

1 A bill to be entitled
2 An act relating to agreements of state colleges and
3 state universities with foreign entities; amending s.
4 288.860, F.S.; defining terms; prohibiting state
5 universities and state colleges from accepting grants
6 from or participating in partnerships or agreements
7 with a foreign country of concern unless specified
8 conditions are met; providing an exception;
9 authorizing state universities to enter into
10 partnerships or agreements with a foreign country of
11 concern if such partnerships or agreements are
12 approved by the Board of Governors and specified
13 requirements are met; authorizing the board to
14 sanction and withhold performance funding from a state
15 university for entering into an unauthorized
16 partnership or agreement; authorizing state colleges
17 to enter into partnerships or agreements with a
18 foreign country of concern if such partnerships or
19 agreements are authorized by the State Board of
20 Education and specified requirements are met;
21 authorizing the state board to sanction and withhold
22 performance funding from a state college for entering
23 into an unauthorized partnership or agreement with a
24 foreign country of concern; requiring each state
25 university and state college to annually submit

26 specified information to the Board of Governors and
 27 the Department of Education, respectively, by a
 28 specified date; requiring the Board of Governors and
 29 the department, respectively, to annually submit a
 30 report to the Governor and the Legislature by a
 31 specified date; providing requirements for the report;
 32 requiring the Board of Governors and the State Board
 33 of Education to adopt regulations and rules,
 34 respectively; amending s. 286.101, F.S.; revising and
 35 defining terms; prohibiting a state university or
 36 state college, or any employee or representative
 37 thereof, from soliciting or accepting a gift from a
 38 foreign country of concern or a person associated with
 39 or employed by such country; requiring the Board of
 40 Governors and the State Board of Education to adopt
 41 regulations and rules, respectively; providing an
 42 effective date.

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

46 Section 1. Section 288.860, Florida Statutes, is amended
 47 to read:

- 48 288.860 International cultural agreements.—
 49 (1) As used in this section, the term:
 50 (a) "Foreign country of concern" means the People's

51 | Republic of China, the Russian Federation, the Islamic Republic
52 | of Iran, the Democratic People's Republic of Korea, the Republic
53 | of Cuba, the Venezuelan regime of Nicolás Maduro, or the Syrian
54 | Arab Republic, including any agency of or any other entity under
55 | significant control of such foreign country of concern.

56 | (b) "Partnership" means a faculty or student exchange
57 | program, a study abroad program, an articulation program, a
58 | recruiting program, or a dual degree program.

59 | (c) "Political subdivision" has the same meaning as in s.
60 | 1.01(8) and includes any entity under the control of or
61 | established for the benefit of the political subdivision.

62 | (d)~~(e)~~ "Public school" means any education institution
63 | under the supervision of a school district and any entity under
64 | the control of or established for the benefit of a public school
65 | or school district.

66 | (e)~~(d)~~ "State agency" means any agency or unit of state
67 | government created or established by law and any entity under
68 | the control of or established for the benefit of a state agency.

69 | (f)~~(e)~~ "State college" means any postsecondary education
70 | institution under the supervision of the State Board of
71 | Education, including any entity under the control of or
72 | established for the benefit of a state college.

73 | (g)~~(f)~~ "State university" means any state university under
74 | the supervision of the Board of Governors, including any entity
75 | under the control of or established for the benefit of a state

76 university.

77 (2) A state agency, political subdivision, or public
 78 school, ~~state college, or state university~~ authorized to expend
 79 state-appropriated funds or levy ad valorem taxes may not
 80 participate in any agreement with or accept any grant from a
 81 foreign country of concern, or any entity controlled by a
 82 foreign country of concern, which:

83 (a) Constrains the freedom of contract of such public
 84 entity;

85 (b) Allows the curriculum or values of a program in the
 86 state to be directed or controlled by the foreign country of
 87 concern; or

88 (c) Promotes an agenda detrimental to the safety or
 89 security of the United States or its residents. ~~Before~~ Prior to
 90 the execution of any cultural exchange agreement with a foreign
 91 country of concern, the substance of the agreement must ~~shall~~ be
 92 shared with federal agencies concerned with protecting national
 93 security or enforcing trade sanctions, embargoes, or other
 94 restrictions under federal law. If such federal agency provides
 95 information suggesting that such agreement promotes an agenda
 96 detrimental to the safety or security of the United States or
 97 its residents, the public entity may not enter into the
 98 agreement.

99 (3) (a) For the purposes of this subsection only, the term
 100 "agreement" means a written statement of mutual interest in

101 academic or research collaboration.

102 (b) Beginning July 1, 2023, a state university or state
103 college authorized to expend state-appropriated funds may not
104 accept any grant from or participate in any partnership or
105 agreement with any college, university, or entity that is based
106 in or controlled by a foreign country of concern, except as
107 specified in paragraphs (c) and (d).

108 (c) A state university may, upon approval by the Board of
109 Governors, enter into a partnership or agreement with a foreign
110 country of concern or an entity located in or controlled by a
111 foreign country of concern if such partnership or agreement is
112 deemed by the board to be valuable to students and the state
113 university and is not detrimental to the safety or security of
114 the United States or its residents. A partnership or agreement
115 approved under this subsection must meet the other relevant
116 requirements of this section.

117 1. Beginning July 1, 2023, the board shall exercise the
118 authority provided pursuant to s. 1008.322 to sanction a state
119 university pursuant to subparagraph 2. which enters into a
120 partnership or agreement with a foreign country of concern or an
121 entity that is located in or controlled by a foreign country of
122 concern without approval from the board.

123 2. The board may withhold additional performance funding
124 for a state university that enters into a partnership or
125 agreement with a foreign country of concern or an entity that is

126 located in or controlled by a foreign country of concern without
127 approval from the board. The funds must be deposited into the
128 General Revenue Fund. The board may administratively enforce
129 this section.

130 (d) A state college may, upon approval by the State Board
131 of Education, enter into a partnership or agreement with a
132 foreign country of concern or an entity located in or controlled
133 by a foreign country of concern if such partnership or agreement
134 is deemed by the state board to be valuable to students and the
135 state college and is not detrimental to the safety or security
136 of the United States or its residents. A partnership or
137 agreement approved under this subsection must meet the
138 requirements of this section.

139 1. Beginning July 1, 2023, the state board shall exercise
140 the authority provided pursuant to s. 1008.32 to sanction a
141 state college pursuant to subparagraph 2. which enters into a
142 partnership or agreement with a foreign country of concern or an
143 entity that is located in or controlled by a foreign country of
144 concern without approval from the state board.

145 2. The state board may withhold additional performance
146 funding for a state college that enters into a partnership or
147 agreement with a foreign country of concern or an entity that is
148 located in or controlled by a foreign country of concern without
149 approval from the state board. The funds must be deposited into
150 the General Revenue Fund. The state board may administratively

151 enforce this section.

152 (e) Each state university and state college shall submit
153 the information required in paragraph (f) to the Board of
154 Governors and the Department of Education, respectively, by July
155 1 of each year.

156 (f) By August 1, 2024, and each August 1 thereafter, the
157 Board of Governors and the Department of Education,
158 respectively, shall submit a report to the Governor, the
159 President of the Senate, and the Speaker of the House of
160 Representatives relating to partnerships and agreements of state
161 universities and state colleges, respectively, with foreign
162 entities. At a minimum, the report must include the following
163 information for the previous fiscal year:

164 1. Data reflecting any grant program, agreement,
165 partnership, or contract between a state university or state
166 college and any university, college, or entity that is based in
167 or controlled by a foreign country.

168 2. Data reflecting any office, campus, or physical
169 location used or maintained by a state university or state
170 college in a foreign country.

171 3. The date on which any such grant program, agreement,
172 partnership, or contract reported pursuant to subparagraph 1. is
173 expected to terminate.

174 (g) The Board of Governors and the State Board of
175 Education shall adopt regulations and rules, respectively, to

176 administer this subsection.

177 ~~(4)(3)~~ A state agency, political subdivision, public
 178 school, state college, or state university may not accept
 179 anything of value conditioned upon participation in a program or
 180 other endeavor to promote the language or culture of a foreign
 181 country of concern.

182 ~~(5)(4)~~ For the 2022-2023 fiscal year, notwithstanding
 183 subsection (2), a state agency, political subdivision, public
 184 school, state college, or state university may not enter into
 185 any agreement with or accept any grant from the Russian
 186 Federation. This subsection expires July 1, 2023.

187 Section 2. Paragraph (h) of subsection (1) of section
 188 286.101, Florida Statutes, is amended, paragraphs (i) and (j)
 189 are added to that subsection, and subsection (10) is added to
 190 that section, to read:

191 286.101 Foreign gifts and contracts.—

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

193 (h) "State agency" means any agency or unit of state
 194 government created or established by law. For the purposes of
 195 this section only, the term does not include a state university
 196 or a state college.

197 (i) "State college" means any postsecondary education
 198 institution under the supervision of the State Board of
 199 Education, including any entity under the control of or
 200 established for the benefit of a state college.

201 (j) "State university" means any state university under
202 the supervision of the Board of Governors, including any entity
203 under the control of or established for the benefit of a state
204 university.

205 (10) (a) A state university or state college, or any
206 employee or representative of a state university or state
207 college, may not solicit or accept any gift, including any
208 physical object, loan, reward, promise of future employment,
209 favor, or service, from:

210 1. A foreign country of concern or an entity that is
211 located in or controlled by a foreign country of concern; or

212 2. A person associated with or employed by a foreign
213 country of concern or an entity that is located in or controlled
214 by a foreign country of concern.

215 (b) The Board of Governors and the State Board of
216 Education shall adopt regulations and rules, respectively, to
217 administer this subsection.

218 Section 3. This act shall take effect July 1, 2023.