

By Senator Baker

20-01022-10

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1                   A bill to be entitled  
2           An act relating to the disclosure of gifts made to  
3           institutions of higher education by a foreign  
4           government, person, or entity; defining terms;  
5           requiring each institution of higher education to  
6           disclose to the Department of Revenue the amount,  
7           terms, restrictions, and requirements made a part of  
8           any gift made to the institution by a foreign  
9           government, person, or entity if the value of the gift  
10          exceeds a specified amount; providing that if a  
11          foreign government, person, or entity makes more than  
12          one gift to the institution in a single fiscal year  
13          and the total value of those gifts exceeds a specified  
14          amount, the institution shall report all of the gifts  
15          received; requiring that the institution report  
16          specified information to the department within a  
17          certain time following the end of the institution's  
18          fiscal year; providing that the information reported  
19          by the institution is a public record; providing for  
20          any reportable gift that is not properly disclosed to  
21          the department to be forfeited to the state; providing  
22          an effective date.

23  
24 Be It Enacted by the Legislature of the State of Florida:

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26           Section 1. Disclosure of gifts made to an institution of  
27 higher education by a foreign government, person, or entity.-

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

29           (a) "Department" means the Department of Revenue.

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30       (b) "Foreign government" means any country, nation, or  
31 group of nations other than the government of the United States  
32 or the government of a state or a political subdivision and  
33 includes an agent of such government.

34       (c) "Foreign entity" means a legal entity created under the  
35 laws of:

36       1. A foreign government, including a foreign corporation,  
37 foreign partnership, foreign trust, or foreign branch of a  
38 domestic corporation; or

39       2. The United States or any state thereof if a majority of  
40 the ownership of the stock of the legal entity is directly or  
41 indirectly owned legally or beneficially by one or more foreign  
42 governments, foreign persons, or legal entities created under  
43 the laws of a foreign government or if a majority of the  
44 membership of the legal entity is composed of foreign persons or  
45 legal entities created under the laws of a foreign government  
46 and includes an agent of such legal entity.

47       (d) "Foreign person" means a person who is not a citizen or  
48 national of the United States or a trust territory or  
49 protectorate of the United States and includes an agent of the  
50 person.

51       (e) "Gift" has the same meaning as in s. 112.312, Florida  
52 Statutes.

53       (f) "Institution of higher education" or "institution"  
54 means a state university, a state community college, or an  
55 independent nonprofit college or university that is located in  
56 and chartered by the state, is accredited by the Commission on  
57 Colleges of the Southern Association of Colleges and Schools,  
58 and grants baccalaureate or higher degrees.

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59       (2) Each institution of higher education shall disclose the  
60 amount, terms, restrictions, and requirements made a part of any  
61 gift given to the institution by a foreign government, foreign  
62 person, or foreign entity if the value of the gift exceeds  
63 \$100,000 during the institution's fiscal year. If the foreign  
64 government, foreign person, or foreign entity makes more than  
65 one gift to the institution in a single fiscal year and if the  
66 total value of those gifts exceeds \$100,000, the institution  
67 shall report all gifts received from the foreign government,  
68 foreign person, or foreign entity.

69       (3) The information required by subsection (2) shall be  
70 delivered to the department no later than 30 days after the last  
71 day of the institution's fiscal year. The information must  
72 include:

73           (a) The amount and the date of the making of the gift.

74           (b) If the gift is conditional, matching, or designated for  
75 a particular purpose, the full details of the conditions,  
76 matching provisions, or designation.

77           (c) The name of the foreign government if the gift is made  
78 by a foreign government or the name of the foreign country in  
79 which a foreign entity or foreign person is principally located  
80 or resides if the gift is made by a foreign entity or foreign  
81 person. The name of the foreign entity must be disclosed if the  
82 gift:

83           1. Contains conditions or restrictions regarding the  
84 control of curricula, employment, or termination of faculty,  
85 admission of students, or student fees; or

86           2. Is contingent upon the agreement of the institution to  
87 take a specific public position or action or to award an

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88 honorary degree.

89 (4) The information disclosed pursuant to this section is a  
90 matter of public record and shall be made available by the  
91 department to the public for review and copying during normal  
92 business hours.

93 (5) Any reportable gift that is not properly disclosed to  
94 the department shall be forfeited to the state.

95 Section 2. This act shall take effect July 1, 2010.