATED TO INCORPORATE ALL OF THE CHANGES DESCRIBED ABOVE.**  
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