

6A-14.097 Foreign Influence

(1) Definitions.

(a) “Affiliate organization” means any entity under the control of or established for the benefit of an organization required to report under this rule, including a direct support organization;

(b) “Agreement” means a written statement of mutual interest in academic or research collaboration;

(c) “Contract” means any agreement for the acquisition by purchase, lease, or barter of property or services by the foreign source, for the direct benefit or use of either of the parties, and any purchase, lease, or barter of property or services from a foreign country of concern as defined in this rule;

(d) “Direct-support organization” has the same meaning as provided in section 1004.70(1), Florida Statutes;

(e) “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 Nicholas Maduro, or the Syrian Arab Republic, including any agency of or any other entity under significant control of such foreign country of concern;

(f) “Foreign government” means the government of any country, nation, or group of nations, or a province or other political subdivision of any country or nation, other than the government of the United States or the government of a state or political subdivision, including any agent of such foreign government;

(g) “Foreign principal” means any of the following:

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. 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;

(h) "Foreign source" means any of the following:

1. A foreign government or an agency of a foreign government;

2. A legal entity, government or otherwise, created solely under the laws of a foreign state or states;

3. An individual who is not a citizen or a national of the United States or a territory or protectorate of the United

States; or

4. An agent, including a subsidiary or an affiliate of a foreign legal entity, acting on behalf of a foreign source.

(i) "Grant" means a transfer of money for a specified purpose, including a conditional gift;

(j) "Partnership" means a faculty or student exchange program, a study abroad program, an articulation program, a recruiting program, or a dual degree program;

(k) "Pledge" means a promise, an agreement, or an expressed intention to give a gift.

(l) "State college" means any postsecondary education institution under the supervision of the State Board of Education, which includes all Florida College System (FCS) institutions and any entity under the control of or established for the benefit of a state college.

(2) Gifts from Foreign Countries of Concern. A state college, or any employee or representative of a state college, may not solicit or accept any gift as defined in section 286.101, Florida Statutes, 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.

(3) Reporting Gifts from Other Foreign Countries. Each state college shall report gifts valued at \$50,000 or more received from a foreign source directly or indirectly during the fiscal year. If a foreign source provides more than one gift in a single fiscal year and the total value of those gifts is \$50,000 or more, all gifts received from that foreign source must be reported. The semi-annual reporting requirement must be made each January 31st and July 31st to the Division of Florida Colleges in a manner prescribed by the Chancellor.

(4) International Cultural Agreements.

(a) Beginning July 1, 2023, a state college, including any entity under the control of or established for the benefit of a 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 without prior approval from the State Board of Education.

(b) Beginning December 1, 2023, a state college, including any entity under the control of or established for the benefit of a state college authorized to expend state-appropriated funds, may not participate in any partnership with any college or university based in a foreign country of concern, or with any foreign principal without prior approval from the State Board of Education.

(c) A state college may, with approval from the State Board of Education, enter into a partnership or 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 of Education 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. To request approval from the State Board of Education, each FCS institution board of trustees must submit a request to the Division of Florida Colleges via email to ChancellorFCS@FLDOE.org at least ninety (90) days prior to the anticipated start date of the agreement or partnership with the following information:

1. Entity with which the state college is entering into an agreement or partnership;
2. Location of the entity reported in (4)(c)1.;
3. Expected start and end date of the agreement or partnership;
4. Purpose and benefits of the agreement or partnership;
5. Any identified risks of the agreement or partnership;
6. Projected number of students, faculty, and staff participating in the agreement or partnership;
7. Estimated budget and source of funds to support the agreement or partnership;
8. Draft of the agreement or partnership, and;
9. Other information as requested by the Chancellor.

(d) Upon review of a complete request submitted by the FCS institution board of trustees in (4)(c), the State Board of Education may grant approval for partnerships or agreements it deems valuable to students and the state college and not detrimental to the safety or security of the United States or its residents.

(e) If a state college enters into a partnership or an agreement with a college or university based in a foreign country of concern or with a foreign principal without approval of the State Board of Education, the Board may withhold additional performance funding to the state college.

(5) Foreign Country of Concern Reporting Requirements. Beginning September 1, 2024, and annually thereafter, each FCS institution board of trustees must submit a report to the Division of Florida Colleges via email

to ChancellorFCS@FLDOE.org relating to all grant programs, agreements, partnerships, and contracts between the state college and any colleges and universities based in a foreign country of concern and foreign principals. For institutions that do not have an agreement, the report shall indicate that no agreement exists. For institutions holding approved agreements, at a minimum, the report must include all of the following information for the previous fiscal year:

(a) A copy of any grant program, agreement, partnership, or contract between the state college and any university or college that is based in a foreign country of concern or a foreign principal.

(b) Data reflecting any office, campus, or physical location used or maintained by the state college in a foreign country of concern or with a foreign principal.

(c) A summary of the activities, communications, and fiscal transactions.

(d) The date on which any such grant program, agreement, partnership, or contract reported pursuant to (5)(a) is expected to terminate.

Rulemaking Authority 286.101, 288.860, 1001.02, 1010.2, FS. Law Implemented 286.101, 288.860, 1010.25, FS.

History—New