

CHAPTER 2023-34

Committee Substitute for Committee Substitute for Senate Bill No. 846

An act relating to agreements of educational entities with foreign entities; amending s. 288.860, F.S.; defining terms; prohibiting state universities and state colleges from accepting grants from or participating in partnerships or agreements with a college or university based in a foreign country of concern or with a foreign principal unless specified conditions are met; providing an exception; authorizing state universities to enter into partnerships or agreements with a college or university based in a foreign country of concern or with a foreign principal if such partnerships or agreements are approved by the Board of Governors and specified requirements are met; authorizing the board to sanction and withhold performance funding from a state university for entering into an unauthorized partnership or agreement; authorizing state colleges to enter into partnerships or agreements with a college or university based in a foreign country of concern or with a foreign principal if such partnerships or agreements are authorized by the State Board of Education and specified requirements are met; authorizing the state board to sanction and withhold performance funding from a state college for entering into an unauthorized partnership or agreement with a college or university based in a foreign country of concern or with a foreign principal; requiring each state university and state college to annually submit specified information to the Board of Governors and the Department of Education, respectively, by a specified date; requiring the Board of Governors and the department, respectively, to annually submit a report to the Governor and the Legislature by a specified date; providing requirements for the report; requiring the Board of Governors and the State Board of Education to adopt regulations and rules, respectively; amending s. 286.101, F.S.; revising and defining terms; prohibiting a state university or state college, or any employee or representative thereof, from soliciting or accepting a gift from a college or university based in a foreign country of concern or from a foreign principal; requiring the Board of Governors and the State Board of Education to adopt regulations and rules, respectively; amending s. 1002.421, F.S.; prohibiting a private school that is owned or operated by a person or entity domiciled in, owned by, or in any way controlled by a foreign country of concern or by a foreign principal from participating in an educational scholarship program; providing an effective date.

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

2. A political party or a member of a political party in a foreign country of concern. For purposes of this subparagraph, the term “political party” means an organization or a combination of individuals whose aim or purpose is, or who are 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 government of a foreign country of concern or a subdivision thereof;

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

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

(c) “Partnership” means a faculty or student exchange program, a study abroad program, an articulation program, a recruiting program, or a dual degree program.

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

(e)(e) “Public school” means any education institution under the supervision of a school district and any entity under the control of or established for the benefit of a public school or school district.

(f)(d) “State agency” means any agency or unit of state government created or established by law and any entity under the control of or established for the benefit of a state agency.

(g)(e) “State college” means any postsecondary education institution under the supervision of the State Board of Education, including any entity under the control of or established for the benefit of a state college.

(h)(f) “State university” means any state university under the supervision of the Board of Governors, including any entity under the control of or established for the benefit of a state university.

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

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

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

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

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

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

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

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

1. The board shall exercise the authority provided pursuant to s. 1008.322 to sanction a state university pursuant to subparagraph 2. which, without approval of the board, enters into a partnership or an

agreement with a college or university based in a foreign country of concern, or with a foreign principal.

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

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

1. Beginning July 1, 2023, the state board shall exercise the authority provided pursuant to s. 1008.32 to sanction a state college pursuant to subparagraph 2. which, without approval from the state board, enters into a partnership or an agreement with a college or university based in a foreign country of concern, or with a foreign principal.

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

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

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

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

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

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

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

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

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

286.101 Foreign gifts and contracts.—

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

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

(i) “State college” means any postsecondary educational institution under the supervision of the State Board of Education, including any entity under the control of or established for the benefit of a state college.

(j) “State university” means any state university under the supervision of the Board of Governors, including any entity under the control of or established for the benefit of a state university.

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

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

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

1002.421 State school choice scholarship program accountability and oversight.—

(1) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—A private school participating in an educational scholarship program established

pursuant to this chapter must be a private school as defined in s. 1002.01(2) in this state, be registered, and be in compliance with all requirements of this section in addition to private school requirements outlined in s. 1002.42, specific requirements identified within respective scholarship program laws, and other provisions of Florida law that apply to private schools, and must:

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

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

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

Approved by the Governor May 8, 2023.

Filed in Office Secretary of State May 8, 2023.