

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Appropriations Committee on Transportation, Tourism, and Economic Development

BILL: CS/SB 766

INTRODUCER: Ethics and Elections Committee and Senator Burgess

SUBJECT: Registration of Agents and Organizations Associated with Foreign Countries of Concern

DATE: April 9, 2025 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Cleary</u>	<u>Roberts</u>	<u>EE</u>	<u>Fav/CS</u>
2.	<u>Griffin</u>	<u>Nortelus</u>	<u>ATD</u>	<u>Pre-meeting</u>
3.	_____	_____	<u>RC</u>	_____

Please see Section IX. for Additional Information:
COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 766 creates a state-level framework for the registration of agents and organizations associated with foreign nations. Specifically, the bill requires individuals acting as agents of foreign countries of concern and foreign-supported political organizations to register with the Department of State’s Division of Elections. Registrants must disclose specified information related to their identity, funding, affiliations, financial transactions, and political activities. All registrations must be updated at least every 90 days. The bill authorizes the Florida Elections Commission to enforce compliance via fines.

The bill may have an indeterminate, negative fiscal impact on the state. **See Section V. Fiscal Impact Statement.**

The bill takes effect July 1, 2025.

II. Present Situation:

Federal Law

Signed in 1938, the Foreign Agents Registration Act (FARA) sought to expose foreign influence in American politics, with a focus on identifying and making a public record of attempts to

spread propaganda and foreign agendas.¹ FARA has been revised to respond to the changing nature of representation of foreign entities in the United States, reorienting the law away from propaganda activities and toward foreign advocacy and lobbying.²

FARA requires certain persons, referred to as “agents of a foreign principal,”³ to register with the Department of Justice (DOJ) and disclose their relationships, activities, receipts, and disbursements in support of their advocacy or public relations activities, when representing foreign entities, known as “foreign principals,”⁴ within the United States. Individuals who meet the definition of an “agent of a foreign principal” are required to file a registration statement within 10 days of agreeing to become an agent.⁵ Supplemental statements must be filed every six months thereafter.⁶ Registration statements must include:⁷

- The registrant’s name and both personal and business addresses;
- The registrant’s status, nationality of all individuals, partnerships, and corporate directors or officers;

¹ 22 U.S.C. §§ 611, 621; See Jacob R. Straus, *Foreign Agents Registration Act (FARA): Background and Issues for Congress*, Congressional Research Service (June 30, 2020) available at <https://www.congress.gov/crs-product/R46435>; See *Vierick v. United States*, 318 U.S. 236, 241 (1943); See also, U.S. Congress, House Committee on the Judiciary, *Lobbying Disclosure Act of 1995*, report to accompany H.R. 2564, 104th Cong., 1st sess., November 14, 1995, H.Rept.104-339, part 1 (Washington: GPO, 1995), pp. 5-8 (FARA responded to foreign influence concerns by creating a system designed “to identify agents of foreign principals who might engage in subversive acts or in spreading foreign propaganda and to require them to make a public record of the nature of their employment.”).

² *Id.* (FARA was amended in 1938, 1942, 1966, and 1995.).

³ 22 U.S.C. §611(c) (“Except as provided under §611(d), the term ‘agent of a foreign principal’ means- (1) any person who acts as an agent, representative, employee, or servant, or any person who acts in any other capacity at the order, request, or under the direction or control, of a foreign principal or of a person any of whose activities are directly or indirectly supervised, directed, controlled, financed, or subsidized in whole or in major part by a foreign principal, and who directly or through any other person- (i) engages within the United States in political activities for or in the interests of such foreign principal; (ii) acts within the United States as a public relations counsel, publicity agent, information-service employee or political consultant for or in the interests of such foreign principal; (iii) within the United States solicits, collects, disburses, or dispenses contributions, loans, money, or other things of value for or in the interest of such foreign principal; or (iv) within the United States represents the interests of such foreign principal before any agency or official of the Government of the United States; and (2) any person who agrees, consents, assumes or purports to act as, or who is or holds himself out to be, whether or not pursuant to contractual relationship, an agent of a foreign principal as defined in clause (1) of this subsection.”); *But see* 22 U.S.C. §611(d) (Section (d) provides that, “(d) The term ‘agent of a foreign principal’ does not include any news or press service or association organized under the laws of the United States or of any State or other place subject to the jurisdiction of the United States, or any newspaper, magazine, periodical, or other publication for which there is on file with the United States Postal Service information in compliance with section 3611 of title 39, published in the United States, solely by virtue of any bona fide news or journalistic activities, including the solicitation or acceptance of advertisements, subscriptions, or other compensation therefor, so long as it is at least 80 per centum beneficially owned by, and its officers and directors, if any, are citizens of the United States, and such news or press service or association, newspaper, magazine, periodical, or other publication, is not owned, directed, supervised, controlled, subsidized, or financed, and none of its policies are determined by any foreign principal defined in subsection (b) of this section, or by any agent of a foreign principal required to register under this subchapter.”).

⁴ 22 U.S.C. §611(b) (“The term ‘foreign principal’ includes - (1) a government of a foreign country and a foreign political party; (2) a person outside of the United States, unless it is established that such person is an individual and a citizen of and domiciled within the United States, or that such person is not an individual and is organized under or created by the laws of the United States or of any State or other place subject to the jurisdiction of the United States and has its principal place of business within the United States; and (3) a partnership, association, corporation, organization, or other combination of persons organized under the laws of or having its principal place of business in a foreign country.”).

⁵ 22 U.S.C. §612(a).

⁶ 22 U.S.C. §612(b).

⁷ 22 U.S.C. §612.

- A statement on the nature of the registrant’s business, a complete list of employees, the nature of their work, and the name and address of every foreign principal the registrant represents;
- Copies of the registrant’s written agreement with a foreign principal and conditions of all oral agreements;
- The nature and amount of contributions, income, money, or other items of value received from a foreign principal; and
- A detailed statement on spending connected with activities for the foreign principal.

The registration and supplemental statements must be made under oath⁸ and filed electronically.⁹ The Attorney General is required to maintain permanent copies of all registration statements and to provide copies to the public, the Secretary of State, other executive agencies, and congressional committees.¹⁰ FARA requires that political propaganda be filed with the DOJ and specifically labeled.¹¹ These “informational materials” must be filed by agents of foreign principals within 48 hours of registration and must contain specific labeling language.¹² Further, all informational materials distributed by registered foreign agents “must contain a conspicuous label if such media are used as instruments to disseminate informational materials.”¹³ FARA also requires all agents of a foreign principal keep and preserve all books and records of activities that are required to be disclosed under the law.¹⁴ These records include: activities taken on behalf of a foreign principal, correspondence about political activities, original copies of contracts, names of individuals to whom informational materials have been transmitted, and bookkeeping and financial records.¹⁵

In addition, FARA requires firms or other entities that are agents of a foreign principal to also register.¹⁶ The entities’ officers or directors are under obligation to ensure the agent of a foreign principal is registered and are potentially liable and could face prosecution for failed compliance.¹⁷

Certain agents of a foreign principal are exempt from registering under FARA.¹⁸

⁸ 22 U.S.C. §612(c).

⁹ 22 U.S.C. §612(g).

¹⁰ 22 U.S.C. §616(a)-(d) (The Attorney General must also maintain a publicly available, internet accessible, searchable, and downloadable database).

¹¹ 22 U.S.C. §614.

¹² See U.S. Department of Justice, National Security Division, Foreign Agents Registration Act (FARA) Unit, “What are the Filing and Labeling Requirements for Informational Materials?” *General FARA Frequently Asked Questions*, at <https://www.justice.gov/nsd-fara/general-fara-frequently-asked-questions>. For additional regulations on the labeling of informational materials, see 28 C.F.R. §5.402, at https://www.ecfr.gov/cgi-bin/text-idx?SID=55bbcbd4f61d657ca4ec8a5862d848e1&mc=true&node=se28.1.5_1402&rgn=div8. (The following labeling language must be included on “informational materials”: “This material is distributed by (name of registrant) on behalf of (name of foreign principal). Additional information is available at the Department of Justice, Washington, DC.”).

¹³ *Id.*

¹⁴ 22 U.S.C. §615; See 28 C.F.R. §5.500(b) (records must be available for inspection); See also 28 C.F.R. §5.500(c) (records must be kept for three years after the foreign principal-agent relationship has been terminated).

¹⁵ 28 C.F.R. §5.500(a).

¹⁶ 22 U.S.C. §617.

¹⁷ *Id.*

¹⁸ 22 U.S.C. §613 (FARA listed exemptions: **Diplomatic or Consular Officers-** Duly accredited diplomatic or consular officials, recognized by Department of State, performing official functions; **Official of Foreign Government-** officials of

Violators of FARA face potential fines or imprisonment.¹⁹ The Attorney General may establish regulations to implement the law.²⁰ Further, every six months, the Attorney General must submit a report to Congress on the administration of FARA.²¹

The first judicial challenge to the registration requirements under FARA arose in *Viereck v. United States*, 318 U.S. 236, 237 (1943).²² There, the United States Supreme Court upheld the registration requirements, finding the requirements both reasonable and within the Congressional legislative power.²³ In 1982, the registration requirements were challenged and upheld by the Court of Appeals for the District of Columbia as not burdensome to free speech.²⁴ FARA's labeling requirements and the "political propaganda" definition were first challenged in 1986.²⁵ The Court of Appeals for the District of Columbia held that despite the public being able to interpret the term "political propaganda" as official government disapproval, any First

recognized governments who are not public-relations counsel, publicity agent, information-services employee, or citizen of the United States, acting in an official capacity; **Staff Members of Diplomatic or Consular Officers-** any staff member or employee of a duly accredited diplomatic or consular officer, other than a public relations counsel, of a State Department recognized foreign government performing official functions; **Private and Nonpolitical Activities; Solicitation of Funds-** "any person engaging or agree to engage only (1) in private and nonpolitical activities in furtherance of the bona fide trade or commerce of such foreign principal; or (2) in other activities not serving predominantly a foreign interest; or (3) in the soliciting or collecting of funds and contributions within the United States to be used only for medical aid and assistance, or for food and clothing to relieve human suffering"; **Religious, Scholastic, or Scientific Pursuits-** person engaged "only in activities in furtherance of bona fide religious, scholastic, academic, or scientific pursuits or of the fine arts"; **Defense of Foreign Government Vital to United States Defense-** Agents "whose foreign principal is a government of a foreign country the defense of which the President deems vital to the defense of the United States," if certain specified conditions are met; **Qualified to Practice Law-** any person qualified to practice law who engages "in the legal representation of a disclosed foreign principal before any court of law or any agency of the Government of the United States." Does not include advocacy activity outside judicial proceedings, criminal or civil law enforcement inquires, investigations, or statutorily required agency proceedings; **Lobbying Disclosure Act (LDA) Filer-** Individuals registered under LDA are not required to register under FARA.).

¹⁹ 22 U.S.C. §618(a) (Any person who willfully violates the law or willfully makes false statements in registration or supplemental statements upon conviction may "be punished by a fine of not more than \$10,000 or by imprisonment for not more than five years, or both."); *See also* 22 U.S.C. §618(a) (Violating provisions of the filing and labeling requirements for political propaganda, failing to correct deficient registration statements, or having a contingent fee arrangement with a foreign principal carry potential penalties of up to a \$5,000 fine or six months in prison.).

²⁰ The regulations for FARA are located at 28 C.F.R. §§5.1-5.1101.; *But see Justice Department Proposes New Regulations to Modernize Foreign Agents Registration Act Administration and Enforcement*, U.S. Department of Justice Website Press Release (Friday, December 20, 2024), available at <https://www.justice.gov/archives/opa/pr/justice-department-proposes-new-regulations-modernize-foreign-agents-registration-act> (FARA's implementing regulations have not been updated since 2007. The DOJ recently announced a proposed rule that would alter key exemptions that companies and individuals most frequently rely on, including (1) the "commercial" exemption, (2) the exemption for persons whose activities do not predominantly serve a foreign interest, and (3) the exemption for persons qualified to practice law. The proposed rule also adds several new requirements for handling "informational materials," including by requiring foreign agents to more frequently and conspicuously disclose their agency status (such as on websites, broadcasts, and social media), even when performing acts such as scheduling meetings with members of Congress or other U.S. officials. The practical effect of the proposed changes will be to limit the number of individuals who could claim the exemptions.).

²¹ 22 U.S.C. §621.

²² Lynn Alvey Dawson, *Constitutional Law-Freedom of Expression-the Foreign Agents Registration Act*, *Meese v. Keene*, 107 S.ct. 1862 (1987), 12 Suffolk Transnat'l L.J. 457 (1989).

²³ *Id.*

²⁴ *Attorney General v. Irish People, Inc.*, 684 F.2d 928, 945 (D.C. Cir. 1982).

²⁵ *See Block v. Meese*, 793 F.2d 1303, 1306-07 (D.C. Cir. 1986)

Amendment infringement was not severe enough to invalidate the those provisions of FARA.²⁶ In 1987, The United States Supreme Court upheld the constitutionality of FARA, finding that the labeling and definition requirements did not raise constitutional concerns because the term “political propaganda” as defined, was neutral, determining the slight risk of negative connotation to the term did not constitute government censorship.²⁷ In June 2024, The Court of Appeals for the District of Columbia, relying on its 1987 ruling in *United States v. McGoff*,²⁸ held that the government can only file lawsuits seeking to compel FARA registration against individuals who are “engaged in or about to engage” in undisclosed foreign influence.²⁹

Federal law, under the Federal Elections Campaign Act (FECA)³⁰ as amended, prohibits foreign nationals,³¹ in connection with any federal, state, or local election, from making:

- Contributions;
- Donations;
- Expenditures (including independent expenditures); and
- Disbursements solicited, directed, received or made directly or indirectly by or from such foreign nationals.³²

This prohibition includes advances of personal funds; contributions or donations made to political party committees and organizations, state or local party committees for the purchase or construction of an office building funds;³³ and contributions or disbursements to make electioneering communications.³⁴ Foreign nationals are also prohibited from directly or

²⁶ *Id.*

²⁷ *Meese v. Keene*, 107 S. Ct. 1862, 1873 (1987); See Lynn Alvey Dawson, *Constitutional Law-Freedom of Expression-the Foreign Agents Registration Act*, *Meese v. Keene*, 107 S.Ct. 1862 (1987), 12 Suffolk Transnat'l L.J. 457, 465 (1989) (“In *Keene v. Meese* the Court, consistent with its prior decisions, has upheld the requirements of the Foreign Agents Registration Act. By maintaining the constitutionality of the Act, the Court has indicated its reluctance to invalidate an Act of Congress where the alleged infringement of first amendment rights is slight.”). *But see* American Civil Liberties Union and the Knight First Amendment Institute at Columbia University *amicus brief* (filed March 5, 2025) in *United States v. Terry*, No. 1:24-cr-00427 (S.D.N.Y) (For recent arguments in support of a narrow interpretation of FARA, in an amicus brief for pending case, the ACLU argues that “FARA’s definitions of ‘foreign principal,’ ‘request,’ ‘political activities,’ and ‘publicity agent’ can be interpreted to cover a vast array of constitutionally protected activity. Absent a narrowing interpretation, the statute risks suppressing and chilling protected speech without any legitimate governmental justification. To avoid the serious First Amendment questions that might otherwise arise, the Court should interpret FARA’s terms narrowly. . . Although the government has a legitimate interest in better informing Americans about potential foreign manipulation of the U.S. political process, a broad reading of FARA’s terms would sweep in a wide array of constitutionally protected speech and would likely violate the First Amendment.”).

²⁸ *United States v. McGoff*, 831 F.2d 1071(D.C. Cir. 1987).

²⁹ *Attorney General v. Wynn*, No. 22-5328 (D.C. Cir. 2024).

³⁰ 52 U.S.C. § 30121.

³¹ See 11 CFR 110.20(a)(3) (A “foreign national” is: “1. An individual who is not a citizen of the United States or a national of the United States and has not been lawfully admitted to the U.S. for permanent residence, as defined in 8 U.S.C. § 1101(a)(20); or 2. A foreign principal, as defined in 22 U.S.C. § 611(b).”).

³² Federal Election Commission Web page, *Foreign Nationals*, (last visited March 14, 2025), available at [https://www.fec.gov/help-candidates-and-committees/foreign-nationals/#:~:text=Federal%20law%20prohibits%20contributions%2C%20donations,federal%2C%20state%20or%20local%20election.](https://www.fec.gov/help-candidates-and-committees/foreign-nationals/#:~:text=Federal%20law%20prohibits%20contributions%2C%20donations,federal%2C%20state%20or%20local%20election.;); See 52 U.S.C. § 30101(1). (FECA defines an “election” to encompass not only general, special, primary, and runoff elections but also conventions or caucuses of political parties that have the authority to nominate candidates.).

³³ See 11 CFR 300.35

³⁴ *Id.*

indirectly donating to an inaugural committee, and it is a violation of federal law to knowingly accept such donations from a foreign national.³⁵

Florida Law

Florida law prohibits foreign nationals³⁶ from directly or indirectly making, or offering to make, a contribution or expenditure in connection with any election held in the state.³⁷ The prohibition applies to both candidate and ballot question campaigns.³⁸

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 must disclose such gift or grant to the Department of Financial Services within 30 days.³⁹ Such disclosure must include the date and amount of the gift or grant and the name and country of residence or domicile of the foreign source.⁴⁰

A state agency, political subdivision, or public school authorized to expend state-appropriated funds or levy ad valorem taxes is prohibited from participating in any agreement with or accepting any grant from a foreign country of concern, or any entity controlled by a foreign country of concern which:

- Constrains the freedom of contract of such public entity;
- Allows the curriculum or value of a program in the state to be directed or controlled by the foreign country of concern; or
- Promotes an agenda detrimental to the safety or security of the United States or its residents.⁴¹

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

³⁵ *Id.*

³⁶ See s. 106.08(12)(a)1, F.S. (“the term ‘foreign national’ means: a. A foreign government; b. A foreign political party; c. A foreign corporation, partnership, association, organization, or other combination of persons organized under the laws of or having its principal place of business in a foreign country; d. A person with foreign citizenship; or e. A person who is not a citizen or national of the United States and is not lawfully admitted to the United States for permanent residence. 2. The term does not include: a. A person who is a dual citizen or dual national of the United States and a foreign country. b. A domestic subsidiary of a foreign corporation, partnership, association, organization, or other combination of persons organized under the laws of or having its principal place of business in a foreign country if: (I) The donations and disbursements used toward a contribution, or an expenditure are derived entirely from funds generated by the subsidiary’s operations in the United States; and (II) All decisions concerning donations and disbursements used toward a contribution or an expenditure are made by individuals who either hold United States citizenship or are permanent residents of the United States. For purposes of this sub-sub-subparagraph, decisions concerning donations and disbursements do not include decisions regarding the subsidiary’s overall budget for contributions or expenditures in connection with an election.”).

³⁷ Section 106.08(12)(b), F.S.

³⁸ *Id.*

³⁹ Section 286.101(2), F.S.

⁴⁰ *Id.*

⁴¹ Section 288.860(2), F.S. (A “foreign country of concern” is defined as 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 Nicolas Maduro, or the Syrian Arab Republic, including any agency or any other entity under significant control of such countries.).

national security or enforcing trade sanctions, embargoes, or other restrictions under federal law.⁴² If such a federal agency provides information suggesting that such an 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.⁴³

Other States

Recently a number of other states, including Georgia, Arizona, Illinois, Oklahoma, Tennessee, West Virginia, California, and New York, have introduced FARA-like or FARA-related bills aimed at regulating foreign-influenced political activity at the state level. To date, none of these recently introduced bills have been enacted into law.⁴⁴

III. Effect of Proposed Changes:

This bill creates a new requirement under the Florida Election Code⁴⁵ for the registration of agents and organizations associated with foreign countries of concern.

⁴² Section 288.860(2)(c), F.S.

⁴³ *Id.*

⁴⁴ Adie J. Olson, Jason Abel, Elizabeth Goodwin, Jennifer M. Jackson, Amanda Powell, Katherine Kyriakoudes, *Not FAR-Away: Proposed State Legislation Increases in an Attempt to Regulate Foreign Agents*, Steptoe Law Blog (June 26, 2024), available at <https://www.steptoe.com/en/news-publications/political-law-blog/not-far-away-proposed-state-legislation-increases-in-an-attempt-to-regulate-foreign-agents.html>. ((**Georgia, Senate Bill 368** (this bill closely resembled FARA, requiring agents of foreign principals to register with the State Ethics Commission and banned foreign contributions to political campaigns. But, unlike FARA, the bill did not provide a definition for “political activity.” Georgia’s Governor Kemp vetoed the bill stating the bill would result in unintended registration requirements at the state level for agent of foreign principals due to several disclosure exemptions provided under FARA being absent. Further, the lack of a definition for “political activity,” would cause confusion about what activities would trigger registration.); **Arizona, House Bill 2506** (The bill would require registration for activities related to only “countries of concern,” identified as China (including Hong Kong), Cuba, Iran, North Korea, Russia, Saudia Arabia, and Venezuela, with the goal of closing existing loopholes of FARA.); **Illinois, Senate Bill 3542** (The bill mirrors FARA with slight modifications. The bill aimed to apply only to foreign agents conducting activities on behalf of foreign principals from “countries of concern.” The definition of “foreign agent” in the bill is nearly identical to FARA’s definition, merely replacing “United States” for “state,” referencing Illinois; **Oklahoma, House Bill 1150** (The bill only applies to foreign agents acting on behalf of principals from “countries of concern,” defined as those countries listed by the U.S. Secretary of State as hostile or a “country of concern.” The bill mirrors FARA, including most of FARA’s exemptions, except the bill does not include FARA’s commercial exemption; **Tennessee, House Bill 1854** (The bill mirror’s FARA’s definition of “foreign agent,” replacing “United States” for “state” in the definition. It applied to only “countries of concern” or any other country that the governor of Tennessee deemed concerning. The bill included a provision for retroactive filling for the prior ten years of all foreign agents from “countries of concern” and required higher education institutions to establish policies for anyone employed or receiving funds from the school who is found in violation of the legislation; **West Virginia, House Bill 5043**, (The bill mirrored FARA but altered the scope of the definition of “foreign agent” to include those acting “within the United States, and specifically within West Virginia.”; **California, Senate Bill 1151** (The bill required foreign agent to file periodic reports with the California Secretary of State’s Office on the same schedule as lobbyists.)).

⁴⁵ See Chapters 97-106, F.S.

The bill provides definitions for the terms “address,”⁴⁶ “agent of a foreign country of concern,”⁴⁷ “foreign country of concern,”⁴⁸ “foreign supported political organization,”⁴⁹ “payment,”⁵⁰ and “political activity.”⁵¹

The bill requires a person to register with the Florida Department of State, Division of Elections (Division) within 10 days of becoming an agent of a foreign country of concern. The Division is required to create a registration form, which at a minimum, must require the following information to be disclosed by registrants:

- The registrant’s name.
- The address of the registrant’s primary residence and all other addresses associated with the registrant.
- The name and address of the registrant’s principal place of business.
- A detailed statement describing the nature of the registrant’s business.
- The name of each foreign country of concern for whom the registrant is acting, assuming or purporting to act, or has agreed to act.
- A detailed statement describing the nature of the work and the character of the business or other activities of each foreign country of concern.
- A statement detailing each time the registrant received a payment from a foreign country of concern within the previous 60 days. The statement must identify the amount of the payment and the nature of such payment.
- The total amount of such payments the registrant has received within the previous 60 days from a foreign country of concern.
- A detailed statement of every activity the registrant, or a person on behalf of the registrant, is performing, has performed, or has agreed to perform on behalf of a foreign country of concern.
- If the registrant is also engaged in political activity on behalf of a person who is not associated with a foreign country of concern but who is an agent of a foreign country of concern the registrant must include the following information:
 - The name, employer, business and residence addresses, and, if applicable, nationality of such person.
 - A detailed statement of all activities the registrant, or a person on behalf of the registrant, is performing, has performed, or has agreed to perform on behalf of such person.

⁴⁶ “Address” is defined to mean any address, no matter where located, inside or outside of the United States.

⁴⁷ “Agent of a foreign country of concern” means a person: 1. Who acts as an agent, an employee, a representative, or a servant, or who otherwise acts at the order, at the request, or under the direction or control, of a foreign country of concern; 2. Whose actions are financed, in whole or in part, by a foreign country of concern; and 3. Who engages in political activity.

⁴⁸ “Foreign country of concern” has the same meaning as in s. 288.860; *See* s. 288.860 (“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).

⁴⁹ “Foreign supported political organization” means a political party or a domestic partnership, an association, a corporation, and organization, or any other business entity that has, within the past 5 calendar years, received money or other things of value from a foreign country of concern or an agent of a foreign country of concern and that engages in political activity.

⁵⁰ “Payment” includes compensation and disbursement made in any form, including, but not limited to, contributions, income, money, tangible property, and intangible property.

⁵¹ “Political activity” means an activity that is performed to: 1. Influence an agency, a public official, or a local governmental entity; 2. Influence the public in creating, adopting, or changing state laws or government policies; 3. Support or oppose a candidate for office; 4. Influence the outcome of an election; or 5. Support or oppose any issue.

- A statement detailing each time the registrant received a payment from such person within the previous 60 days. The statement must identify the amount of the payment and the nature of such payment.
- A detailed statement of the payments made by the registrant during the previous 60 days in connection with actions taken by the registrant as an agent of, on behalf of, or in furtherance of the goals of a foreign country of concern or a person who is an agent of a country of concern.
- A detailed statement of any payments made by the registrant during the previous 60 days related to any political activity.

A registered individual must update the information provided on the registration form at least every 90 days.

On or about January 1, 2026, each foreign-supported political organization must register with the Division. The Division must create a separate form for such registration that at a minimum requires the following information:

- The organization's name and mailing address and the address of any physical office.
- The names and titles of all officers or directors of the organization.
- The address of all officers or directors of the organization.
- A detailed statement of any payment made by the organization that would constitute political activity during the previous calendar year.
- A detailed statement of any payment made to, or received by, the organization from a foreign country of concern or an agent of a foreign country of concern during the preceding calendar year.

A registered organization must update the information provided on the registration form at least every 90 days.

A person or organization found to be in violation of this section by the Florida Elections Commission is subject to:

- The remedies provided in ss. 106.265⁵² and 106.27.⁵³
- A fine up to \$500 per violation.
- A fine up to \$2,000 for any willful or repeated violation.
- A fine up to \$10,000 and temporary or permanent ban for any willful or repeated violation in which the foreign country of concern is a hostile foreign country of concern.

The bill takes effect July 1, 2025.

⁵² “(1)(a) The commission or, in cases referred to the Division of Administrative Hearings pursuant to s. 106.25(5), the administrative law judge is authorized upon the finding of a violation of this chapter or chapter 104 to impose civil penalties in the form of fines not to exceed \$2,500 per count. The fine may be multiplied by a factor of 3, not to exceed \$7,500, for each subsequent count of the same category, beginning with the fourth offense.”

⁵³ “(1) Criminal proceedings for violations of this chapter or chapter 104 may be brought in the appropriate court of competent jurisdiction . . . (2) Civil actions may be brought by the commission for relief, including permanent or temporary injunctions, restraining orders, or any other appropriate order for the imposition of civil penalties provided by this chapter. . . (3) Civil actions may be brought to enjoin temporarily the issuance of certificates of election to successful candidates who are alleged to have violated the provisions of this chapter or 104.”

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

An individual or entity required to register under the bill may raise issues under the First Amendment, arguing that the requirements, under the bill, burdens their ability to engage in constitutionally protected political speech under the First Amendment. See further discussion under the “Present Situation” section of this bill analysis, discussing courts’ constitutional analysis of FARA.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

There is an indeterminate negative impact on individuals or entities who are required to register under the bill. There will be some expense in collecting, maintaining, filing, and updating, the required information provided in the bill to the Division of Elections. Further, there will be a cost associated with individuals or entities or who are penalized for noncompliance.

C. Government Sector Impact:

The bill will likely have an indeterminate, negative fiscal impact on the state due to the costs associated with developing and maintaining the registration system, as well as administrative oversight, compliance monitoring, and enforcement related to the system. However, revenue from fines imposed for violations may offset some of these costs.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 106.031 of the Florida Statutes.

IX. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Ethics and Elections on March 31, 2025:

The CS narrows the scope of the agents or organizations required to register under the bill. Specifically, the CS requires only an agent of a foreign country of concern or a foreign-supported political association to register. The CS conforms but retains the provisions of the underlying bill's reporting requirements and prescribed penalties for violations.

- B. **Amendments:**

None.