

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

A bill to be entitled
 An act relating to contracting with foreign countries
 of concern; amending s. 287.138, F.S.; removing the
 definition of the term "controlling interest";
 prohibiting governmental entities from entering into
 certain contracts for products with governments of
 foreign countries of concern if such governments have
 specific ownership interests in those products;
 requiring certain entities that bid or propose to
 provide goods or services to sign an certain
 affidavit; removing provisions that prohibit local
 governments from entering into or renewing specified
 contracts with certain entities if doing so would give
 access to personal identifying information; amending
 s. 316.0078, F.S.; conforming provisions to changes
 made by the act; providing an 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~~

26 | ~~to direct or cause the direction of the management or policies~~
27 | ~~of a company, whether through ownership of securities, by~~
28 | ~~contract, or otherwise. A person or entity that directly or~~
29 | ~~indirectly has the right to vote 25 percent or more of the~~
30 | ~~voting interests of the company or is entitled to 25 percent or~~
31 | ~~more of its profits is presumed to possess a controlling~~
32 | ~~interest.~~

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

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

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

49 | (2) A governmental entity may not ~~knowingly~~ enter into a
50 | contract for services or to procure or purchase computers,

51 printers, or interoperable or videoconferencing devices or
52 services if the government of a foreign country of concern has
53 an ownership interest in the manufacturer, bidder, or offeror,
54 or any subsidiary or parent entity of the manufacturer, bidder,
55 or offeror of such equipment, devices, or services ~~with an~~
56 ~~entity which would give access to an individual's personal~~
57 ~~identifying information if:~~

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

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

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

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

68 (4) (a) Beginning July ~~January 1, 2025 ~~2024~~, a governmental
69 entity may not accept a bid on, a proposal for, or a reply to,
70 or enter into, a contract with an entity, or a subsidiary or
71 parent company of an entity, in which the government of a
72 foreign country of concern has any ownership interest ~~which~~
73 ~~would grant the entity access to an individual's personal~~
74 ~~identifying information unless the entity provides the~~
75 ~~governmental entity with an affidavit signed by an officer or~~~~

76 ~~representative of the entity under penalty of perjury attesting~~
 77 ~~that the entity does not meet any of the criteria in paragraphs~~
 78 ~~(2) (a) - (c).~~

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

85 ~~(b) Beginning July 1, 2025, when an entity extends or~~
 86 ~~renews a contract with a governmental entity which would grant~~
 87 ~~the entity access to an individual's personal identifying~~
 88 ~~information, the entity must provide the governmental entity~~
 89 ~~with an affidavit signed by an officer or representative of the~~
 90 ~~entity under penalty of perjury attesting that the entity does~~
 91 ~~not meet any of the criteria in paragraphs (2) (a) - (c).~~

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

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

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

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

104 (d) Placement on the suspended vendor list pursuant to s.
 105 287.1351.

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

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

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

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

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

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