MEETING AGENDA
November 10, 2023
10:30 – 11:15 a.m.

Miller Hall
DeVoe L. Moore University Center C
296 Champions Way, Tallahassee, FL, 32304

The agenda will be followed in subsequent order and items may be heard earlier than the scheduled time.

I. Call to Order and Welcome
   Trustee Jorge Gonzalez, Chair

II. Approval of Minutes
   September 7, 2023, meeting minutes

III. Office of Research Updates
    Dr. Stacey Patterson, Vice President for Research

IV. Information Items:
    Information Item I: Legal Background Information for SB 846 and BOG 9.012

V. Open Forum for Trustees

VI. Adjournment
MEETING MINUTES
September 7, 2023
MEETING MINUTES
Thursday, September 7, 2023
12:30 p.m. – 1:45 p.m.
Turnbull Conference Center, Room 214

Attended in Person: Jorge Gonzalez, Justin Roth, Bob Sasser, John Thiel

Absent: Jack Hitchcock

I. Call to Order
Chairman Jorge Gonzalez called the meeting to order at 12:35 pm.

II. Approval of Minutes
The June 15, 2023, Meeting Minutes were approved unanimously.

III. Office of Research Update – Vice President Stacey Patterson
   a. Environmental Health and Safety Overview for Research
      The Committee was introduced to Dr. Megan Sandy who is the new FSU Director for
      Environmental Health and Safety. Dr. Sandy shared the broad responsibilities of her
      group and FSU’s efforts to implement best practices and promote a strong safety culture.
   
   b. Update on Research by the Numbers
      Dr. Patterson then gave an update on research by the numbers. The value of proposals is
      up over 20% in 2023 and awards are up nearly 5% to an all-time high. Research
      expenditures for FY23 will be available by the end of the calendar year, but expectations
      are that they will be up over 10% year over year.
   
   c. New Programs & Talent
      The office of research is launching new programs and investing in recruiting top talent
      and has finalized or is in the final stages of a couple of key hires including an Associate
VP for Strategic Partnerships and Innovation. Fast Start FSU was also launched over the summer.

d. 1st Annual Discovery Days
The Office of Research is leading the 1st ever Discovery Days, October 2-7 to celebrate research, innovation, and creativity at FSU. With more than fifteen events planned, there is something for everyone.

e. FSU Health Update
The Committee was updated on FSU Health and the work of the FSU Health – TMH Transformation Committee. The committee has been working to better understand the priorities and needs of both FSU and TMH and evaluating models of Academic Health Centers. The team is working to identify the best attributes and fit to have significant impact to the region.

IV. Adjournment

Chairman Gonzalez adjourned the meeting at 1:45 pm.
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The 2023 Florida Statutes

Title XLVIII
EARLY LEARNING-20 EDUCATION CODE

Chapter 1010
FINANCIAL MATTERS

View Entire Chapter

1010.35  Screening foreign researchers.—
(1)  Each state university or entity listed in subpart A. or subpart B. of part II of chapter 1004 that receives state appropriations or state tax revenue and has a research budget of $10 million or more must screen applicants seeking employment in research or research-related support positions, graduate and undergraduate students applying for research or research-related support positions, and applicants for positions of visiting researcher who are citizens of a foreign country and who are not permanent residents of the United States, or who are citizens or permanent residents of the United States who have any affiliation with an institution or program, or at least 1 year of prior employment or training, excepting employment or training by an agency of the United States government, in a foreign country of concern as defined in s. 286.101. Such screening is required prior to interviewing such applicant or offering to such applicant a position of employment or of visiting researcher. At the discretion of the university or entity, other applicants for such positions may be screened.

(2)  In addition to satisfying all employment and enrollment qualifications imposed by federal law, the Board of Governors or the governing board of the applicable entity must require the following of applicants included in subsection (1):

(a)  A foreign applicant must submit a complete copy of the applicant’s passport and most recently submitted Online Nonimmigrant Visa Application, DS-160. After extraction of all information relevant to the requirements of this section, a university or entity may destroy or return the copy of the DS-160 submitted by an applicant.

(b)  All applicants described in subsection (1) must submit a complete resume and curriculum vitae, including every institution of higher education attended; all previous employment since the applicant’s 18th birthday; a list of all published material for which the applicant received credit as an author, a researcher, or otherwise or to which the applicant contributed significant research, writing, or editorial support; a list of the applicant’s current and pending research funding from any source, including funder, amount, applicant’s role on the project, and brief description of the research; and a full disclosure of nonuniversity professional activities, including any affiliation with an institution or program in a foreign country of concern. For applicants who have been continually employed or enrolled in a postsecondary education institution in the United States for 20 years or more, the resume may, but need not, include employment history before the most recent 20 years.

(3)  The president or chief administrative officer of the state university or applicable entity shall designate a research integrity office to review all materials required in subsection (2) and take reasonable steps to verify all attendance, employment, publications, and contributions listed in the application required in subsection (2) prior to any interview of or offer of a position to the applicant. Reasonable steps include searching public databases for research publications and presentations and public conflict of interest records to identify any research publication or presentation that may have been omitted from the application, contacting all employers of the most recent 10 years to verify employment, contacting all institutions of higher education attended to verify enrollment and educational progress, searching public listings of persons subject to sanctions or restrictions under federal law, submitting the applicant’s name and other identifying information to the Federal Bureau of Investigation or any federal agency reasonably willing to scrutinize such applicant for national security or counterespionage purposes, and any other steps deemed appropriate to the office. The state university or applicable entity may also direct the
office to approve applicants for hire based on a risk-based determination considering the nature of the research and the background and ongoing affiliations of the applicant.

(4) The requirements of this section must be completed before interviewing or offering any position to an individual described in subsection (1) in any research or research-related support position and before granting such individual any access to research data or activities or other sensitive data. An applicant who must be screened under this section may not be employed in any research or research-related support position if he or she fails to disclose a substantial educational, employment, or research-related activity or publication or presentation at the time of submitting the application required in subsection (2), unless the department head, or a designee, certifies in writing the substance of the nondisclosure and the reasons for disregarding such failure to disclose. A copy of such certification must be kept in the investigative file of the research integrity office and must be submitted to the nearest Federal Bureau of Investigation field office.

(5) The research integrity office must report to the nearest Federal Bureau of Investigation field office, and to any law enforcement agency designated by the Governor or the Board of Governors and the governing board of the applicable entity described in subsection (1), the identity of any applicant who was rejected for employment based on the scrutiny required by this section or other risk-based screening.

(6) By July 1, 2025, the Inspector General of the Board of Governors, the inspector general of an entity described in subsection (1), or the Auditor General must perform an operational audit regarding the implementation of this section.

History.—s. 4, ch. 2021-76.
An act relating to agreements of educational entities with foreign entities; amending s. 288.860, F.S.; defining terms; prohibiting state universities and state colleges from accepting grants from or participating in partnerships or agreements with a college or university based in a foreign country of concern or with a foreign principal unless specified conditions are met; providing an exception; authorizing state universities to enter into partnerships or agreements with a college or university based in a foreign country of concern or with a foreign principal if such partnerships or agreements are approved by the Board of Governors and specified requirements are met; authorizing the board to sanction and withhold performance funding from a state university for entering into an unauthorized partnership or agreement; authorizing state colleges to enter into partnerships or agreements with a college or university based in a foreign country of concern or with a foreign principal if such partnerships or agreements are authorized by the State Board of Education and specified requirements are met; authorizing the state board to sanction and withhold performance funding from a state college for entering into an unauthorized partnership or agreement with a college or university based in a foreign country of concern or with a foreign principal; requiring each state university and state college to annually submit...
specified information to the Board of Governors and
the Department of Education, respectively, by a
specified date; requiring the Board of Governors and
the department, respectively, to annually submit a
report to the Governor and the Legislature by a
specified date; providing requirements for the report;
requiring the Board of Governors and the State Board
of Education to adopt regulations and rules,
respectively; amending s. 286.101, F.S.; revising and
defining terms; prohibiting a state university or
state college, or any employee or representative
thereof, from soliciting or accepting a gift from a
college or university based in a foreign country of
concern or from a foreign principal; requiring the
Board of Governors and the State Board of Education to
adopt regulations and rules, respectively; amending s.
1002.421, F.S.; prohibiting a private school that is
owned or operated by a person or entity domiciled in,
owned by, or in any way controlled by a foreign
country of concern or by a foreign principal from
participating in an educational scholarship program;
providing an effective date.

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

Section 1. Section 288.860, Florida Statutes, is amended to
read:

288.860 International cultural agreements.—
(1) As used in this section, the term:

CODING: Words stricken are deletions; words underlined are additions.
(a) “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 Nicolás Maduro, or the Syrian Arab Republic, including any agency of or any other entity under significant control of such foreign country of concern.

(b) “Foreign principal” means:

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. For purposes of this subparagraph, 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.

(c) “Partnership” means a faculty or student exchange program, a study abroad program, an articulation program, a
recruiting program, or a dual degree program.

(d) "Political subdivision" has the same meaning as in s. 1.01(8) and includes any entity under the control of or established for the benefit of the political subdivision.

(e) "Public school" means any education institution under the supervision of a school district and any entity under the control of or established for the benefit of a public school or school district.

(f) "State agency" means any agency or unit of state government created or established by law and any entity under the control of or established for the benefit of a state agency.

(g) "State college" means any postsecondary education institution under the supervision of the State Board of Education, including any entity under the control of or established for the benefit of a state college.

(h) "State university" means any state university under the supervision of the Board of Governors, including any entity under the control of or established for the benefit of a state university.

(2) A state agency, political subdivision, or public school, state college, or state university authorized to expend state-appropriated funds or levy ad valorem taxes may not participate in any agreement with or accept any grant from a foreign country of concern, or any entity controlled by a foreign country of concern, which:

(a) Constrains the freedom of contract of such public entity;

(b) Allows the curriculum or values of a program in the state to be directed or controlled by the foreign country of concern, or any entity controlled by a foreign country of concern.
(c) Promotes an agenda detrimental to the safety or security of the United States or its residents. Before Prior to the execution of any cultural exchange agreement with a foreign country of concern, the substance of the agreement must shall be shared with federal agencies concerned with protecting national security or enforcing trade sanctions, embargoes, or other restrictions under federal law. If such federal agency provides information suggesting that such agreement promotes an agenda detrimental to the safety or security of the United States or its residents, the public entity may not enter into the agreement.

(3)(a) For the purposes of this subsection only, the term “agreement” means a written statement of mutual interest in academic or research collaboration.

(b) Beginning July 1, 2023, a state university or 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, except as specified in paragraphs (d) and (e).

(c) Beginning December 1, 2023, a state university or state college authorized to expend state-appropriated funds may not accept any grant from or participate in any partnership with any college or university based in a foreign country of concern, or with any foreign principal, except as specified in paragraphs (d) and (e).

(d) A state university may, upon approval by the Board of Governors, enter into a partnership or an 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 board to be valuable to students and the state university and is not detrimental to the safety or security of the United States or its residents. A partnership or an agreement approved under this paragraph must meet the other relevant requirements of this section.

1. The board shall exercise the authority provided pursuant to s. 1008.322 to sanction a state university pursuant to subparagraph 2. which, without approval of the board, enters into a partnership or an agreement with a college or university based in a foreign country of concern, or with a foreign principal.

2. The board may withhold additional performance funding from a state university that, without approval from the board, enters into a partnership or an agreement with a college or university based in a foreign country of concern, or with a foreign principal. The funds must be deposited into the General Revenue Fund.

(e) A state college may, upon approval by the State Board of Education, enter into a partnership or an 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 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. A partnership or an agreement approved under this paragraph must meet the requirements of this section.

1. Beginning July 1, 2023, the state board shall exercise
the authority provided pursuant to s. 1008.32 to sanction a
state college pursuant to subparagraph 2. which, without
approval from the state board, enters into a partnership or an
agreement with a college or university based in a foreign
country of concern, or with a foreign principal.

2. The state board may withhold additional performance
funding from a state college that, without approval from the
state board, enters into a partnership or an agreement with a
college or university based in a foreign country of concern, or
with a foreign principal. The funds must be deposited into the
General Revenue Fund. The state board may administratively
enforce this section.

(f) By December 1, 2024, and each December 1 thereafter,
the Board of Governors and the Department of Education,
respectively, shall submit a report to the Governor, the
President of the Senate, and the Speaker of the House of
Representatives relating to partnerships and agreements of state
universities and state colleges, respectively, with colleges and
universities based in a foreign country of concern and with
foreign principals. At a minimum, the report must include the
following information for the previous fiscal year:

1. Data reflecting any grant program, agreement,
partnership, or contract between a state university or state
college and any college or university based in a foreign country
of concern, or with a foreign principal.

2. Data reflecting any office, campus, or physical location
used or maintained by a state university or state college in a
foreign country of concern, or with a foreign principal.

3. The date on which any such grant program, agreement,
partnership, or contract reported pursuant to subparagraph 1. is expected to terminate.

(g) The Board of Governors and the State Board of Education shall adopt regulations and rules, respectively, to administer this subsection.

(4) A state agency, political subdivision, public school, state college, or state university may not accept anything of value conditioned upon participation in a program or other endeavor to promote the language or culture of a foreign country of concern.

(5) For the 2022-2023 fiscal year, notwithstanding subsection (2), a state agency, political subdivision, public school, state college, or state university may not enter into any agreement with or accept any grant from the Russian Federation. This subsection expires July 1, 2023.

Section 2. Paragraph (h) of subsection (1) of section 286.101, Florida Statutes, is amended, paragraphs (i) and (j) are added to that subsection, and subsection (10) is added to that section, to read:

286.101 Foreign gifts and contracts.—

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

(h) “State agency” means any agency or unit of state government created or established by law. For the purposes of this section only, the term does not include a state university or a state college.

(i) “State college” means any postsecondary educational institution under the supervision of the State Board of Education, including any entity under the control of or established for the benefit of a state college.
(j) “State university” means any state university under the supervision of the Board of Governors, including any entity under the control of or established for the benefit of a state university.

(10)(a) A state university or state college, or any employee or representative of a state university or state college, may not solicit or accept any gift 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 as those terms are defined in s. 288.860.

(b) The Board of Governors and the State Board of Education shall adopt regulations and rules, respectively, to administer this subsection.

Section 3. Paragraph (s) is added to subsection (1) of section 1002.421, Florida Statutes, to read:

1002.421 State school choice scholarship program accountability and oversight.—

(1) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—A private school participating in an educational scholarship program established pursuant to this chapter must be a private school as defined in s. 1002.01(2) in this state, be registered, and be in compliance with all requirements of this section in addition to private school requirements outlined in s. 1002.42, specific requirements identified within respective scholarship program laws, and other provisions of Florida law that apply to private schools, and must:

(s) Not be owned or operated by a person or an entity domiciled in, owned by, or in any way controlled by a foreign
country of concern or foreign principal as defined in s. 288.860. A violation of this paragraph constitutes an imminent threat to the health, safety, and welfare of the school’s students and to the public, sufficient to justify immediate suspension of payment of scholarship funds under paragraph (3)(e), as well as denial, suspension, or revocation of a school’s participation in a scholarship program under paragraph (3)(b).

The department shall suspend the payment of funds to a private school that knowingly fails to comply with this subsection, and shall prohibit the school from enrolling new scholarship students, for 1 fiscal year and until the school complies. If a private school fails to meet the requirements of this subsection or has consecutive years of material exceptions listed in the report required under paragraph (q), the commissioner may determine that the private school is ineligible to participate in a scholarship program.

Section 4. This act shall take effect July 1, 2023.
The 2023 Florida Statutes

Title XIX
PUBLIC BUSINESS

Chapter 288
COMMERCIAL DEVELOPMENT AND CAPITAL IMPROVEMENTS

288.860  International cultural agreements.—

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

(a) "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 Nicolás Maduro, or the Syrian Arab Republic, including any agency of or any other entity under significant control of such foreign country of concern.

(b) "Foreign principal" means:

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. For purposes of this subparagraph, 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.

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

(d) "Political subdivision" has the same meaning as in s. 1.01(8) and includes any entity under the control of or established for the benefit of the political subdivision.

(e) "Public school" means any education institution under the supervision of a school district and any entity under the control of or established for the benefit of a public school or school district.

(f) "State agency" means any agency or unit of state government created or established by law and any entity under the control of or established for the benefit of a state agency.

(g) "State college" means any postsecondary education institution under the supervision of the State Board of Education, including any entity under the control of or established for the benefit of a state college.

(h) "State university" means any state university under the supervision of the Board of Governors, including any entity under the control of or established for the benefit of a state university.

(2) A state agency, political subdivision, or public school authorized to expend state-appropriated funds or levy ad valorem taxes may not participate in any agreement with or accept any grant from a foreign country of concern, or any entity controlled by a foreign country of concern, which:

(a) Constrains the freedom of contract of such public entity;

(b) Allows the curriculum or values of a program in the state to be directed or controlled by the foreign country of concern; or
(c) Promotes an agenda detrimental to the safety or security of the United States or its residents. Before the execution of any cultural exchange agreement with a foreign country of concern, the substance of the agreement must be shared with federal agencies concerned with protecting national security or enforcing trade sanctions, embargoes, or other restrictions under federal law. If such federal agency provides information suggesting that such agreement promotes an agenda detrimental to the safety or security of the United States or its residents, the public entity may not enter into the agreement.

(3)(a) For the purposes of this subsection only, the term “agreement” means a written statement of mutual interest in academic or research collaboration.

(b) Beginning July 1, 2023, a state university or 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, except as specified in paragraphs (d) and (e).

(c) Beginning December 1, 2023, a state university or state college authorized to expend state-appropriated funds may not accept any grant from or participate in any partnership with any college or university based in a foreign country of concern, or with any foreign principal, except as specified in paragraphs (d) and (e).

(d) A state university may, upon approval by the Board of Governors, enter into a partnership or an 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 board to be valuable to students and the state university and is not detrimental to the safety or security of the United States or its residents. A partnership or an agreement approved under this paragraph must meet the other relevant requirements of this section.

1. The board shall exercise the authority provided pursuant to s. 1008.322 to sanction a state university pursuant to subparagraph 2. which, without approval of the board, enters into a partnership or an agreement with a college or university based in a foreign country of concern, or with a foreign principal.

2. The board may withhold additional performance funding from a state university that, without approval from the board, enters into a partnership or an agreement with a college or university based in a foreign country of concern, or with a foreign principal. The funds must be deposited into the General Revenue Fund.

(e) A state college may, upon approval by the State Board of Education, enter into a partnership or an 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 board 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. A partnership or an agreement approved under this paragraph must meet the requirements of this section.

1. Beginning July 1, 2023, the state board shall exercise the authority provided pursuant to s. 1008.32 to sanction a state college pursuant to subparagraph 2. which, without approval from the state board, enters into a partnership or an agreement with a college or university based in a foreign country of concern, or with a foreign principal.

2. The state board may withhold additional performance funding from a state college that, without approval from the state board, enters into a partnership or an agreement with a college or university based in a foreign country of concern, or with a foreign principal. The funds must be deposited into the General Revenue Fund. The state board may administratively enforce this section.

(f) By December 1, 2024, and each December 1 thereafter, the Board of Governors and the Department of Education, respectively, shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives relating to partnerships and agreements of state universities and state colleges, respectively, with colleges and universities based in a foreign country of concern and with foreign principals. At a minimum, the report must include the following information for the previous fiscal year:

1. Data reflecting any grant program, agreement, partnership, or contract between a state university or state college and any college or university based in a foreign country of concern, or with a foreign principal.

2. Data reflecting any office, campus, or physical location used or maintained by a state university or state college in a foreign country of concern, or with a foreign principal.

3. The date on which any such grant program, agreement, partnership, or contract reported pursuant to subparagraph 1. is expected to terminate.
(g) The Board of Governors and the State Board of Education shall adopt regulations and rules, respectively, to administer this subsection.

(4) A state agency, political subdivision, public school, state college, or state university may not accept anything of value conditioned upon participation in a program or other endeavor to promote the language or culture of a foreign country of concern.

(5) For the 2022-2023 fiscal year, notwithstanding subsection (2), a state agency, political subdivision, public school, state college, or state university may not enter into any agreement with or accept any grant from the Russian Federation. This subsection expires July 1, 2023.

History.—s. 2, ch. 2021-76; s. 96, ch. 2022-157; s. 1, ch. 2023-34.
The 2023 Florida Statutes

Title XIX  PUBLIC BUSINESS
Chapter 286  PUBLIC BUSINESS: MISCELLANEOUS PROVISIONS

286.101  Foreign gifts and contracts.—

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

(a) “Contract” means any agreement for the direct benefit or use of any party to such agreement, including an agreement for the sale of commodities or services.

(b) “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 Nicolás Maduro, or the Syrian Arab Republic, including any agency of or any other entity under significant control of such foreign country of concern.

(c) “Foreign government” means the government of any country, nation, or group of nations, or any 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.

(d) “Foreign source” means any of the following:
   1. A foreign government or an agency of a foreign government.
   2. A legal entity, governmental 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.
   4. An agent, including a subsidiary or an affiliate of a foreign legal entity, acting on behalf of a foreign source.

(e) “Gift” means any transfer of money or property from one entity to another without compensation.

(f) “Grant” means a transfer of money for a specified purpose, including a conditional gift.

(g) “Interest” in an entity means any direct or indirect investment in or loan to the entity valued at 5 percent or more of the entity’s net worth or any form of direct or indirect control exerting similar or greater influence on the governance of the entity.

(h) “State agency” means any agency or unit of state government created or established by law. For the purposes of this section only, the term does not include a state university or a state college.

(i) “State college” means any postsecondary educational institution under the supervision of the State Board of Education, including any entity under the control of or established for the benefit of a state college.

(j) “State university” means any state university under the supervision of the Board of Governors, including any entity under the control of or established for the benefit of a state university.

(2) Any state agency or political subdivision that receives directly or indirectly any gift or grant with a value of $50,000 or more from any foreign source shall disclose such gift or grant to the Department of Financial Services within 30 days after receiving such gift or grant. Such disclosure shall include the date of the gift or grant, the amount of the gift or grant, and the name and country of residence or domicile of the foreign source. Disclosure is not required if such gift or grant is disclosed under s. 1010.25.

(3)(a) Any entity that applies to a state agency or political subdivision for a grant or proposes a contract having a value of $100,000 or more shall disclose to the state agency or political subdivision any current or prior interest of, any contract with, or any grant or gift received from a foreign country of concern if such interest, contract, or grant or gift has a value of $50,000 or more and such interest existed at any time or such contract or grant or gift was received or in force at any time during the previous 5 years. Such disclosure shall include the name and mailing
address of the disclosing entity, the amount of the contract or grant or gift or the value of the interest disclosed, the applicable foreign country of concern and, if applicable, the date of termination of the contract or interest, the date of receipt of the grant or gift, and the name of the agent or controlled entity that is the source or interest holder. Within 1 year before applying for any grant or proposing any contract, such entity must provide a copy of such disclosure to the Department of Financial Services.

(b) Disclosure under this subsection is not required with respect to:
1. A proposal to sell commodities through the online procurement program established pursuant to s. 287.057(22);
2. A proposal to sell commodities to a university pursuant to Board of Governors Regulation 18.001;
3. An application or proposal from an entity that discloses foreign gifts or grants under subsection (2) or s. 1010.25;
4. An application or proposal from a foreign source that, if granted or accepted, would be disclosed under subsection (2) or s. 1010.25; or
5. An application or proposal from a public or not-for-profit research institution with respect to research funded by any federal agency.

(c) A disclosure published online pursuant to subsection (5) is deemed disclosed to every state agency and political subdivision for purposes of paragraph (a). From the time a disclosure is made under paragraph (a) through the term of any awarded state grant or contract, the entity must revise its disclosure within 30 days after entering into a contract with or receiving a grant or gift from a foreign country of concern or within 30 days after the acquisition of any interest in the entity by a foreign country of concern.

(4) At least once every 5 years, the Department of Management Services shall screen each vendor of commodities participating in the online procurement system if such vendor has the capacity to fill an order of $100,000 or more. Screening must be conducted through federal agencies responsible for identifying persons and organizations subject to trade sanctions, embargoes, or other restrictions under federal law. If a vendor is identified as being subject to any such sanctions, embargoes, or other restrictions, the vendor must make the disclosures required under subsection (3) until such restriction expires. A notification regarding the applicability of the disclosure requirement in subsection (3) to the vendor must be included on the online procurement system when applicable. The Department of Management Services must ensure that purchasers through the online procurement system may easily access all disclosures made by vendors participating in the system.

(5) The Department of Financial Services must establish and maintain an Internet website to publish the disclosures required under this section. The Department of Financial Services may establish an online system for making such disclosures. The Department of Management Services may coordinate with the Department of Financial Services to establish the online system.

(6)(a) Upon receiving a referral from an inspector general or other compliance officer of a state agency or political subdivision or any sworn complaint based upon substantive information and reasonable belief, the Department of Financial Services must investigate an allegation of a violation of this section.

(b) The Department of Financial Services, an inspector general, or any other agent or compliance officer authorized by a state agency or political subdivision may request records relevant to any reasonable suspicion of a violation of this section. An entity must provide the required records within 30 days after such request or at a later time agreed to by the investigating state agency or political subdivision.

(7)(a) Failure to make a disclosure required under this section or failure to provide records requested under paragraph (6)(b) constitutes a civil violation punishable upon a final order of the Department of Financial Services by an administrative fine of $5,000 for a first violation or $10,000 for any subsequent violation.

(b) In addition to any fine assessed under paragraph (a), a final order determining a third or subsequent violation by a state agency or political subdivision must include a determination of the identity of the officer responsible for acceptance of the undisclosed grant or gift. Such order must also include a referral by the Department of Financial Services to the Governor or other officer authorized to suspend or remove the officer responsible for acceptance of the undisclosed grant or gift from public office. A copy of such referral must be
provided to the President of the Senate and the Speaker of the House of Representatives for oversight of such suspension and removal authority.

(c) In addition to any fine assessed under paragraph (a), a final order determining a third or subsequent violation by an entity other than a state agency or political subdivision shall automatically disqualify the entity from eligibility for any grant or contract funded by a state agency or any political subdivision until such ineligibility is lifted by the Administration Commission for good cause. The Department of Financial Services shall include and maintain an active and current list of such ineligible entities on the Internet website maintained under subsection (5).

(8) Information disclosed under subsections (2) and (3) is not confidential or exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(9)(a) The Department of Management Services may adopt rules necessary to carry out its responsibilities under this section. The rules may identify the federal agencies to be consulted under subsection (4) and the procedure for notifying a vendor of the disclosure requirements under this section when applicable. The Department of Management Services may also adopt rules providing for the application of this section to the online procurement system.

(b) The Department of Financial Services may adopt rules necessary to carry out its responsibilities under this section.

(c) Any rules necessary to implement this section must be published by December 31, 2021, unless the applicable department head certifies in writing that a delay is necessary and the date by which the proposed rules will be published. Such certification must be published in the Florida Administrative Register and a copy provided to the Joint Administrative Procedures Committee.

(10)(a) A state university or state college, or any employee or representative of a state university or state college, may not solicit or accept any gift 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 as those terms are defined in s. 288.860.

(b) The Board of Governors and the State Board of Education shall adopt regulations and rules, respectively, to administer this subsection.

History.—s. 1, ch. 2021-76; s. 2, ch. 2023-34.
9.012 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 regulation, including a direct support organization;
   (b) “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 or property or services from a foreign country of concern as defined in this regulation;
   (c) “Direct-support organization” has the same meaning as provided in section 1004.28(1)(a), Florida Statutes;
   (d) “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;
   (e) “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;
   (f) “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;
   (g) “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; and
      4. An agent, including a subsidiary or an affiliate of a foreign legal entity, acting on behalf of a foreign source.
   (h) “Grant” means a transfer of money for a specified purpose, including a
conditional gift;

(i) “Institution of higher education” means a state university, an entity listed in subpart B of part II of chapter 1004, Florida Statutes, that has its own governing board, or an affiliate organization of such university or entity;

(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.

(2) Gifts from Foreign Countries of Concern
The university, or any employee or representative of the university, 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) Gift Reporting
Each institution of higher education shall report gifts, as defined in section 1010.25, Florida Statutes, 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 Board of Governors in a manner prescribed by the Chancellor.

(4) Research Integrity Office
Each institution of higher education must designate a Research Integrity Office.

(5) Screening Foreign Researchers
   (a) The screening requirements in this subparagraph are applicable to state universities and entities in subparts A and B of part II, chapter 1004, Florida Statutes, that receive state appropriations or state tax revenue and have a research budget of $10 million or more (“screening entities”).

   (b) Each screening entity must screen applicants who are citizens of a foreign country and who are not permanent residents of the United States, or who are citizens or permanent residents of the United States who have any affiliation with an institution or program, or at least 1 year of prior employment or training, excepting employment or training by an agency of the United States government, in a foreign country of concern, who are seeking the following positions:
       1. Employment in research or research-related support positions, including graduate and undergraduate students seeking such positions; or
       2. Employment as a visiting researcher.

   (c) Each Research Integrity Office shall take reasonable steps to verify all attendance, employment, publications, and contributions listed in the application
required prior to any interview or offer of a position to the applicant. Screening entities may also direct the Research Integrity Office to approve applicants for hire based on a risk-based determination considering the nature of the research and the background and ongoing affiliations of the applicant. (d) Screening requirements must be completed before granting such individual any access to research data or activities or other sensitive data. (e) An applicant who must be screened under this regulation may not be employed in any research or research-related support position if he or she fails to disclose a substantial educational, employment, or research-related activity or publication or presentation at the time of submitting the application required, unless the department head, or a designee, certifies in writing the substance of the nondisclosure and the reasons for disregarding such failure to disclose. (f) The Research Integrity Office must report to the nearest Federal Bureau of Investigation field office, and to any law enforcement agency designated by the Governor or Board of Governors, the identity of any applicant who was rejected for employment based on the scrutiny required by this regulation or other risk-based screening.

(6) Foreign Travel by Research Institutions
(a) By January 1, 2022, each screening entity as defined in subparagraph (5)(a) above must establish an international travel approval and monitoring program. The program must require the following.
1. Preapproval and screening by the Research Integrity Office for any employment-related foreign travel and employment-related foreign activities engaged in by all faculty, researchers, and research department staff.
2. Preapproval by the Research Integrity Office must be conditioned upon the applicant’s review and written or electronic acknowledgement of guidance published by the employing entity.
3. Preapproval must be based on the binding commitment of the individual traveler not to violate the entity’s limitation on travel and activities abroad and to obey all applicable federal laws.
4. Records associated with foreign travel subject to this regulation shall be retained by the university for at least 3 three years or any longer period of time required by any other applicable state or federal law.
5. Each screening entity must provide annually to the Board of Governors, or to the governing board of the applicable screening entity for entities listed in subparts A and B of part II of chapter 1004, a report of foreign travel to countries of concern listing individual travelers, foreign locations visited, and foreign institutions visited, by July 31st in a manner prescribed by the Chancellor.

(7) University Audit Resources
(a) By July 1, 2025, the chief audit executive for the screening entities defined in subparagraph (5) above must perform an operational audit of the entities’ compliance with the university foreign researchers and travel screening requirements.
(8) International Cultural Agreements
For purposes of this section only, “Agreement” means a written statement of mutual interest in academic or research collaboration.

(a) Beginning July 1, 2023, a state university, including any entity under the control of or established for the benefit of a state university, authorized to expend state-appropriated funds may not accept any grant from or participate in any new or renewed agreement with any college or university based in a foreign country of concern, or with any foreign principal without approval from the Board of Governors.

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

(c) A university may, with approval from the Board of Governors, enter into a new or renewed 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 Board to be valuable to students and the state university and is not detrimental to the safety or security of the United States or its residents. A university is not permitted to enter into a new or renewed agreement or partnership until final approval by the Board of Governors. The new or renewed partnership or agreement being considered for approval by the Board of Governors must be consistent with relevant portions of section 288.860, Florida Statutes. To request approval from the Board of Governors, each university board of trustees must submit a request to the Board office with the following information.

1. Entity with which the university is entering into an agreement or partnership
2. Location of the entity reported in (8)(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 university staff participating in the agreement or partnership
7. Estimated budget and source of funds to support the agreement or partnership
8. Other information as requested by the Chancellor

(d) Upon review of the request submitted by the university boards of trustees in (8)(c), the Board may grant approval for the new or renewed partnerships or agreements deemed to be valuable to students and the state university so long as the partnerships or agreements are not detrimental to the safety or security of the United States or its residents. If a university enters or renews a partnership or an agreement with a college or university based in a foreign country of concern or with a foreign principal without the approval of the Board, the Board may withhold additional performance funding to the university.

(e) Prior approval from the Board is not required for partnerships established
through approved programs operated by organizations of the federal government.

(9) Foreign Country of Concern Reporting Requirements
Beginning in 2024 and annually thereafter, each state university board of trustees must submit a report to the Board of Governors for approval relating to all grant programs, agreements, partnerships, and contracts between the state university and any colleges and universities based in a foreign country of concern and foreign principals. At a minimum, the report must include the following information for the previous fiscal year.

(a) Data reflecting any grant program, agreement, partnership, or contract between the state university 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 university in a foreign country of concern or with a foreign principal.

(c) The date on which any such grant program, agreement, partnership, or contract reported pursuant to (9)(a) is expected to terminate.

Background

In May 2023, the Florida legislature amended section 288.860, Florida Statutes, which outlines requirements for participating in partnerships, agreements, or receiving grants from foreign countries of concern. The amended statute specifies that any state university authorized to expend state-appropriated funds may not accept any grant from or participate in any partnership with any foreign principal based in a foreign country of concern without the approval of the Board of Governors. The Board may approve partnerships or agreements deemed valuable to students and the state university and are not detrimental to the safety or security of the United States or its residents. This guidance document and process applies to any agreements starting or renewed after July 1, 2023, and any partnerships or grants starting or renewed after December 1, 2023.

The Board of Governors amended Board Regulation 9.012, Foreign Influence, to align with the new statutory requirements. This document serves as additional guidance for Board Regulation 9.012, Foreign Influence. In addition to outlining the process of seeking the Board of Governors’ approval, this document provides examples of activities that would or would not require the Board of Governors’ approval.

Additional Definitions

**Domicile:** For purposes of this guidance document, domicile is defined as a physical presence in a foreign country of concern with an intent to return thereto. Intent is demonstrated by an absence of seeking citizenship in the United States.
**Reporting Requirements**

**Board of Governors’ Approval**

Institutions seeking approval to engage in certain activities with foreign countries of concern must complete a Request to Enter into Activity with a Foreign Country of Concern form. The form must be approved by the university Board of Trustees before approval. If the request is submitted four weeks before the Board meeting, the Board will consider it at its next meeting. Otherwise, the Board will consider the request at the following meeting. **To submit a request, email ForeignActivity@flbog.edu** with the completed form. See the flow chart below and examples of activities for additional information.

**Annual Reporting**

In addition, institutions will submit an annual report to the Board of Governors **beginning October 1, 2024** detailing agreements and partnerships with foreign countries of concern. The annual report will be submitted through the Data Request System using a template approved by the Chancellor. The annual report will cover the prior fiscal year and must include general information on the agreement, partnership, or grant, any related locations in a foreign country of concern, and when the agreement, partnership, or grant will terminate.
**Examples of Activities**

The table below provides examples of activities with foreign countries of concern that do and do not require the Board of Governors’ approval.

<table>
<thead>
<tr>
<th>Activity with Foreign Countries of Concern</th>
<th>Require Board of Governors’ Approval</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hiring a foreign principal for academic, administrative, research purposes, or research scholars*</td>
<td>Yes</td>
</tr>
<tr>
<td>Hiring an individual who has worked at an institution in a foreign country of concern</td>
<td>No</td>
</tr>
<tr>
<td>Enrolling a student from a foreign country of concern</td>
<td>No</td>
</tr>
<tr>
<td>Collaborating with a foreign principal on a research project in furtherance of the university’s mission</td>
<td>Yes</td>
</tr>
<tr>
<td>Sharing data with a foreign principal</td>
<td>Yes</td>
</tr>
<tr>
<td>Engaging in a student exchange program in a foreign country of concern</td>
<td>Yes</td>
</tr>
<tr>
<td>Partnerships facilitated by third-party providers on behalf of State University System institutions</td>
<td>Yes</td>
</tr>
<tr>
<td>Licensing intellectual property for academic or research purposes from a foreign principal</td>
<td>Yes</td>
</tr>
<tr>
<td>Licensing intellectual property for academic or research purposes to a foreign principal</td>
<td>Yes</td>
</tr>
<tr>
<td>Obtaining commodities originally from foreign countries of concern but stored in repositories not in foreign countries of concern</td>
<td>No</td>
</tr>
</tbody>
</table>

*Administrator is defined in Board of Governors Regulation 9.006, University Personnel Definitions and Compensation.*
Approval Process for Engaging with Foreign Countries of Concern

Step 1
• Determine the terms of the partnership or agreement

Step 2
• Consult with university general counsel to determine if the activity requires Board of Governor's approval

Step 3
• Complete Request to enter into Activity with a Foreign Country of Concern form

Step 4
• Receive approval from the university board of trustees

Step 5
• Submit the form to ForeignActivity@flbog.edu no later than four weeks before the next Board of Governor's meeting
  • Meeting dates are on the Board website

Step 6
• Respond to any Board staff questions or requested clarifications

Step 7
• The Board of Governors will consider the request for approval at its next meeting

Step 8
• If approved, the institution may move forward with the agreement or partnership
  • The partnership or agreement must be included in the annual report
State University System of Florida Board of Governors
REQUEST TO ENTER INTO ACTIVITY WITH A FOREIGN COUNTRY OF CONCERN
In accordance with Board of Governors Regulation 9.012
(Please do not revise this proposal format without prior approval from Board staff)

<table>
<thead>
<tr>
<th>Institution Submitting Request</th>
<th>Name/Title of Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Proposed Activity Type**
- [ ] Agreement (A written statement of mutual interest in academic or research collaboration)
- [ ] Partnership (Faculty or student exchange program, a study abroad program, an articulation program, a recruiting program, or a dual degree program)
- [ ] Grant (A transfer of money for a specified purpose, including a conditional gift)

<table>
<thead>
<tr>
<th>Name of Foreign Principal</th>
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</table>

<table>
<thead>
<tr>
<th>Location of Foreign Principal (Country)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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</tbody>
</table>

**Expected Start Date of Activity**
(Expected start date must not precede Board of Governor’s approval date. Please allow ample time for the approval process. Contact Board staff if you have any questions regarding this.)

<table>
<thead>
<tr>
<th>Expected End Date of Activity</th>
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<tbody>
<tr>
<td></td>
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</table>

The appropriate parties at the institution have approved the submission of this request. The university will not engage in the requested agreement, partnership, and/or grant prior to Board of Governor’s approval.

<table>
<thead>
<tr>
<th>Date Approved by University Board of Trustees</th>
<th>Provost or Designee</th>
<th>Date</th>
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<table>
<thead>
<tr>
<th>Board of Trustee’s Chair Signature</th>
<th>Date</th>
<th>President’s Signature</th>
<th>Date</th>
</tr>
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</table>
Confidentiality Statement
Per section 1004.22, Florida Statutes, materials that relate to methods of manufacture or production, potential trade secrets, potentially patentable material, actual trade secrets, business transactions, or proprietary information received, generated, ascertained, or discovered during the course of research conducted within the state universities shall be confidential and exempt from the provisions of section 119.07(1), Florida Statutes, except that a division of sponsored research shall make available upon request the title and description of a research project, the name of the researcher, and the amount and source of funding provided for such project.

Description of Activity *(500 words maximum)*
Please complete and submit the information below.

A. Describe the proposed agreement, partnership, or grant under consideration within a few paragraphs, including the following information.
   - The agreement’s, partnership’s, or grant’s overall purpose
   - Expected benefits to the students and institution from the agreement, partnership, or grant
   - Any identified risks to the safety or security of the United States and its residents from the agreement, partnership, or grant

Please enter the description of the activity in this text box.
B. Complete the below table with as much applicable data as available for the agreement. When estimating the totals, please provide the total estimate for all years of the agreement or partnership as outlined on page 1 of this application.

<table>
<thead>
<tr>
<th>Student &amp; Personnel Information</th>
<th>Number of Participating Students</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
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<tr>
<td>Number of Participating Institution Employees, Including Faculty</td>
<td></td>
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<tr>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Financial Information</th>
<th>Cost of the Agreement/Partnership/Grant to the Institution, if any</th>
<th>$</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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</table>

|                       | Amount of Research Funding to the Institution from the Agreement/Partnership/Grant | $ |
|                       |                                                               |    |

<table>
<thead>
<tr>
<th>Source(s) of Funding</th>
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