

FLORIDA BOARD OF GOVERNORS
NOTICE OF PROPOSED NEW REGULATION

DATE: June 22, 2010

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

SUMMARY: A new regulation is being proposed to require university boards of trustees on behalf of their direct support organizations to annually disclose gifts received from foreign governments or persons in excess of \$100,000. Currently, universities receiving any direct or indirect federal financial assistance are required to disclose all gifts and contracts received from foreign sources in excess of \$250,000, individually or in combination from one source, to the United States Department of Education. Nationally, a growing number of states now require postsecondary institutions to disclose gifts received from foreign sources in excess of \$50,000 or \$100,000. This past session, a bill was proposed in the Legislature that would have required universities to report all gifts received from foreign sources in excess of \$100,000 to the Department of Revenue. Because any reporting obligation is more properly a function of State University System governance, a new regulation is being proposed to capture the information at the system level.

FULL TEXT OF THE REGULATION IS INCLUDED WITH THIS NOTICE.

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

THE BOARD OF GOVERNORS' OFFICIAL INITIATING THE PROPOSED REGULATION: Vikki R. Shirley, General Counsel

COMMENTS REGARDING THE PROPOSED REGULATION SHOULD BE SUBMITTED WITHIN 14 DAYS OF THE DATE OF THIS NOTICE TO THE CONTACT PERSON IDENTIFIED BELOW. The comments must identify the regulation 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@fbog.edu.

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 in the annual accountability report.

(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 and 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 XX-XX-10.