

By Senator Collins

14-01246B-25

20251538\_\_

1                   A bill to be entitled  
2           An act relating to contracting with foreign countries  
3           of concern; amending s. 287.138, F.S.; removing the  
4           definition of the term "controlling interest";  
5           prohibiting governmental entities from entering into  
6           certain contracts for products with governments of  
7           foreign countries of concern if such governments have  
8           specific ownership interests in those products;  
9           requiring certain entities that bid or propose to  
10          provide goods or services to sign a certain affidavit;  
11          removing provisions that prohibit governmental  
12          entities from entering into or renewing specified  
13          contracts with certain entities if doing so would give  
14          access to personal identifying information; amending  
15          s. 316.0078, F.S.; conforming provisions to changes  
16          made by the act; providing an effective date.

17  
18 Be It Enacted by the Legislature of the State of Florida:

19  
20           Section 1. Section 287.138, Florida Statutes, is amended to  
21           read:

22           287.138 Contracting with entities of foreign countries of  
23           concern prohibited.—

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

25           ~~(a) "Controlling interest" means possession of the power to~~  
26           ~~direct or cause the direction of the management or policies of a~~  
27           ~~company, whether through ownership of securities, by contract,~~  
28           ~~or otherwise. A person or entity that directly or indirectly has~~  
29           ~~the right to vote 25 percent or more of the voting interests of~~

14-01246B-25

20251538\_\_

30 ~~the company or is entitled to 25 percent or more of its profits~~  
31 ~~is presumed to possess a controlling interest.~~

32 ~~(a)~~ (b) "Department" means the Department of Management  
33 Services.

34 ~~(b)~~ (e) "Foreign country of concern" means the People's  
35 Republic of China, the Russian Federation, the Islamic Republic  
36 of Iran, the Democratic People's Republic of Korea, the Republic  
37 of Cuba, the Venezuelan regime of Nicolás Maduro, or the Syrian  
38 Arab Republic, including any agency of or any other entity of  
39 significant control of such foreign country of concern.

40 ~~(c)~~ (d) "Governmental entity" means any state, county,  
41 district, authority, or municipal officer, department, division,  
42 board, bureau, commission, or other separate unit of government  
43 created or established by law including, but not limited to, the  
44 Commission on Ethics, the Public Service Commission, the Office  
45 of Public Counsel, and any other public or private agency,  
46 person, partnership, corporation, or business entity acting on  
47 behalf of any public agency.

48 (2) A governmental entity may not ~~knowingly~~ enter into a  
49 contract for services or to procure or purchase computers,  
50 printers, or interoperable or videoconferencing devices or  
51 services if the government of a foreign country of concern has  
52 an ownership interest in the manufacturer, bidder, or offeror,  
53 or any subsidiary or parent entity of the manufacturer, bidder,  
54 or offeror of such equipment, devices, or services ~~with an~~  
55 ~~entity which would give access to an individual's personal~~  
56 ~~identifying information if:~~

57 ~~(a) The entity is owned by the government of a foreign~~  
58 ~~country of concern;~~

14-01246B-25

20251538\_\_

59 ~~(b) The government of a foreign country of concern has a~~  
60 ~~controlling interest in the entity; or~~

61 ~~(c) The entity is organized under the laws of or has its~~  
62 ~~principal place of business in a foreign country of concern.~~

63 (3) Beginning July 1, 2025, a governmental entity may not  
64 extend or renew a contract with an entity listed in subsection  
65 (2) paragraphs (2)(a)-(c) if the contract would give such entity  
66 access to an individual's personal identifying information.

67 (4)(a) Beginning July ~~January 1, 2025~~ 2024, a governmental  
68 entity may not accept a bid on, a proposal for, or a reply to,  
69 or enter into, a contract with an entity, or a subsidiary or  
70 parent company of an entity, in which the government of a  
71 foreign country of concern has any ownership interest which  
72 ~~would grant the entity access to an individual's personal~~  
73 ~~identifying information unless the entity provides the~~  
74 ~~governmental entity with an affidavit signed by an officer or~~  
75 ~~representative of the entity under penalty of perjury attesting~~  
76 ~~that the entity does not meet any of the criteria in paragraphs~~  
77 ~~(2)(a)-(c).~~

78 (b) A governmental entity must require each entity that  
79 submits a bid or proposal to provide goods or services to sign  
80 an affidavit, under penalty of perjury, that attests that there  
81 is no ownership interest by a government of a foreign country of  
82 concern in the entity, subsidiary, or parent company of the  
83 entity.

84 ~~(b) Beginning July 1, 2025, when an entity extends or~~  
85 ~~renews a contract with a governmental entity which would grant~~  
86 ~~the entity access to an individual's personal identifying~~  
87 ~~information, the entity must provide the governmental entity~~

14-01246B-25

20251538\_\_

88 ~~with an affidavit signed by an officer or representative of the~~  
89 ~~entity under penalty of perjury attesting that the entity does~~  
90 ~~not meet any of the criteria in paragraphs (2)(a)-(c).~~

91 (5) The Attorney General may bring a civil action in any  
92 court of competent jurisdiction against an entity that violates  
93 this section. Violations of this section may result in:

94 (a) A civil penalty equal to twice the amount of the  
95 contract for which the entity submitted a bid or proposal for,  
96 replied to, or entered into;

97 (b) Ineligibility to enter into, renew, or extend any other  
98 contract, including any grant agreements, with any governmental  
99 entity for up to 5 years;

100 (c) Ineligibility to receive or renew any license,  
101 certification, or credential issued by a governmental entity for  
102 up to 5 years; and

103 (d) Placement on the suspended vendor list pursuant to s.  
104 287.1351.

105 (6) Any penalties collected under subsection (5) must be  
106 deposited into the General Revenue Fund.

107 (7) The department shall adopt rules to implement this  
108 section, including rules establishing the form for the affidavit  
109 required under subsection (4).

110 Section 2. Subsection (1) of section 316.0078, Florida  
111 Statutes, is amended to read:

112 316.0078 Prohibition on contracting for camera systems of  
113 vendors of foreign countries of concern.—

114 (1) As used in this section, the term ~~terms~~ “controlling  
115 ~~interest~~” and “foreign country of concern” has ~~have~~ the same  
116 meaning ~~meanings~~ as in s. 287.138(1).

14-01246B-25

20251538\_\_

117

Section 3. This act shall take effect July 1, 2025.