



*Last updated January 17, 2024*

## **Florida SB 846 Explainer**

### ***What is Florida SB 846?***

Florida SB 846, which took effect on July 1, 2023, restricts Florida’s public colleges and universities from “accepting grants from or participating in partnerships or agreements” with individuals or schools from countries identified as “countries of concern,” which include China, Russia, Iran, North Korea, Cuba, Venezuela and Syria.<sup>1</sup>

This restricts the ability of Florida’s public colleges and universities to hire researchers and graduate assistants from these countries. The law provides for an approval process on a case by case basis, where the educational institution is required to submit a form requesting approval. The state Board of Governors must then determine whether the partnership or agreement is (a) valuable to the students and the institution, and (b) not detrimental to the safety or security of the United States or its residents.

### ***Who does this law impact?***

The law restricts the hiring of individuals who are “domiciled” in a “country of concern” and who is not a U.S. citizen or green card holder.<sup>2</sup> For the purposes of the law, “domiciled” means individuals who are physically present in a foreign “country of concern” and who intend on returning to that country.<sup>3</sup>

The Board of Governors’ guidance document explains that the law applies to activities including hiring a individual from a country of concern for “academic, administrative, research purposes, or research scholars,” “[c]ollaborating with a foreign principal on a research project in furtherance of the university’s mission,” “sharing data,” as well as “[l]icensing intellectual property for academic or research purposes” to or from a foreign principal.<sup>4</sup> According to the guidance, the law does not apply to student enrollment.

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<sup>1</sup> Florida S.B. 846 <https://www.flsenate.gov/Session/Bill/2023/846/BillText/er/PDF>.

<sup>2</sup> Florida S.B. 846 <https://www.flsenate.gov/Session/Bill/2023/846/BillText/er/PDF>.

<sup>3</sup> *Activity with Foreign Countries of Concern Guidance Document for State University System Institutions*, State University System of Florida, Board of Governors, October 2023 [https://www.flbog.edu/wp-content/uploads/2023/10/Foreign-Influence-Guidance-Document\\_101923.pdf](https://www.flbog.edu/wp-content/uploads/2023/10/Foreign-Influence-Guidance-Document_101923.pdf). According to the guidance, “Intent is demonstrated by an absence of seeking citizenship in the United States.”

<sup>4</sup> *Activity with Foreign Countries of Concern Guidance Document for State University System Institutions* at 3, [https://www.flbog.edu/wp-content/uploads/2023/10/Foreign-Influence-Guidance-Document\\_101923.pdf](https://www.flbog.edu/wp-content/uploads/2023/10/Foreign-Influence-Guidance-Document_101923.pdf).

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## ***What's at stake?***

This law would chill Florida's public colleges and universities from recruiting and hiring talented international graduate assistants and researchers, many of whom are from China and Iran. At the University of Florida, for example, a significant share of international graduate students are from China,<sup>5</sup> and the law would have an outsized impact on these communities.

In addition, SB 846 restricts scientific collaboration by requiring approval for licensing intellectual property, sharing research data, and collaborating with researchers from the countries of concern. This would have a chilling effect on open science, and could harm scientific innovation and scientific leadership in Florida and the U.S. more broadly.

*If you have any question about SB 846 or would like to learn more, please reach out to AASF's Executive Director, Gisela Perez Kusakawa at [gpkusakawa@asforum.org](mailto:gpkusakawa@asforum.org).*

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<sup>5</sup> Amy Qin, Florida Law Chills Chinese Student Recruitment, N.Y. Times (Dec. 15, 2023) <https://www.nytimes.com/2023/12/15/us/florida-law-chills-chinese-student-recruitment.html>.