

**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 Ethics and Elections

BILL: CS/SB 1178

INTRODUCER: Ethics and Elections Committee and Senator Grall

SUBJECT: Foreign Influence

DATE: January 29, 2026

REVISED: \_\_\_\_\_

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. <u>Biehl</u>	<u>Roberts</u>	<u>EE</u>	<u>Fav/CS</u>
2. _____	_____	<u>JU</u>	_____
3. _____	_____	<u>AP</u>	_____

**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

## **I. Summary:**

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.
- Creates a state-level framework for the registration of agents and organizations associated with foreign countries of concern and prescribes penalties for its violation.
- 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.”

The bill takes effect July 1, 2026.

## II. Present Situation:

### Influence Operations by Foreign Countries of Concern

Reports in recent years by national intelligence agencies and civilian interest groups describe ongoing efforts by foreign governments hostile to United States interests to influence federal, state, and local government policy, as well as to directly attack U.S. infrastructure. 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.<sup>1</sup>
- Exploitation by the Chinese Communist Party of U.S. university partnerships to advance China’s civilian repression and military goals.<sup>2</sup>
- Russian use of influence operations and cyberattacks to create opportunities to advance its interests.<sup>3</sup>

### Current Statutes

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

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<sup>1</sup> “Safeguarding Our Future: Protecting Government and Business Leaders at the U.S. State and Local Level from People’s Republic of China Influence Operations,” The National Intelligence and Security Center, July 2022, available at [https://www.dni.gov/files/NCSC/documents/SafeguardingOurFuture/PRC\\_Subnational\\_Influence-06-July-2022.pdf](https://www.dni.gov/files/NCSC/documents/SafeguardingOurFuture/PRC_Subnational_Influence-06-July-2022.pdf) (last visited January 26, 2026).

<sup>2</sup> “Joint Institutes, Divided Loyalties: How the Chinese Communist Party Exploits U.S. Partnerships to Empower China’s Military and Repression,” The Select Committee on the Chinese Communist Party, September 2025, available at <https://chinaselectcommittee.house.gov/media/reports/joint-institutes-divided-loyalties> (last visited January 26, 2026).

<sup>3</sup> “Annual Threat Assessment of the U.S. Intelligence Community,” Office of the Director of National Intelligence, March 2025, available at <https://www.dni.gov/files/ODNI/documents/assessments/ATA-2025-Unclassified-Report.pdf> (last visited January 26, 2026).

### III. Effect of Proposed Changes:

#### Statutory Definitions related to Foreign Countries of Concern (Sections 5, 9, and 10)

##### 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.<sup>4</sup>

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

#### 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.<sup>6</sup>

#### 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.<sup>7</sup> The U.S. Department of State currently lists 93 designated foreign terrorist organizations.<sup>8</sup>

#### ***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 bill revises the definitions of “foreign country of concern” in ss. 287.138 and 692.201, F.S., to clarify that the term includes any entity *under* significant control of such country, not *of* significant control.

#### **Registration of Foreign Agents (Section 2)**

##### ***Present Situation***

###### Federal Law

Enacted 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.<sup>9</sup> FARA has been revised to respond to the

<sup>4</sup> Section 496.404(14)(f), F.S.

<sup>5</sup> Section 496.404(13), F.S.

<sup>6</sup> Section 812.081, F.S.

<sup>7</sup> Section 775.32(1)(b), F.S.

<sup>8</sup> See “Foreign Terrorist Organizations,” <https://www.state.gov/foreign-terrorist-organizations> (last visited January 14, 2026).

<sup>9</sup> 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, 104<sup>th</sup> Cong., 1<sup>st</sup> sess., November 14, 1995, H.Rept.104-339, part 1 (Washington:

changing nature of representation of foreign entities in the United States, reorienting the law away from propaganda activities and toward foreign advocacy and lobbying.<sup>10</sup> Recent enforcement of FARA has focused on “instances of alleged conduct similar to more traditional espionage by foreign government actors.”<sup>11</sup>

FARA requires certain persons, referred to as “agents of a foreign principal,”<sup>12</sup> 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,”<sup>13</sup> 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.<sup>14</sup> Supplemental statements must be filed every six months thereafter.<sup>15</sup> Registration statements must include:<sup>16</sup>

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

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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.”).

<sup>10</sup> *Id.* (FARA was amended in 1938, 1942, 1966, and 1995.)

<sup>11</sup> See “General Policy Regarding Charging, Plea Negotiations, and Sentencing,” a memorandum from Attorney General Pamela Bondi to all Department of Justice employees, February 2025, available at <https://www.justice.gov/ag/media/1388541/dl> (last visited January 27, 2026).

<sup>12</sup> 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.”).

<sup>13</sup> 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.”).

<sup>14</sup> 22 U.S.C. §612(a).

<sup>15</sup> 22 U.S.C. §612(b).

<sup>16</sup> 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 oath<sup>17</sup> and filed electronically.<sup>18</sup> 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.<sup>19</sup> FARA requires that political propaganda be filed with the DOJ and specifically labeled.<sup>20</sup> These "informational materials" must be filed by agents of foreign principals within 48 hours of registration and must contain specific labeling language.<sup>21</sup> 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."<sup>22</sup> 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.<sup>23</sup> 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.<sup>24</sup>

In addition, FARA requires firms or other entities that are agents of a foreign principal to also register.<sup>25</sup> 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.<sup>26</sup>

Certain agents of a foreign principal are exempt from registering under FARA.<sup>27</sup>

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<sup>17</sup> 22 U.S.C. §612(c).

<sup>18</sup> 22 U.S.C. §612(g).

<sup>19</sup> 22 U.S.C. §616(a)-(d) (The Attorney General must also maintain a publicly available, internet accessible, searchable, and downloadable database).

<sup>20</sup> 22 U.S.C. §614.

<sup>21</sup> 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=55bbc4f61d657ca4ec8a5862d848e1&mc=true&node=se28.1.5\\_1402&rgn=div8](https://www.ecfr.gov/cgi-bin/text-idx?SID=55bbc4f61d657ca4ec8a5862d848e1&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.").

<sup>22</sup> *Id.*

<sup>23</sup> 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).

<sup>24</sup> 28 C.F.R. §5.500(a).

<sup>25</sup> 22 U.S.C. §617.

<sup>26</sup> *Id.*

<sup>27</sup> 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.<sup>28</sup> The Attorney General may establish regulations to implement the law.<sup>29</sup> Further, every six months, the Attorney General must submit a report to Congress on the administration of FARA.<sup>30</sup>

Federal law, under the Federal Elections Campaign Act (FECA)<sup>31</sup> as amended, prohibits foreign nationals,<sup>32</sup> 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.<sup>33</sup>

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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.).

<sup>28</sup> 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.).

<sup>29</sup> 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.).

<sup>30</sup> 22 U.S.C. §621.

<sup>31</sup> 52 U.S.C. § 30121.

<sup>32</sup> *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).”).

<sup>33</sup> 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%](https://www.fec.gov/help-candidates-and-committees/foreign-nationals/#:~:text=Federal%20law%20prohibits%20contributions%2C%20donations,federal%2C%20state%20or%20local%20)

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;<sup>34</sup> and contributions or disbursements to make electioneering communications.<sup>35</sup> Foreign nationals are also prohibited from directly or indirectly donating to an inaugural committee, and it is a violation of federal law to knowingly accept such donations from a foreign national.<sup>36</sup>

#### Florida Law

Florida law prohibits foreign nationals<sup>37</sup> from directly or indirectly making, or offering to make, a contribution or expenditure in connection with any election held in the state.<sup>38</sup> The prohibition applies to both candidate and ballot question campaigns.<sup>39</sup>

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.<sup>40</sup> 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.<sup>41</sup>

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.”)

#### *Effect of Proposed Changes*

This bill creates a new requirement under the Florida Election Code<sup>42</sup> for the registration of agents and organizations associated with foreign countries of concern.

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<sup>20</sup>election.; *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.).

<sup>34</sup> *See* 11 CFR 300.35

<sup>35</sup> *Id.*

<sup>36</sup> *Id.*

<sup>37</sup> *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.”).

<sup>38</sup> Section 106.08(12)(b), F.S.

<sup>39</sup> *Id.*

<sup>40</sup> Section 286.101(2), F.S.

<sup>41</sup> *Id.*

<sup>42</sup> *See* Chapters 97-106, F.S.

The bill provides definitions for the terms “address,”<sup>43</sup> “agent of a foreign country of concern,”<sup>44</sup> “foreign country of concern,”<sup>45</sup> “foreign supported political organization,”<sup>46</sup> “payment,”<sup>47</sup> and “political activity.”<sup>48</sup>

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 90 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 90 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.

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<sup>43</sup> “Address” is defined to mean any address, no matter the location, inside or outside of the United States.

<sup>44</sup> “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.

<sup>45</sup> “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.

<sup>46</sup> “Foreign-supported political organization” means a political party or a domestic partnership, an association, a corporation, an organization, or any other business entity that has its principal place of business in a foreign country of concern; or is at least 20 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.

<sup>47</sup> “Payment” includes compensation and disbursement made in any form, including, but not limited to, contributions, income, money, tangible property, and intangible property.

<sup>48</sup> “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 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 such person.
- A statement detailing each time the registrant received a payment from such person within the previous 90 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 90 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 90 days related to any political activity.

A registered individual must update the information required by the registration form at least every 90 days and must register for any period of time for which he or she was engaged as an agent of a foreign country of concern.

On or before January 1, 2027, 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, titles, and addresses of all officers or directors of the organization.
- A detailed statement of all payments made by the organization that would constitute political activity during the previous calendar year.
- A detailed statement of all payments 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 required by 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<sup>49</sup> is subject to the general penalties for elections violations provided in ss. 106.265<sup>50</sup> and 106.27,<sup>51</sup> F.S., as well as:

- A fine of up to \$500 for any willful violation.

<sup>49</sup> The Florida Elections Commission is a nine-member commission, housed within the Department of Legal Affairs, that has jurisdiction to investigate and determine violations of chs. 104 and 106, F.S. (ss. 106.24(1) and 106.25(1), F.S.). For the purposes of commission jurisdiction, a violation means the willful performance of act prohibited by, or the willful failure to perform an act required by, ch. 104 or 106, F.S. (s. 106.25(3), F.S.).

<sup>50</sup> “(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.”

<sup>51</sup> “(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.”

- A fine of up to \$2,000 for any willful repeated violation.

## **Ethics Requirements for Public Officials and Employees (Sections 3 and 4)**

### ***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.<sup>52</sup> 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.<sup>53</sup> 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.<sup>54</sup> In addition to constitutional duties, the Commission, in part:

- Renders advisory opinions to public officials;<sup>55</sup>
- Makes recommendations to disciplinary officials when appropriate for violations of ethics and disclosure laws;<sup>56</sup>
- Administers the Executive Branch Lobbying Registration and Reporting Law;<sup>57</sup>
- Maintains financial disclosure filings of constitutional officers and state officers and employees;<sup>58</sup> and
- Administers automatic fines for public officers and employees who fail to timely file a required annual financial disclosure.<sup>59</sup>

#### **Code of Ethics for Public Officers and Employees, Generally**

The Code of Ethics for Public Officers and Employees (Code of Ethics)<sup>60</sup> 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 provided by law.<sup>61</sup> 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.<sup>62</sup>

#### **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,

<sup>52</sup> 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.

<sup>53</sup> Section (8)(j)(3), art. II, Fla. Const.; s. 112.320, F.S.

<sup>54</sup> Section (8)(g), art. II., Fla. Const.

<sup>55</sup> Section 112.322(3)(a), F.S.

<sup>56</sup> Section 112.322(2)(b), F.S.

<sup>57</sup> Sections 112.3215 and 112.32155, F.S.

<sup>58</sup> Section 112.3144, F.S.

<sup>59</sup> Sections 112.3144, 112.3145, and 112.31455, F.S.

<sup>60</sup> *See* pt. III. Ch. 112, F.S.

<sup>61</sup> 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)

<sup>62</sup> *See* pt. III. 112, F.S.

promise of future employment, favor, or service, based upon the understanding that their vote, official action, or judgment would be influenced.<sup>63</sup>

#### Ethics Training for Specified Public Officials

Current law requires all constitutional officers,<sup>64</sup> 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, such training must address state constitutional and statutory ethics requirements and state public records and meetings laws.<sup>65</sup> 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.<sup>66</sup>

#### *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 an 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.

The bill requires the Commission on Ethics to, by November 1, 2026, to 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.<sup>67</sup> The term “foreign country of concern” has the same definition as in s. 287.138, F.S.

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<sup>63</sup> Section 112.313(2), F.S.

<sup>64</sup> “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.).

<sup>65</sup> Section 112.3142(2), F.S.

<sup>66</sup> *Id.*

<sup>67</sup> 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

- 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.

## **Governmental Contracting with Entities of Foreign Countries of Concern (Section 5)**

### ***Present Situation***

#### **Government Contracting and Procurement**

Current law requires a competitive solicitation<sup>68</sup> process when state agencies wish to procure commodities or contractual services that cost more than \$35,000.<sup>69</sup> 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.<sup>70</sup>
- 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.<sup>71</sup>
- 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.<sup>72</sup>

#### **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 services of \$1 million or more.<sup>73</sup> 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

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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).

<sup>68</sup> 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.)

<sup>69</sup> Sections 287.057 and 287.017, F.S.

<sup>70</sup> Section 287.057(1)(a), F.S.

<sup>71</sup> Section 287.057(1)(b), F.S.

<sup>72</sup> Section 287.057(1)(c), F.S.

<sup>73</sup> Section 287.135(2)(b), F.S.

goods or services of any amount.<sup>74</sup> The State Board of Administration is charged with maintaining a complete list of scrutinized companies.<sup>75</sup>

#### Governmental Contracting with Foreign Countries of Concern, Generally

Current law prohibits a governmental entity<sup>76</sup> 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;<sup>77</sup>
- The government of a foreign country of concern has a controlling interest<sup>78</sup> 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.<sup>79</sup>

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.<sup>80</sup>

#### *Effect of Proposed Changes*

The bill:

- Creates an additional definition, providing that "foreign source of concern" has the same meaning as in s. 496.404, 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 an entity in which a foreign *source* of concern has an ownership or controlling interest if the contract would give access to an individual's personal identifying information.
- Creates a new prohibition against government contracting for information technology, or for any services related to information technology:
  - With an entity in which a foreign source of concern has an ownership or controlling interest; or

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<sup>74</sup> Section 287.135(2)(a), F.S.

<sup>75</sup> Sections 215.4725 and 215.473, F.S.

<sup>76</sup> "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.).

<sup>77</sup> "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.).

<sup>78</sup> "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.

<sup>79</sup> Section 287.138(2)-(3), F.S.

<sup>80</sup> Section 287.138(4)(a), F.S.

- Through a third-party seller when the information technology is designed, manufactured, or assembled by any entity in which a foreign source of concern has an ownership or controlling interest.
- 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 dates by which governmental entities must comply with the law's provisions, to incorporate the changes made by the bill.

## Intergovernmental Relations (Section 6)

### *Present Situation*

The Florida Secretary of State serves as the state protocol officer.<sup>81</sup> Among other duties, the state protocol officer is responsible for consular operations and the sister city and sister state program.<sup>82</sup>

A consul is an official appointed by a government to live in a foreign city and protect and promote that government's citizens and interests there. An honorary consul is a person who approved by the United States Department of State to perform limited consular services such as fostering business relationships and hosting cultural education. The U.S. Department of State's Office of Foreign Missions authorizes the establishment of consular posts in the United States.<sup>83</sup> The Florida Department of State's website currently lists 117 consulate locations within the state.<sup>84</sup>

A sister city, county, or state relationship is a broad-based, long-term partnership between two communities in two countries. A relationship is officially recognized after the highest elected or appointed official from each community signs off on the agreement.<sup>85</sup> Each relationship is independent and may include municipal, business, trade, educational and cultural exchanges and projects.<sup>86</sup> 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.<sup>87</sup>

### *Effect of Proposed Changes*

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

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<sup>81</sup> Section 15.01(1), F.S.

<sup>82</sup> Section 288.816(1), F.S.

<sup>83</sup> See "Consular Offices in Florida," Florida Department of State website, <https://dos.fl.gov/cultural/about-us/office-of-international-affairs/consular-offices-in-florida/> (last visited January 14, 2026).

<sup>84</sup> *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.

<sup>85</sup> See "Florida Sister Cities," Florida Department of State website, <https://dos.fl.gov/cultural/about-us/office-of-international-affairs/florida-sister-cities/> (last visited January 14, 2026).

<sup>86</sup> *Id.*

<sup>87</sup> "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 January 14, 2026).

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 7)**

### ***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
- The enhancement of language training skills.<sup>88</sup>

There are currently 11 linkage institutes established in statute.<sup>89</sup> 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.<sup>90</sup>

### ***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.

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<sup>88</sup> Section 288.8175(1), F.S.

<sup>89</sup> 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).

<sup>90</sup> Section 288.8175(5), F.S. Section 1009.21, F.S., sets forth requirements for resident status for tuition purposes.

## International Cultural Agreements (Section 8)

### ***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.<sup>91</sup>

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.<sup>92</sup> 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.<sup>93</sup>

### ***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 agreements 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 11)

### ***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.<sup>94</sup>
- 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.<sup>95</sup>
- A prohibition against operating a drone over specified manufacturing, mining, energy, water treatment, transportation, military, or correctional or detention facilities, or over dams.<sup>96</sup>

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<sup>91</sup> Section 288.860(2), F.S.

<sup>92</sup> Section 288.860(2)(c), F.S.

<sup>93</sup> *Id.*

<sup>94</sup> Section 812.141, F.S.

<sup>95</sup> Section 119.0725, F.S.

<sup>96</sup> Section 330.41, F.S.

- Authorization for a security officer of a specified chemical, energy, shipping, or telecommunications facility to temporarily detain a person suspecting of committing a crime.<sup>97</sup>
- 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.<sup>98</sup>
- 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.<sup>99</sup>

### ***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 term “foreign source of concern” the same meaning as in s. 496.404, F.S., and “business entity” the same meaning as in s. 112.312, F.S.<sup>100</sup> The bill provides that “critical infrastructure facility” means any of the following, if it employs measures such as fences, barriers, or guard posts that are designed to exclude unauthorized persons:

- A chemical manufacturing facility.
- A refinery.
- An electrical power plant.
- A water treatment facility or wastewater treatment plant.
- A liquid natural gas terminal.
- A telecommunications central switching office.
- A gas processing plant, including a plant used in the processing, treatment, or fractionation of natural gas.
- A seaport.
- A spaceport territory.
- An airport.<sup>101</sup>

The bill prohibits a governmental entity; 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

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<sup>97</sup> Section 493.631, F.S.

<sup>98</sup> Sections 692.201(2) and 692.203(1), F.S.

<sup>99</sup> Section 775.32, F.S.

<sup>100</sup> 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.

<sup>101</sup> Section 692.201(2), F.S.

relating to such critical infrastructure facility to register with the Department of Commerce<sup>102</sup> 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 such critical infrastructure facility.

The bill provides that a business entity that fails to register as required commits a second-degree misdemeanor and also 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 such 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 technology<sup>103</sup> 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.

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

## **Criminal Offenses by Foreign Agents (Section 12)**

### ***Present Situation***

Reclassification occurs when the Legislature *increases the degree of a conviction*. The reclassification attaches at the time the charges are filed.<sup>104</sup> Reclassification of a criminal conviction from one degree to a higher degree stems from an express and explicit grant of statutory authority.<sup>105</sup>

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

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<sup>102</sup> 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).

<sup>103</sup> As defined in s. 282.0041, F.S.

<sup>104</sup> *Cooper v. State*, 455 So.2d 588 (Fla. 1st DCA 1984); *Jackson v. State*, 515 So.2d 394 (Fla. 1st DCA 1987).

<sup>105</sup> *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 ....").

government, a foreign agent, or a foreign instrumentality.<sup>106</sup> “Foreign agent” means any officer, employee, proxy, servant, delegate, or representative of a foreign government.<sup>107</sup> 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.<sup>108</sup>

### ***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 case:

- A second-degree misdemeanor is reclassified to a first-degree misdemeanor.
- A first-degree misdemeanor is reclassified to a third-degree felony.
- 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 13)**

#### ***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.<sup>109</sup> Such repression may include, among other actions:

- Stalking.
- Online disinformation campaigns.
- Harassment.
- Intimidation or threats.
- Cyberhacking.<sup>110</sup>

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.<sup>111</sup>
- Transnational repression.<sup>112</sup>

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

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<sup>106</sup> Section 812.081(4), F.S.

<sup>107</sup> Section 812.081(4), F.S.

<sup>108</sup> Section 836.05(2), F.S.

<sup>109</sup> Federal Bureau of Investigation, “What We Investigate,”

<https://www.fbi.gov/investigate/counterintelligence/transnational-repression> (last visited January 26, 2026).

<sup>110</sup> *Id.*

<sup>111</sup> Section 76.046, Texas Penal Code.

<sup>112</sup> Section 76.045, Texas Penal Code.

### ***Effect of Proposed Changes***

The bill creates a new section of law, substantially similar to the Texas law, that 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 that 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 foreign government, a designation foreign terrorist organization, or an agent of a foreign government or designated foreign terrorist organization, 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.<sup>113</sup> The only cameras currently authorized to enforce traffic laws are traffic infraction detectors (commonly known as red light cameras),<sup>114</sup> speed detection systems used to enforce school zone speed limits for violations in excess of 10 miles per hour over the speed limit,<sup>115</sup> and school bus infraction detection systems.<sup>116</sup>

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.<sup>117</sup>

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<sup>113</sup> 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.).

<sup>114</sup> Section 316.0083, F.S., relating to the Mark Wandall Traffic Safety Program.

<sup>115</sup> Section 316.1896, F.S.

<sup>116</sup> Section 316.173, F.S.

<sup>117</sup> Section 316.0078, F.S.

### ***Effect of Proposed Changes***

The bill:

- Deletes the reference to the definition of “foreign country of concern” in s. 287.138(1), F.S.
- Creates a new definition for “foreign country of concern” that is identical to the definition in s. 287.138(1), F.S.

### **Effective Date (Section 15)**

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:**

#### **Registration of Foreign Agents (Section 2)**

FARA’s registration requirements have been challenged in court. The first case arose in *Viereck v. United States*, 318 U.S. 236, 237 (1943).<sup>118</sup> There, the United States Supreme Court upheld the registration requirements, finding the requirements both reasonable and within the Congressional legislative power.<sup>119</sup> 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.<sup>120</sup> FARA’s labeling requirements and the “political propaganda” definition were first challenged in 1986.<sup>121</sup> 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 Amendment infringement was

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<sup>118</sup> 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).

<sup>119</sup> *Id.*

<sup>120</sup> *Attorney General v. Irish People, Inc.*, 684 F.2d 928, 945 (D.C. Cir. 1982).

<sup>121</sup> See *Block v. Meese*, 793 F.2d 1303, 1306-07 (D.C. Cir. 1986)

not severe enough to invalidate the those provisions of FARA.<sup>122</sup> 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.<sup>123</sup> In June 2024, the Court of Appeals for the District of Columbia, relying on its 1987 ruling in *United States v. McGoff*,<sup>124</sup> 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.<sup>125</sup>

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.

## **V. Fiscal Impact Statement:**

### **A. Tax/Fee Issues:**

None.

### **B. Private Sector Impact:**

#### **Registration of Foreign Agents (Section 2)**

The bill will likely have an indeterminate negative impact on individuals or entities who are required to register under the bill, due to expense required to collect, maintain, file, and update the information the bill requires to be provided to the Division of Elections. Further, there will be a cost associated with individuals or entities or who are penalized for noncompliance.

#### **Governmental Contracting with Entities of Foreign Countries of Concern (Section 5)**

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<sup>122</sup> *Id.*

<sup>123</sup> *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.”).

<sup>124</sup> *United States v. McGoff*, 831 F.2d 1071(D.C. Cir. 1987).

<sup>125</sup> *Attorney General v. Wynn*, No. 22-5328 (D.C. Cir. 2024).

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

**International Relations (Section 6)**

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 7)**

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 8)**

The bill may have an indeterminate 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 10)**

The bill may have an indeterminate 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 11)**

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 12)**

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:**

**Registration of Foreign Agents (Section 2)**

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.

**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 5)**

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 6)**

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 7)**

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 8)**

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 10)**

The bill may have an indeterminate fiscal impact on state government by limiting which parties may enter into specified contracts relating to critical infrastructure, and by creating fines 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 11)**

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 12)**

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:**

None.

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**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 112.313, 112.3142, 287.138, 288.816, 288.8175, 288.860, and 316.0078.

This bill creates the following sections of the Florida Statutes: 106.031, 692.21, 775.08255, and 775.36.

**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 (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.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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