

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 Committee on Appropriations

BILL: CS/CS/SB 1178

INTRODUCER: Appropriations Committee, Ethics and Elections Committee, and Senator Grall and others

SUBJECT: Foreign Influence

DATE: March 4, 2026

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Biehl</u>	<u>Roberts</u>	<u>EE</u>	<u>Fav/CS</u>
2.	<u>Davis</u>	<u>Cibula</u>	<u>JU</u>	<u>Favorable</u>
3.	<u>Griffin</u>	<u>Sadberry</u>	<u>AP</u>	<u>Fav/CS</u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 1178 creates a “Foreign Interference Restriction and Enforcement Act,” which amends and establishes numerous statutory provisions to reduce interference and influence by foreign countries of concern. Specifically, the bill:

- Expands the definition of “foreign source of concern” to also include a designated foreign terrorist organization or an agent acting on behalf of such organization.
- Requires lobbyists who represent a foreign country of concern or related entity to disclose such in their registrations.
- Imposes citizenship, lawful immigration status, and state residency requirements on parties entering into surrogacy agreements.
- Expands restrictions on gifts to specified public officials, public employees, and candidates, and requires ethics training for specified public officials to include information on foreign countries of concern and their influence.
- Strengthens prohibitions on government contracting and procurement with vendors connected to foreign countries of concern.
- Prohibits the state protocol officer from encouraging a sister city or sister state affiliation with a foreign country of concern or its subdivision.
- Requires the Department of State to quarterly publish on its website specified information on all foreign consulate offices in Florida and all sister city and sister state affiliations.
- Revises provisions governing Florida linkage institutes to remove the Florida-China Institute from the list of authorized institutes, repeal the limited exemption for in-state residency

tuition requirements, and prohibit a linkage institute from entering into an agreement or participate in activities with a foreign country of concern or any organization in such country.

- Expands a provision prohibiting specified state agencies or political subdivisions from entering an agreement or accepting a grant from a foreign country of concern under specified circumstances to instead make it a blanket prohibition against such agreements or grants.
- Creates a new section of law governing the protection of state critical infrastructure facilities.
- Reclassifies criminal offenses committed for the purpose of benefiting, promoting, or furthering the interests of a foreign government, a designated foreign terrorist organization, or an agent of such government or organization.
- Criminalizes the unauthorized enforcement of foreign law.
- Revises references to definitions of “foreign country of concern.”

Several provisions of the bill have varying negative fiscal impacts. See Section V., Fiscal Impact Statement.

The bill takes effect July 1, 2026.

II. Present Situation:

Influence Operations by Foreign Countries of Concern

National intelligence agencies and civilian interest groups have issued reports in recent years describing the ongoing efforts of hostile foreign governments to influence policy in the United States. These foreign governments have attempted to influence federal, state, and local government policy as well as directly attack the infrastructure of the United States. Some examples include, but are not limited to:

- Manipulation by the People’s Republic of China (PRC) of relationships with government and business leaders at the state and local levels to expand support for PRC policies and to pressure the federal government for policies favorable to the PRC’s geopolitical interests.¹
- Exploitation by the Chinese Communist Party of U.S. university partnerships to advance China’s civilian repression and military goals.²
- Attempts by Russia, China, Iran, and North Korea, both individually and collectively, to challenge U.S. interests abroad by attacking and threatening other countries in their regions to create opportunities to advance their interests.³

Current Statutes

For statutory law relating to the bill’s provisions, see “Effect of Proposed Changes.”

¹ The National Intelligence and Security Center, *Safeguarding Our Future: Protecting Government and Business Leaders at the U.S. State and Local Level from People’s Republic of China Influence Operations*, (July 2022), https://www.dni.gov/files/NCSC/documents/SafeguardingOurFuture/PRC_Subnational_Influence-06-July-2022.pdf (last visited Jan. 31, 2026).

² The Select Committee on the Chinese Communist Party, *Joint Institutes, Divided Loyalties: How the Chinese Communist Party Exploits U.S. Partnerships to Empower China’s Military and Repression*, (Sept. 2025), <https://chinaselectcommittee.house.gov/media/reports/joint-institutes-divided-loyalties> (last visited Jan. 31, 2026).

³ Office of the Director of National Intelligence, *Annual Threat Assessment of the U.S. Intelligence Community*” (March 2025), <https://www.dni.gov/files/ODNI/documents/assessments/ATA-2025-Unclassified-Report.pdf> (last visited Jan. 31, 2026).

III. Effect of Proposed Changes:

Statutory Definitions related to Foreign Countries of Concern (Sections 15 and 16)

Foreign Country of Concern

Current law provides a number of definitions for “foreign country of concern.” Definitions related to this bill, which are largely identical, include:

- For restrictions on government contracting (s. 287.138, F.S.) – “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 of or any other entity *of* significant control of such foreign country of concern [emphasis added].”
- For restrictions on conveyances of land to foreign entities (s. 692.201, F.S.) – a definition identical to that in s. 287.138, F.S.
- For international cultural agreements (s. 288.860, F.S.) – “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 of or any other entity *under* significant control of such foreign country of concern [emphasis added].”
- For foreign gifts to and contracts of state agencies and political subdivisions (s. 286.101, F.S.) – a definition identical to that in s. 288.860, F.S.

Additional definitions include:

- For prohibited use of internet applications from foreign countries of concern (s. 112.22, F.S.) – a definition identical to that in s. 288.860, F.S.
- For laboratory services provided by the Department of Health (s. 381.0202, F.S.) – “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 of such foreign country of concern.”
- For a restriction on persons or entities with controlling interests in specified health care facilities (s. 408.810, F.S.) – a definition identical to that in s. 381.0202, F.S.

Foreign Source of Concern

Section 496.404(14), F.S., which is located in the chapter of law governing solicitation of funds from the public, defines “foreign source of concern” to mean any of the following:

- The government or any official of the government of a foreign country of concern;
- A political party or member of a political party or any subdivision of a political party in a foreign country of concern;
- 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 of such entity;
- Any person who is domiciled in a foreign country of concern and is not a citizen or lawful permanent citizen of the United States;
- An agent, including a subsidiary or an affiliate of a foreign legal entity, acting on behalf of a foreign source of concern; or

- An entity in which a person, entity, or collection of persons or entities described above has a controlling interest.

“Controlling interest” means the possession of the power to direct or cause the direction of the management or policies of an entity, whether through ownership of securities, by contract, or otherwise. A person or an entity that directly or indirectly has the right to vote 25 percent or more of the voting interest of the company or is entitled to 25 percent or more of its profits is presumed to possess a controlling interest.⁴

“Foreign country of concern” has the same meaning as in s. 286.101, F.S.⁵

Foreign Agent

The criminal penalty for theft of or trafficking in trade secrets defines “foreign agent” to mean any officer, employee, proxy, servant, delegate, or representative of a foreign government.⁶

Designated Foreign Terrorist Organization

The criminal penalty for use of military-type military training from a designated foreign terrorist organization with the intent to unlawfully harm another person or damage a critical infrastructure facility defines “designated foreign terrorist organization” to mean an organization designated as a terrorist organization under s. 219 of the Immigration and Nationality Act.⁷ The U.S. Department of State currently lists 93 designated foreign terrorist organizations.⁸

Effect of Proposed Changes

The bill revises the definition of “foreign source of concern” in s. 496.404(14), F.S., to add that the term includes a designated foreign terrorist organization or an agent acting on behalf of a foreign terrorist organization. The effect of the expanded definition in that chapter is to subject a person to criminal penalties for soliciting or accepting contributions or anything of value from a designated foreign terrorist organization or an agent for such an organization for the benefit of charitable organization.

The bill revises the definition of “foreign country of concern” in s. 692.201, F.S., to clarify that the term includes any entity *under* significant control of such country, not *of* significant control.

Registration Requirements and Restrictions on Foreign Influence in Politics (Sections 2, 6, and 7)

Present Situation

Federal Law

Enacted in 1938, the Foreign Agents Registration Act (FARA) was created to expose foreign influence in American politics. The Act focused on identifying and creating a public record of

⁴ Section 496.404(14)(f), F.S.

⁵ Section 496.404(13), F.S.

⁶ Section 812.081, F.S.

⁷ Section 775.32(1)(b), F.S.

⁸ See “Foreign Terrorist Organizations,” <https://www.state.gov/foreign-terrorist-organizations> (last visited Jan. 31, 2026).

efforts to spread propaganda and foreign agendas.⁹ The FARA has been revised to better respond to the evolving nature of foreign entities in the United States. These changes have reoriented the law away from focusing on propaganda activities to focusing on foreign advocacy and lobbying.¹⁰ Recent enforcement of the FARA has focused on “instances of alleged conduct similar to more traditional espionage by foreign government actors.”¹¹

The FARA requires certain persons, referred to as “agents of a foreign principal,”¹² 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,”¹³ within the United States.

In addition, the FARA requires firms or other entities that are agents of a foreign principal to also register.¹⁴ The entities’ officers or directors are under obligation to ensure the agent of a foreign

⁹ 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.”).

¹⁰ *Id.* (FARA was amended in 1942, 1966, and 1995.)

¹¹ See U.S. Attorney General Pam Bondi, *General Policy Regarding Charging, Plea Negotiations, and Sentencing*, a memorandum from Attorney General Pamela Bondi to all Department of Justice Employees (Feb. 5 2025) available at <https://www.justice.gov/ag/media/1388541/dl> (last visited January 31, 2026).

¹² 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.”).

¹³ 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.”).

¹⁴ 22 U.S.C. §617.

principal is registered and are potentially liable and could face prosecution for failed compliance.¹⁵

Violators of the FARA face potential fines or imprisonment.¹⁶ The Attorney General may establish regulations to implement the law.¹⁷ Further, every 6 months, the Attorney General must submit a report to Congress on the administration of the FARA.¹⁸

Federal law, under the Federal Elections Campaign Act (FECA)¹⁹ as amended, prohibits foreign nationals,²⁰ in connection with any federal, state, or local election, from making, either directly or indirectly:

- Contributions;
- Donations;
- Expenditures (including independent expenditures); or
- Disbursements solicited, directed, received or made directly or indirectly from a foreign national.²¹

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;²² and contributions or disbursements to make electioneering communications.²³ Foreign nationals are also prohibited from directly or indirectly donating to

¹⁵ *Id.*

¹⁶ 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.).

¹⁷ 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.).

¹⁸ 22 U.S.C. §621.

¹⁹ 52 U.S.C. §30121.

²⁰ *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).”).

²¹ 52 U.S.C. s. 30121(a) and Federal Election Commission, *Foreign Nationals*, <https://www.fec.gov/help-candidates-and-committees/foreign-nationals/> (last visited Jan. 31, 2026) (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.).

²² *See* 11 CFR 300.35 and 52 U.S.C. 30121.

²³ *Id.*

an inaugural committee, and it is a violation of federal law to knowingly accept such donations from a foreign national.²⁴

Florida Law

Florida law prohibits foreign nationals²⁵ from directly or indirectly making, or offering to make, a contribution or expenditure in connection with any election held in the state.²⁶ The prohibition applies to both candidate and ballot question campaigns.²⁷

Any state agency or political subdivision that receives, directly or indirectly, any gift or grant having a value of \$50,000 or more from any foreign source must disclose the gift or grant to the Department of Financial Services within 30 days.²⁸ The 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.²⁹

Current law also specifies restrictions on governmental entity agreements with foreign countries of concern. (See additional information later in this analysis under “International Cultural Agreements.”)

Persons who lobby the Legislature,³⁰ the executive branch or the Constitution Revision Commission (CRC),³¹ or a water management district³² must register with the entity that is

²⁴ *Id.*

²⁵ 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.”

²⁶ Section 106.08(12)(b), F.S.

²⁷ *Id.*

²⁸ Section 286.101(2), F.S.

²⁹ *Id.*

³⁰ In regard to the Legislature, “lobbying” means influencing or attempting to influence legislative action or nonaction through oral or written communication or an attempt to obtain the goodwill of a member or employee of the Legislature (s. 11.045(1)(e), F.S.

³¹ In regard to the executive branch or the CRC, “lobbies” means seeking, on behalf of another person, to influence an agency with respect to a decision of the agency in the area of policy or procurement or an attempt to obtain the goodwill of an agency official or employee. “Lobbies” also means influencing or attempting to influence, on behalf of another, the CRC’s action or nonaction through oral or written communication or an attempt to gain the goodwill of a member or employee of the CRC. Section 112.3215(1)(f), F.S.

³² In regard to water management districts, “lobbies” means seeking, on behalf of another person, to influence a district with respect to a decision of the district in an area of policy or procurement or an attempt to obtain the goodwill of a district official or employee (s. 112.3261(1)(b), F.S.).

lobbied and provide specified information regarding each principal³³ represented. Details of statutory requirements for lobbyist registrations are provided in the table below.

Legislature ³⁴	Executive Branch or CRC ³⁵	Water Management District ³⁶
<p>Registration is required for each principal represented.</p> <p>Registration must include a statement signed by the principal authorizing the registrant to represent the principal.</p> <p>Every registrant must state the extent of any direct business association or partnership with any current member of the Legislature.</p>	<p>Each lobbyist must disclose:</p> <ul style="list-style-type: none"> • Name and business address. • Name and business address of each principal represented. • His or her area of interest. • Agencies before which he or she will appear. • The existence of any direct or indirect business association, partnership, or financial relationship with any employee of an agency with which he or she lobbies, or intends to lobby, as disclosed in the registration. 	<p>Each lobbyist must disclose:</p> <ul style="list-style-type: none"> • Name and business address. • Name and business address of each principal represented. • The existence of any direct or indirect business association, partnership, or financial relationship with any employee of an agency with which he or she lobbies, or intends to lobby, as disclosed in the registration.

Effect of Proposed Changes

This bill expands existing lobbyist disclosure requirements to require each lobbyist before the Legislature, the executive branch or CRC, or a water management district to disclose whether each principal represented is:

- A foreign country of concern; or
- A domestic partnership, an association, a corporation, an organization, or any other business entity that is at least 25 percent beneficially owned by a foreign country of concern, a nonresident alien from a foreign country of concern, or an entity organized under the laws of or having its principal place of business in a foreign country of concern.

“Foreign country of concern” has the same meaning as in s. 286.101(1), F.S.

³³ “Principal” means the person, firm, corporation, or other entity which has employed or retained a lobbyist (*see ss.* 11.045(1)(i), 112.3215(1)(i), and 112.3261(1)(d), F.S.).

³⁴ *See s.* 11.045(2), F.S.

³⁵ *See s.* 112.3215(3), F.S.

³⁶ *See s.* 112.3261(2), F.S.

Surrogacy Arrangements (Sections 3 and 18)

Present Situation

Growth of the Commercial Surrogacy Industry

The United States has become a significant destination for international intended parents seeking surrogacy services. Industry observers attribute this trend to enforceable contractual parentage mechanisms and the ability of children born in the U.S. to obtain citizenship under the Fourteenth Amendment.

Recent national reporting has drawn attention to the use of U.S. surrogacy services by wealthy foreign nationals seeking to create large numbers of U.S.-born children.³⁷ The 2025 investigation reported that a Chinese technology entrepreneur allegedly fathered more than 100 children through surrogacy arrangements conducted in the U.S. Additional scrutiny followed a widely reported investigation into a Chinese National couple residing in California who were connected to a surrogacy agency that recruited gestational surrogates across multiple states.³⁸ According to the investigative reporting, surrogates were recruited by an agency that was operated by the intended parents themselves, who simultaneously arranged numerous pregnancies to rapidly expand their family.

These media accounts raise questions about the scale and purpose of commercial surrogacy practices, which is banned or highly restricted in many countries, including India, China, and most of Western Europe over concerns it commodifies impoverished women.³⁹ These accounts also raise policy questions around:

- Reproductive tourism;
- Citizenship incentives;
- Contractual enforceability across jurisdictions; and
- Child welfare oversight when large numbers of children are born through coordinated surrogacy efforts.

Florida Law

Current law recognizes two primary statutory surrogacy frameworks: preplanned adoption agreements⁴⁰ and gestational surrogacy contracts.⁴¹ Their respective statutory provisions govern distinct legal pathways to establish parental rights when a child is conceived through assisted reproductive technology.

³⁷ Katherine Long, Ben Foldy, & Lingling Wei, *The Chinese Billionaires Having Dozens of U.S.-Born Babies Via Surrogate*, The Wall Street Journal, Dec. 13, 2025, <https://www.wsj.com/us-news/chinese-billionaires-surrogacy-pregnancy-7fd9c0c3?msockid=39c1ee2378e362ed37a0f865792763ab> (last visited Mar. 3, 2026); and Micah McCartney, *Who Is Xu Bo? Chinese Billionaire Allegedly Has Over 100 US-Born Babies*, Newsweek, Dec. 16, 2025, <https://www.newsweek.com/xu-bo-chinese-billionaire-100-us-born-babies-11217861> (last visited Mar. 3, 2026).

³⁸ Ava Kofman, *The Babies Kept in a Mysterious Los Angeles Mansion*, The New Yorker, Feb. 9, 2026, <https://www.newyorker.com/magazine/2026/02/16/the-babies-kept-in-a-mysterious-los-angeles-mansion> (last visited Mar. 3, 2026).

³⁹ *Supra*, notes 4 and 5.

⁴⁰ Section 63.213, F.S.

⁴¹ Section 742.15, F.S.

The Florida Adoption Act, Chapter 63, F.S., governs adoption procedures, termination of parental rights, and placement of minors for adoption. Under a preplanned adoption agreement, a volunteer mother (i.e., the surrogate) agrees to become pregnant using assisted reproductive technology and relinquish parental rights after birth in favor of the intended parents.⁴² As constructed, the statute contemplates that the volunteer mother may or may not be genetically related to the child. Preplanned adoption agreements must contain specified contractual provisions, including:

- Agreement to pregnancy through a specified fertility technique;⁴³
- Consent to reasonable medical treatment and prenatal care;⁴⁴
- Allocation of parental responsibility if the agreement fails;⁴⁵
- Financial responsibility for pregnancy-related expenses;⁴⁶
- Immediate acceptance of custody by intended parents;⁴⁷ and
- Termination rights that may be exercised by any party.⁴⁸

Chapter 742, F.S., regulates gestational surrogacy contracts which governs determinations of parentage in those instances. Gestational surrogacy contracts differ from preplanned adoption agreements in that the surrogate is never genetically related to the child. Current law requires the following:

- A written contract between the commissioning couple and gestational surrogate;⁴⁹
- The commissioning couple (i.e., the intended parents) to be legally married adults;⁵⁰
- Medical necessity preventing the commissioning mother from safely carrying a pregnancy;⁵¹
- Advance agreement regarding parental rights and responsibilities.⁵²
- Allocation of parental responsibility if the agreement fails;⁵³ and
- Financial responsibility for pregnancy-related expenses.⁵⁴

In both preplanned adoption agreements and gestational surrogacy contracts, Florida courts must ultimately approve the adoption or affirm the parental rights of the intended parents.⁵⁵ However, in neither instance does current law require U.S. citizenship, lawful permanent residency, or Florida domicile of the intended parents or surrogate mother.

Effect of Proposed Changes

The bill prohibits a preplanned adoption agreement unless:

⁴² Section 63.213(2)(a), F.S.

⁴³ *Id.* “Fertility technique” means artificial embryonation, artificial insemination, whether in vivo or in vitro, egg donation, or embryo adoption. *See s. 63.213(6)(c)*, F.S.

⁴⁴ Section 63.213(2)(b), F.S.

⁴⁵ Section 63.213(2)(c)-(e), F.S.

⁴⁶ Section 63.213(2)(f), F.S.

⁴⁷ Section 63.213(2)(g), F.S.

⁴⁸ Section 63.213(2)(i), F.S.

⁴⁹ Section 742.15(1), F.S.

⁵⁰ *Id.*

⁵¹ Section 742.15(2), F.S.

⁵² Section 742.15(3)(a)-(d), F.S.

⁵³ Section 742.15(3)(e), F.S.

⁵⁴ Section 742.15(4), F.S.

⁵⁵ Sections 63.213(1)(a), and 742.16, F.S.

- The volunteer mother is a U.S. citizen or lawful permanent resident;
- Each intended parent is a U.S. citizen or lawful permanent resident; and
- At least one intended parent is domiciled in Florida.

The bill prohibits a gestational surrogacy contract unless:

- The surrogate is a U.S. citizen or lawful permanent resident; and
- The commissioning couple:
 - Are domiciled in Florida; and
 - Are U.S. citizens or lawful permanent residents.

Ethics Requirements for Public Officials and Employees (Sections 4 and 5)

Present Situation

Commission on Ethics

The Commission on Ethics (Commission) was created by the Legislature in 1974 “to serve as guardian of the standards of conduct” for state and local public officials and employees.⁵⁶ The Florida Constitution and state law designate the Commission as the independent commission provided for in s. 8(g), Art. II of the Florida Constitution.⁵⁷ Constitutional duties of the Commission consist of conducting investigations and making public reports on all breach of trust complaints towards public officers or employees not governed by the judicial qualifications commission.⁵⁸ In addition to constitutional duties, the Commission, in part:

- Renders advisory opinions to public officials;⁵⁹
- Makes recommendations to disciplinary officials when appropriate for violations of ethics and disclosure laws;⁶⁰
- Administers the Executive Branch Lobbying Registration and Reporting Law;⁶¹
- Maintains financial disclosure filings of constitutional officers and state officers and employees;⁶² and
- Administers automatic fines for public officers and employees who fail to timely file a required annual financial disclosure.⁶³

Code of Ethics for Public Officers and Employees, Generally

The Code of Ethics for Public Officers and Employees (Code of Ethics)⁶⁴ establishes ethical standards for public officials and is intended to ensure that public officials conduct themselves independently and impartially, not using their office for private gain other than compensation

⁵⁶ Florida Commission on Ethics, *Guide to the Sunshine Amendment and Code of Ethics for Public Officers and Employees*, p. 1, available at <https://ethics.state.fl.us/Documents/Publications/GuideBookletInternet.pdf?cp=2023310> (last visited January 26, 2026); *see also* s. 112.320, F.S.

⁵⁷ Section (8)(j)(3), art. II, Fla. Const.; s. 112.320, F.S.

⁵⁸ Section (8)(g), art. II., Fla. Const.

⁵⁹ Section 112.322(3)(a), F.S.

⁶⁰ Section 112.322(2)(b), F.S.

⁶¹ Sections 112.3215 and 112.32155, F.S.

⁶² Section 112.3144, F.S.

⁶³ Sections 112.3144, 112.3145, and 112.31455, F.S.

⁶⁴ *See* pt. III. Ch. 112, F.S.

provided by law.⁶⁵ The Code of Ethics addresses various issues, such as ethics trainings, voting conflicts, full and public disclosure of financial interests, standards of conduct, and the Commission on Ethics, among others.⁶⁶

Restriction on Gifts

Public officers, state agency employees, local government attorneys, and candidates for office are prohibited from soliciting or accepting anything of value, including a gift, loan, reward, promise of future employment, favor, or service, based upon the understanding that their vote, official action, or judgment would be influenced.⁶⁷

Ethics Training for Specified Public Officials

Current law requires all constitutional officers,⁶⁸ elected municipal officers, commissioners of a community redevelopment agency, and elected local officers of an independent special district to complete 4 hours of ethics training each calendar year. At a minimum, the training must address state constitutional and statutory ethics requirements and state public records and meetings laws.⁶⁹ The Commission on Ethics must adopt rules establishing minimum course content for the portion of the ethics training which addresses state constitutional and statutory ethics requirements.⁷⁰

Effect of Proposed Changes

The bill adds the following definitions to the section of law governing standards of conduct for public officers, employees of agencies, and local government attorneys:

- “Designated foreign terrorist organization,” which is assigned the same meaning as in s. 775.32, F.S.
- “Foreign country of concern,” which is assigned the same meaning as in s. 286.101(1), F.S.

The bill expands the restriction on gifts by prohibiting a public officer, an employee of an agency, a local government attorney, or a candidate for nomination or election from soliciting or accepting anything of value to the recipient, including a gift, loan, reward, promise of future employment, favor, or service, for any purpose, including, but not limited to, a gift from a designated foreign terrorist organization or any person or entity representing or acting on behalf of a foreign terrorist organization, or travel costs or any reimbursement for costs of attending a conference or other event, from a foreign country of concern or any of its subdivisions, or from any person or entity representing or acting on behalf of a foreign country of concern or any of its subdivisions.

⁶⁵ Florida Commission on Ethics, *Guide to the Sunshine Amendment and Code of Ethics for Public Officers and Employees*, p. 1, available at <https://ethics.state.fl.us/Documents/Publications/GuideBookletInternet.pdf?cp=2023310> (last visited January 26, 2026)

⁶⁶ See pt. III. 112, F.S.

⁶⁷ Section 112.313(2), F.S.

⁶⁸ “Constitutional officers” includes the Governor, the Lieutenant Governor, the Attorney General, the Chief Financial Officer, the Commissioner of Agriculture, state attorneys, public defenders, sheriffs, tax collectors, property appraisers, supervisors of elections, clerks of the circuit court, county commissioners, district school board members, and superintendents of school (s. 112.3142(1), F.S.).

⁶⁹ Section 112.3142(2), F.S.

⁷⁰ *Id.*

The bill requires the Commission on Ethics to, by November 1, 2026, adopt revised rules to supplement the minimum course content for required ethics training. The additional course content must include:

- Known efforts by foreign countries of concern to target and influence subnational governments, including, but not limited to, the Chinese Communist Party’s United Front strategy.⁷¹ The term “foreign country of concern” has the same definition as in s. 286.101(1), F.S.
- How to identify, recognize, and report suspected foreign influence campaigns.
- Prohibitions on receiving gifts from foreign countries of concern or designated foreign terrorist organizations. The term “designated foreign terrorist organization” has the same definition as in s. 775.32, F.S.

Restrictions on Interactions with Cuba (Sections 8 and 12)

Present Situation

Current law authorizes any local governing authority issuing a business tax receipt⁷² to an individual, business, or entity may revoke or refuse to renew such receipt if the individual, business, or entity, or parent company of such, is doing business with Cuba.⁷³

Current law also provides a policy of Florida regarding support for a free and independent Cuba. In part, the policy provides for Florida’s participation in the economic embargo on Cuba shall be terminated upon transmittal to Congress of a presidential determination that a democratically elected government is in power in Cuba.⁷⁴

Effect of Proposed Changes

The bill revises the authorization for revocation of or refusal to renew a business tax receipt by:

- Specifying that any appropriate tax collector has such authorization to revoke or refuse to renew.
- Deleting language allowing revocation or refusal to renew if the *parent company* of an individual, business, or entity is doing business with Cuba.
- Specifying that the authority to revoke or refuse to renew applies only if the business with Cuba is being conducted in violation of federal law.

⁷¹ China employs a political influence strategy known as “United Front” to manage, co-opt, and mitigate “potential opposition to the policies and authority of the Chinese Communist Party (CCP).” The CCP entity responsible for coordinating this effort, the United Front Work Department, primarily focuses on managing groups within China but also carries out significant activities abroad. In the international context, United Front work includes efforts aimed at engaging and influencing ethnic Chinese individuals, as well as broader influence operations conducted through affiliated organizations that target foreign institutions and governments. *See* U.S-China Economic and Security Review Commission, “China’s Overseas United Front Work: Background and Implications for the United States,” available at <https://www.uscc.gov/research/chinas-overseas-united-front-work-background-and-implications-united-states> (last visited January 29, 2026).

⁷² A local business tax receipt evidences that the person in whose name the document is issued has complied with the provisions of ch. 205, F.S., relating to the business tax (s. 205.022(8), F.S.).

⁷³ Section 205.0532, F.S.

⁷⁴ Section 288.854, F.S.

- Authorizing any appropriate tax collector or local governing authority to request a sworn affidavit or declaration from any individual, business, or entity attesting to whether it is doing business with Cuba in violation of federal law; and making it a crime of perjury, a third-degree felony, to make a false declaration.

The bill also provides that if the federal government changes the diplomatic status of Cuba, the Governor may, by executive order, suspend the provisions of any statute or rule restricting interactions with Cuba for a period not to exceed adjournment sine die of the regular session of the Legislature after such suspension. Such a suspension may not be renewed or extended. At least 30 days before the next regular session of the Legislature, the Governor must submit to the legislative presiding officers written recommendations for policy changes that should be considered concerning Cuba.

Governmental Contracting with Entities of Foreign Sources of Concern (Section 9)

Present Situation

Government Contracting and Procurement

Current law requires a competitive solicitation⁷⁵ process when state agencies wish to procure commodities or contractual services that cost more than \$35,000.⁷⁶ Depending on the type of contract and scope of work or goods sought, an agency may use one of three procurement methods:

- Invitation to bid (ITB): An agency must use an ITB when the agency is capable of specifically defining the scope of work for which a contractual service is required or when the agency is capable of establishing precise specifications defining the actual commodity or group of commodities required.⁷⁷
- Request for proposals (RFP): An agency must use an RFP when the purposes and uses for which the commodity, group of commodities, or contractual service being sought can be specifically defined and the agency is capable of identifying necessary deliverables.⁷⁸
- Invitation to negotiate (ITN): An ITN is a solicitation used by an agency that is intended to determine the best method for achieving a specific goal or solving a particular problem and identifies one or more responsive vendors with which the agency may negotiate in order to receive the best value.⁷⁹

Scrutinized List of Prohibited Countries

Companies on the Scrutinized Companies with Activities in Sudan list, on the Scrutinized Companies with Activities in the Iran Petroleum Energy Sector list, or engaged in business operations in Cuba or Syria are prohibited from bidding on, submitting a proposal for, or entering into or renewing a contract with an agency or a local governmental entity for goods or

⁷⁵ A “competitive solicitation” is the process of requesting and receiving two or more sealed bids, proposals, or replies submitted by responsive vendors in accordance with the terms of a competitive process, regardless of the method of procurement (s. 287.012(6), F.S.)

⁷⁶ Sections 287.057 and 287.017, F.S.

⁷⁷ Section 287.057(1)(a), F.S.

⁷⁸ Section 287.057(1)(b), F.S.

⁷⁹ Section 287.057(1)(c), F.S.

services of \$1 million or more.⁸⁰ Similarly, a company on the Scrutinized Companies that Boycott Israel list or a company that engaged in a boycott of Israel may not bid on, submit a proposal for, or enter into or renew a contract with an agency or local governmental entity for goods or services of \$100,000 or more.⁸¹ The State Board of Administration is charged with maintaining a complete list of scrutinized companies.⁸²

Governmental Contracting with Foreign Countries of Concern, Generally

Current law prohibits a governmental entity⁸³ from knowingly entering into a contract with, or renewing a contract with, an entity which would give access to an individual's personal identifying information if:

- The entity is owned by the government of a foreign country of concern;⁸⁴
- The government of a foreign country of concern has a controlling interest⁸⁵ in the entity; or
- The entity is organized under the laws of or has its principal place of business in a foreign country of concern.⁸⁶

In addition, a governmental entity may not accept a bid on, a proposal for, or a reply to, or enter into a contract with an entity which would grant the entity access to an individual's personal information unless the entity provides the governmental entity with an affidavit signed by an officer or representative of the entity under penalty of perjury attesting that the entity does not meet any of the specified criteria regarding foreign countries of concern.⁸⁷

Effect of Proposed Changes

The bill:

- Creates additional definitions, providing that "foreign source of concern" has the same meaning as in s. 496.404, F.S., and that "information technology" has the same meaning as in s. 282.0041, F.S.
- Revises the prohibition related to governmental contracts and access to personal information to instead prohibit a governmental entity from knowingly entering into a contract with a foreign *source* of concern if the contract would give access to an individual's personal identifying information.

⁸⁰ Section 287.135(2)(b), F.S.

⁸¹ Section 287.135(2)(a), F.S.

⁸² Sections 215.4725 and 215.473(2)(a), F.S.

⁸³ "Governmental entity" means any state, county, district, or authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, but not limited to, the Commission on Ethics, the Public Service Commission, the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency (s. 287.138(1)(d), F.S.).

⁸⁴ "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 Nicolas Maduro, or the Syrian Arab Republic, including any agency of or any other entity of significant control of such foreign country of concern (s. 287.138(1)(c), F.S.).

⁸⁵ "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. Section 287.138(1)(a), F.S.

⁸⁶ Section 287.138(2)-(3), F.S.

⁸⁷ Section 287.138(4)(a), F.S.

- Prohibits a governmental entity from knowingly entering into a contract for information technology with a foreign source of concern, or through a third-party seller when the information technology is designed, manufactured, or assembled by a foreign source of concern, or for any services relating to information technology with a foreign source of concern.
- Expands the existing prohibition against specified government procurement activities to also include an activity or contract that would involve information technology.

The bill also updates current dates by which governmental entities must comply with the law's provisions, to incorporate the changes made by the bill.

The bill specifies that notwithstanding the provided restrictions on contracting, a governmental entity may enter into, extend, or renew a contract involving information technology that would otherwise be prohibited if the Department of Management Services (DMS) makes a written determination that:

- There is no reasonable alternative available to address a specific need.
- Failure to enter into the contract would pose a greater risk to public health, public safety, or economic security than the risk associated with entering into the contract.
- The contract includes mitigation measures deemed necessary by the DMS to reduce any risk to this state.

The bill requires that, beginning January 1, 2027, the DMS submit to the Governor and legislative presiding officers a written quarterly report detailing each contract entered into pursuant to the exception described above.

The bill specifies that:

- The restrictions on contracting do not apply to information technology that is incapable of remote access to or control of critical infrastructure.
- The DMS may create a nonexhaustive list of information technology that violates the restrictions on contracting.
- The DMS may adopt rules to implement the restrictions on contracting.

Intergovernmental Relations (Section 10)

Present Situation

The Florida Secretary of State serves as the state protocol officer.⁸⁸ Among other duties, the state protocol officer is responsible for consular operations and the sister city and sister state programs.⁸⁹

A consul is an official who is appointed by his or her government to live in a foreign city and protect and promote that government's citizens and interests there. An honorary consul is someone who is approved by the United States Department of State to perform limited consular services, which might include fostering business relationships and hosting cultural education.

⁸⁸ Section 15.01(1), F.S.

⁸⁹ Section 288.816(1), F.S.

The U.S. Department of State's Office of Foreign Missions authorizes the establishment of consular posts in the United States.⁹⁰ The Florida Department of State's website currently lists 117 consulate locations within the state.⁹¹

A sister city, county, or state relationship is a long-term partnership that is broadly based between two communities in two countries. The relationship receives official recognition after the highest elected or appointed official from each of the communities signs off on the agreement.⁹² Each relationship is independent and may include municipal, business, trade, educational and cultural exchanges and projects.⁹³ According to the Directory of Bi-National Chambers and Sister Cities in Florida, in December 2024, 58 Florida cities were engaged in sister city relationships.⁹⁴

Effect of Proposed Changes

The bill provides that the state protocol officer's activities regarding the sister city and sister state programs may not include encouragement of any affiliations with foreign countries of concern, as defined in s. 288.860, F.S., or their subdivisions.

In addition, the bill requires the Department of State to publish on its website, and update quarterly:

- A current and accurate list of all foreign consulate offices.
- A current and accurate list of all sister city and sister state affiliations, including a copy of all such agreements.

Relationships between Postsecondary Institutions in Florida and Foreign Countries (Section 11)

Present Situation

Current law establishes Florida linkage institutes, which are relationships between postsecondary institutions in this state and those of selected foreign countries. They are intended to assist in the development of stronger economic, cultural, educational, and social ties between Florida and strategic foreign countries through:

- Expanded public and private dialogue on cooperative research and technical assistance activities;
- Increased bilateral commerce;
- Student and faculty exchange;
- Cultural exchange; and

⁹⁰ See Florida Department of State, *Consular Offices in Florida*, <https://dos.fl.gov/cultural/about-us/office-of-international-affairs/consular-offices-in-florida/> (last visited Feb. 1, 2026).

⁹¹ *Id.* The department's website cautions that it is not responsible for the accuracy of the list and suggests contacting the respective consulate for information.

⁹² Florida Department of State, *Florida Sister Cities*, <https://dos.fl.gov/cultural/about-us/office-of-international-affairs/florida-sister-cities/> (last visited Feb. 1, 2026).

⁹³ *Id.*

⁹⁴ Florida Department of State, *Directory of Bi-National Chambers and Sister Cities in Florida*, <https://files.floridados.gov/media/709662/bi-national-chambers-and-fl-sister-cities-as-of-december-2024.pdf> (last visited Feb. 1, 2026).

- The enhancement of language training skills.⁹⁵

There are currently 11 linkage institutes established in statute.⁹⁶ Each institute is allowed to exempt from in-state residency tuition requirements up to 25 full-time equivalent students per year from the respective host countries.⁹⁷

Effect of Proposed Changes

The bill:

- Removes the Florida-China Institute from the list of established linkage institutes.
- Repeals the exemption for in-state residency tuition requirements.
- Creates a new prohibition, that a linkage institute may not enter into any agreement or participate in any activities with a foreign country of concern or any organization in a foreign country of concern. “Foreign country of concern” has the same meaning as in s. 288.860, F.S.

International Cultural Agreements (Section 13)

Present Situation

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:

- Constrains the freedom of contract of such public entity;
- Allows the curriculum or values 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.⁹⁸

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.⁹⁹ If such a federal agency provides information suggesting that such an agreement promotes

⁹⁵ Section 288.8175(1), F.S.

⁹⁶ Section 288.8175(4), F.S. The institutes are the Florida-Brazil Institute (University of Florida and Miami-Dade College), Florida-Costa Rica Institute (Florida State University and Valencia College), Florida Caribbean Institute (Florida International University and Daytona State College), Florida-Canada Institute (University of Central Florida and Palm Beach State College), Florida-China Institute (University of West Florida, University of South Florida, and Eastern Florida State College), Florida-Japan Institute (University of South Florida, University of West Florida, and St. Petersburg College), Florida-France Institute (New College of the University of South Florida, Miami Dade College, and Florida State University), Florida-Israel Institute (Florida Atlantic University and Broward College), Florida-West Africa Institute (Florida Agricultural and Mechanical University, University of North Florida, and Florida State College at Jacksonville), Florida-Eastern Europe Institute (University of Central Florida and Lake-Sumter State College), and Florida-Mexico Institute (Florida International University and Polk State College).

⁹⁷ Section 288.8175(5), F.S. Section 1009.21, F.S., sets forth requirements for resident status for tuition purposes.

⁹⁸ Section 288.860(2), F.S.

⁹⁹ Section 288.860(2)(c), F.S.

an agenda detrimental to the safety or security of the United States or its residents, the public entity may not enter into the agreement.¹⁰⁰

Effect of Proposed Changes

The bill deletes the specified conditions under which the prohibition on agreements or grants is effective, thereby making it a blanket prohibition without exceptions. The bill also provides that all international cultural agreements with a foreign country of concern or its subdivisions entered into under the existing law, including, but not limited to, sister city agreements, are terminated as of July 1, 2026.

Protection of State Critical Infrastructure Facilities (Section 17)

Present Situation

Current law provides a number of definitions of “critical infrastructure” and related protections. Examples include:

- A criminal penalty for a person who knowingly and intentionally tampers with and damages infrastructure of certain manufacturing, mining, energy, water treatment, transportation, military, or civil defense facilities or locations, or of dams.¹⁰¹
- A public records exemption for specified information relating to information technology and operational technology, the incapacity or destruction of which would negatively affect security, economic security, public health, or public safety.¹⁰²
- A prohibition against operating a drone over specified manufacturing, mining, energy, water treatment, transportation, military, or correctional or detention facilities, or over dams.¹⁰³
- Authorization for a security officer of a specified chemical, energy, shipping, or telecommunications facility to temporarily detain a person suspected of committing a crime.¹⁰⁴
- A prohibition against foreign ownership of land that is within 10 miles of a specified chemical, energy, water treatment, telecommunications, or transportation facility or location.¹⁰⁵
- A prohibition against and related criminal penalty for a person who receives military-type training from a designated foreign terrorist organization and uses or attempts to use such training with the intent to damage a specified chemical, energy, shipping, or telecommunications facility.¹⁰⁶

Effect of Proposed Changes

The bill creates a new section of law, within the chapter prohibiting the purchase of certain land by foreign principals, to govern the protection of state critical infrastructure facilities from foreign sources of concern. It assigns the following definitions:

¹⁰⁰ *Id.*

¹⁰¹ Section 812.141, F.S.

¹⁰² Section 119.0725, F.S.

¹⁰³ Section 330.41, F.S.

¹⁰⁴ Section 493.631, F.S.

¹⁰⁵ Sections 692.201(2) and 692.203(1), F.S.

¹⁰⁶ Section 775.32, F.S.

- “Foreign source of concern” has the same meaning as in s. 496.404, F.S.
- “Business entity” has the same meaning as in s. 112.312, F.S.¹⁰⁷
- “Governmental entity” has the same meaning as in s. 287.138(1), F.S.
- “Information technology” has the same meaning as in s. 282.0041, F.S.

The bill prohibits a governmental entity or a business entity constructing, repairing, operating, or otherwise having significant access to a critical infrastructure facility; or a foreign source of concern from entering into a contract or other agreement relating to a critical infrastructure facility within this state if the contract or agreement authorizes a foreign source of concern to directly or remotely access or otherwise control such critical infrastructure facility.

Beginning January 1, 2027, the bill requires a business entity constructing, repairing, operating, or otherwise having significant access to a critical infrastructure facility in Florida which entered into a contract or other agreement before the bill’s effective date with a foreign source of concern relating to such critical infrastructure facility to register with the Department of Commerce¹⁰⁸ by January 1 of each year for the remainder of the term of the contract or agreement. The Department of Commerce must adopt a form for such registration that includes:

- The name of the business entity constructing, repairing, operating, or otherwise having significant access to critical infrastructure facilities.
- The address of the critical infrastructure facility the entity is constructing, repairing, or operating or to which the entity otherwise has significant access.
- A description of the specific terms of the contract or agreement which authorizes a foreign source of concern to engage in constructing, repairing, or operating or to otherwise have significant access to the critical infrastructure facility.

The bill provides that a business entity that fails to register as required commits a second-degree misdemeanor and is subject to a civil penalty of \$1,000 for each day the violation continues.

Before commencing any sale or other transfer of control of a critical infrastructure facility in Florida, the bill requires the business entity selling or otherwise transferring control of the facility to provide an affidavit, signed under penalty of perjury, to the Department of Commerce attesting that the buyer or transferee is not a foreign source of concern.

The bill prohibits information technology¹⁰⁹ produced or manufactured by a foreign source of concern or a company under the direction of a foreign source of concern from being used in a critical infrastructure facility located in or serving Florida.

¹⁰⁷ Section 112.312(5), F.S., defines “business entity” to mean any corporation, partnership, limited partnership, company, limited liability company, proprietorship, firm, enterprise, franchise, association, self-employed individual, or trust, whether fictitiously or not, doing business in this state.

¹⁰⁸ The purpose of the Department of Commerce is to assist the Governor in working with the Legislature, state agencies, business leaders, and economic development professionals to formulate and implement coherent and consistent policies and strategies designed to promote economic opportunities. The department is the state’s chief agency for business recruitment and expansion and economic development. *See* s. 20.60, F.S., and “Department of Commerce,” Office of Program Policy Analysis and Government Accountability, available at <https://oppaga.fl.gov/ProgramSummary/ProgramDetail?programNumber=6101> (last visited January 27, 2026).

¹⁰⁹ As defined in s. 282.0041, F.S.

The bill requires the Department of Commerce to adopt rules to implement the new provisions.

The bill specifies that, notwithstanding the restrictions, a governmental entity or business entity may enter into a contract or other agreement with a foreign source of concern to use information technology that is otherwise prohibited in a critical infrastructure facility if the Department of Commerce, in consultation with the DMS, makes a written determination that:

- There is no reasonable alternative available to address a specific need.
- Failure to enter into the contract or agreement would pose a greater risk to public health, public safety, or economic security than the risk associated with entering into the contract or agreement.
- The contract or agreement includes mitigation measures deemed necessary by the Department of Commerce, in consultation with the DMS, to reduce any risk to this state.

The bill requires, beginning January 1, 2027, the Department of Commerce to submit to the Governor and the legislative presiding officers a written quarterly report detailing each contract or agreement entered into under the exception described above.

Criminal Offenses by Foreign Agents (Section 19)

Present Situation

Reclassification occurs when the Legislature *increases the degree of a conviction*. The reclassification attaches at the time the charges are filed.¹¹⁰ Reclassification of a criminal conviction from one degree to a higher degree stems from an express and explicit grant of statutory authority.¹¹¹

Current law provides a reclassified, increased criminal penalty for a person who commits trafficking in trade secrets if the action was committed with the intent to benefit a foreign government, a foreign agent, or a foreign instrumentality.¹¹² “Foreign agent” means any officer, employee, proxy, servant, delegate, or representative of a foreign government.¹¹³ Current law also provides a reclassified, increased criminal penalty for a person who commits threats or extortion if that person is acting as a foreign agent.¹¹⁴

Effect of Proposed Changes

The bill creates a new section of law providing for reclassification of criminal offenses committed for the purpose of benefiting, promoting, or furthering the interests of a foreign government, a designated foreign terrorist organization, or an agent of a foreign government or designated foreign terrorist organization. Specifically, in such cases:

- A second-degree misdemeanor is reclassified to a first-degree misdemeanor.
- A first-degree misdemeanor is reclassified to a third-degree felony.

¹¹⁰ *Cooper v. State*, 455 So.2d 588 (Fla. 1st DCA 1984); *Jackson v. State*, 515 So.2d 394 (Fla. 1st DCA 1987).

¹¹¹ *Cf. Spicer v. State*, 615 So.2d 725, 726 (Fla. 2d DCA 1993) (reversing reclassification of robbery with a mask conviction because “[p]enal statutes must be construed in terms of their literal meaning [I]f the legislature had intended section 775.0845 [Florida Statutes (1989)] to reclassify offenses, it would have so stated”).

¹¹² Section 812.081(4), F.S.

¹¹³ Section 812.081(4), F.S.

¹¹⁴ Section 836.05(2), F.S.

- A third-degree felony is reclassified to a second-degree felony.
- A second-degree felony is reclassified to a first-degree felony.
- A first-degree felony is reclassified to a life felony.

The bill also provides that, in addition to any other penalties prescribed by law, a person convicted of a first-degree felony or a life felony under the new section must be sentenced to a minimum term of imprisonment of 15 years.

Unauthorized Enforcement of Foreign Law (Section 20)

Present Situation

Transnational repression occurs when foreign governments or agents “reach beyond their borders to intimidate, silence, coerce, harass, or harm members of their diaspora and exile communities in the United States.”¹¹⁵ Such repression may include, among other actions:

- Stalking.
- Online disinformation campaigns.
- Harassment.
- Intimidation or threats.
- Cyberhacking.¹¹⁶

In 2025, Texas enacted two laws to combat attempts by foreign agents to police individuals on U.S. soil without legal authority, criminalizing:

- The unauthorized enforcement of foreign law.¹¹⁷
- Transnational repression.¹¹⁸

Florida does not currently specifically prohibit the unauthorized enforcement of foreign law.

Effect of Proposed Changes

The bill creates a new section of law, substantially similar to the Texas law, which prohibits the unauthorized enforcement of foreign law. Specifically, the bill provides that without the approval of this state or the United States, a person may not:

- Prevent another person in this state from violating the laws of a foreign government which are not also the laws of this state or the United States.
- Investigate, monitor, or surveil another person in this state for the purposes of preventing the other person from violating the laws of a foreign government that are not also the laws of this state or the United States.

The bill makes violation of the new prohibition a third-degree felony. However, if a person violates the prohibition for the purpose of benefiting, promoting, or furthering the interests of a

¹¹⁵ Federal Bureau of Investigation, *What We Investigate*, <https://www.fbi.gov/investigate/counterintelligence/transnational-repression> (last visited Feb. 1, 2026).

¹¹⁶ *Id.*

¹¹⁷ Section 76.046, Texas Penal Code.

¹¹⁸ Section 76.045, Texas Penal Code.

foreign government, a designated foreign terrorist organization, or an agent of a foreign government, the penalty is a second-degree felony.

The bill defines “agent of a foreign government or designated foreign terrorist organization” to mean a person acting on behalf of or otherwise employed or controlled by a foreign government or a designated foreign terrorist organization. “Designated foreign terrorist organization” has the same meaning as provided in s. 775.32(1), F.S. “Foreign government” has the same meaning as in s. 286.101(1), F.S.

Governmental Contracting for Traffic Camera Systems with Foreign Countries of Concern (Section 14)

Present Situation

Florida law expressly preempts to the state the regulation of the use of cameras for enforcing the Florida Uniform Traffic Control Law.¹¹⁹ The only cameras currently authorized to enforce traffic laws are traffic infraction detectors (commonly known as red light cameras),¹²⁰ speed detection systems used to enforce school zone speed limits for violations in excess of 10 miles per hour over the speed limit,¹²¹ and school bus infraction detection systems.¹²²

A governmental entity may not knowingly enter into or renew a contract with a contracting vendor of any camera system used for enforcing Florida’s Uniform Traffic Control Law if:

- The contracting vendor is owned by the government of a foreign country of concern; or
- The government of a foreign country has a controlling interest in the contracting vendor.

The terms “controlling interest” and “foreign country of concern” have the same meanings as in s. 287.138(1), F.S.¹²³

Effect of Proposed Changes

The bill deletes the references to the definitions of “controlling interest” and “foreign country of concern” in s. 287.138(1), F.S., and creates definitions for the terms that are largely identical to those provided in s. 287.138(1), F.S.

Government Technology Modernization Council (Section 21)

Present Situation

Current law establishes the Government Technology Modernization Council, an advisory council within the Department of Management Services. The council’s purpose is to study and monitor the development and deployment of new technologies and provide reports on recommendations

¹¹⁹ Section 316.0076, F.S. Ch. 316, F.S., is the Florida Uniform Traffic Control Law. The purpose of Florida Uniform Traffic Control Law is to ensure consistent and uniform regulation of traffic across Florida jurisdictions (s. 316.002, F.S.).

¹²⁰ Section 316.0083, F.S., relating to the Mark Wandall Traffic Safety Program.

¹²¹ Section 316.1896, F.S.

¹²² Section 316.173, F.S.

¹²³ Section 316.0078, F.S.

for procurement and regulation of such systems to the Governor, the President of the Senate, and the Speaker of the House of Representatives.¹²⁴

Its duties include, but are not limited to, determining the manner in which artificial intelligence is being exploited by bad actors, including foreign countries of concern. “Foreign countries of concern” has the same meaning as in s. 287.138(1), F.S.

Effect of Proposed Changes

The bill replaces the linked definition of “foreign country of concern” with that provided in s. 286.101(1), F.S.

Effective Date (Section 22)

The bill takes effect July 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Not applicable. The bill does not appear to require counties and municipalities to spend funds, reduce the authority of municipalities or counties to raise revenue, or reduce the percentage of state tax shared with counties or municipalities.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

¹²⁴ Section 282.802, F.S.

B. Private Sector Impact:**Surrogacy Arrangements in Florida (Section 3 and 18)**

The bill may have an indeterminate, negative fiscal impact on business entities, as fertility clinics, adoption entities, and surrogacy agencies may experience reduced participation from international intended parents.

Governmental Contracting with Entities of Foreign Countries of Concern (Section 9)

The bill may have an indeterminate, negative fiscal impact on business entities impacted by the expanded contracting restrictions.

International Relations (Section 10)

The bill may have an indeterminate, negative fiscal impact on communities that would otherwise engage in a sister city or sister state relationship with a community in a foreign country of concern.

Relationships between Postsecondary Institutions in Florida and Foreign Countries (Section 11)

The bill will likely have a negative fiscal impact on students from other countries who would previously have benefited from the limited exemption for in-state residency tuition requirements.

International Cultural Agreements (Section 13)

The bill may have an indeterminate, negative fiscal impact on entities controlled by a foreign country of concern to the extent that they are impacted by the bill's expanded restrictions on agreements and grants.

Protection of Critical State Infrastructure Facilities (Section 17)

The bill may have an indeterminate, negative fiscal impact on the private sector by limiting which parties may enter into specified contracts or agreements related to critical infrastructure facilities, as well as creating fines associated with failing to register specified information related to specified contracts or agreements related to critical infrastructure facilities.

Criminal Offenses by Foreign Agents (Section 19)

The bill will have an indeterminate, negative fiscal impact on persons who are convicted of the reclassified criminal offenses.

Unauthorized Enforcement of Foreign Law (Section 20)

The bill will have an indeterminate, negative fiscal impact on persons who are convicted of violating the new prohibition on authorized enforcement of foreign law.

C. Government Sector Impact:**Ethics Requirements for Public Officials and Employees (Sections 3 and 4)**

The bill's expansion of the gift restriction may result in an indeterminate, negative fiscal impact on the Commission on Ethics to the extent that additional enforcement actions occur. In addition, the Commission on Ethics may incur an insignificant negative fiscal impact associated with creating the additional ethics training content and related rulemaking.

Governmental Contracting with Entities of Foreign Countries of Concern (Section 9)

The bill may result in an insignificant, negative fiscal impact on state and local governments. It expands contracting prohibitions related to business entities with connections to foreign countries of concern, and state agencies and local governments could incur costs associated with updating procurement procedures. Additionally, legal costs to the state may arise if enforcement actions are pursued. However, the costs can likely be absorbed within existing resources.

International Relations (Section 10)

The bill may have an insignificant, negative fiscal impact on the Department of State due to the creation of new publishing requirements. However, the new requirements are likely to be absorbed within existing resources.

Relationships between Postsecondary Institutions in Florida and Foreign Countries (Section 11)

Florida postsecondary institutions affiliated with the Florida-China Institute or that would otherwise participate in activities involving a foreign country of concern may incur an indeterminate fiscal impact.

International Cultural Agreements (Section 13)

The bill's expansion of restrictions on governmental agreements and grants may have an indeterminate, negative fiscal impact on governmental entities that would enter into an agreement or grant under current law.

Protection of Critical State Infrastructure Facilities (Section 17)

The bill may have an indeterminate fiscal impact on state government by limiting which parties may enter specified contracts relating to critical infrastructure, and by creating

finances associated with failing to register specified information related to specified contracts and agreements related to critical infrastructure. The bill may have an indeterminate positive impact on jail beds by creating a misdemeanor offense related to failing to register specified information as required.

Criminal Offenses by Foreign Agents (Section 19)

There may be an indeterminate, negative fiscal impact to the extent that the reclassification of crimes leads to additional jail or prison bed needs. However, some costs may be offset by associated fines that are increased due to the reclassified crimes.

Unauthorized Enforcement of Foreign Law (Section 20)

There will likely be an indeterminate, negative fiscal impact on the criminal justice system to the extent that the new crime leads to additional prosecutions and increased need for jail or prison beds. However, some costs may be offset by associated fines.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The bill makes several references to the “Venezuelan regime of Nicolas Maduro.” Mr. Maduro, however, was captured by the United States Military on January 3, 2026. In between court proceedings, he is being held in the Metropolitan Detention Center in Brooklyn, New York. Venezuela is currently headed by Delcy Rodriguez who is described as the interim president of the country, but the United States exercises some control over the country by controlling its oil trade. Under these circumstances, it is not clear whether the “Venezuelan regime of Nicolas Maduro” continues to exist.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 11.045, 63.213, 112.313, 112.3142, 112.3215, 112.3261, 205.0532, 287.138, 288.816, 288.8175, 288.854, 288.860, 316.0078, 692.201, and 742.15.

This bill creates the following sections of the Florida Statutes: 692.21, 775.08255, and 775.36.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS/CS by Appropriations on March 2, 2026:

The committee substitute replaces the new framework for state-level registration of foreign agents with a requirement that each registered lobbyist disclose specified information about principals related to foreign countries of concern. It also revises the

definition and application of “foreign country of concern” and “foreign source of concern” and adds to the bill:

- A requirement that participants in preplanned adoption and surrogacy agreements be U.S. citizens or lawful permanent residents, and that at least one intended parent to be domiciled in Florida.
- An expansion of the current-law authorization for a local governing authority to revoke a business tax receipt of an individual or business doing business with Cuba.
- Authorization for the Governor to temporarily suspend laws restricting interactions with Cuba if the federal government changes Cuba’s diplomatic status.

CS by Ethics and Elections on January 28, 2026:

The committee substitute makes drafting changes to clarify language in the bill and related statutes, as well as to ensure the definitions of terms used in the bill are clear. The committee substitute also clarifies that:

- Penalties under the new state-level requirements for registration of foreign agents are for *willful* violations, to be consistent with the Florida Elections Commission’s jurisdiction.
- The new course content requirements for ethics training are *in addition to* existing content requirements.

B. Amendments:

None.