

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 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 a  
13          foreign principal if such partnerships or agreements  
14          are approved by the Board of Governors and specified  
15          requirements are met; authorizing the board to  
16          sanction and withhold performance funding from a state  
17          university for entering into an unauthorized  
18          partnership or agreement; authorizing state colleges  
19          to enter into partnerships or agreements with college  
20          or university based in a foreign country of concern or  
21          a foreign principal if such partnerships or agreements  
22          are authorized by the State Board of Education and  
23          specified requirements are met; authorizing the state  
24          board to sanction and withhold performance funding  
25          from a state college for entering into an unauthorized

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

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

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

288.860 International cultural agreements.—

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

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

(b) "Foreign principal" means:

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

2. A political party or member of a political party in a foreign country of concern. For purposes of this subparagraph, the term "political party" means an organization or combination of individuals whose aim or purpose is, or who is engaged in any activity devoted in whole or in part to, the establishment, administration, control, or acquisition of administration or control of a government of a foreign country of concern or a subdivision thereof, or the furtherance or influencing of the political or public interest, policies, or relations of a

76 government of a foreign country of concern or a subdivision  
 77 thereof;

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

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

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

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

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

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

98 (g)-(e) "State college" means any postsecondary education  
 99 institution under the supervision of the State Board of  
 100 Education, including any entity under the control of or

101 established for the benefit of a state college.

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

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

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

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

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

126 its residents, the public entity may not enter into the  
127 agreement.

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

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

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

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

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

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

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

173        1. The state board shall exercise the authority provided  
 174 pursuant to s. 1008.32 to sanction a state college pursuant to  
 175 subparagraph 2. which enters into a partnership or agreement

176 with a college or university based in a foreign country of  
177 concern, or any foreign principal without approval from the  
178 state board.

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

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

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

199 1. Data reflecting any grant program, agreement,  
200 partnership, or contract between a state university or state



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

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

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

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

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

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

223 Section 2. Paragraph (h) of subsection (1) of section  
 224 286.101, Florida Statutes, is amended, paragraphs (i) and (j)  
 225 are added to that subsection, and subsection (10) is added to

226 | that section, to read:

227 |       286.101 Foreign gifts and contracts.—

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

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

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

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

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

248 |       (b) The Board of Governors and the State Board of  
 249 | Education shall adopt regulations and rules, respectively, to  
 250 | administer this subsection.

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

253 1002.421 State school choice scholarship program  
 254 accountability and oversight.—

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

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

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.