

## CHAPTER 2018-125

### House Bill No. 359

An act relating to state investments; amending s. 215.471, F.S.; requiring the State Board of Administration to divest specified investments and prohibiting it from investing in specified investments of institutions or companies doing business in or with the government of Venezuela or any of its agencies or instrumentalities in violation of federal law; defining the term “government of Venezuela”; authorizing the Governor to waive the investment prohibitions if certain conditions exist; prohibiting the State Board of Administration from voting in favor of any proxy resolution advocating expanded United States trade with the government of Venezuela; amending s. 215.472, F.S.; prohibiting state agencies from investing in specified financial entities that extend credit, trade or buy goods or services with the government of Venezuela or investing in any company doing business with Venezuela in violation of federal law; defining the term “government of Venezuela”; authorizing the Governor to waive the investment prohibitions under specific circumstances; providing an effective date.

WHEREAS, the people of Venezuela believe the current government of Venezuela is intolerable because it has used and continues to use extreme violence and political persecution in the orchestrated suppression of human rights, and

WHEREAS, the Maduro regime continues to unjustly detain and prosecute political prisoners in spite of international calls for their freedom, and

WHEREAS, the State of Florida stands in unity with the people of Venezuela in their fight for democracy and freedom from the oppressive Maduro regime, and

WHEREAS, the United States deems the situation in Venezuela as an extraordinary threat to national security and foreign policy, and

WHEREAS, the United States Department of the Treasury’s Office of Foreign Assets Control has issued sanctions against Venezuelan officials, including Nicolas Maduro who has been identified as a “Specially Designated National” and labeled a dictator, NOW, THEREFORE,

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 215.471, Florida Statutes, is amended to read:

215.471 Divestiture by the State Board of Administration; reporting requirements.—

(1) The State Board of Administration shall divest any investment under s. 121.151 and ss. 215.44-215.53, and is prohibited from investment in stocks, securities, or other obligations of:

(a) Any institution or company domiciled in the United States, or foreign subsidiary of a company domiciled in the United States, doing business in or with Cuba, or with agencies or instrumentalities thereof in violation of federal law.

(b) Any institution or company domiciled outside of the United States if the President of the United States has applied sanctions against the foreign country in which the institution or company is domiciled pursuant to s. 4 of the Cuban Democracy Act of 1992.

(c)1. Any institution or company domiciled in the United States, or foreign subsidiary of a company domiciled in the United States, doing business in or with the government of Venezuela, or with any agency or instrumentality thereof, in violation of federal law. The term “government of Venezuela” means the government of Venezuela, its agencies or instrumentalities, or any company that is majority-owned or controlled by the government of Venezuela.

2. The Governor may waive the requirements of this paragraph if the existing regime in Venezuela collapses and there is a need for immediate aid to Venezuela before the convening of the Legislature or for other humanitarian reasons as determined by the Governor.

(2) The State Board of Administration may not be a fiduciary under this section with respect to voting on, and may not have the right to vote in favor of, any proxy resolution advocating expanded United States trade with Cuba, ~~or Syria, or Venezuela~~. The board’s staff shall report on its activities in its annual proxy voting report.

Section 2. Subsection (3) is added to section 215.472, Florida Statutes, to read:

215.472 Prohibited investments.—Notwithstanding any other provision of law, each state agency, as defined in s. 216.011, is prohibited from investing in:

(3)(a) Any financial institution or company domiciled in the United States, or foreign subsidiary of a company domiciled in the United States which, directly or through the United States or foreign subsidiary, extends credit of any kind or character, advances funds in any manner, or purchases or trades any goods or services with the government of Venezuela, or any company doing business in or with the government of Venezuela, in violation of federal law. The term “government of Venezuela” means the government of Venezuela, its agencies or instrumentalities, or any company that is majority-owned or controlled by the government of Venezuela.

(b) The Governor may waive the requirements of this subsection if the existing regime in Venezuela collapses and there is a need for immediate aid to Venezuela before the convening of the Legislature or for other humanitarian reasons as determined by the Governor.

Section 3. This act shall take effect July 1, 2018.

Approved by the Governor March 28, 2018.

Filed in Office Secretary of State March 28, 2018.