

By Senator Avila

39-00235F-23

2023846\_\_

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       or participating in agreements with a foreign country  
7       of concern unless specified conditions are met;  
8       authorizing state universities to enter into  
9       agreements with a foreign country of concern if such  
10      agreement is approved by the Board of Governors and  
11      specified requirements are met; authorizing the board  
12      to sanction and to withhold performance funding from a  
13      state university for entering into an unauthorized  
14      foreign agreement; authorizing a state college to  
15      enter into an agreement with a foreign country of  
16      concern if such agreement is authorized by the State  
17      Board of Education and specified requirements are met;  
18      authorizing the state board to sanction and to  
19      withhold performance funding from a state college for  
20      entering into an unauthorized agreement with a foreign  
21      country of concern; requiring each state university  
22      and state college to annually submit specified  
23      information to the Board of Governors and Department  
24      of Education if certain conditions are met; requiring  
25      the Board of Governors and the department to annually  
26      submit a report to the Governor and the Legislature;  
27      providing requirements for the report; requiring the  
28      Board of Governors and the State Board of Education to  
29      adopt regulations and rules, respectively; amending s.

39-00235F-23

2023846\_\_

30 286.101, F.S.; revising and defining terms;  
31 prohibiting a state university or state college from  
32 soliciting or accepting a gift from a foreign country  
33 of concern; requiring the Board of Governors and the  
34 State Board of Education to adopt regulations and  
35 rules, respectively; providing an effective date.  
36

37 Be It Enacted by the Legislature of the State of Florida:  
38

39 Section 1. Section 288.860, Florida Statutes, is amended to  
40 read:

41 288.860 International cultural agreements.—

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

43 (a) "Foreign country of concern" means the People's  
44 Republic of China, the Russian Federation, the Islamic Republic  
45 of Iran, the Democratic People's Republic of Korea, the Republic  
46 of Cuba, the Venezuelan regime of Nicolás Maduro, or the Syrian  
47 Arab Republic, including any agency of or any other entity under  
48 significant control of such foreign country of concern.

49 (b) "Partnership" means a faculty or student exchange  
50 program, a study abroad program, an articulation program, a  
51 recruiting program, or a dual degree program.

52 (c) "Political subdivision" has the same meaning as in s.  
53 1.01(8) and includes any entity under the control of or  
54 established for the benefit of the political subdivision.

55 (d) ~~(e)~~ "Public school" means any education institution  
56 under the supervision of a school district and any entity under  
57 the control of or established for the benefit of a public school  
58 or school district.

39-00235F-23

2023846\_\_

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

62        (f)~~(e)~~ "State college" means any postsecondary education  
63 institution under the supervision of the State Board of  
64 Education, including any entity under the control of or  
65 established for the benefit of a state college.

66        (g)~~(f)~~ "State university" means any state university under  
67 the supervision of the Board of Governors, including any entity  
68 under the control of or established for the benefit of a state  
69 university.

70        (2) A state agency, political subdivision, or public  
71 school,~~state college, or state university~~ authorized to expend  
72 state-appropriated funds or levy ad valorem taxes may not  
73 participate in any agreement with or accept any grant from a  
74 foreign country of concern, or any entity controlled by a  
75 foreign country of concern, which:

76        (a) Constrains the freedom of contract of such public  
77 entity;

78        (b) Allows the curriculum or values of a program in the  
79 state to be directed or controlled by the foreign country of  
80 concern; or

81        (c) Promotes an agenda detrimental to the safety or  
82 security of the United States or its residents. Before ~~Prior to~~  
83 the execution of any cultural exchange agreement with a foreign  
84 country of concern, the substance of the agreement must ~~shall~~ be  
85 shared with federal agencies concerned with protecting national  
86 security or enforcing trade sanctions, embargoes, or other  
87 restrictions under federal law. If such federal agency provides

39-00235F-23

2023846\_\_

88 information suggesting that such agreement promotes an agenda  
89 detrimental to the safety or security of the United States or  
90 its residents, the public entity may not enter into the  
91 agreement.

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

95 (b) A state university or state college authorized to  
96 expend state-appropriated funds may not accept any grant from or  
97 participate in any agreement or partnership with any college,  
98 university, or entity that is based in or controlled by a  
99 foreign country of concern, except as specified in paragraphs  
100 (c) and (d).

101 (c) A state university may, upon approval by the Board of  
102 Governors, enter into an agreement with a foreign country of  
103 concern or an entity located in or controlled by a foreign  
104 country of concern if such agreement is deemed by the board to  
105 be valuable to students and the state university and is not  
106 detrimental to the safety or security of the United States or  
107 its residents. An agreement approved under this subsection must  
108 meet the other relevant requirements of s. 288.860.

109 1. Beginning July 1, 2023, the board shall exercise the  
110 authority provided pursuant to s. 1008.322 to sanction a state  
111 university pursuant to subparagraph 2. which enters into a  
112 partnership or agreement with a foreign country of concern or an  
113 entity that is located in or controlled by a foreign country of  
114 concern without approval from the board.

115 2. The board may withhold additional performance funding  
116 for a state university that enters into an agreement with a

39-00235F-23

2023846\_\_

117 foreign country of concern or an entity that is located in or  
118 controlled by a foreign country of concern without approval from  
119 the board. The funds must be deposited into the General Revenue  
120 Fund.

121 (d) A state college may, upon approval by the State Board  
122 of Education, enter into an agreement with a foreign country of  
123 concern or an entity located in or controlled by a foreign  
124 country of concern if such agreement is deemed by the state  
125 board to be valuable to students and the state college and is  
126 not detrimental to the safety or security of the United States  
127 or its residents. An agreement approved under this subsection  
128 must meet the requirements of s. 288.860.

129 1. Beginning July 1, 2023, the state board shall exercise  
130 the authority provided pursuant to s. 1008.32 to sanction a  
131 state college pursuant to subparagraph 2. which enters into a  
132 partnership or agreement with a foreign country of concern or an  
133 entity that is located in or controlled by a foreign country of  
134 concern without approval from the state board.

135 2. The state board may withhold additional performance  
136 funding for a state college that enters into an agreement with a  
137 foreign country of concern or an entity that is located in or  
138 controlled by a foreign country of concern without approval from  
139 the state board. The funds must be deposited into the General  
140 Revenue Fund. The state board may administratively enforce this  
141 section.

142 (e) Each state university and state college shall submit  
143 the information required in paragraph (f) to the Board of  
144 Governors and the Department of Education, respectively, by July  
145 1 of each year.

39-00235F-23

2023846\_\_

146 (f) By August 1, 2024, and each August 1 thereafter, the  
147 Board of Governors and the Department of Education,  
148 respectively, shall submit a report to the Governor, the  
149 President of the Senate, and the Speaker of the House of  
150 Representatives relating to agreements of state universities and  
151 state colleges, respectively, with foreign entities. At a  
152 minimum, the report must include the following information for  
153 the previous fiscal year:

154 1. Data reflecting any grant program, agreement,  
155 partnership, or contract between a state university or state  
156 college and any university, college, or entity that is based in  
157 or controlled by a foreign country.

158 2. Data reflecting any office, campus, or physical location  
159 used or maintained by a state university or state college in a  
160 foreign country.

161 3. The date on which any such grant program, agreement,  
162 partnership, or contract reported pursuant to subparagraph 1. is  
163 expected to terminate.

164 (g) The Board of Governors and the State Board of Education  
165 shall adopt regulations and rules, respectively, to administer  
166 this subsection.

167 (4)(3) A state agency, political subdivision, public  
168 school, state college, or state university may not accept  
169 anything of value conditioned upon participation in a program or  
170 other endeavor to promote the language or culture of a foreign  
171 country of concern.

172 (5)(4) For the 2022-2023 fiscal year, notwithstanding  
173 subsection (2), a state agency, political subdivision, public  
174 school, state college, or state university may not enter into

39-00235F-23

2023846\_\_

175 any agreement with or accept any grant from the Russian  
176 Federation. This subsection expires July 1, 2023.

177 Section 2. Paragraph (h) of subsection (1) of section  
178 286.101, Florida Statutes, is amended, paragraphs (i) and (j)  
179 are added to that subsection, and subsection (10) is added to  
180 that section, to read:

181 286.101 Foreign gifts and contracts.—

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

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

187 (i) "State college" means any postsecondary education  
188 institution under the supervision of the State Board of  
189 Education, including any entity under the control of or  
190 established for the benefit of a state college.

191 (j) "State university" means any state university under the  
192 supervision of the Board of Governors, including any entity  
193 under the control of or established for the benefit of a state  
194 university.

195 (10) (a) A state university or state college, or any  
196 employee or representative of a state university or state  
197 college, may not solicit or accept any gift, including any  
198 physical object, loan, reward, promise of future employment,  
199 favor, or service, from:

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

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

39-00235F-23

2023846\_\_

204 by a foreign country of concern.

205 (b) The Board of Governors and the State Board of Education  
206 shall adopt regulations and rules, respectively, to administer  
207 this subsection.

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