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CS/HB 7017, Engrossed 1

2021 Legislature

1
 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; specifying information to be included
 14 in the disclosure; requiring such entity to provide a
 15 copy of such disclosure to the department within a
 16 specified timeframe before applying for any grant or
 17 proposing any contract; requiring such entity to
 18 revise its disclosure within a specified timeframe
 19 under certain circumstances; providing exceptions to
 20 disclosure requirements; requiring the Department of
 21 Management Services to periodically screen certain
 22 vendors; requiring certain notification on the online
 23 procurement system; requiring the Department of
 24 Financial Services to establish and maintain an
 25 Internet website to publish the disclosures;

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

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51 higher education to semiannually report to certain
52 entities regarding certain gifts they received
53 directly or indirectly from a foreign source;
54 authorizing the report to be consolidated with
55 affiliate organizations; requiring such institutions
56 to provide certain information regarding such gifts;
57 requiring random annual inspections or audits of gifts
58 or gift agreements by certain inspectors general;
59 providing requirements for such inspections or audits;
60 requiring the Board of Governors or State Board of
61 Education, as applicable, to sanction institutions
62 that fail to report certain gifts within a specified
63 timeframe; providing for a civil penalty for willful
64 violations; requiring that the proceeds from such
65 penalty be deposited in a specified fund; authorizing
66 the Attorney General or the Chief Financial Officer to
67 bring a civil action under certain circumstances;
68 providing for attorney fees and costs; authorizing a
69 whistle-blower to report an undisclosed foreign gift
70 to the Attorney General or the Chief Financial
71 Officer; providing that such whistle-blower retains
72 certain protections and is entitled to a reward;
73 authorizing the Chief Financial Officer to incur
74 expenditures to provide such reward from the penalty
75 recovery; authorizing payment of such reward through

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76 | an intermediary attorney or trustee designated by the
 77 | whistle-blower; providing that certain information
 78 | relating to a gift from a foreign source is not
 79 | confidential or exempt from public records
 80 | requirements; providing exceptions; authorizing the
 81 | Board of Governors and State Board of Education to
 82 | adopt regulations and rules, respectively; creating s.
 83 | 1010.35, F.S.; requiring certain state universities
 84 | and other entities to screen certain foreign
 85 | applicants seeking employment in specified research
 86 | positions; requiring such applicants to provide
 87 | additional specified information as part of the
 88 | application process; requiring screening to be
 89 | completed before an interview or offer of employment;
 90 | requiring the president or chief administrative
 91 | officer of the state university or entity to designate
 92 | a research integrity office to verify certain
 93 | information contained in such applications, search
 94 | certain public databases, and submit certain
 95 | information to specified federal agencies; specifying
 96 | the conditions under which a state university may
 97 | approve a hire based on a risk-based determination;
 98 | prohibiting the employment of an applicant who fails
 99 | to make certain disclosures; providing an exception;
 100 | requiring certain records to be maintained by the

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101 research integrity office; requiring such office to
 102 report the identity of any applicant who was rejected
 103 for employment to certain law enforcement agencies;
 104 requiring certain inspectors general or the Auditor
 105 General to perform an operational audit by a specified
 106 date; creating s. 1010.36, F.S.; requiring certain
 107 state universities and other entities to establish an
 108 international travel approval and monitoring program;
 109 providing requirements for such program; providing
 110 requirements for preapproval and screening for
 111 employment-related foreign travel and employment-
 112 related foreign activities engaged in by faculty,
 113 researchers, and research department staff; requiring
 114 state universities and entities to maintain certain
 115 records relating to foreign travel and activities for
 116 at least 3 years; requiring a state university or
 117 entity to provide a certain annual report to the Board
 118 of Governors or the governing board of the applicable
 119 entity; requiring certain inspectors general or the
 120 Auditor General to perform an operational audit by a
 121 specified date; providing an effective date.

122

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

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125 Section 1. Section 286.101, Florida Statutes, is created
 126 to read:

127 286.101 Foreign gifts and contracts.-

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

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

132 (b) "Foreign country of concern" means the People's
 133 Republic of China, the Russian Federation, the Islamic Republic
 134 of Iran, the Democratic People's Republic of Korea, the Republic
 135 of Cuba, the Venezuelan regime of Nicolás Maduro, or the Syrian
 136 Arab Republic, including any agency of or any other entity under
 137 significant control of such foreign country of concern.

138 (c) "Foreign government" means the government of any
 139 country, nation, or group of nations, or any province or other
 140 political subdivision of any country or nation, other than the
 141 government of the United States or the government of a state or
 142 political subdivision, including any agent of such foreign
 143 government.

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

145 1. A foreign government or an agency of a foreign
 146 government.

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

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149 3. An individual who is not a citizen or a national of the
150 United States or a territory or protectorate of the United
151 States.

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

154 (e) "Gift" means any transfer of money or property from
155 one entity to another without compensation.

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

158 (g) "Interest" in an entity means any direct or indirect
159 investment in or loan to the entity valued at 5 percent or more
160 of the entity's net worth or any form of direct or indirect
161 control exerting similar or greater influence on the governance
162 of the entity.

163 (h) "State agency" means any agency or unit of state
164 government created or established by law.

165 (2) Any state agency or political subdivision that
166 receives directly or indirectly any gift or grant with a value
167 of \$50,000 or more from any foreign source shall disclose such
168 gift or grant to the Department of Financial Services within 30
169 days after receiving such gift or grant. Such disclosure shall
170 include the date of the gift or grant, the amount of the gift or
171 grant, and the name and country of residence or domicile of the
172 foreign source. Disclosure is not required if such gift or grant
173 is disclosed under s. 1010.25.

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174 (3) (a) Any entity that applies to a state agency or
175 political subdivision for a grant or proposes a contract having
176 a value of \$100,000 or more shall disclose to the state agency
177 or political subdivision any current or prior interest of, any
178 contract with, or any grant or gift received from a foreign
179 country of concern if such interest, contract, or grant or gift
180 has a value of \$50,000 or more and such interest existed at any
181 time or such contract or grant or gift was received or in force
182 at any time during the previous 5 years. Such disclosure shall
183 include the name and mailing address of the disclosing entity,
184 the amount of the contract or grant or gift or the value of the
185 interest disclosed, the applicable foreign country of concern
186 and, if applicable, the date of termination of the contract or
187 interest, the date of receipt of the grant or gift, and the name
188 of the agent or controlled entity that is the source or interest
189 holder. Within 1 year before applying for any grant or proposing
190 any contract, such entity must provide a copy of such disclosure
191 to the Department of Financial Services.

192 (b) Disclosure under this subsection is not required with
193 respect to:

194 1. A proposal to sell commodities through the online
195 procurement program established pursuant to s. 287.057(22);

196 2. A proposal to sell commodities to a university pursuant
197 to Board of Governors Regulation 18.001;

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198 3. An application or proposal from an entity that
 199 discloses foreign gifts or grants under subsection (2) or s.
 200 1010.25;

201 4. An application or proposal from a foreign source that,
 202 if granted or accepted, would be disclosed under subsection (2)
 203 or s. 1010.25; or

204 5. An application or proposal from a public or not-for-
 205 profit research institution with respect to research funded by
 206 any federal agency.

207 (c) A disclosure published online pursuant to subsection
 208 (5) is deemed disclosed to every state agency and political
 209 subdivision for purposes of paragraph (a). From the time a
 210 disclosure is made under paragraph (a) through the term of any
 211 awarded state grant or contract, the entity must revise its
 212 disclosure within 30 days after entering into a contract with or
 213 receiving a grant or gift from a foreign country of concern or
 214 within 30 days after the acquisition of any interest in the
 215 entity by a foreign country of concern.

216 (4) At least once every 5 years, the Department of
 217 Management Services shall screen each vendor of commodities
 218 participating in the online procurement system if such vendor
 219 has the capacity to fill an order of \$100,000 or more. Screening
 220 must be conducted through federal agencies responsible for
 221 identifying persons and organizations subject to trade
 222 sanctions, embargoes, or other restrictions under federal law.

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223 If a vendor is identified as being subject to any such
 224 sanctions, embargoes, or other restrictions, the vendor must
 225 make the disclosures required under subsection (3) until such
 226 restriction expires. A notification regarding the applicability
 227 of the disclosure requirement in subsection (3) to the vendor
 228 must be included on the online procurement system when
 229 applicable. The Department of Management Services must ensure
 230 that purchasers through the online procurement system may easily
 231 access all disclosures made by vendors participating in the
 232 system.

233 (5) The Department of Financial Services must establish
 234 and maintain an Internet website to publish the disclosures
 235 required under this section. The Department of Financial
 236 Services may establish an online system for making such
 237 disclosures. The Department of Management Services may
 238 coordinate with the Department of Financial Services to
 239 establish the online system.

240 (6) (a) Upon receiving a referral from an inspector general
 241 or other compliance officer of a state agency or political
 242 subdivision or any sworn complaint based upon substantive
 243 information and reasonable belief, the Department of Financial
 244 Services must investigate an allegation of a violation of this
 245 section.

246 (b) The Department of Financial Services, an inspector
 247 general, or any other agent or compliance officer authorized by

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248 a state agency or political subdivision may request records
249 relevant to any reasonable suspicion of a violation of this
250 section. An entity must provide the required records within 30
251 days after such request or at a later time agreed to by the
252 investigating state agency or political subdivision.

253 (7) (a) Failure to make a disclosure required under this
254 section or failure to provide records requested under paragraph
255 (6) (b) constitutes a civil violation punishable upon a final
256 order of the Department of Financial Services by an
257 administrative fine of \$5,000 for a first violation or \$10,000
258 for any subsequent violation.

259 (b) In addition to any fine assessed under paragraph (a),
260 a final order determining a third or subsequent violation by a
261 state agency or political subdivision must include a
262 determination of the identity of the officer responsible for
263 acceptance of the undisclosed grant or gift. Such order must
264 also include a referral by the Department of Financial Services
265 to the Governor or other officer authorized to suspend or remove
266 the officer responsible for acceptance of the undisclosed grant
267 or gift from public office. A copy of such referral must be
268 provided to the President of the Senate and the Speaker of the
269 House of Representatives for oversight of such suspension and
270 removal authority.

271 (c) In addition to any fine assessed under paragraph (a),
272 a final order determining a third or subsequent violation by an

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273 entity other than a state agency or political subdivision shall
274 automatically disqualify the entity from eligibility for any
275 grant or contract funded by a state agency or any political
276 subdivision until such ineligibility is lifted by the
277 Administration Commission for good cause. The Department of
278 Financial Services shall include and maintain an active and
279 current list of such ineligible entities on the Internet website
280 maintained under subsection (5).

281 (8) Information disclosed under subsections (2) and (3) is
282 not confidential or exempt from s. 119.07(1) and s. 24(a), Art.
283 I of the State Constitution.

284 (9) (a) The Department of Management Services may adopt
285 rules necessary to carry out its responsibilities under this
286 section. The rules may identify the federal agencies to be
287 consulted under subsection (4) and the procedure for notifying a
288 vendor of the disclosure requirements under this section when
289 applicable. The Department of Management Services may also adopt
290 rules providing for the application of this section to the
291 online procurement system.

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

294 (c) Any rules necessary to implement this section must be
295 published by December 31, 2021, unless the applicable department
296 head certifies in writing that a delay is necessary and the date
297 by which the proposed rules will be published. Such

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298 certification must be published in the Florida Administrative
 299 Register and a copy provided to the Joint Administrative
 300 Procedures Committee.

301 Section 2. Section 288.860, Florida Statutes, is created
 302 to read:

303 288.860 International cultural agreements.—

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

305 (a) "Foreign country of concern" means the People's
 306 Republic of China, the Russian Federation, the Islamic Republic
 307 of Iran, the Democratic People's Republic of Korea, the Republic
 308 of Cuba, the Venezuelan regime of Nicolás Maduro, or the Syrian
 309 Arab Republic, including any agency of or any other entity under
 310 significant control of such foreign country of concern.

311 (b) "Political subdivision" has the same meaning as in s.
 312 1.01(8) and includes any entity under the control of or
 313 established for the benefit of the political subdivision.

314 (c) "Public school" means any education institution under
 315 the supervision of a school district and any entity under the
 316 control of or established for the benefit of a public school or
 317 school district.

318 (d) "State agency" means any agency or unit of state
 319 government created or established by law and any entity under
 320 the control of or established for the benefit of a state agency.

321 (e) "State college" means any postsecondary education
 322 institution under the supervision of the State Board of

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323 Education, including any entity under the control of or
 324 established for the benefit of a state college.

325 (f) "State university" means any state university under
 326 the supervision of the Board of Governors, including any entity
 327 under the control of or established for the benefit of a state
 328 university.

329 (2) A state agency, political subdivision, public school,
 330 state college, or state university authorized to expend state-
 331 appropriated funds or levy ad valorem taxes may not participate
 332 in any agreement with or accept any grant from a foreign country
 333 of concern, or any entity controlled by a foreign country of
 334 concern, which:

335 (a) Constrains the freedom of contract of such public
 336 entity;

337 (b) Allows the curriculum or values of a program in the
 338 state to be directed or controlled by the foreign country of
 339 concern; or

340 (c) Promotes an agenda detrimental to the safety or
 341 security of the United States or its residents. Prior to the
 342 execution of any cultural exchange agreement with a foreign
 343 country of concern, the substance of the agreement shall be
 344 shared with federal agencies concerned with protecting national
 345 security or enforcing trade sanctions, embargoes, or other
 346 restrictions under federal law. If such federal agency provides
 347 information suggesting that such agreement promotes an agenda

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348 detrimental to the safety or security of the United States or
 349 its residents, the public entity may not enter into the
 350 agreement.

351 (3) A state agency, political subdivision, public school,
 352 state college, or state university may not accept anything of
 353 value conditioned upon participation in a program or other
 354 endeavor to promote the language or culture of a foreign country
 355 of concern.

356 Section 3. Section 1010.25, Florida Statutes, is created
 357 to read:

358 1010.25 Foreign gift reporting.-

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

360 (a) "Affiliate organization" means any entity under the
 361 control of or established for the benefit of an organization
 362 required to report under this section, including a direct-
 363 support organization.

364 (b) "Contract" means any agreement for the acquisition by
 365 purchase, lease, or barter of property or services by the
 366 foreign source, for the direct benefit or use of either of the
 367 parties, and any purchase, lease, or barter of property or
 368 services from a foreign country of concern as defined in s.
 369 286.101(1)(b).

370 (c) "Direct-support organization" has the same meaning as
 371 provided in ss. 1004.28(1)(a), 1004.70(1)(a), and 1004.71(1)(a).

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372 (d) "Foreign government" means the government of any
 373 country, nation, or group of nations, or any province or other
 374 political subdivision of any country or nation, other than the
 375 government of the United States or the government of a state or
 376 political subdivision, including any agent of such foreign
 377 government.

378 (e) "Foreign source" means any of the following:

379 1. A foreign government or an agency of a foreign
 380 government.

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

383 3. An individual who is not a citizen or a national of the
 384 United States or a territory or protectorate of the United
 385 States.

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

388 (f) "Gift" means any contract, gift, grant, endowment,
 389 award, or donation of money or property of any kind, or any
 390 combination thereof, including a conditional or an unconditional
 391 pledge of such contract, gift, grant, endowment, award, or
 392 donation. For purposes of this paragraph, the term "pledge"
 393 means a promise, an agreement, or an expressed intention to give
 394 a gift.

395 (g) "Institution of higher education" means a state
 396 university, an entity listed in subpart B of part II of chapter

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397 1004 that has its own governing board, a Florida College System
 398 institution, an independent nonprofit college or university that
 399 is located in and chartered by the state and grants
 400 baccalaureate or higher degrees, any other institution that has
 401 a physical presence in the state and is required to report
 402 foreign gifts or contracts pursuant to 20 U.S.C. s. 1011f, or an
 403 affiliate organization of an institution of higher education.

404 (2) Each institution of higher education must semiannually
 405 report, each January 31 and July 31, any gift received directly
 406 or indirectly from a foreign source with a value of \$50,000 or
 407 more during the fiscal year. If a foreign source provides more
 408 than one gift directly or indirectly to an institution of higher
 409 education in a single fiscal year and the total value of those
 410 gifts is \$50,000 or more, all gifts received from that foreign
 411 source must be reported. For purposes of this subsection, a gift
 412 received from a foreign source through an intermediary shall be
 413 considered an indirect gift to the institution of higher
 414 education. An institution of higher education may consolidate
 415 its report with that of all its affiliate organizations. A
 416 report required under this subsection must be made to the
 417 following entities:

418 (a) The Board of Governors, if the recipient is a state
 419 university, an entity listed in subpart B of part II of chapter
 420 1004 that has its own governing board, or an affiliate
 421 organization of such university or entity.

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422 (b) Unless already reported to the Board of Governors
423 pursuant to paragraph (a), the State Board of Education, if the
424 recipient is any other institution of higher education or an
425 affiliate organization of such institution.

426 (3) For each gift subject to the reporting requirement in
427 subsection (2), the report of the institution of higher
428 education must provide all of the following information, unless
429 otherwise prohibited or deemed confidential under federal law
430 having no exemption applicable to such reporting:

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

432 (b) The contract start and end date if the gift is a
433 contract.

434 (c) The name of the foreign source and, if not a foreign
435 government, the country of citizenship, if known, and the
436 country of principal residence or domicile of the foreign
437 source.

438 (d)1. A copy of a gift agreement between the foreign
439 source and the institution of higher education, signed by the
440 foreign source and the chief administrative officer of the
441 institution of higher education, or their respective designees,
442 which must include a detailed description of the purpose for
443 which the gift will be used by the institution of higher
444 education, the identification of the persons for whom the gift
445 is explicitly intended to benefit, and any applicable
446 conditions, requirements, restrictions, or terms made a part of

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447 the gift regarding the control of curricula, faculty, student
448 admissions, student fees, or contingencies placed upon the
449 institution of higher education to take a specific public
450 position or to award an honorary degree. With respect to an
451 agreement containing information protected from disclosure under
452 s. 1004.22(2), an abstract and redacted copy providing all
453 required information that is not so protected may be submitted
454 in lieu of a copy of the agreement.

455 2. Beginning July 1, 2022, the Inspector General of the
456 Board of Governors or the Inspector General of the Department of
457 Education, as applicable, shall annually, within existing
458 resources, randomly inspect or audit at least 5 percent of the
459 total number of gifts disclosed by or gift agreements received
460 from institutions of higher education pursuant to this paragraph
461 during the previous year to determine an institution's
462 compliance with the requirements of this section with respect to
463 the gifts and gift agreements reviewed.

464 3. Upon the request of the Governor, the President of the
465 Senate, or the Speaker of the House of Representatives, the
466 Inspector General of the Board of Governors or the Inspector
467 General of the Department of Education, as applicable, must
468 inspect or audit a gift or gift agreement.

469 (4) The State Board of Education or the Board of
470 Governors, as applicable, shall exercise the authority provided
471 pursuant to s. 1008.32 or s. 1008.322, respectively, to sanction

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472 an institution of higher education that fails to report a
 473 reportable gift within 60 days after the reporting deadlines
 474 established in subsection (2).

475 (5) (a) An institution of higher education that knowingly,
 476 willfully, or negligently fails to disclose the information
 477 required by this section shall be subject to a civil penalty of
 478 105 percent of the amount of the undisclosed gift, payable only
 479 from nonstate funds of the institution of higher education or
 480 the affiliate organization that received such gift. The
 481 recovered funds must be deposited into the General Revenue Fund.
 482 The Board of Governors and the State Board of Education, as
 483 applicable, may administratively enforce this section and impose
 484 the civil penalty as an administrative penalty.

485 (b) In the absence of enforcement by the Board of
 486 Governors or the State Board of Education, as applicable, the
 487 Attorney General or the Chief Financial Officer may bring a
 488 civil action to enforce this section. If such action is
 489 successful, the Attorney General or the Chief Financial Officer,
 490 as applicable, is entitled to reasonable attorney fees and
 491 costs.

492 (c) A whistle-blower who reports an undisclosed foreign
 493 gift to the appropriate inspector general may also report such
 494 undisclosed foreign gift to the Attorney General or the Chief
 495 Financial Officer and retain whistle-blower protection under s.
 496 112.3188. Such whistle-blower shall be entitled to receive a

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497 reward in the amount of 25 percent of any penalty recovered by
498 the Board of Governors, the State Board of Education, the
499 Attorney General, or the Chief Financial Officer under this
500 section. The Chief Financial Officer is authorized to incur
501 expenditures to provide such reward from the penalty recovery.
502 The reward may be paid through an intermediary attorney or
503 trustee designated by the whistle-blower.

504 (6) Information reported under subsection (3) is not
505 confidential or exempt from s. 119.07(1) and s. 24(a), Art. I of
506 the State Constitution, except as provided in s. 1004.22(2) or
507 unless protected by any statute as a trade secret as defined in
508 s. 688.002 or s. 812.081(1)(c).

509 (7) The Board of Governors may adopt regulations, and the
510 State Board of Education may adopt rules, to implement this
511 section.

512 Section 4. Section 1010.35, Florida Statutes, is created
513 to read:

514 1010.35 Screening foreign researchers.—

515 (1) Each state university or entity listed in subpart A or
516 subpart B of part II of chapter 1004 that receives state
517 appropriations or state tax revenue and has a research budget of
518 \$10 million or more must screen applicants seeking employment in
519 research or research-related support positions, graduate and
520 undergraduate students applying for research or research-related
521 support positions, and applicants for positions of visiting

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522 researcher who are citizens of a foreign country and who are not
523 permanent residents of the United States, or who are citizens or
524 permanent residents of the United States who have any
525 affiliation with an institution or program, or at least 1 year
526 of prior employment or training, excepting employment or
527 training by an agency of the United States government, in a
528 foreign country of concern as defined in s. 286.101. Such
529 screening is required prior to interviewing such applicant or
530 offering to such applicant a position of employment or of
531 visiting researcher. At the discretion of the university or
532 entity, other applicants for such positions may be screened.

533 (2) In addition to satisfying all employment and
534 enrollment qualifications imposed by federal law, the Board of
535 Governors or the governing board of the applicable entity must
536 require the following of applicants included in subsection (1):

537 (a) A foreign applicant must submit a complete copy of the
538 applicant's passport and most recently submitted Online
539 Nonimmigrant Visa Application, DS-160. After extraction of all
540 information relevant to the requirements of this section, a
541 university or entity may destroy or return the copy of the DS-
542 160 submitted by an applicant.

543 (b) All applicants described in subsection (1) must submit
544 a complete resume and curriculum vitae, including every
545 institution of higher education attended; all previous
546 employment since the applicant's 18th birthday; a list of all

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547 published material for which the applicant received credit as an
548 author, a researcher, or otherwise or to which the applicant
549 contributed significant research, writing, or editorial support;
550 a list of the applicant's current and pending research funding
551 from any source, including funder, amount, applicant's role on
552 the project, and brief description of the research; and a full
553 disclosure of nonuniversity professional activities, including
554 any affiliation with an institution or program in a foreign
555 country of concern. For applicants who have been continually
556 employed or enrolled in a postsecondary education institution in
557 the United States for 20 years or more, the resume may, but need
558 not, include employment history before the most recent 20 years.

559 (3) The president or chief administrative officer of the
560 state university or applicable entity shall designate a research
561 integrity office to review all materials required in subsection
562 (2) and take reasonable steps to verify all attendance,
563 employment, publications, and contributions listed in the
564 application required in subsection (2) prior to any interview of
565 or offer of a position to the applicant. Reasonable steps
566 include searching public databases for research publications and
567 presentations and public conflict of interest records to
568 identify any research publication or presentation that may have
569 been omitted from the application, contacting all employers of
570 the most recent 10 years to verify employment, contacting all
571 institutions of higher education attended to verify enrollment

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572 and educational progress, searching public listings of persons
573 subject to sanctions or restrictions under federal law,
574 submitting the applicant's name and other identifying
575 information to the Federal Bureau of Investigation or any
576 federal agency reasonably willing to scrutinize such applicant
577 for national security or counterespionage purposes, and any
578 other steps deemed appropriate to the office. The state
579 university or applicable entity may also direct the office to
580 approve applicants for hire based on a risk-based determination
581 considering the nature of the research and the background and
582 ongoing affiliations of the applicant.

583 (4) The requirements of this section must be completed
584 before interviewing or offering any position to an individual
585 described in subsection (1) in any research or research-related
586 support position and before granting such individual any access
587 to research data or activities or other sensitive data. An
588 applicant who must be screened under this section may not be
589 employed in any research or research-related support position if
590 he or she fails to disclose a substantial educational,
591 employment, or research-related activity or publication or
592 presentation at the time of submitting the application required
593 in subsection (2), unless the department head, or a designee,
594 certifies in writing the substance of the nondisclosure and the
595 reasons for disregarding such failure to disclose. A copy of
596 such certification must be kept in the investigative file of the

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597 research integrity office and must be submitted to the nearest
 598 Federal Bureau of Investigation field office.

599 (5) The research integrity office must report to the
 600 nearest Federal Bureau of Investigation field office, and to any
 601 law enforcement agency designated by the Governor or the Board
 602 of Governors and the governing board of the applicable entity
 603 described in subsection (1), the identity of any applicant who
 604 was rejected for employment based on the scrutiny required by
 605 this section or other risk-based screening.

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

610 Section 5. Section 1010.36, Florida Statutes, is created
 611 to read:

612 1010.36 Foreign travel; research institutions.-

613 (1) By January 1, 2022, each state university or entity
 614 listed in subpart A or subpart B of part II of chapter 1004 that
 615 receives state appropriations or state tax revenue and has a
 616 research budget of \$10 million or more must establish an
 617 international travel approval and monitoring program. The
 618 program must require preapproval and screening by a research
 619 integrity office designated by the president or chief
 620 administrative officer of the state university or entity for any
 621 employment-related foreign travel and employment-related foreign

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622 activities engaged in by all faculty, researchers, and research
623 department staff. Such requirement is in addition to any other
624 travel approval process applicable to the state university or
625 entity.

626 (2) (a) Preapproval by the research integrity office must
627 be based on the applicant's review and acknowledgement of
628 guidance published by the employing state university or entity
629 which relates to countries under sanctions or other restrictions
630 of the state or the United States government, including any
631 federal license requirement; customs rules; export controls;
632 restrictions on taking state university or entity property,
633 including intellectual property, abroad; restrictions on
634 presentations, teaching, and interactions with foreign
635 colleagues; and other subjects important to the research and
636 academic integrity of the state university or entity.

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

641 (3) The state university or entity must maintain records
642 of all foreign travel requests and approvals; expenses
643 reimbursed by the university or entity during such travel,
644 including for travel, food, and lodging; and payments and
645 honoraria received during such travel and activities, including
646 for travel, food, and lodging. The state university or entity

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647 must also keep records of the purpose of the travel and any
648 records related to the foreign activity review. Such records
649 must be retained for at least 3 years or any longer period of
650 time required by any other applicable state or federal law.

651 (4) The state university or entity must provide an annual
652 report of foreign travel to countries of concern listing
653 individual travelers, foreign locations visited, and foreign
654 institutions visited to the Board of Governors or the governing
655 board of the applicable entity.

656 (5) By July 1, 2025, the Inspector General of the Board of
657 Governors, the inspector general of an entity described in
658 subsection (1), or the Auditor General must perform an
659 operational audit regarding the implementation of this section.

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