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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/29/2023	.	
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The Committee on Judiciary (Avila) recommended the following:

Senate Amendment (with title amendment)

Delete lines 49 - 207

and insert:

(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



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12 engaged in any activity devoted in whole or in part to, the
13 establishment, administration, control, or acquisition of
14 administration or control of a government of a foreign country
15 of concern or a subdivision thereof, or the furtherance or
16 influencing of the political or public interest, policies, or
17 relations of a government of a foreign country of concern or a
18 subdivision thereof;

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

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

26 (c) "Partnership" means a faculty or student exchange
27 program, a study abroad program, an articulation program, a
28 recruiting program, or a dual degree program.

29 (d)~~(e)~~ "Political subdivision" has the same meaning as in
30 s. 1.01(8) and includes any entity under the control of or
31 established for the benefit of the political subdivision.

32 (e)~~(e)~~ "Public school" means any education institution
33 under the supervision of a school district and any entity under
34 the control of or established for the benefit of a public school
35 or school district.

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

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



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

43 (h)~~(f)~~ "State university" means any state university under
44 the supervision of the Board of Governors, including any entity
45 under the control of or established for the benefit of a state
46 university.

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

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

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

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

69 (3) (a) For the purposes of this subsection only, the term



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70 "agreement" means a written statement of mutual interest in
71 academic or research collaboration.

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

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

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

93 1. The board shall exercise the authority provided pursuant
94 to s. 1008.322 to sanction a state university pursuant to
95 subparagraph 2. which, without approval of the board, enters
96 into a partnership or an agreement with a college or university
97 based in a foreign country of concern, or with a foreign
98 principal.



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

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

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

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

127 (f) By December 1, 2024, and each December 1 thereafter,



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128 the Board of Governors and the Department of Education,
129 respectively, shall submit a report to the Governor, the
130 President of the Senate, and the Speaker of the House of
131 Representatives relating to partnerships and agreements of state
132 universities and state colleges, respectively, with colleges and
133 universities based in a foreign country of concern and with
134 foreign principals. At a minimum, the report must include the
135 following information for the previous fiscal year:

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

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

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

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

149 (4)~~(3)~~ A state agency, political subdivision, public school,
150 state college, or state university may not accept anything of
151 value conditioned upon participation in a program or other
152 endeavor to promote the language or culture of a foreign country
153 of concern.

154 (5)~~(4)~~ For the 2022-2023 fiscal year, notwithstanding
155 subsection (2), a state agency, political subdivision, public
156 school, state college, or state university may not enter into any



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

159 Section 2. Paragraph (h) of subsection (1) of section
160 286.101, Florida Statutes, is amended, paragraphs (i) and (j) are
161 added to that subsection, and subsection (10) is added to that
162 section, to read:

163 286.101 Foreign gifts and contracts.—

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

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

169 (i) "State college" means any postsecondary educational
170 institution under the supervision of the State Board of
171 Education, including any entity under the control of or
172 established for the benefit of a state college.

173 (j) "State university" means any state university under the
174 supervision of the Board of Governors, including any entity
175 under the control of or established for the benefit of a state
176 university.

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

184 (b) The Board of Governors and the State Board of Education
185 shall adopt regulations and rules, respectively, to administer



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186 this subsection.

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

189 1002.421 State school choice scholarship program
190 accountability and oversight.—

191 (1) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—A private
192 school participating in an educational scholarship program
193 established pursuant to this chapter must be a private school as
194 defined in s. 1002.01(2) in this state, be registered, and be in
195 compliance with all requirements of this section in addition to
196 private school requirements outlined in s. 1002.42, specific
197 requirements identified within respective scholarship program
198 laws, and other provisions of Florida law that apply to private
199 schools, and must:

200 (s) Not be owned or operated by a person or an entity
201 domiciled in, owned by, or in any way controlled by a foreign
202 country of concern or foreign principal as defined in s.
203 288.860. A violation of this paragraph constitutes an imminent
204 threat to the health, safety, and welfare of the school's
205 students and to the public, sufficient to justify immediate
206 suspension of payment of scholarship funds under paragraph
207 (3) (e), as well as denial, suspension, or revocation of a
208 school's participation in a scholarship program under paragraph
209 (3) (b) .

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211 The department shall suspend the payment of funds to a private
212 school that knowingly fails to comply with this subsection, and
213 shall prohibit the school from enrolling new scholarship
214 students, for 1 fiscal year and until the school complies. If a



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215 private school fails to meet the requirements of this subsection
216 or has consecutive years of material exceptions listed in the
217 report required under paragraph (q), the commissioner may
218 determine that the private school is ineligible to participate
219 in a scholarship program.

220
221 ===== T I T L E A M E N D M E N T =====

222 And the title is amended as follows:

223 Delete lines 2 - 35

224 and insert:

225 An act relating to agreements of educational entities
226 with foreign entities; amending s. 288.860, F.S.;
227 defining terms; prohibiting state universities and
228 state colleges from accepting grants from or
229 participating in partnerships or agreements with a
230 college or university based in a foreign country of
231 concern or with a foreign principal unless specified
232 conditions are met; providing an exception;
233 authorizing state universities to enter into
234 partnerships or agreements with a college or
235 university based in a foreign country of concern or
236 with a foreign principal if such partnerships or
237 agreements are approved by the Board of Governors and
238 specified requirements are met; authorizing the board
239 to sanction and withhold performance funding from a
240 state university for entering into an unauthorized
241 partnership or agreement; authorizing state colleges
242 to enter into partnerships or agreements with a
243 college or university based in a foreign country of



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244 concern or with a foreign principal if such
245 partnerships or agreements are authorized by the State
246 Board of Education and specified requirements are met;
247 authorizing the state board to sanction and withhold
248 performance funding from a state college for entering
249 into an unauthorized partnership or agreement with a
250 college or university based in a foreign country of
251 concern or with a foreign principal; requiring each
252 state university and state college to annually submit
253 specified information to the Board of Governors and
254 the Department of Education, respectively, by a
255 specified date; requiring the Board of Governors and
256 the department, respectively, to annually submit a
257 report to the Governor and the Legislature by a
258 specified date; providing requirements for the report;
259 requiring the Board of Governors and the State Board
260 of Education to adopt regulations and rules,
261 respectively; amending s. 286.101, F.S.; revising and
262 defining terms; prohibiting a state university or
263 state college, or any employee or representative
264 thereof, from soliciting or accepting a gift from a
265 college or university based in a foreign country of
266 concern or from a foreign principal; requiring the
267 Board of Governors and the State Board of Education to
268 adopt regulations and rules, respectively; amending s.
269 1002.421, F.S.; prohibiting a private school that is
270 owned or operated by a person or entity domiciled in,
271 owned by, or in any way controlled by a foreign
272 country of concern or by a foreign principal from



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participating in an educational scholarship program;
providing an effective date.