

1 A bill to be entitled
2 An act relating to foreign influence; creating s.
3 286.101, F.S.; providing definitions; requiring any
4 state agency or political subdivision to disclose
5 certain gifts or grants received from any foreign
6 source to the Department of Financial Services within
7 a specified timeframe; providing an exception;
8 requiring any entity that applies for a certain grant
9 or proposes a certain contract to disclose to a state
10 agency or political subdivision any current or prior
11 interest of, contract with, or grant or gift received
12 from a foreign country of concern under certain
13 circumstances; requiring such entity to provide a copy
14 of such disclosure to the department within a
15 specified timeframe before applying for any grant or
16 proposing any contract; requiring such entity to
17 revise its disclosure within a specified timeframe
18 under certain circumstances; requiring the Department
19 of Management Services to screen certain vendors
20 periodically; requiring certain notification on the
21 online procurement system; requiring the Department of
22 Financial Services to establish and maintain an
23 Internet website to publish the disclosures;
24 authorizing the department to establish an online
25 system for making such disclosures; authorizing the

26 Department of Management Services to coordinate with
27 the Department of Financial Services to establish such
28 online system; requiring the Department of Financial
29 Services to investigate allegations of certain
30 violations under certain circumstances; authorizing
31 the department or specified persons to request certain
32 records; providing for the assessment of fines and
33 penalties under certain circumstances; requiring the
34 department to include and maintain a list of
35 ineligible entities on a certain Internet website;
36 providing that information and records relating to a
37 gift or grant from a foreign source are not
38 confidential or exempt from public records
39 requirements; authorizing rulemaking; creating s.
40 288.860, F.S.; providing definitions; prohibiting
41 certain agencies and entities from participating in
42 agreements with or grants received indirectly from
43 foreign countries of concern under certain
44 circumstances; prohibiting such agencies and entities
45 from accepting anything of value as a condition for
46 participation in certain programs or endeavors that
47 promote the language or culture of foreign countries
48 of concern; creating s. 1010.25, F.S.; providing
49 definitions; requiring institutions of higher
50 education to semiannually report to certain entities

51 regarding certain gifts they received directly or
52 indirectly from a foreign source; requiring such
53 institutions to provide certain information regarding
54 such gifts; requiring random inspections or audits of
55 gifts or gift agreements by certain inspectors
56 general; providing requirements for such inspections
57 or audits; requiring the Board of Governors or State
58 Board of Education, as applicable, to sanction
59 institutions that fail to report certain gifts within
60 a specified timeframe; providing for a civil penalty
61 for willful violations; requiring that the proceeds
62 from such penalty be deposited in a specified trust
63 fund; authorizing the Attorney General or Chief
64 Financial Officer to bring a civil action under
65 certain circumstances; providing for attorney fees and
66 costs; providing that information and records relating
67 to a gift from a foreign source are not confidential
68 or exempt from public records requirements;
69 authorizing the Board of Governors and State Board of
70 Education to adopt regulations and rules,
71 respectively; creating s. 1010.35, F.S.; requiring
72 certain state universities and other entities to
73 screen certain foreign applicants before employing
74 such applicant for research or research-related
75 support positions; requiring such applicant to provide

76 additional specified information as part of the
77 application process; requiring the president or chief
78 administrative officer of a state university or an
79 entity to designate a research integrity office to
80 verify certain information contained in such
81 application, search certain public databases, and
82 submit certain information to specified federal
83 agencies; prohibiting the employment of an applicant
84 for failure to make certain disclosures; providing an
85 exception; requiring certain records to be maintained
86 by the research integrity office; requiring such
87 office to report the identity of any applicant who was
88 rejected for employment to certain law enforcement
89 agencies; requiring certain inspectors general or the
90 Auditor General to perform an operational audit by a
91 specified date; creating s. 1010.36, F.S.; requiring
92 certain state universities and other entities to
93 establish an international travel approval and
94 monitoring program; providing requirements for such
95 program; providing requirements for preapproval and
96 screening for foreign travel and foreign employment-
97 related activities engaged in by faculty, researchers,
98 and research department staff; requiring state
99 universities and entities to maintain certain records
100 relating to foreign travel and activities for at least

101 10 years; requiring a state university or entity to
 102 provide a certain annual report to the Board of
 103 Governors or the governing board of the applicable
 104 entity and publish such report on its Internet
 105 website; requiring the Auditor General to perform, by
 106 a specified date, an audit of the institution to
 107 ensure compliance as part of the institution's next
 108 scheduled operational audit; providing an effective
 109 date.

110

111 Be It Enacted by the Legislature of the State of Florida:

112

113 Section 1. Section 286.101, Florida Statutes, is created
 114 to read:

115 286.101 Foreign gifts and contracts.-

116 (1) As used in this section, the term:

117 (a) "Contract" means any agreement for the direct benefit
 118 or use of any party to such agreement, including an agreement
 119 for the sale of commodities or services.

120 (b) "Foreign country of concern" means the People's
 121 Republic of China, the Russian Federation, the Islamic Republic
 122 of Iran, the Democratic People's Republic of Korea, the Republic
 123 of Cuba, the Venezuelan regime of Nicolás Maduro, or the Syrian
 124 Arab Republic, including any agency of or any other entity under
 125 significant control of such foreign country of concern.

126 (c) "Foreign government" means the government of any
127 country, nation, group of nations, or any province or other
128 political subdivision of any country or nation, other than the
129 government of the United States or the government of a state or
130 political subdivision, including any agent of such foreign
131 government.

132 (d) "Foreign source" means any of the following:

133 1. A foreign government or an agency of a foreign
134 government.

135 2. A legal entity, governmental or otherwise, created
136 solely under the laws of a foreign state or states.

137 3. An individual who is not a citizen or a national of the
138 United States or a territory or protectorate of the United
139 States.

140 4. An agent, including a subsidiary or an affiliate of a
141 foreign legal entity, acting on behalf of a foreign source.

142 (e) "Gift" means any gift of money or property.

143 (f) "Grant" means a transfer of money for a specified
144 purpose, including a conditional gift.

145 (g) "Interest" in an entity means any direct or indirect
146 investment in or loan to the entity valued at 5 percent or more
147 of the entity's net worth or any form of direct or indirect
148 control exerting similar or greater influence on the governance
149 of the entity.

150 (h) "State agency" means any agency or unit of state

151 government created or established by law.

152 (2) Any state agency or political subdivision that
153 receives any gift or grant with a value of \$50,000 or more from
154 any foreign source shall disclose such gift or grant to the
155 Department of Financial Services within 30 days after receiving
156 such gift or grant. Disclosure is not required if such gift or
157 grant is disclosed under s. 1010.25.

158 (3) (a) Any entity, other than a state agency or political
159 subdivision, that applies to a state agency or political
160 subdivision for a grant or proposes a contract having a value of
161 \$100,000 or more, except for a proposal to sell commodities or
162 services through the online procurement program established
163 pursuant to s. 287.057(22), shall disclose to the state agency
164 or political subdivision any current or prior interest of, any
165 contract with, or any grant or gift received from a foreign
166 country of concern if such interest, contract, or grant or gift
167 has a value of \$50,000 or more and such interest existed at any
168 time or such contract or grant or gift was received or in force
169 at any time during the previous 5 years. Within 1 year before
170 applying for any grant or proposing any contract, such entity
171 must provide a copy of such disclosure to the Department of
172 Financial Services.

173 (b) From the time a disclosure is made under paragraph (a)
174 through the term of any awarded state grant or contract, the
175 entity must revise its disclosure within 30 days after entering

176 into a contract with or receiving a grant or gift from a foreign
177 country of concern or within 30 days after the acquisition of
178 any interest in the entity by a foreign country of concern.

179 (4) At least once every 5 years, the Department of
180 Management Services shall screen each vendor of commodities or
181 services participating in the online procurement system if such
182 vendor has the capacity to fill an order of \$100,000 or more.
183 Screening must be conducted through federal agencies responsible
184 for identifying persons and organizations subject to trade
185 sanctions, embargoes, or other restrictions under federal law.
186 If a vendor is identified as being subject to any such
187 sanctions, embargoes, or other restrictions, the vendor must
188 make the disclosures required under subsection (3) until such
189 restriction expires. A notification regarding the applicability
190 of the disclosure requirement in subsection (3) to the vendor
191 must be included on the online procurement system when
192 applicable. The Department of Management Services must ensure
193 that the disclosures made by vendors using the online
194 procurement system are easily accessible by the system's
195 participants.

196 (5) The Department of Financial Services must establish
197 and maintain an Internet website to publish the disclosures
198 required under this section. The Department of Financial
199 Services may establish an online system for making such
200 disclosures. The Department of Management Services may

201 coordinate with the Department of Financial Services to
202 establish the online system.

203 (6) (a) Upon receiving a referral from an inspector general
204 or other compliance officer of a state agency or political
205 subdivision or any sworn complaint based upon substantive
206 information and reasonable belief, the Department of Financial
207 Services must investigate an allegation of a violation of this
208 section.

209 (b) The Department of Financial Services, an inspector
210 general, or any other agent or compliance officer authorized by
211 a state agency or political subdivision may request records
212 relevant to any reasonable suspicion of a violation of this
213 section. An entity must provide the required records within 30
214 days after such request or at a later time agreed to by the
215 investigating state agency or political subdivision.

216 (7) (a) Failure to make a disclosure required under this
217 section or failure to provide records requested under paragraph
218 (6) (b) constitutes a civil violation punishable upon a final
219 order of the Department of Financial Services by an
220 administrative fine of \$5,000 for a first violation or \$10,000
221 for any subsequent violation.

222 (b) In addition to any fine assessed under paragraph (a),
223 a final order determining a third or subsequent violation by a
224 state agency or political subdivision must include a
225 determination of the identity of the officer responsible for

226 acceptance of the undisclosed grant or gift. Such order must
227 also include a referral by the Department of Financial Services
228 to the Governor or other officer authorized to suspend or remove
229 the officer responsible for acceptance of the undisclosed grant
230 or gift from public office. A copy of such referral must be
231 provided to the President of the Senate and the Speaker of the
232 House of Representatives for oversight of such suspension and
233 removal authority.

234 (c) In addition to any fine assessed under paragraph (a),
235 a final order determining a third or subsequent violation by an
236 entity other than a state agency or political subdivision shall
237 automatically disqualify the entity from eligibility for any
238 grant or contract funded by a state agency or any political
239 subdivision until such ineligibility is lifted by the
240 Administration Commission for good cause. The Department of
241 Financial Services shall include and maintain an active and
242 current list of such ineligible entities on the Internet website
243 maintained under subsection (5).

244 (8) Notwithstanding any other law to the contrary,
245 information and records relating to a gift or grant from a
246 foreign source are not confidential or exempt from s. 119.07(1)
247 and s. 24(a), Art. I of the State Constitution.

248 (9) (a) The Department of Management Services may adopt
249 rules necessary to carry out its responsibilities under this
250 section. The rules may identify the federal agencies to be

251 consulted under subsection (4) and the procedure for notifying a
252 vendor of the disclosure requirements under this section when
253 applicable. The Department of Management Services may also adopt
254 rules providing for the application of this section to the
255 online procurement system.

256 (b) The Department of Financial Services may adopt rules
257 necessary to carry out its responsibilities under this section.

258 (c) Any rules necessary to implement this section must be
259 published by December 1, 2021, unless the applicable department
260 head certifies in writing that a delay is necessary and the date
261 by which the proposed rules will be published. Such
262 certification must be published in the Florida Administrative
263 Register and a copy provided to the Joint Administrative
264 Procedures Committee.

265 Section 2. Section 288.860, Florida Statutes, is created
266 to read:

267 288.860 International cultural agreements.—

268 (1) As used in this section, the term:

269 (a) "Foreign country of concern" means the People's
270 Republic of China, the Russian Federation, the Islamic Republic
271 of Iran, the Democratic People's Republic of Korea, the Republic
272 of Cuba, the Venezuelan regime of Nicolás Maduro, or the Syrian
273 Arab Republic, including any agency of or any other entity under
274 significant control of such foreign country of concern.

275 (b) "Political subdivision" means any entity under the

276 control of or established for the benefit of a political
277 subdivision.

278 (c) "Public school" means any education institution under
279 the supervision of a school district.

280 (d) "State agency" means any agency or unit of state
281 government created or established by law.

282 (e) "State college" means any postsecondary education
283 institution under the supervision of the State Board of
284 Education, including any entity under the control of or
285 established for the benefit of a state college.

286 (f) "State university" means any state university under
287 the supervision of the Board of Governors, including any entity
288 under the control of or established for the benefit of a state
289 university.

290 (2) A state agency, political subdivision, public school,
291 state college, or state university authorized to expend state-
292 appropriated funds or levy ad valorem taxes may not participate
293 in any agreement with or accept any grant from a foreign country
294 of concern, or any entity controlled by a foreign country of
295 concern, which establishes a program or other endeavor to
296 promote the language or culture of a foreign country of concern.

297 (3) A state agency, political subdivision, public school,
298 state college, or state university may not accept anything of
299 value conditioned upon participation in a program or other
300 endeavor to promote the language or culture of a foreign country

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301 of concern.

302 Section 3. Section 1010.25, Florida Statutes, is created
303 to read:

304 1010.25 Foreign gift reporting.-

305 (1) As used in this section, the term:

306 (a) "Affiliate organization" means any entity under the
307 control of or established for the benefit of an organization
308 required to report under this section, including a direct-
309 support organization.

310 (b) "Direct-support organization" has the same meaning as
311 provided in ss. 1004.28(1)(a), 1004.70(1)(a), and 1004.71(1)(a).

312 (c) "Foreign government" means the government of any
313 country, nation, group of nations, or any province or other
314 political subdivision of any country or nation, other than the
315 government of the United States or the government of a state or
316 political subdivision, including any agent of such foreign
317 government.

318 (d) "Foreign source" means any of the following:

319 1. A foreign government or an agency of a foreign
320 government.

321 2. A legal entity, governmental or otherwise, created
322 solely under the laws of a foreign state or states.

323 3. An individual who is not a citizen or a national of the
324 United States or a territory or protectorate of the United
325 States.

326 4. An agent, including a subsidiary or an affiliate of a
327 foreign legal entity, acting on behalf of a foreign source.

328 (e) "Gift" means any contract, gift, grant, endowment,
329 award, or donation of money or property of any kind, or any
330 combination thereof, including a conditional or an unconditional
331 pledge of such contract, gift, grant, endowment, award, or
332 donation. For purposes of this paragraph, the term "pledge"
333 means a promise, an agreement, or an expressed intention to give
334 a gift.

335 (f) "Institution of higher education" means a state
336 university, an entity listed in subpart B of part II of chapter
337 1004 that has its own governing board, a Florida College System
338 institution, an independent nonprofit college or university that
339 is located in and chartered by the state and grants
340 baccalaureate or higher degrees, any other institution that has
341 a physical presence in the state and is required to report
342 foreign gifts or contracts pursuant to 20 U.S.C. s. 1011f, or an
343 affiliate organization of an institution of higher education.

344 (2) Each institution of higher education must semiannually
345 report, each January 31 and July 31, any gift received directly
346 or indirectly from a foreign source with a value of \$50,000 or
347 more during the fiscal year. If a foreign source provides more
348 than one gift directly or indirectly to an institution of higher
349 education in a single fiscal year and the total value of those
350 gifts is \$50,000 or more, all gifts received from that foreign

351 source must be reported. For purposes of this subsection, a gift
352 received from a foreign source through an intermediary shall be
353 considered an indirect gift to the institution of higher
354 education. A report required under this subsection must be made
355 to the following entities:

356 (a) The Board of Governors, if the recipient is a state
357 university, an entity listed in subpart B of part II of chapter
358 1004 that has its own governing board, or an affiliate
359 organization.

360 (b) The State Board of Education, if the recipient is any
361 other institution of higher education or an affiliate
362 organization.

363 (3) For each gift subject to the reporting requirement in
364 subsection (2), the institution of higher education must provide
365 the applicable entity all of the following information, unless
366 otherwise prohibited or deemed confidential under federal or
367 state law:

368 (a) The amount of the gift and the date it was received.

369 (b) The contract start and end date if the gift is a
370 contract.

371 (c) The name of the foreign source and, if not a foreign
372 government, the country of citizenship, if known, and the
373 principal residence or domicile of the foreign source.

374 (d)1. A copy of a gift agreement between the foreign
375 source and the institution of higher education, signed by the

376 foreign source and the chief administrative officer of the
377 institution of higher education, or their respective designees,
378 which must include a detailed description of the purpose for
379 which the gift will be used by the institution of higher
380 education, the identification of the persons for whom the gift
381 is explicitly intended to benefit, and any applicable
382 conditions, requirements, restrictions, or terms made a part of
383 the gift regarding the control of curricula, faculty, student
384 admissions, student fees, or contingencies placed upon the
385 institution of higher education to take a specific public
386 position or to award an honorary degree.

387 2. Beginning July 1, 2022, the Inspector General of the
388 Board of Governors or the Inspector General of the Department of
389 Education, as applicable, shall, within existing resources,
390 randomly inspect or audit at least 10 percent of the total
391 number of gifts or gift agreements received from institutions of
392 higher education pursuant to this paragraph during the previous
393 year. The inspection or audit shall examine the extent to which
394 the institution of higher education exercised due diligence with
395 respect to whether the gift was received from a foreign source,
396 as well as the institution of higher education's compliance with
397 the requirements of this section.

398 3. Upon the request of the Governor, the President of the
399 Senate, or the Speaker of the House of Representatives, the
400 Inspector General of the Board of Governors or the Inspector

401 General of the Department of Education, as applicable, must
402 inspect or audit a gift or gift agreement.

403 (4) The State Board of Education or the Board of
404 Governors, as applicable, shall exercise the authority provided
405 pursuant to s. 1008.32 or s. 1008.322, respectively, to sanction
406 an institution of higher education that fails to report a
407 reportable gift within 60 days after the reporting deadlines
408 established in subsection (2).

409 (5) (a) An institution of higher education that knowingly,
410 willfully, or negligently fails to disclose the information
411 required by this section shall be subject to a civil penalty of
412 105 percent of the amount of the undisclosed gift, payable only
413 from nonstate funds of the institution of higher education or
414 the affiliate organization that received such gift. The
415 recovered funds must be deposited into the General Revenue Fund.
416 The Board of Governors and the State Board of Education, as
417 applicable, may administratively enforce this section and impose
418 the civil penalty as an administrative penalty.

419 (b) In the absence of enforcement by the Board of
420 Governors or the State Board of Education, as applicable, the
421 Attorney General or Chief Financial Officer may bring a civil
422 action to enforce this section. If such action is successful,
423 the Attorney General or Chief Financial Officer, as applicable,
424 is entitled to reasonable attorney fees and costs.

425 (6) Notwithstanding any other law to the contrary,

426 information and records relating to a gift from a foreign source
427 are not confidential or exempt from s. 119.07(1) and s. 24(a),
428 Art. I of the State Constitution.

429 (7) The Board of Governors may adopt regulations, and the
430 State Board of Education may adopt rules, to implement this
431 section.

432 Section 4. Section 1010.35, Florida Statutes, is created
433 to read:

434 1010.35 Screening foreign researchers.—

435 (1) Beginning July 1, 2021, each state university or
436 entity listed in subpart B of part II of chapter 1004 that
437 receives state appropriations or state tax revenue and has a
438 research budget of \$10 million or more must screen applicants
439 for research or research-related support positions who are
440 citizens of a foreign country and who are not permanent
441 residents of the United States, including graduate and
442 undergraduate students.

443 (2) In addition to satisfying all employment and
444 enrollment qualifications imposed by federal law, the Board of
445 Governors or the governing board of the applicable entity must
446 require a foreign applicant as described in subsection (1) to
447 submit a complete copy of his or her most recently submitted
448 Nonimmigrant Visa Application, DS-160; a complete resume and
449 curriculum vitae, including every institution of higher
450 education attended; all previous employment since the

451 applicant's 18th birthday; and a list of all published material
452 for which the applicant received credit as an author, a
453 researcher, or otherwise or to which the applicant contributed
454 significant research, writing, or editorial support. For
455 applicants who have been continually employed or enrolled in a
456 postsecondary education institution in the United States for 20
457 years or more, the resume may, but need not, include employment
458 history before the most recent 20 years.

459 (3) The president or chief administrative officer of the
460 state university or applicable entity shall designate a research
461 integrity office to verify all attendance, employment,
462 publications, and contributions listed in the application
463 required in subsection (2). The research integrity office must
464 search public databases for research publications and
465 presentations and public conflict of interest records to
466 identify any research publication or presentation that may have
467 been omitted from the application. The research integrity office
468 must submit the applicant's name and other identifying
469 information to the Federal Bureau of Investigation or any
470 federal agency willing to scrutinize such applicant for national
471 security or counterespionage purposes and search any public
472 listings of persons subject to sanctions or restrictions under
473 federal law.

474 (4) The requirements of this section must be completed
475 before employing an applicant described in subsection (1) in any

476 research or research-related support position and before
477 granting such applicant any access to research data or
478 activities or other sensitive data. An applicant may not be
479 employed in any research or research-related support position if
480 he or she fails to disclose a substantial educational,
481 employment, or research-related activity or publication or
482 presentation at the time of submitting the application required
483 in subsection (2), unless the department head, or his or
484 designee, certifies in writing the substance of the
485 nondisclosure and the reasons for disregarding such failure to
486 disclose. A copy of such certification must be kept in the
487 investigative file of the research integrity office and must be
488 submitted to the nearest Federal Bureau of Investigation field
489 office.

490 (5) The research integrity office must report to the
491 nearest Federal Bureau of Investigation field office, and to any
492 law enforcement agency designated by the Governor or the Board
493 of Governors and the governing board of the applicable entity
494 described in subsection (1), the identity of any applicant who
495 was rejected for employment based on the scrutiny required by
496 this section or other security-related screening.

497 (6) By July 1, 2025, the Inspector General of the Board of
498 Governors, the inspector general of an entity described in
499 subsection (1), or the Auditor General must perform an
500 operational audit regarding the implementation of this section.

501 Section 5. Section 1010.36, Florida Statutes, is created
502 to read:

503 1010.36 Foreign travel; research institutions.-

504 (1) By January 1, 2022, each state university or entity
505 listed in subpart B of part II of chapter 1004 that receives
506 state appropriations or state tax revenue and has a research
507 budget of \$10 million or more must establish an international
508 travel approval and monitoring program. The program must require
509 preapproval and screening by a research integrity office
510 designated by the president or chief administrative officer of
511 the state university or entity for any foreign travel and
512 foreign employment-related activities engaged in by all faculty,
513 researchers, and research department staff. Such requirement is
514 in addition to any other travel approval process applicable to
515 the state university or entity.

516 (2) (a) Preapproval by the research integrity office must
517 be based on the applicant's review and acknowledgement of
518 guidance published by the employing state university or entity
519 which relates to countries under sanctions or other restrictions
520 of the state or the United States government, including any
521 federal license requirement; customs rules; export controls;
522 restrictions on taking state university or entity property,
523 including intellectual property, abroad; restrictions on
524 presentations, teaching, and interactions with foreign
525 colleagues; and other subjects important to the research and

526 academic integrity of the state university or entity.

527 (b) Preapproval must be based on the binding commitment of
528 the individual traveler not to violate the state university's or
529 entity's limitations on travel and activities abroad and to obey
530 all applicable federal laws.

531 (3) The state university or entity must maintain records
532 of all applications for foreign travel and activities; expenses
533 incurred during such travel and activities, including for
534 travel, food, and lodging; and payments and honoraria received
535 during such travel and activities, including for travel, food,
536 and lodging. The state university or entity must also keep
537 records of all teaching, presentations, and other activities
538 related to the individual traveler's professional, research, and
539 academic activities undertaken during foreign travel. Such
540 records must be retained for at least 10 years or any longer
541 period of time required by any other applicable state or federal
542 law.

543 (4) The state university or entity must provide an annual
544 report of foreign travel and activities listing individual
545 travelers, foreign locations visited, and foreign institutions
546 visited for presentations, teaching, or research to the Board of
547 Governors or the governing board of the applicable entity and
548 publish such report on its Internet website.

549 (5) Unless an operational audit has been previously
550 submitted by the institution's inspector general or internal

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551 | auditor, by January 1, 2022, the Auditor General must perform an
552 | audit of the institution to ensure compliance with this section
553 | as part of the institution's next scheduled operational audit.

554 | Section 6. This act shall take effect July 1, 2021.