

# FLORIDA HOUSE OF REPRESENTATIVES BILL ANALYSIS

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**BILL #:** [CS/CS/CS/HB 905](#)

**TITLE:** Foreign Influence

**SPONSOR(S):** Persons-Mulicka

**COMPANION BILL:** [CS/SB 1178](#) (Grall)

**LINKED BILLS:** None

**RELATED BILLS:** None

## Committee References

[Government Operations](#)

17 Y, 0 N, As CS



[Judiciary](#)

16 Y, 0 N, As CS



[State Affairs](#)

24 Y, 1 N, As CS

## SUMMARY

### **Effect of the Bill:**

The bill establishes a framework to limit foreign influence by foreign countries of concern (FCOCs) and designated foreign terrorist organizations across government operations by:

- Requiring agents engaged in certain activities on behalf of FCOCs to register and disclose their activities and funding.
- Prohibiting public officers and employees from accepting gifts from FCOCs and restricting government contracting and procurement involving foreign sources of concern.
- Prohibiting sister city agreements and postsecondary linkage institute partnerships with FCOCs, and terminating existing agreements.
- Prohibiting charitable organizations from accepting contributions from designated foreign terrorist organizations and establishing new protections for critical infrastructure facilities, including contracting, registration, and transfer requirements.
- Creating new criminal offenses and penalty enhancements related to foreign influence.

### **Fiscal or Economic Impact:**

The bill will likely have an indeterminate, negative fiscal impact on state government expenditures, which is expected to be absorbed within existing resources. To the extent the bill results in additional incarcerations under the new or enhanced criminal penalties, the bill may have an indeterminate, positive prison bed impact.

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## ANALYSIS

### **EFFECT OF THE BILL:**

#### **Foreign Agent Registration**

The bill requires individuals and organizations who become agents of a foreign country of concern (FCOC)<sup>1</sup>—China, Russia, Iran, North Korea, Cuba, Venezuela (Maduro regime), or Syria—to register with the [Division of Elections](#) (Division) within the Department of State when engaged in political activity in the state. The term “political activity” includes attempts to influence the public, public officials, elections, or government policies. The registration must be signed under oath and filed with the Division within 10 days after becoming an agent of a FCOC, and must be updated at least every 90 days. (Section [2](#))

The bill requires the Division to create a registration form for agents of FCOCs, requiring details about the registrant and the registrant’s affiliations. This includes the registrant’s name, addresses (residence and principal place of business), business activities, and the FCOC they represent. The form also requires financial disclosures, including known or reasonably knowable payments received from FCOCs in the past 90 days and the nature of

<sup>1</sup> An “agent of a foreign country of concern” is defined as 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.”

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those transactions. Registrants must provide details of their political activities and any work performed on behalf of such countries. If acting for another agent of a FCOC, the relationship must also be disclosed, along with related payments and activities. Finally, any known or reasonably knowable payments made by the registrant in the past 90 days related to political activity within the state must be reported. (Section [2](#))

The bill requires all foreign-supported political organizations<sup>2</sup> to register with the Division beginning January 1, 2027. The Division must create a registration form requiring specified information, including the organization's name, primary business addresses, leadership, and any known or reasonably knowable payments made for political activities within the state during the past year. The organization must also disclose any known or reasonably knowable payments exceeding \$500 received from or given to FCOCs or their agents in the previous year. Registered organizations must update this information at least every 90 days. (Section [2](#))

The [Florida Elections Commission](#) is authorized to enforce compliance, with penalties including fines up to \$500 per willful violation, increasing to \$2,000 for repeated willful violations. (Section [2](#))

### **Ethics in Government**

The bill prohibits public officers, public employees, local government attorneys, and candidates from soliciting or accepting anything of value from a FCOC or a [designated foreign terrorist organization](#) (foreign terrorist organization). The bill requires the Commission on Ethics to update ethics training curricula by November 1, 2026, to include:

- Known efforts by FCOC to target and influence subnational governments, including, but not limited to, the Chinese Communist Party's [United Front strategy](#).
- How to identify, recognize, and report suspected foreign influence campaigns.
- Prohibitions on receiving gifts from FCOC or foreign terrorist organizations. (Sections [3](#) and [4](#))

### **Business with Cuba**

The bill amends the Local Business Tax Act to authorize a county, municipality, or tax collector to revoke or refuse to renew the business tax receipt of an individual, business, or entity that is doing business with Cuba in violation of federal law. The bill removes a provision in current law authorizing revocation or refusal to renew based on a parent company's business activities in Cuba. (Section [5](#))

The bill also authorizes an appropriate tax collector or local governing authority to request a sworn affidavit or declaration from an individual, business, or entity attesting whether the individual, business, or entity is doing business with Cuba in violation of federal law. A person who knowingly makes a false declaration related to such sworn affidavit or declaration commits perjury by false written declaration, a third-degree felony.<sup>3</sup> (Section [5](#))

### **Support for a Free and Independent Cuba**

The bill authorizes the Governor to temporarily suspend statutes and rules restricting interactions with Cuba if the federal government changes Cuba's diplomatic status. The suspension may not extend beyond adjournment sine die of the regular legislative session following the suspension and may not be renewed or extended. (Section [9](#))

If the Governor exercises this authority, he or she may not subsequently suspend the same statute or rule unless expressly authorized by the Legislature. The bill also requires the Governor to submit written policy recommendations to the presiding officers of the Legislature before the next regular session following the change in diplomatic status, or as soon as practicable if the change occurs shortly before or during a regular session. (Section [9](#))

<sup>2</sup> A "foreign-supported political organization" is defined as a political party, association, corporation, organization, or any other business entity that engages in political activity within the state and that either 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 such a country, or an entity based or organized there.

<sup>3</sup> A third-degree felony is punishable by up to five years imprisonment and a \$5,000 fine. See [ss. 775.082, 775.083](#), and [775.084, F.S.](#)

The bill provides that this provision is repealed on October 2, 2028, unless reenacted by the Legislature. (Section [9](#))

### **Government Contracting and Procurement**

The bill prohibits a governmental entity from knowingly entering into a contract with a foreign source of concern<sup>4</sup> if the contract would grant access to an individual's personal identifying information. The bill also prohibits a governmental entity from knowingly entering into a contract for information technology (IT) or related services with a foreign source of concern or through a third-party seller when the IT is designed, manufactured, or assembled by such an entity. (Section [6](#))

Beginning July 1, 2026, a governmental entity may not extend or renew a contract with a foreign source of concern if the contract would give the entity access to an individual's personal identifying information or involve information technology. In addition, governmental entities are prohibited from accepting bids on or entering into or renewing contracts involving IT or access to personal identifying information unless the vendor signs an affidavit, under penalty of perjury, attesting that it is not a foreign source of concern. (Section [6](#))

In accordance with current law, a violation of these provisions may result in civil penalties, ineligibility for contracts or licenses for up to five years, and placement on the suspended vendor list. (Section [6](#))

The bill provides an exception to the prohibition on governmental entities entering into IT contracts with foreign sources of concern. Under the exception, a governmental entity may enter into, extend, or renew an otherwise prohibited contract if the Department of Management Services (DMS) makes a written determination that:

- No other reasonable alternative is 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 DMS to reduce the risk to the state.

(Section [6](#))

Beginning January 1, 2027, DMS must submit a quarterly report to the Governor and the presiding officers of the Legislature detailing each contract entered into pursuant to this exception. (Section [6](#))

The bill provides that the general prohibition does not apply to IT that is incapable of remote access or control of critical infrastructure. Additionally, DMS may create a non-exhaustive list of IT subject to the prohibition. (Section [6](#))

### **International Agreements**

The bill limits the Secretary of State's authority to encourage sister city and sister state affiliations by prohibiting the coordination or promotion of such affiliations with FCOCs or their subdivisions. The bill also requires the Department of State to publish and maintain a current list of all foreign consulate offices and all sister city and sister state affiliations. The department must update the list on a quarterly basis. (Section [7](#))

In addition, the bill prohibits a state agency, political subdivision, or public school authorized to expend state-appropriated funds or levy ad valorem taxes from participating in any agreement with, or accepting any grants from, a FCOC or its subdivisions, or any entity controlled by a FCOC. Any such agreements that are in effect on July 1, 2026, including sister city agreements, are terminated on that date. (Section [10](#))

### **Postsecondary Linkage Institutes**

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<sup>4</sup> A "foreign source of concern" is defined to include foreign governments and officials from FCOC, political parties and party members in such countries, business entities organized or based in such countries and their subsidiaries, certain non-U.S. persons domiciled in those countries, agents acting on behalf of such persons or entities, entities in which such persons or entities hold a controlling interest, and designated foreign terrorist organizations.

The bill repeals the Florida–China Linkage Institute currently established at the University of West Florida, the University of South Florida, and Eastern Florida State College. The bill also prohibits the remaining linkage institutes from entering into any agreement or participating in any activities with a FCOC or any organization in those countries. (Section [8](#))

Additionally, the bill repeals a provision that authorizes linkage institutes to designate up to 25 foreign students per year as in-state residents for tuition purposes. (Section [8](#))

### **Charitable Organizations**

The bill revises the definition of “foreign source of concern” under the Solicitation of Contributions Act to include foreign terrorist organizations and agents acting on behalf of those organizations. As a result, charitable organizations and sponsors are prohibited from soliciting or accepting anything of value from these entities and are subject to the administrative penalties prescribed in current law. (Section [12](#))

In addition, to be included on the Honest Services Registry, the bill requires charitable organizations and sponsors to attest that they do not solicit nor accept funding, support, or services from foreign terrorist organizations and their messaging and content are not directly or indirectly produced or influenced by such organizations. (Section [12](#))

### **Critical Infrastructure Facilities**

The bill prohibits a governmental entity, as well as any business entity constructing, repairing, operating, or otherwise having significant access to a critical infrastructure facility—chemical manufacturing facilities, refineries, ports, power plants, and the like—from entering into a contract or other agreement with a foreign source of concern if the agreement would authorize the source to directly or remotely access or otherwise control the critical infrastructure facility. The bill also prohibits foreign sources of concern from entering into such agreements under the same circumstances. (Section [14](#))

For contracts or agreements entered into before July 1, 2026, the bill establishes a registration requirement beginning January 1, 2027. Business entities that continue to operate under an existing agreement with a foreign source of concern relating to a critical infrastructure facility must annually register the agreement with the Department of Commerce for the duration of the contract. The registration must include identifying information about the entity and facility, as well as a description of the contract terms. Failure to comply with the registration requirements subjects the entity to a civil penalty of \$1,000 per day and constitutes a misdemeanor of the second-degree. (Section [14](#))

The bill also imposes new requirements on transfers of control involving critical infrastructure facilities. Before selling or otherwise transferring control of a covered facility, the transferring entity must submit an affidavit to the Department of Commerce, signed under penalty of perjury, attesting that the buyer or transferee is not a foreign source of concern. (Section [14](#))

The use of IT in a critical infrastructure facility located in the state is prohibited by the bill if the technology is produced or manufactured by a foreign source of concern. The bill provides that this prohibition does not apply to IT that is incapable of remote access or control of critical infrastructure. (Section [14](#))

The bill also provides an exception to the prohibition on governmental and business entities entering into IT contracts with foreign sources of concern. Under the exception, a governmental or business entity may enter into an otherwise prohibited contract or agreement to use IT in a critical infrastructure facility if the Department of Commerce, in consultation with DMS, makes a written determination that:

- No other reasonable alternative is 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 to reduce risks to the state.
- (Section [14](#))

Beginning January 1, 2027, the Department of Commerce must submit a quarterly report to the Governor and presiding officers of the Legislature detailing each contract or agreement entered into pursuant to this exception. (Section [14](#))

### **Criminal Penalty Reclassification for Foreign-influenced Offenses**

The bill authorizes enhanced penalties when a crime is committed for the purpose of benefiting, promoting, or furthering the interests of a foreign government, a foreign terrorist organization, or an agent acting on behalf of such an entity. Qualifying offenses are subject to reclassification to the next higher level of severity—a second-degree misdemeanor becomes a first-degree misdemeanor, a first-degree misdemeanor becomes a third-degree felony, and so on all the way up to the reclassification of a first-degree felony as a life felony. (Section [15](#))

In addition, the bill establishes a mandatory minimum sentence of 15 years imprisonment for persons convicted of a first-degree felony or a life felony that has been reclassified under these provisions. (Section [15](#))

### **Unauthorized Enforcement of Foreign Laws**

The bill prohibits a person, without the approval of the state or the United States, from:

- Preventing another person in this state from violating the laws of a foreign government when those laws are not also the laws of this state or the United States; or
- Investigating, monitoring, or surveilling another person for the purpose of preventing the person from violating such foreign laws. (Section [16](#))

A violation of these provisions is a third-degree felony. However, if the violation is committed for the purpose of benefiting, promoting, or furthering the interests of a foreign government or a foreign terrorist organization, or an agent acting on behalf of such an entity the offense is reclassified to a second-degree felony. (Section [16](#))

### **Short Title**

The bill provides that the act may be cited as the “Foreign Interference Restriction and Enforcement Act.” (Section [1](#))

### **Conforming Changes**

The bill makes conforming changes. (Multiple Sections)

### **Effective Date**

The effective date of the bill is July 1, 2026. (Section [18](#))

### **RULEMAKING:**

Current law requires the Commission on Ethics to adopt rules establishing minimum course content for ethics training. The bill requires the commission to revise those rules by a specified date to include certain content relating to FCOC.

In addition, the bill grants the Department of Commerce rulemaking authority to implement the bill’s provisions regarding critical infrastructure facilities and DMS rulemaking authority to implement provisions relating to government contracting and procurement.

***Lawmaking is a legislative power; however, the Legislature may delegate a portion of such power to executive branch agencies to create rules that have the force of law. To exercise this delegated power, an agency must have a grant of rulemaking authority and a law to implement.***

### **FISCAL OR ECONOMIC IMPACT:**

**STATE GOVERNMENT:**

The bill will likely have an indeterminate, negative fiscal impact on state government expenditures. Several state agencies may incur administrative and compliance-related costs associated with implementing and enforcing the bill's provisions: The Department of State will be required to develop and maintain new registration systems and forms; the Department of Commerce is assigned new oversight responsibilities related to critical infrastructure; and the Commission on Ethics is required to update ethics training curricula. Additional enforcement responsibilities assigned to the Florida Elections Commission and other state agencies may also result in increased workload and associated costs. However, these additional costs can likely be absorbed within existing resources.

The bill also creates new criminal offenses and enhances penalties for certain crimes when committed for the purposes of benefiting or furthering the interests of a foreign government or foreign terrorist organization, and creates a third-degree felony offense if a person knowingly makes a false declaration in a specified sworn affidavit or declaration requested by a tax collector or local governing authority. To the extent these provisions result in additional incarcerations or increased sentences, the bill may have an indeterminate positive prison bed impact.

**RELEVANT INFORMATION****SUBJECT OVERVIEW:****Division of Elections**

The Division of Elections (Division) within the Department of State is responsible for overseeing the electoral process within the state.<sup>5</sup> This includes administering voter registration, facilitating candidate qualifying, managing campaign finance reporting, and ensuring the proper conduct of elections.<sup>6</sup> Additionally, the division provides guidance and support to the 67 county supervisors of elections.<sup>7</sup> The Division operates under the leadership of the Secretary of State, who serves as the Chief Election Officer.<sup>8</sup>

**Florida Elections Commission**

The Florida Elections Commission (FEC)—which is administratively housed within the Department of Legal Affairs—is tasked with enforcing state election laws.<sup>9</sup> The FEC consists of nine commissioners appointed by the Governor and subject to Senate confirmation, with political balance requirements to prevent partisan dominance.<sup>10</sup> Commissioners serve four-year terms and are prohibited from lobbying the state or local governments during their tenure. The FEC investigates complaints related to campaign finance violations, unlawful political contributions, and other election-related misconduct. The FEC has authority to impose civil penalties in the form of fines.<sup>11</sup>

**Campaign Financing**

The Florida Election Code,<sup>12</sup> in part, governs campaign financing<sup>13</sup> and related political activities in Florida, including provisions related to transparency, disclosure, and accountability in elections. It establishes rules for candidates, political committees, and electioneering communications organizations, including, but not limited to provisions regarding:

- Registration.
- Reporting.

<sup>5</sup> [S. 20.10\(2\)\(a\), F.S.](#); see also [s. 97.012, F.S.](#)

<sup>6</sup> See [ss. 97.012, 99.061](#), and [106.0705, F.S.](#)

<sup>7</sup> Florida Division of Elections, [About Us](#) (last visited Feb. 3, 2026).

<sup>8</sup> [S. 97.012, F.S.](#)

<sup>9</sup> [Ss. 106.24](#) and [106.25, F.S.](#)

<sup>10</sup> See [s.106.24\(1\)\(b\), F.S.](#)

<sup>11</sup> The FEC can impose civil fines of up to \$2,500 per violation, increasing for repeated offenses. It may also pursue civil or criminal actions, including injunctions and restraining orders to prevent violations or block the certification of election results if probable cause exists. [Ss. 106.265](#), and [106.27, F.S.](#)

<sup>12</sup> Chapters 97-106, F.S., are known as the Florida Election Code. [S. 97.011, F.S.](#)

<sup>13</sup> See [ch. 106, F.S.](#)

- Contributions and expenditures.
- Restrictions on the use of campaign funds.<sup>14</sup>
- Audits of campaign reports and statements.<sup>15</sup>
- Termination of campaign accounts and disposition of surplus funds.<sup>16</sup>
- Disclaimers on political advertisements and communications.<sup>17</sup>

### **Lobbyist Registration and Compensation Reporting**

Lobbyists must register to lobby the executive branch and the legislative branch in Florida. Executive branch lobbying is regulated by the Code of Ethics and administered by the Commission on Ethics.<sup>18</sup> Legislative branch lobbying is regulated primarily by Joint Rule of the Florida Legislature and administered by the Office of Legislative Services.<sup>19</sup> Both registration systems require lobbyists to annually register for each principal represented and to indicate the entities to be lobbied.<sup>20</sup> In addition, lobbying firms must file quarterly compensation reports.<sup>21</sup> Both the Commission on Ethics and the Legislature have instituted electronic registration and compensation reporting.<sup>22</sup> Executive branch lobbyists, however, must supply a written oath to complete each registration as well as a signed statement of authority from the principal.<sup>23</sup>

Compensation reporting is subject to random audits and, in the case of executive branch lobbying firms, findings of non-compliance are reported to the Commission on Ethics for investigation.<sup>24</sup>

The law governing executive branch lobbyist registration and reporting provides specific procedures for enforcement.<sup>25</sup> The Commission on Ethics reports probable cause findings to the Governor and Cabinet for appropriate action, which can include a fine up to \$5,000 and a prohibition on lobbying for up to two years.<sup>26</sup> A person accused of violating the lobbyist registration law may also request a hearing within 14 days of the mailing of the probable cause notification.<sup>27</sup>

### **Federal Elections Campaign Act**

The Federal Election Campaign Act of 1971 (FECA), as amended, prohibits any foreign national from directly or indirectly making a contribution, donation, expenditure, or disbursement in connection with a federal, state, or local election in the U.S.<sup>28</sup> Under the Act, a “foreign national” is defined to include both individuals and entities. This includes any individual who is not a U.S. citizen or national and who has not been lawfully admitted for permanent residence, as well as any partnership, association, corporation, organization, or other combination of persons that is organized under the laws of, or has its principal place of business in, a foreign country. FECA defines an

<sup>14</sup> [S. 106.1405, F.S.](#)

<sup>15</sup> [S. 106.22\(6\) and \(10\), F.S.](#)

<sup>16</sup> [S. 106.141, F.S.](#)

<sup>17</sup> See [ss. 106.071, 106.1436, 106.1439, and 106.147, F.S.](#)

<sup>18</sup> [S. 112.3215, F.S.](#) The Commission on Ethics is an independent body established to enforce ethical standards for state and local officers and employees. It consists of nine bipartisan members appointed by the Governor, subject to Senate confirmation, the Speaker of the House of Representatives, and the Senate President. Members serve two-year terms with a two-term limit and are prohibited from lobbying or holding public employment. The commission ensures transparency and accountability in government, as outlined in [Art. II, s. 8\(f\), FLA. CONST. Ss. 112.320 and 112.321\(1\), F.S.](#)

<sup>19</sup> [S. 11.045, F.S.](#), and Joint Rule 1.

<sup>20</sup> [S. 112.3215\(3\), F.S.](#); Joint Rule 1.2.

<sup>21</sup> [S. 112.3215\(5\)\(a\)1, F.S.](#); Joint Rule 1.4(1).

<sup>22</sup> [S. 112.32155, F.S.](#); Joint Rule 1.1(2)(f)

<sup>23</sup> [S. 112.3215\(3\), F.S.](#)

<sup>24</sup> [S. 112.3215\(8\)\(c\), F.S.](#)

<sup>25</sup> [S. 112.3215\(8\)-\(9\), F.S.](#)

<sup>26</sup> [S. 112.3215 \(9\)-\(10\), F.S.](#)

<sup>27</sup> [S. 112.3215\(9\), F.S.](#)

<sup>28</sup> 52 U.S.C. § 30121.

“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>29</sup>

### Foreign Agents Registration Act

The Foreign Agents Registration Act (FARA), enacted in 1938, mandates that certain individuals and entities engaged in political activities and acting on behalf of foreign governments, political parties, or other foreign principals register with the U.S. Department of Justice and disclose their activities, funding sources, and relationships.<sup>30</sup> The purpose of the FARA is to ensure transparency in efforts to influence U.S. government policies, elections, and public opinion on behalf of foreign interests.<sup>31</sup> The FARA unit, part of the Counterintelligence and Export Control Section within the National Security Division of the U.S. Department of Justice, oversees the law’s enforcement and administration.<sup>32</sup>

### Business with Cuba

The Local Business Tax Act<sup>33</sup> authorizes counties and municipalities to levy a local business tax and to issue business tax receipts to persons engaged in or managing a business, profession, or occupation within their jurisdiction.<sup>34</sup> Business tax receipts are sold by the appropriate tax collector and must be renewed annually. A person who engages in or manages a business without obtaining the required business tax receipt, or who fails to timely pay the required tax, is subject to delinquency payments, administrative costs, and civil actions.<sup>35</sup>

A county or municipality issuing a business tax receipt may revoke or refuse to renew the receipt if the individual, business, or entity, or its parent company, is doing business with Cuba.<sup>36</sup>

### *Odebrecht Construction, Inc. v. Secretary, Florida Department of Transportation*

In 2012, the Legislature passed CS/CS/HB 959, which included a provision that prohibited state and local government entities from contracting for certain goods or services with any company engaged in business in Cuba or with any company affiliated with a company that engaged in business in Cuba.<sup>37</sup> Before the act became effective, the law was preliminarily enjoined by the U.S. District Court for the Southern District of Florida. The next year, the U.S. Court of Appeals for the Eleventh Circuit affirmed the preliminary injunction against enforcement of the law on grounds that the plaintiff demonstrated a substantial likelihood of success on its claim that the bill’s contracting prohibition was “preempted by the extensive federal Cuban sanctions regime.”<sup>38</sup> The court noted that the law swept more broadly than the federal sanctions regime and interfered with the President’s discretion in administering Cuba-related sanctions, including by penalizing entities not themselves in violation of federal law.<sup>39</sup>

### Support for a Free and Independent Cuba

Current law expresses the state’s support for the self-determination of the Cuban people, a peaceful transition to representative democracy, and neutrality in the people’s selection of their future government.<sup>40</sup> Upon a

<sup>29</sup> 52 U.S.C. § 30101(1).

<sup>30</sup> See 22 U.S.C. § 612(a).

<sup>31</sup> U.S. Department of Justice, [Foreign Agents Registration Act Frequently Asked Questions](#) (last visited Feb. 3, 2026).

<sup>32</sup> U.S. Department of Justice, [Foreign Agents Registration Act](#) (last visited Feb. 3, 2026).

<sup>33</sup> Chapter 205, F.S., may be cited as the “Local Business Tax Act.” [S. 205.013, F.S.](#)

<sup>34</sup> [Ss. 205.032](#) and [205.042, F.S.](#)

<sup>35</sup> See [s. 205.053, F.S.](#)

<sup>36</sup> The Governor may waive this provision, however, for certain humanitarian reasons. [S. 205.0532, F.S.](#)

<sup>37</sup> [Ch. 2012-196, L.O.F.](#)

<sup>38</sup> *Odebrecht Constr., Inc. v. Sec’y, Fla. Dep’t of Tranp.*, 715 F.3d 1268, 1290 (11th Cir. 2013).

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

<sup>40</sup> [S. 288.854\(1\), F.S.](#)

presidential determination that a democratically elected government exists in Cuba, Florida supports federal actions to:

- Restore diplomatic recognition.
- Reintegrate Cuba into the Inter-American system.
- Remove the economic embargo.<sup>41</sup>
- Pursue a mutually beneficial trading relationship.<sup>42</sup>

Florida's participation in the economic embargo terminates upon transmittal to Congress of such a presidential determination.<sup>43</sup>

### Government Contracting and Procurement

Current law requires a competitive solicitation<sup>44</sup> process when state agencies wish to procure commodities or contractual services that cost more than \$35,000.<sup>45</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>46</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>47</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>48</sup>

The Department of Management Services (DMS) is statutorily designated as the primary state agency overseeing procurement<sup>49</sup> and its responsibilities include creating uniform agency procurement rules,<sup>50</sup> implementing the online procurement program,<sup>51</sup> and procuring state term contracts.<sup>52</sup> DMS is also responsible for registering vendors that wish to provide goods or services to the state<sup>53</sup> and maintaining lists of vendors who may not submit bids, proposals, or replies to agency solicitations, such as the:

- Suspended vendor list, which includes vendors who are in default on a contract or have repeatedly failed to fulfill the terms of state contracts. Contracts cannot be awarded to such vendors until the vendor reimburses the agency for the costs of re-procurement and the agency is satisfied that further default will not occur.<sup>54</sup>

<sup>41</sup> The United States maintains a comprehensive economic embargo on Cuba, first imposed in 1962 by President John F. Kennedy and implemented through federal statutes and regulations administered primarily by the U.S. Department of Commerce and the U.S. Department of the Treasury. See U.S. Department of State, [Cuba Sanctions](#) (last visited Feb. 17, 2026).

<sup>42</sup> [S. 288.854\(2\), F.S.](#)

<sup>43</sup> [S. 288.854\(3\), F.S.](#)

<sup>44</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>45</sup> [Ss. 287.057 and 287.017, F.S.](#)

<sup>46</sup> [S. 287.057\(1\)\(a\), F.S.](#)

<sup>47</sup> [S. 287.057\(1\)\(b\), F.S.](#)

<sup>48</sup> [S. 287.057\(1\)\(c\), F.S.](#)

<sup>49</sup> See [ss. 287.032 and 287.042, F.S.](#)

<sup>50</sup> See [ss. 287.032\(2\) and 287.042\(3\), \(4\), and \(12\), F.S.](#)

<sup>51</sup> See [s. 287.057\(24\), F.S.](#)

<sup>52</sup> See [ss. 287.042\(2\) and 287.056, F.S.](#)

<sup>53</sup> See [ss. 287.032 and 287.042, F.S.](#); see also DMS, [Vendor Registration and Vendor Lists](#) (last visited Feb. 3, 2026).

<sup>54</sup> [S. 287.1351, F.S.](#)

- Convicted vendor list, which includes vendors who have been disqualified due to conviction of a public entity crime, which includes fraud, theft, bribery, collusion, racketeering, conspiracy, or material misrepresentation related to a contract for services to be provided to a public entity.<sup>55</sup>
- Discriminatory vendor list, which includes vendors who have been disqualified for violating any state or federal law prohibiting discrimination based on race, gender, national origin, disability, or religion.<sup>56</sup>
- Antitrust violator vendor list, which includes vendors who have been disqualified due to being convicted or held civilly liable for an antitrust violation.<sup>57</sup>

### Scrutinized List of Prohibited Companies

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>58</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 goods or services of \$100,000 or more.<sup>59</sup> The State Board of Administration is charged with maintaining a complete list of scrutinized companies.<sup>60</sup>

### Foreign Countries of Concern

In 2023, the Legislature prohibited state and local government entities from contracting with certain foreign-affiliated entities if such contracts would grant access to individuals' personal identifying information.<sup>61</sup> Specifically, contracts with entities that are owned by, significantly controlled by, or organized under the following foreign countries of concern (FCOC) are prohibited: China, Russia, Iran, North Korea, Cuba, Venezuela (Maduro regime), and Syria.<sup>62</sup> This restriction also applies to contract renewals and extensions.<sup>63</sup> Entities must submit a sworn affidavit confirming they do not meet these criteria before bidding on, entering into, or renewing contracts involving personal data.<sup>64</sup> Violations may result in civil penalties, contract and license ineligibility for up to five years, and placement on the suspended vendor list.<sup>65</sup>

### **Ethics in Government**

The State Constitution provides that a "public office is a public trust" and that the people "have the right to secure and sustain that trust against abuse."<sup>66</sup> To assure this right, the Constitution requires certain financial and campaign disclosures, prohibits the abuse of public office for private gain, and provides lobbying restrictions. The Constitution also provides for the Commission on Ethics,<sup>67</sup> an independent body to investigate alleged breaches of the public trust by public officers and employees, and directs the Legislature to enact a code of ethics for public officers and employees.<sup>68</sup>

<sup>55</sup> [S. 287.133, F.S.](#)

<sup>56</sup> [S. 287.134, F.S.](#)

<sup>57</sup> [S. 287.137, F.S.](#)

<sup>58</sup> [S. 287.135\(2\)\(b\), F.S.](#)

<sup>59</sup> [S. 287.135\(2\)\(a\), F.S.](#)

<sup>60</sup> [Ss. 215.4725, and 215.473, F.S.](#)

<sup>61</sup> Ch. [2023-33, L.O.F.](#), codified in [s. 287.138, F.S.](#)

<sup>62</sup> [S. 287.138\(1\) and \(2\), F.S.](#)

<sup>63</sup> [S. 287.138\(3\), F.S.](#)

<sup>64</sup> [S. 287.138\(4\), F.S.](#)

<sup>65</sup> [S. 287.138\(5\), F.S.](#)

<sup>66</sup> [Art. II, s. 8, FLA. CONST.](#)

<sup>67</sup> [Art. II, s. 8\(3\), FLA. CONST.](#) The Commission on Ethics is a bipartisan, nine-member body, with five members appointed by the Governor and two members each appointed by the presiding officers of the Legislature, and is administered by an executive director hired by the commission. [S. 112.321, F.S.](#)

<sup>68</sup> [Art. II, s. 8\(g\)-\(h\), FLA. CONST.](#) These provisions do not apply to the judicial branch. Ethical standards and discipline for judicial officers are governed through the Judicial Qualifications Commission with final disciplinary authority vested in the Florida Supreme Court. [Art. V, s. 12, FLA. CONST.](#)

The Legislature has enacted the Code of Ethics for Public Officers and Employees,<sup>69</sup> which, among other requirements, prohibits public officers, public employees, local government attorneys, and candidates from soliciting or accepting anything of value when such acceptance is intended to influence official action or judgement.<sup>70</sup> The Code of Ethics also requires constitutional officers,<sup>71</sup> elected municipal officers, commissioners of community redevelopment agencies, and elected local officers of independent special districts to complete four hours of ethics training every year.<sup>72</sup> The Commission on Ethics is required to adopt rules establishing minimum course content for these ethics training programs.<sup>73</sup>

### International Agreements

The head of the Department of State is the Secretary of State who is appointed by and serves at the pleasure of the Governor, subject to Senate confirmation.<sup>74</sup> The Secretary serves as the state protocol officer<sup>75</sup> and is responsible for consular relations with foreign governments, including oversight of the sister city and sister state program.<sup>76</sup>

Sister city and sister state relationships are generally broad, long-term partnerships between communities in different countries and may involve cultural, educational, municipal, business, or trade exchanges.<sup>77</sup> The Secretary is authorized to coordinate and encourage participation by the state and its political subdivisions in sister city and sister state affiliations through conferences, information sharing, and other activities involving international bodies.<sup>78</sup> However, state agencies, political subdivisions, and public schools are prohibited from participating in any agreements with or accepting grants from a FCOC or an entity controlled by such a country if the agreement or grant:

- Constrains the public entity's freedom of contract;
- Allows a foreign country of concern to direct curriculum or program values; or
- Promotes an agenda detrimental to the safety or security of the United States or its residents.<sup>79</sup>

### Postsecondary Linkage Institutes

Current law authorizes the creation of linkage institutes between Florida postsecondary institutions and select foreign countries to promote "economic, cultural, educational, and social ties between this state and strategic foreign countries."<sup>80</sup> These institutions are intended to promote "cooperative research and technical assistance activities, increased bilateral commerce, student and faculty exchange, cultural exchange, and enhancement of language training skills" between Florida institutions and counterpart organizations abroad.<sup>81</sup> Each linkage institute is jointly administered by a state university and Florida College System institution and operates pursuant to an agreement involving the Board of Governors and the State Board of Education.<sup>82</sup> Institutes report to the

<sup>69</sup> See [pt. III, ch. 112, F.S.](#)

<sup>70</sup> [S. 112.313\(1\), F.S.](#)

<sup>71</sup> The term "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 schools. [S. 112.3142\(1\), F.S.](#)

<sup>72</sup> [S. 112.3142\(2\)\(a\)-\(d\), F.S.](#)

<sup>73</sup> [S. 112.3142\(2\)\(e\), F.S.](#); see also r. 34-7.025, F.A.C.

<sup>74</sup> [S. 20.10\(1\), F.S.](#)

<sup>75</sup> The Secretary of State develops, maintains, publishes, and distributes the state protocol manual. [S. 15.01\(1\), F.S.](#)

<sup>76</sup> [S. 288.816\(1\)-\(2\), F.S.](#)

<sup>77</sup> Department of State, [Florida Sister Cities](#) (last visited Feb. 3, 2026).

<sup>78</sup> See [s. 288.816\(3\), F.S.](#)

<sup>79</sup> [S. 288.860\(2\), F.S.](#)

<sup>80</sup> [S. 288.8175\(1\), F.S.](#)

<sup>81</sup> *Id.*

<sup>82</sup> [S. 288.8175\(2\)-\(3\), F.S.](#)

Department of Education and are supported by advisory committees representing public and private sector interests related to international education and commerce.

Current law establishes linkage institutes associated with Brazil, Costa Rica, the Caribbean, Canada, China,<sup>83</sup> Japan, France, Israel, West Africa, Eastern Europe, and Mexico.<sup>84</sup> Linkage institutes are authorized to designate up to 25 full-time equivalent students per year from the respective host countries to attend Florida state universities or colleges as in-state residents for tuition purposes.<sup>85</sup> Participating students are required to return to their home countries within three years for a period of time equal to their exemption period following completion of their studies.

### Charitable Organizations

Current law prohibits a charitable organization or sponsor<sup>86</sup> from soliciting or accepting contributions or anything of value from a foreign source of concern.<sup>87</sup> The term “foreign source of concern” is defined to include:

- Foreign governments and officials of FCOCs.
- Political parties and political party members in FCOCs.
- Business entities organized under the laws of, or having their principal place of business in, a FCOC, and their subsidiaries.
- Individuals domiciled in a FCOC who are not U.S. citizens or lawful permanent residents.
- Agents or affiliates acting on behalf of a foreign source of concern.
- Entities in which such person or entity holds a controlling interest.<sup>88</sup>

A first violation of the prohibited act is considered involuntary and will result in no punitive action if the charitable organization satisfies special remedial requirements, including providing an attestation form in which the foreign entity certified it was not a foreign source of concern, refunding the contribution, and demonstrating safeguards to prevent future violations.<sup>89</sup> Subsequent violations may subject the organization or sponsor to enforcement action and administrative penalties.<sup>90</sup>

### Honest Services Registry

Within the Department of Agriculture and Consumer Services (DACS), there is an Honest Services Registry, the purpose of which is to provide the public with information regarding charitable organizations’ independence from foreign influence. To be listed on the registry, a charitable organization must attest that it “does not solicit or accept, directly or indirectly, contributions, funding, support, or services from a foreign source of concern” and that its “messaging and content are not directly or indirectly produced or influenced by a foreign source of concern.”<sup>91</sup> DACS is required to publish the registry on its website and adopt rules to implement these requirements.<sup>92</sup>

### Critical Infrastructure Facilities

Current law generally prohibits foreign principals of FCOCs from purchasing or acquiring agricultural land in the state and from purchasing or acquiring real property located on or within a specified distance of military

<sup>83</sup> The Florida-China Institute is established at the University of West Florida, the University of South Florida, and Eastern Florida State College. [S. 288.8175\(4\)\(e\), F.S.](#)

<sup>84</sup> [S. 288.8175\(4\), F.S.](#)

<sup>85</sup> [S. 288.8175\(5\), F.S.](#)

<sup>86</sup> “Sponsor” means a group or person who is or holds herself or himself out to be soliciting contributions by the use of a name that implies that the group or person is in any way affiliated with or organized for the benefit of emergency service employees or law enforcement officers and the group or person is not a charitable organization. The term includes a chapter, branch, or affiliate that has its principal place of business outside the state if such chapter, branch, or affiliate solicits or holds itself out to be soliciting contributions in this state. [S. 496.404\(27\), F.S.](#)

<sup>87</sup> [S. 496.415\(20\), F.S.](#)

<sup>88</sup> [S. 496.404\(14\), F.S.](#)

<sup>89</sup> [S. 496.404\(20\)\(a\), F.S.](#)

<sup>90</sup> See [ss. 496.415\(20\)\(b\)](#) and [496.419\(5\), F.S.](#)

<sup>91</sup> [S. 496.431\(2\)\(a\)-\(b\), F.S.](#)

<sup>92</sup> [S. 496.431, F.S.](#)

installations or critical infrastructure facilities.<sup>93</sup> But there are limited exceptions, such as acquisitions by devise or descent,<sup>94</sup> enforcement of security interests, or, in some circumstances, purchases by natural persons holding qualifying visas, subject to divestment and affidavit requirements.<sup>95</sup> A “critical infrastructure facility” is any of the following facilities, if it employs measures designed to exclude unauthorized persons, such as fences, barriers, or guard posts:<sup>96</sup>

- Chemical manufacturing facilities.
- Refineries
- Electrical power plants.
- Water treatment facilities or wastewater treatment plants.
- Liquid natural gas terminals.
- Telecommunications central switching offices.
- Gas processing plants.
- Seaports.
- Spaceport territories.
- Airports.

Foreign principals who own covered property interests are required to register with the state,<sup>97</sup> and the state may impose civil penalties for late registration, place liens on unregistered property, and pursue forfeiture of property acquired in violation of the prohibitions.<sup>98</sup> Criminal penalties may also apply to foreign principals or other persons who knowingly violate these restrictions.<sup>99</sup> These provisions do not apply to a foreign principal that acquires real property for a diplomatic purpose that is recognized, acknowledged, or allowed by the federal government.<sup>100</sup>

### Designated Foreign Terrorist Organizations

Under federal law, the U.S. Secretary of State designates foreign terrorist organizations<sup>101</sup> based on findings that the organization engages in terrorist activity and threatens the security of U.S. nationals or the national security of the U.S.<sup>102</sup>

Current law criminalizes specified conduct involving designated foreign terrorist organizations, including the use of military-type training received from a designated foreign terrorist organization to unlawfully harm persons or damage critical infrastructure facilities.<sup>103</sup> Knowingly providing material support or resources to designated foreign terrorist organizations is also prohibited and subject to criminal penalties, including funding, training, advising, or equipping such organizations.<sup>104</sup> In addition, membership in a designated foreign terrorist

<sup>93</sup> [Ss. 692.202\(1\)](#) and [692.203\(1\), F.S.](#)

<sup>94</sup> “Devise” and “descent” are legal terms of art. *Devise* means “the act of giving property by will” and *descent* means “the acquisition of real property by law, as by inheritance.” Blacks Law Dictionary (12<sup>th</sup> ed. 2024).

<sup>95</sup> [Ss. 692.202\(4\)](#) and [692.203\(5\)-\(6\), F.S.](#)

<sup>96</sup> [S. 692.201\(2\), F.S.](#)

<sup>97</sup> For agricultural land, a foreign principal must register with the Department of Agriculture and Consumer Services; for real property on or within 10 miles of a military installation or critical infrastructure facility, a foreign principal must register with the Department of Commerce. [Ss. 692.202\(3\)](#) and [692.203\(3\), F.S.](#)

<sup>98</sup> [Ss. 692.202\(3\)-\(6\)](#) and [692.203\(3\)-\(7\), F.S.](#)

<sup>99</sup> [Ss. 692.202\(7\)-\(8\)](#) and [692.203\(8\)-\(9\), F.S.](#)

<sup>100</sup> [S. 692.205, F.S.](#)

<sup>101</sup> The U.S. Department of State maintains a current list of designated foreign terrorist organizations pursuant to s. 219 of the Immigration and Nationality Act. See U.S. Department of State, [Foreign Terrorist Organizations](#) (last visited Feb. 3, 2026).

<sup>102</sup> 8 U.S.C. 1189(a)(1).

<sup>103</sup> [S. 775.32, F.S.](#)

<sup>104</sup> [S. 775.33, F.S.](#)

organization, or acting under the organization's direction or control with the intent to further its illegal activities, is subject to criminal penalties.<sup>105</sup>

### Unauthorized Enforcement of Foreign Laws

Recent reporting and law enforcement action have highlighted concerns about activities by foreign governments that appear to extend coercive or law enforcement functions beyond their borders. One notable example involves allegations that entities associated with the Chinese government operated an undeclared police state outpost in Manhattan, New York, on behalf of the People's Republic of China.<sup>106</sup> In April 2023, federal prosecutors charged two U.S. residents with conspiring to act as unregistered agents of the People's Republic of China and for obstructing justice in connection with establishing and operating the facility, which law enforcement described as assisting the Chinese government's efforts to monitor and intimidate dissidents in the United States. Later, in December 2024, a defendant in that case pleaded guilty to conspiracy to act as an illegal agent of the Chinese government in connection with the undeclared overseas police station.<sup>107</sup>

The Federal Bureau of Investigation has stated it is monitoring reports of similar unregistered police station operations in the United States and has characterized such activity as violating U.S. sovereignty.<sup>108</sup> These developments are part of a broader international reporting on alleged overseas police stations and related outposts in multiple countries that some critics contend are used to surveil, harass, or coerce foreign nationals and dissidents beyond the foreign government's jurisdiction.<sup>109</sup>

### United Front Strategy

China employs a political influence strategy known as "United Front" work to manage, co-opt, and mitigate "potential opposition to the policies and authority of the Chinese Communist Party (CCP)."<sup>110</sup> 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 directed abroad. In the international context, work by the United Front Work Department 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. Some of these organizations have explicit ties to the CCP's United Front Work Department, while others operate with less transparent connections.<sup>111</sup>

<sup>105</sup> [S. 775.34, F.S.](#)

<sup>106</sup> U.S. Department of Justice, [Two Arrested for Operating Illegal Overseas Police Station of the Chinese Government](#) (last visited Feb. 3, 2026).

<sup>107</sup> U.S. Department of Justice, [New York Resident Pleads Guilty to Operating Secret Police Station of the Chinese Government in Lower Manhattan](#) (last visited Feb. 3, 2026).

<sup>108</sup> BBC, [Reports of Chinese Police Stations in the US Worry FBI](#) (last visited Feb. 3, 2026).

<sup>109</sup> See Jamestown, [The Long Arm of the Law\(less\): The PRC's Overseas Police Stations](#) (last visited Feb. 3, 2026).

<sup>110</sup> U.S.-China Economic and Security Review Commission, [China's Overseas United Front Work: Background and Implications for the United States](#) (last visited Feb. 3, 2026).

<sup>111</sup> *Id.*

**BILL HISTORY**

<b>COMMITTEE REFERENCE</b>	<b>ACTION</b>	<b>DATE</b>	<b>STAFF DIRECTOR/ POLICY CHIEF</b>	<b>ANALYSIS PREPARED BY</b>
<a href="#">Government Operations Subcommittee</a>	17 Y, 0 N, As CS	1/29/2026	Toliver	Villa
THE CHANGES ADOPTED BY THE COMMITTEE:	<ul style="list-style-type: none"> <li>Specified that violations of the foreign agent registration provisions must be <i>willful</i> in order to be penalized.</li> <li>Prohibited governmental entities from entering into certain contracts with foreign sources of concern, rather than only entities owned or controlled by them.</li> <li>Provided definitions relating to certain protections of state critical infrastructure facilities.</li> <li>Made technical and conforming changes.</li> </ul>			
<a href="#">Judiciary Committee</a>	16 Y, 0 N, As CS	2/3/2026	Kramer	Butcher
THE CHANGES ADOPTED BY THE COMMITTEE:	<ul style="list-style-type: none"> <li>Authorized a tax collector or local governing authority to revoke or refuse to renew business tax receipts for any individual, business, or entity doing business with Cuba in violation of federal law.</li> <li>Created a third-degree felony if a person knowingly makes a false declaration in a specified sworn affidavit or declaration.</li> </ul>			
<a href="#">State Affairs Committee</a>	24 Y, 1 N, As CS	2/17/2026	Williamson	Villa
THE CHANGES ADOPTED BY THE COMMITTEE:	<ul style="list-style-type: none"> <li>Removed Qatar from the list of foreign countries of concern for purposes of certain foreign agent registration requirements.</li> <li>Limited required payment disclosures by certain foreign agents and foreign political organizations to payments that are known or reasonably knowable to the registrant.</li> <li>Authorized the Governor to temporarily suspend certain statutes and rules if the federal government changes Cuba's diplomatic status.</li> <li>Provided exceptions to certain contracting prohibitions relating to IT.</li> <li>Provided rulemaking authority to DMS to implement the bill's provisions relating to government contracting and procurement.</li> </ul>			

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**THIS BILL ANALYSIS HAS BEEN UPDATED TO INCORPORATE ALL OF THE CHANGES DESCRIBED ABOVE.**  
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