

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

26 college or university based in a foreign country of
27 concern or a foreign principal; requiring each state
28 university and state college to annually submit
29 specified information to the Board of Governors and
30 the Department of Education, respectively, by a
31 specified date; requiring the Board of Governors and
32 the department, respectively, to annually submit a
33 report to the Governor and Legislature by a specified
34 date; providing requirements for the report; requiring
35 the Board of Governors and the State Board of
36 Education to adopt regulations and rules,
37 respectively; amending s. 286.101, F.S.; revising and
38 defining terms; prohibiting a state university or
39 state college, or any employee or representative
40 thereof, from soliciting or accepting a gift from a
41 college or university based in a foreign country of
42 concern or a foreign principal; requiring the Board of
43 Governors and the State Board of Education to adopt
44 regulations and rules, respectively; amending s.
45 1002.421, F.S.; prohibiting a private school that is
46 owned or operated by a person or entity domiciled in,
47 owned by, or in any way controlled by a foreign
48 country of concern or a foreign principal from
49 participating in certain educational scholarship
50 programs; providing penalties; providing an effective

51 date.

52

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

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55 Section 1. Section 288.860, Florida Statutes, is amended
56 to read:

57 288.860 International cultural agreements.—

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

59 (a) "Foreign country of concern" means the People's
60 Republic of China, the Russian Federation, the Islamic Republic
61 of Iran, the Democratic People's Republic of Korea, the Republic
62 of Cuba, the Venezuelan regime of Nicolás Maduro, or the Syrian
63 Arab Republic, including any agency of or any other entity under
64 significant control of such foreign country of concern.

65 (b) "Foreign principal" means:

66 1. The government or any official of the government of a
67 foreign country of concern;

68 2. A political party or member of a political party in a
69 foreign country of concern. For purposes of this subparagraph,
70 the term "political party" means an organization or combination
71 of individuals whose aim or purpose is, or who is engaged in any
72 activity devoted in whole or in part to, the establishment,
73 administration, control, or acquisition of administration or
74 control of a government of a foreign country of concern or a
75 subdivision thereof, or the furtherance or influencing of the

76 political or public interest, policies, or relations of a
 77 government of a foreign country of concern or a subdivision
 78 thereof;

79 3. A partnership, association, corporation, organization,
 80 or other combination of persons organized under the laws of or
 81 having its principal place of business in a foreign country of
 82 concern or subsidiary of such entity; or

83 4. Any person who is domiciled in a foreign country of
 84 concern and is not a citizen or lawful permanent resident of the
 85 United States.

86 (c) "Partnership" means a faculty or student exchange
 87 program, a study abroad program, an articulation program, a
 88 recruiting program, or a dual degree program.

89 (d)~~(b)~~ "Political subdivision" has the same meaning as in
 90 s. 1.01(8) and includes any entity under the control of or
 91 established for the benefit of the political subdivision.

92 (e)~~(e)~~ "Public school" means any education institution
 93 under the supervision of a school district and any entity under
 94 the control of or established for the benefit of a public school
 95 or school district.

96 (f)~~(d)~~ "State agency" means any agency or unit of state
 97 government created or established by law and any entity under
 98 the control of or established for the benefit of a state agency.

99 (g)~~(e)~~ "State college" means any postsecondary education
 100 institution under the supervision of the State Board of

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

103 (h)~~(f)~~ "State university" means any state university under
 104 the supervision of the Board of Governors, including any entity
 105 under the control of or established for the benefit of a state
 106 university.

107 (2) A state agency, political subdivision, or public
 108 school,~~state college, or state university~~ authorized to expend
 109 state-appropriated funds or levy ad valorem taxes may not
 110 participate in any agreement with or accept any grant from a
 111 foreign country of concern, or any entity controlled by a
 112 foreign country of concern, which:

113 (a) Constrains the freedom of contract of such public
 114 entity;

115 (b) Allows the curriculum or values of a program in the
 116 state to be directed or controlled by the foreign country of
 117 concern; or

118 (c) Promotes an agenda detrimental to the safety or
 119 security of the United States or its residents. Before ~~Prior to~~
 120 the execution of any cultural exchange agreement with a foreign
 121 country of concern, the substance of the agreement must ~~shall~~ be
 122 shared with federal agencies concerned with protecting national
 123 security or enforcing trade sanctions, embargoes, or other
 124 restrictions under federal law. If such federal agency provides
 125 information suggesting that such agreement promotes an agenda

126 detrimental to the safety or security of the United States or
127 its residents, the public entity may not enter into the
128 agreement.

129 (3)(a) For the purposes of this subsection only, the term
130 "agreement" means a written statement of mutual interest in
131 academic or research collaboration.

132 (b) Beginning July 1, 2023, a state university or state
133 college authorized to expend state-appropriated funds may not
134 accept any grant from or participate in any agreement with any
135 college or university based in a foreign country of concern, or
136 any foreign principal, except as specified in paragraphs (d) and
137 (e).

138 (c) Beginning December 1, 2023, a state university or
139 state college authorized to expend state-appropriated funds may
140 not participate in any partnership with any college or
141 university based in a foreign country of concern, or any foreign
142 principal, except as specified in paragraphs (d) and (e).

143 (d) A state university may, upon approval by the Board of
144 Governors, enter into a partnership or agreement with a college
145 or university based in a foreign country of concern, or a
146 foreign principal, if such partnership or agreement is deemed by
147 the board to be valuable to students and the state university
148 and is not detrimental to the safety or security of the United
149 States or its residents. A partnership or agreement approved
150 under this subsection must meet the requirements of this

151 section.

152 1. The board shall exercise the authority provided
153 pursuant to s. 1008.322 to sanction a state university pursuant
154 to subparagraph 2. which enters into a partnership or agreement
155 with a college or university based in a foreign country of
156 concern, or any foreign principal, without approval from the
157 board.

158 2. The board may withhold additional performance funding
159 for a state university that enters into a partnership or
160 agreement with a college or university based in a foreign
161 country of concern, or any foreign principal, without approval
162 from the board. The funds must be deposited into the General
163 Revenue Fund. The board may administratively enforce this
164 section.

165 (e) A state college may, upon approval by the State Board
166 of Education, enter into a partnership or agreement with a
167 college or university based in a foreign country of concern, or
168 any foreign principal, if such partnership or agreement is
169 deemed by the state board to be valuable to students and the
170 state college and is not detrimental to the safety or security
171 of the United States or its residents. A partnership or
172 agreement approved under this subsection must meet the
173 requirements of this section.

174 1. The state board shall exercise the authority provided
175 pursuant to s. 1008.32 to sanction a state college pursuant to

176 subparagraph 2. which enters into a partnership or agreement
177 with a college or university based in a foreign country of
178 concern, or any foreign principal, without approval from the
179 state board.

180 2. The state board may withhold additional performance
181 funding for a state college that enters into a partnership or
182 agreement with a college or university based in a foreign
183 country of concern, or any foreign principal, without approval
184 from the state board. The funds must be deposited into the
185 General Revenue Fund. The state board may administratively
186 enforce this section.

187 (f) Each state university and state college shall submit
188 the information required in paragraph (g) to the Board of
189 Governors and the Department of Education, respectively, by July
190 1 of each year.

191 (g) By December 1, 2024, and each December 1 thereafter,
192 the Board of Governors and the Department of Education,
193 respectively, shall submit a report to the Governor, the
194 President of the Senate, and the Speaker of the House of
195 Representatives relating to partnerships and agreements of state
196 universities and state colleges, respectively, with colleges and
197 universities based in a foreign country of concern and foreign
198 principals. At a minimum, the report must include the following
199 information for the previous fiscal year:

200 1. Data reflecting any grant program, agreement,

201 partnership, or contract between a state university or state
202 college and any university, college, or entity that is based in
203 or controlled by a foreign country of concern or foreign
204 principal.

205 2. Data reflecting any office, campus, or physical
206 location used or maintained by a state university or state
207 college in a foreign country of concern or foreign principal.

208 3. The date on which any such grant program, agreement,
209 partnership, or contract reported pursuant to subparagraph 1. is
210 expected to terminate.

211 (h) The Board of Governors and the State Board of
212 Education shall adopt regulations and rules, respectively, to
213 administer this subsection.

214 (4)~~(3)~~ A state agency, political subdivision, public
215 school, state college, or state university may not accept
216 anything of value conditioned upon participation in a program or
217 other endeavor to promote the language or culture of a foreign
218 country of concern.

219 (5)~~(4)~~ For the 2022-2023 fiscal year, notwithstanding
220 subsection (2), a state agency, political subdivision, public
221 school, state college, or state university may not enter into
222 any agreement with or accept any grant from the Russian
223 Federation. This subsection expires July 1, 2023.

224 Section 2. Paragraph (h) of subsection (1) of section
225 286.101, Florida Statutes, is amended, paragraphs (i) and (j)

226 are added to that subsection, and subsection (10) is added to
 227 that section, to read:

228 286.101 Foreign gifts and contracts.—

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

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

234 (i) "State college" means any postsecondary education
 235 institution under the supervision of the State Board of
 236 Education, including any entity under the control of or
 237 established for the benefit of a state college.

238 (j) "State university" means any state university under
 239 the supervision of the Board of Governors, including any entity
 240 under the control of or established for the benefit of a state
 241 university.

242 (10) (a) A state university or state college, or any
 243 employee or representative of a state university or state
 244 college, may not solicit or accept any gift in their official
 245 capacity, including any physical object, loan, reward, promise
 246 of future employment, favor, or service, from a college or
 247 university based in a foreign country of concern, or a foreign
 248 principal, as defined in s. 288.860.

249 (b) The Board of Governors and the State Board of
 250 Education shall adopt regulations and rules, respectively, to

251 administer this subsection.

252 Section 3. Paragraph (s) is added to subsection (1) of
 253 section 1002.421, Florida Statutes, to read:

254 1002.421 State school choice scholarship program
 255 accountability and oversight.—

256 (1) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—A private
 257 school participating in an educational scholarship program
 258 established pursuant to this chapter must be a private school as
 259 defined in s. 1002.01(2) in this state, be registered, and be in
 260 compliance with all requirements of this section in addition to
 261 private school requirements outlined in s. 1002.42, specific
 262 requirements identified within respective scholarship program
 263 laws, and other provisions of Florida law that apply to private
 264 schools, and must:

265 (s) Not be owned or operated by a person or entity
 266 domiciled in, owned by, or in any way controlled by a foreign
 267 country of concern or a foreign principal, as defined in s.
 268 288.860. A violation of this paragraph constitutes an imminent
 269 threat to the health, safety, and welfare of the school's
 270 students and the public sufficient to justify immediate
 271 suspension of payment of scholarship funds under paragraph
 272 (3)(e) and the denial, suspension, or revocation of a school's
 273 participation in a scholarship program under paragraph (3)(b).

274
 275 The department shall suspend the payment of funds to a private

276 | school that knowingly fails to comply with this subsection, and
277 | shall prohibit the school from enrolling new scholarship
278 | students, for 1 fiscal year and until the school complies. If a
279 | private school fails to meet the requirements of this subsection
280 | or has consecutive years of material exceptions listed in the
281 | report required under paragraph (q), the commissioner may
282 | determine that the private school is ineligible to participate
283 | in a scholarship program.

284 | Section 4. This act shall take effect July 1, 2023.