

**FLORIDA BOARD OF GOVERNORS
NOTICE OF PROPOSED REGULATION REPEAL**

DATE: July 26, 2019

REGULATION NUMBER and TITLE: 9.012 Disclosure of Gifts from Foreign Governments and Persons

SUMMARY: Since the creation of Regulation 9.012 in September 2010, only six universities have reported information. Given the total number of donations the universities receive during the course of a year, the number received from foreign individuals is small.

Board staff recommends the repeal of this regulation and to require the universities to maintain this information and provide it upon request, if needed.

FULL TEXT OF THE REGULATION IS INCLUDED WITH THIS NOTICE.

AUTHORITY TO REPEAL REGULATION: Section 7(d), Art. IX, Fla. Const.; BOG Regulation Development Procedure dated March 23, 2006.

THE BOARD OF GOVERNORS' OFFICIAL INITIATING REPEAL OF THE REGULATION: Tim Jones, Vice Chancellor, Finance and Administration

COMMENTS REGARDING THE REPEAL OF THE REGULATION(S) SHOULD BE SUBMITTED WITHIN 14 DAYS OF THE DATE OF THIS NOTICE TO THE CONTACT PERSON IDENTIFIED BELOW. The comments must identify the regulation(s) on which you are commenting:

General Counsel, Board of Governors, State University System, 325 W. Gaines Street, Suite 1614, Tallahassee, Florida 32399, (850) 245-0466 (phone), (850) 245-9685 (fax), or generalcounsel@flbog.edu.

For Repeal

~~9.012 — Disclosure of Gifts from Foreign Governments and Persons~~

~~(1) Each university board of trustees on behalf of any direct support organization shall disclose the amount, terms, restrictions, and requirements made a part of any gift given to a university or direct support organization by a foreign government or foreign person that exceeds \$100,000 during each fiscal year to the Board of Governors, unless otherwise prohibited by law. For purposes of this reporting requirement, if a foreign government or foreign person donates more than one gift to a university or direct support organization in a single fiscal year and the total value of those gifts exceed \$100,000, all gifts received from that government or person shall be disclosed to the Board of Governors annually on September 1.~~

~~(2) The following definitions are applicable for purposes of this regulation:~~

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

~~— (b) “Foreign person” means any person who is not a citizen or national of the United States or a trust territory of the United States, and includes an agent of the person, and any legal entity created under the laws of a foreign government, including a foreign partnership, foreign trust, or foreign corporation.~~

~~(3) For each gift subject to disclosure under this regulation, the university board of trustees on behalf of any direct support organization shall provide the following information, unless otherwise prohibited by law:~~

~~— (a) the amount of the gift and the date received;~~

~~— (b) the name of the foreign government if the gift is made by a foreign government;~~

~~— (c) the name of the foreign country in which a foreign person is principally located or resides if the gift is made by a foreign person; and~~

~~— (d) any terms, restrictions, and requirements made a part of any gift received by a foreign government or person, including any conditions or restrictions regarding the control of curricula, faculty, student admissions or student fees or contingencies placed upon the university or the direct support organization to take a specific public position or to award an honorary degree.~~

Authority: Section (7)(c), Art. IX, Fla. Const., History: New 09-16-10.