

By the Committee on Judiciary; and Senator Avila

590-03297-23

2023846c1

1 A bill to be entitled
2 An act relating to agreements of educational entities
3 with 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 with a foreign principal unless specified
9 conditions are met; providing an exception;
10 authorizing state universities to enter into
11 partnerships or agreements with a college or
12 university based in a foreign country of concern or
13 with a foreign principal if such partnerships or
14 agreements are approved by the Board of Governors and
15 specified requirements are met; authorizing the board
16 to sanction and withhold performance funding from a
17 state university for entering into an unauthorized
18 partnership or agreement; authorizing state colleges
19 to enter into partnerships or agreements with a
20 college or university based in a foreign country of
21 concern or with a foreign principal if such
22 partnerships or agreements are authorized by the State
23 Board of Education and specified requirements are met;
24 authorizing the state board to sanction and withhold
25 performance funding from a state college for entering
26 into an unauthorized partnership or agreement with a
27 college or university based in a foreign country of
28 concern or with a foreign principal; requiring each
29 state university and state college to annually submit

590-03297-23

2023846c1

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

57 288.860 International cultural agreements.—

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

590-03297-23

2023846c1

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 an official of the government of a
67 foreign country of concern;

68 2. A political party or a 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 a
71 combination of individuals whose aim or purpose is, or who are
72 engaged in any activity devoted in whole or in part to, the
73 establishment, administration, control, or acquisition of
74 administration or control of a government of a foreign country
75 of concern or a subdivision thereof, or the furtherance or
76 influencing of the political or public interest, policies, or
77 relations of a government of a foreign country of concern or a
78 subdivision thereof;

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

590-03297-23

2023846c1

88 recruiting program, or a dual degree program.

89 (d) "Political subdivision" has the same meaning as in s.
90 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

590-03297-23

2023846c1

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 with any foreign principal, except as specified in paragraphs
137 (d) and (e).

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

144 (d) A state university may, upon approval by the Board of
145 Governors, enter into a partnership or an agreement with a

590-03297-23

2023846c1

146 college or university based in a foreign country of concern, or
147 with a foreign principal, if such partnership or agreement is
148 deemed by the board to be valuable to students and the state
149 university and is not detrimental to the safety or security of
150 the United States or its residents. A partnership or an
151 agreement approved under this paragraph must meet the other
152 relevant requirements of this section.

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

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

165 (e) A state college may, upon approval by the State Board
166 of Education, enter into a partnership or an agreement with a
167 college or university based in a foreign country of concern, or
168 with a 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 an
172 agreement approved under this paragraph must meet the
173 requirements of this section.

174 1. Beginning July 1, 2023, the state board shall exercise

590-03297-23

2023846c1

175 the authority provided pursuant to s. 1008.32 to sanction a
176 state college pursuant to subparagraph 2. which, without
177 approval from the state board, enters into a partnership or an
178 agreement with a college or university based in a foreign
179 country of concern, or with a foreign principal.

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

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

196 1. Data reflecting any grant program, agreement,
197 partnership, or contract between a state university or state
198 college and any college or university based in a foreign country
199 of concern, or with a foreign principal.

200 2. Data reflecting any office, campus, or physical location
201 used or maintained by a state university or state college in a
202 foreign country of concern, or with a foreign principal.

203 3. The date on which any such grant program, agreement,

590-03297-23

2023846c1

204 partnership, or contract reported pursuant to subparagraph 1. is
205 expected to terminate.

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

209 (4)~~(3)~~ A state agency, political subdivision, public school,
210 state college, or state university may not accept anything of
211 value conditioned upon participation in a program or other
212 endeavor to promote the language or culture of a foreign country
213 of concern.

214 (5)~~(4)~~ For the 2022-2023 fiscal year, notwithstanding
215 subsection (2), a state agency, political subdivision, public
216 school, state college, or state university may not enter into any
217 agreement with or accept any grant from the Russian Federation.
218 This subsection expires July 1, 2023.

219 Section 2. Paragraph (h) of subsection (1) of section
220 286.101, Florida Statutes, is amended, paragraphs (i) and (j) are
221 added to that subsection, and subsection (10) is added to that
222 section, to read:

223 286.101 Foreign gifts and contracts.—

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

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

229 (i) "State college" means any postsecondary educational
230 institution under the supervision of the State Board of
231 Education, including any entity under the control of or
232 established for the benefit of a state college.

590-03297-23

2023846c1

233 (j) "State university" means any state university under the
234 supervision of the Board of Governors, including any entity
235 under the control of or established for the benefit of a state
236 university.

237 (10) (a) A state university or state college, or any
238 employee or representative of a state university or state
239 college, may not solicit or accept any gift in its official
240 capacity, including any physical object, loan, reward, promise
241 of future employment, favor, or service, from a college or
242 university based in a foreign country of concern or from a
243 foreign principal as those terms are defined in s. 288.860.

244 (b) The Board of Governors and the State Board of Education
245 shall adopt regulations and rules, respectively, to administer
246 this subsection.

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

249 1002.421 State school choice scholarship program
250 accountability and oversight.—

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

260 (s) Not be owned or operated by a person or an entity
261 domiciled in, owned by, or in any way controlled by a foreign

590-03297-23

2023846c1

262 country of concern or foreign principal as defined in s.
263 288.860. A violation of this paragraph constitutes an imminent
264 threat to the health, safety, and welfare of the school's
265 students and to the public, sufficient to justify immediate
266 suspension of payment of scholarship funds under paragraph
267 (3) (e), as well as denial, suspension, or revocation of a
268 school's participation in a scholarship program under paragraph
269 (3) (b).

270

271 The department shall suspend the payment of funds to a private
272 school that knowingly fails to comply with this subsection, and
273 shall prohibit the school from enrolling new scholarship
274 students, for 1 fiscal year and until the school complies. If a
275 private school fails to meet the requirements of this subsection
276 or has consecutive years of material exceptions listed in the
277 report required under paragraph (q), the commissioner may
278 determine that the private school is ineligible to participate
279 in a scholarship program.

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