

1 A bill to be entitled
2 An act relating to contracting with foreign countries
3 of concern; amending s. 287.138, F.S.; revising the
4 definition of the term "foreign country of concern";
5 prohibiting governmental entities from entering into
6 contracts for services or to purchase certain products
7 and from extending or renewing contracts with entities
8 with certain connections to foreign countries of
9 concern; requiring certain entities that submit a bid,
10 proposal, or reply to provide goods or services to
11 sign an affidavit; amending s. 316.0078, F.S.;
12 conforming provisions to changes made by the act;
13 amending s. 381.0202, F.S.; prohibiting laboratories
14 from using certain operational or research software
15 produced in or by a foreign country of concern, a
16 state-owned enterprise of a foreign country of
17 concern, or a company domiciled within a foreign
18 country of concern; defining the term "foreign country
19 of concern"; amending s. 408.810, F.S.; providing
20 certain protections for licensees who fail to obtain
21 assurances from a person or an entity that indirectly
22 owns a controlling interest in the licensee or
23 indirectly holds an interest in certain entities;
24 revising and providing definitions; providing an
25 effective date.

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

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

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

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

(a) "Controlling interest" means possession of the power to direct or cause the direction of the management or policies of a company, whether through ownership of securities, by contract, or otherwise. A person or entity that directly or indirectly has the right to vote 25 percent or more of the voting interests of the company or is entitled to 25 percent or more of its profits is presumed to possess a controlling interest.

(b) "Department" means the Department of Management Services.

(c) "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, the State of Qatar, or the Syrian Arab Republic, including any agency of or any other entity of significant control of such foreign country of concern.

51 (d) "Governmental entity" means any state, county,
52 district, authority, or municipal officer, department, division,
53 board, bureau, commission, or other separate unit of government
54 created or established by law including, but not limited to, the
55 Commission on Ethics, the Public Service Commission, the Office
56 of Public Counsel, and any other public or private agency,
57 person, partnership, corporation, or business entity acting on
58 behalf of any public agency.

59 (2) (a) A governmental entity may not knowingly enter into
60 a contract with an entity which would give access to an
61 individual's personal identifying information if:

62 1. ~~(a)~~ The entity is owned by the government of a foreign
63 country of concern;

64 2. ~~(b)~~ The government of a foreign country of concern has a
65 controlling interest in the entity; or

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

68 (b) ~~(3)~~ Beginning July 1, 2025, a governmental entity may
69 not extend or renew a contract with an entity listed in
70 paragraph (a) ~~paragraphs (2) (a) (c)~~ if the contract would give
71 such entity access to an individual's personal identifying
72 information.

73 (3) Beginning October 15, 2025:

74 (a) A governmental entity may not enter into a contract
75 with an entity for any services or to purchase computers,

76 printers, or interoperable videoconferencing devices if:

77 1. The government of a foreign country of concern has any
78 ownership interest, directly or indirectly, in the entity, or
79 any ownership interest, directly or indirectly, in any
80 subsidiary or parent company of the entity;

81 2. The computers, printers, or interoperable
82 videoconferencing devices to be provided under the contract are
83 being furnished by a third party in which the government of a
84 foreign country of concern has any ownership interest, directly
85 or indirectly; or

86 3. The entity has its principal place of business in a
87 foreign country of concern.

88 (b) A governmental entity may not extend or renew a
89 contract with an entity listed in paragraph (a).

90 ~~(4)(a)~~ Beginning October 15, 2025: January 1, 2024,

91 (a) A governmental entity may not accept a bid on, a
92 proposal for, or a reply to, or enter into, a contract with an
93 entity for goods or services described in paragraph (3) (a), or
94 which would grant the entity access to an individual's personal
95 identifying information, unless the entity provides the
96 governmental entity with a signed an affidavit, signed by an
97 ~~officer or representative of the entity~~ under penalty of
98 perjury, attesting that the entity does not meet any of the
99 criteria in paragraph (2) (a) or paragraph (3) (a) ~~paragraphs~~
100 ~~(2) (a) - (c).~~

101 (b) Before an entity submits a bid, proposal, or reply to
102 provide goods or services to a governmental entity, the entity
103 must sign an affidavit, under penalty of perjury, attesting that
104 the entity does not meet any of the criteria in paragraph (2) (a)
105 or paragraph (3) (a).

106 (c) ~~(b)~~ Beginning July 1, 2025, When an entity extends or
107 renews a contract with a governmental entity for goods or
108 services described in paragraph (3) (a), or which would grant the
109 entity access to an individual's personal identifying
110 information, the entity must provide the governmental entity
111 with a signed ~~an~~ affidavit, ~~signed by an officer or~~
112 ~~representative of the entity~~ under penalty of perjury, attesting
113 that the entity does not meet any of the criteria in paragraph
114 (2) (a) or paragraph (3) (a) ~~paragraphs (2) (a) - (c).~~

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

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

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

124 (c) Ineligibility to receive or renew any license,
125 certification, or credential issued by a governmental entity for

up to 5 years; and

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

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

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

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

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

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

Section 3. Subsection (5) is added to section 381.0202, Florida Statutes, to read:

381.0202 Laboratory services.—

(5) The department may not allow in any laboratory under this section the use of any operational or research software used for genetic sequencing that is produced in or by a foreign country of concern, a state-owned enterprise of a foreign country of concern, or a company domiciled within a foreign country of concern. For purposes of this subsection, the term "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, the State of Qatar, or the Syrian Arab Republic, including any agency of such foreign country of concern.

Section 4. Subsection (15) of section 408.810, Florida Statutes, is amended to read:

408.810 Minimum licensure requirements.—In addition to the licensure requirements specified in this part, authorizing statutes, and applicable rules, each applicant and licensee must comply with the requirements of this section in order to obtain and maintain a license.

(15) (a) The licensee must ensure that a person or an entity that ~~who~~ possesses a controlling interest does not hold, either directly or indirectly, regardless of ownership structure, an interest in an entity that has a business relationship with a foreign country of concern or that is subject to s. 287.135.

(b) The failure of a licensee to obtain assurances from a person or an entity that indirectly owns a controlling interest in the licensee or indirectly holds an interest in an entity as specified in paragraph (a) does not:

1. Affect the license or insurability of the licensee; or
 2. Subject the licensee to civil or criminal liability,
- unless the licensee has actual knowledge that an indirect

176 interest holder is:

177 a. A foreign principal from a foreign country of concern;
178 and

179 b. Not in compliance with the requirements of this
180 section.

181 (c) ~~(b)~~ For purposes of this subsection, the term:

182 1. "Business relationship" means engaging in commerce in
183 any form, which includes ~~including, but not limited to,~~
184 acquiring, developing, maintaining, owning, selling, possessing,
185 leasing, or operating equipment, facilities, personnel,
186 products, services, personal property, real property, or
187 military equipment, ~~or any other apparatus of business or~~
188 ~~commerce.~~

189 2. "Foreign country of concern" means the People's
190 Republic of China, the Russian Federation, the Islamic Republic
191 of Iran, the Democratic People's Republic of Korea, the Republic
192 of Cuba, the Venezuelan regime of Nicolás Maduro, the State of
193 Qatar, or the Syrian Arab Republic, including any agency of such
194 foreign country of concern ~~has the same meaning as in s.~~
195 ~~692.201.~~

196 3. "Foreign principal" has the same meaning as in s.
197 692.201.

198 4. "Indirect interest holder" means a person or an entity
199 which, at the time of initial application or renewal, owns less
200 than 5 percent of the licensee; owns less than 5 percent in the

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201 management company or other entity that contracts with the
202 licensee to manage the provider; or owns equities in a publicly
203 traded company that has a controlling interest or noncontrolling
204 interest in the licensee.

205 ~~5.3.~~ "Interest" has the same meaning as in s. 286.101(1).

206 **Section 5.** This act shall take effect July 1, 2025.