

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	_____	(Y/N)
ADOPTED AS AMENDED	_____	(Y/N)
ADOPTED W/O OBJECTION	_____	(Y/N)
FAILED TO ADOPT	_____	(Y/N)
WITHDRAWN	_____	(Y/N)
OTHER		

1 Committee/Subcommittee hearing bill: State Affairs Committee
2 Representative Borrero offered the following:

Amendment (with title amendment)

Remove lines 252-621 and insert:

ss. 692.201, 692.202, 692.203, 692.204, and 692.205, Florida Statutes, to be entitled "Conveyances to Foreign Entities."

Section 4. Section 692.201, Florida Statutes, is created to read:

692.201 Definitions.—As used in this part, the term:

(1) "Agricultural land" means land classified as agricultural under s. 193.461 or under the comprehensive plan applicable to the land.

(2) "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:

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- 17 (a) A chemical manufacturing facility.
- 18 (b) A refinery.
- 19 (c) An electrical power plant as defined in s.
20 403.031(20), including a substation, switching station,
21 electrical control center, or electric transmission or
22 distribution facility.
- 23 (d) A water intake structure, water treatment facility,
24 wastewater treatment plant, or pump station.
- 25 (e) A natural gas transmission compressor station.
- 26 (f) A liquid natural gas terminal or storage facility.
- 27 (g) A telecommunications central switching office.
- 28 (h) An inland port or other facility or group of
29 facilities serving as a point of intermodal transfer of freight
30 in a specific area physically separated from a seaport.
- 31 (i) A gas processing plant, including a plant used in the
32 processing, treatment, or fractionation of natural gas.
- 33 (j) A seaport as listed in s. 311.09.
- 34 (k) A spaceport territory as defined in s. 331.303(18).
- 35 (l) An airport as defined in s. 333.01.
- 36 (3) "Foreign country of concern" means the People's
37 Republic of China, the Russian Federation, the Islamic Republic
38 of Iran, the Democratic People's Republic of Korea, the Republic
39 of Cuba, the Venezuelan regime of Nicolás Maduro, or the Syrian
40 Arab Republic, including any agency of or any other entity of
41 significant control of such foreign country of concern.

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42 (4) "Foreign principal" means:

43 (a) The government or any official of the government of a
44 foreign country of concern;

45 (b) A political party or member of a political party or
46 any subdivision of a political party in a foreign country of
47 concern;

48 (c) A partnership, association, corporation, organization,
49 or other combination of persons organized under the laws of or
50 having its principal place of business in a foreign country of
51 concern, or a subsidiary of such entity;

52 (d) Any person who is domiciled in a foreign country of
53 concern and is not a citizen or lawful permanent resident of the
54 United States.

55 (5) "Military installation" has the same meaning as in 10
56 U.S.C. s. 2801(c)(4) and includes an armory as defined in s.
57 250.01.

58 (6) "Real property" means land, buildings, fixtures, and
59 all other improvements to land.

60 Section 5. Section 692.202, Florida Statutes, is created
61 to read:

62 692.202 Purchase of agricultural land by foreign
63 principals prohibited.-

64 (1) A foreign principal may not directly or indirectly own
65 or acquire by purchase, grant, devise, or descent agricultural
66 land or any interest, except a de minimus indirect interest, in

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67 such land in this state. A foreign principal has a de minimus
68 indirect interest if any ownership in such land is the result of
69 the foreign principal's ownership of registered equities in a
70 publicly traded company owning the land and if the foreign
71 principal's ownership interest in the company is less than 5
72 percent of any class of registered equities or less than 5
73 percent in the aggregate in multiple classes of registered
74 equities.

75 (2) A foreign principal that directly or indirectly owns
76 or acquires agricultural land or any interest in such land in
77 this state before July 1, 2023, may continue to own or hold such
78 land or interest, but may not purchase or otherwise acquire by
79 grant, devise, or descent any additional agricultural land or
80 interest in such land in this state.

81 (3)(a) A foreign principal that directly or indirectly
82 owns or acquires agricultural land or any interest in such land
83 in this state before July 1, 2023, must register with the
84 Department of Agriculture and Consumer Services by January 1,
85 2024. The department must establish a form for such
86 registration, which, at minimum, must include all of the
87 following:

88 1. The name of the owner of the agricultural land or the
89 owner of the interest in such land.

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90 2. The address of the agricultural land, the property
91 appraiser's parcel identification number, and the property's
92 legal description.

93 3. The number of acres of the agricultural land.

94 (b) A foreign principal that fails to timely file a
95 registration with the department is subject to a civil penalty
96 of \$1,000 for each day that the registration is late. The
97 department may place a lien against the unregistered
98 agricultural land for the unpaid balance of any penalties
99 assessed under this paragraph.

100 (4) Notwithstanding subsection (1), a foreign principal
101 may acquire agricultural land on or after July 1, 2023, by
102 devise or descent, through the enforcement of security
103 interests, or through the collection of debts, provided that the
104 foreign principal sells, transfers, or otherwise divests itself
105 of the agricultural land within 2 years after acquiring the
106 agricultural land.

107 (5) (a) At the time of purchase, a buyer of agricultural
108 land or an interest in such land must provide an affidavit
109 signed under penalty of perjury attesting that the buyer is:

110 1. Not a foreign principal; and

111 2. In compliance with the requirements of this section.

112 (b) The failure to obtain or maintain the affidavit does
113 not:

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114 1. Affect the title or insurability of the title for the
115 agricultural land; or

116 2. Subject the closing agent to civil or criminal
117 liability, unless the closing agent has actual knowledge that
118 the transaction will result in a violation of this section.

119 (c) The Florida Real Estate Commission shall adopt rules
120 to implement this subsection, including rules establishing the
121 form for the affidavit required under this subsection.

122 (6)(a) The agricultural land or an interest in such land
123 that is owned or acquired in violation of this section may be
124 forfeited to the state.

125 (b) The Department of Agriculture and Consumer Services
126 may initiate a civil action in the circuit court of the county
127 in which the property lies for the forfeiture of the
128 agricultural land or any interest therein.

129 (c) Upon filing such action, the clerk must record a lis
130 pendens in accordance with s. 48.23. The court must advance the
131 cause on the calendar. The defendant may at any time petition to
132 modify or discharge the lis pendens based upon a finding that
133 there is no probable cause to believe that the agricultural
134 land, or any portion thereof, is owned or held in violation of
135 this section.

136 (d) If the court finds that the agricultural land, or any
137 portion thereof, is owned or held in violation of this section,
138 the court must enter a final judgment of forfeiture vesting

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139 title to the agricultural land in this state, subject only to
140 the rights and interests of bona fide lienholders, and such
141 final judgment relates back to the date of the lis pendens.

142 (e) The department may sell the agricultural land subject
143 to a final judgment of forfeiture. Any proceeds from the sale
144 must first be paid to any lienholders of the land, followed by
145 payment of any outstanding fines assessed pursuant to this
146 section, after which the department must be reimbursed for all
147 costs related to the forfeiture civil action and any costs
148 related to the sale of the land. Any remaining proceeds must be
149 paid to the property owner.

150 (f) At any time during the forfeiture proceeding the
151 department may seek an ex parte order of seizure of the
152 agricultural land upon a showing that the defendant's control of
153 the agricultural land constitutes a clear and present danger to
154 the state.

155 (7) A foreign principal that purchases or acquires
156 agricultural land or any interest therein in violation of this
157 section commits a misdemeanor of the second degree, punishable
158 as provided in s. 775.082 or s. 775.083.

159 (8) A person who knowingly sells agricultural land or any
160 interest therein in violation of this section commits a
161 misdemeanor of the second degree, punishable as provided in s.
162 775.082 or s. 775.083.

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163 (9) The Department of Agriculture and Consumer Services
164 shall adopt rules to implement this section.

165 Section 6. Section 692.203, Florida Statutes, is created
166 to read:

167 692.203 Purchase of real property on or around military
168 installations and critical infrastructure facilities by foreign
169 principals prohibited.—

170 (1) A foreign principal may not directly or indirectly own
171 or acquire by purchase, grant, devise, or descent any interest,
172 except a de minimus indirect interest, in real property on or
173 within 20 miles of any military installation or critical
174 infrastructure facility in this state. A foreign principal has a
175 de minimus indirect interest if any ownership is the result of
176 the foreign principal's ownership of registered equities in a
177 publicly traded company owning the land and if the foreign
178 principal's ownership interest in the company is less than 5
179 percent of any class of registered equities or less than 5
180 percent in the aggregate in multiple classes of registered
181 equities.

182 (2) A foreign principal that directly or indirectly owns
183 or acquires any interest in real property on or within 20 miles
184 of any military installation or critical infrastructure facility
185 in this state before July 1, 2023, may continue to own or hold
186 such real property, but may not purchase or otherwise acquire by
187 grant, devise, or descent any additional real property on or

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188 within 20 miles of any military installation or critical
189 infrastructure facility in this state.

190 (3)(a) A foreign principal that owns or acquires real
191 property on or within 20 miles of any military installation or
192 critical infrastructure facility in this state before July 1,
193 2023, must register with the Department of Economic Opportunity
194 by January 1, 2024. The department must establish a form for
195 such registration which, at a minimum, must include all of the
196 following:

197 1. The name of the owner of the real property.
198 2. The address of the real property, the property
199 appraiser's parcel identification number, and the property's
200 legal description.

201 (b) A foreign principal that fails to timely file a
202 registration with the department is subject to a civil penalty
203 of \$1,000 for each day that the registration is late. The
204 department may place a lien against the unregistered real
205 property for the unpaid balance of any penalties assessed under
206 this paragraph.

207 (4) Notwithstanding subsection (1), a foreign principal
208 may acquire real property or any interest therein which is
209 within 20 miles of any military installation or critical
210 infrastructure facility in this state on or after July 1, 2023,
211 by devise or descent, through the enforcement of security
212 interests, or through the collection of debts, provided that the

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213 foreign principal sells, transfers, or otherwise divests itself
214 of such real property within 2 years after acquiring the real
215 property.

216 (5)(a) At the time of purchase, a buyer of the real
217 property that is on or within 20 miles of any military
218 installation or critical infrastructure facility in this state
219 must provide an affidavit signed under penalty of perjury
220 attesting that the buyer is:

- 221 1. Not a foreign principal; and
222 2. In compliance with the requirements of this section.

223 (b) The failure to obtain or maintain the affidavit does
224 not:

225 1. Affect the title or insurability of the title for the
226 real property; or

227 2. Subject the closing agent to civil or criminal
228 liability, unless the closing agent has actual knowledge that
229 the transaction will result in a violation of this section.

230 (c) The Florida Real Estate Commission shall adopt rules
231 to implement this subsection, including rules establishing the
232 form for the affidavit required under this subsection.

233 (6)(a) If any real property is owned or acquired in
234 violation of this section, the real property may be forfeited to
235 the state.

236 (b) The Department of Economic Opportunity may initiate a
237 civil action in the circuit court of the county in which the

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238 property lies for the forfeiture of the real property or any
239 interest therein.

240 (c) Upon filing such action, the clerk must record a lis
241 pendens in accordance with s. 48.23. The court must advance the
242 cause on the calendar. The defendant may at any time petition to
243 modify or discharge the lis pendens based upon a finding that
244 there is no probable cause to believe that the real property, or
245 any portion thereof, is owned or held in violation of this
246 section.

247 (d) If the court finds that the real property, or any
248 portion thereof, is owned or held in violation of this section,
249 the court must enter a final judgment of forfeiture vesting
250 title to the real property in this state, subject only to the
251 rights and interests of bona fide lienholders, and such final
252 judgment relates back to the date of the lis pendens.

253 (e) The department may sell the real property subject to a
254 final judgment of forfeiture. Any proceeds from the sale must
255 first be paid to any lienholders of the land, followed by
256 payment of any outstanding fines assessed pursuant to this
257 section, after which the department must be reimbursed for all
258 costs related to the forfeiture civil action and any costs
259 related to the sale of the land. Any remaining proceeds must be
260 paid to the property owner.

261 (f) At any time during the forfeiture proceeding the
262 department may seek an ex parte order of seizure of the real

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263 property upon a showing that the defendant's control of the real
264 property constitutes a clear and present danger to the state.

265 (7) A foreign principal that purchases or acquires real
266 property or any interest therein in violation of this section
267 commits a misdemeanor of the second degree, punishable as
268 provided in s. 775.082 or s. 775.083.

269 (8) A person who knowingly sells real property or any
270 interest therein in violation of this section commits a
271 misdemeanor of the second degree, punishable as provided in s.
272 775.082 or s. 775.083.

273 (9) The Department of Economic Opportunity shall adopt
274 rules to implement this section.

275 Section 7. Section 692.204, Florida Statutes, is created
276 to read:

277 692.204 Purchase or acquisition of real property by the
278 People's Republic of China prohibited.-

279 (1)(a) The following persons or entities may not directly
280 or indirectly own or acquire by purchase, grant, devise, or
281 descent any interest, except a de minimus indirect interest, in
282 real property in this state:

283 1. The People's Republic of China, the Chinese Communist
284 Party, or any official or member of the People's Republic of
285 China or the Chinese Communist Party.

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286 2. Any other political party or member of a political
287 party or a subdivision of a political party in the People's
288 Republic of China.

289 3. A partnership, an association, a corporation, an
290 organization, or any other combination of persons organized
291 under the laws of or having its principal place of business in
292 the People's Republic of China, or a subsidiary of such entity.

293 4. Any person who is domiciled in the People's Republic of
294 China and who is not a citizen or lawful permanent resident of
295 the United States.

296 (b) A person or entity has a de minimus indirect interest
297 if any ownership is the result of the person's or entity's
298 ownership of registered equities in a publicly traded company
299 owning the land and if the person's or entity's ownership
300 interest in the company is less than 5 percent of any class of
301 registered equities or less than 5 percent in the aggregate in
302 multiple classes of registered equities.

303 (2) A person or entity described in paragraph (1) (a) that
304 directly or indirectly owns or acquires any interest in real
305 property in this state before July 1, 2023, may continue to own
306 or hold such real property, but may not purchase or otherwise
307 acquire by grant, devise, or descent any additional real
308 property in this state.

309 (3) (a) A person or entity described in paragraph (1) (a)
310 that owns or acquires real property in this state before July 1,

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311 2023, must register with the Department of Economic Opportunity
312 by January 1, 2024. The department must establish a form for
313 such registration which, at a minimum, must include all of the
314 following:

315 1. The name of the owner of the real property.

316 2. The address of the real property, the property
317 appraiser's parcel identification number, and the property's
318 legal description.

319 (b) A person or entity that fails to timely file a
320 registration with the department is subject to a civil penalty
321 of \$1,000 for each day that the registration is late. The
322 department may place a lien against the unregistered real
323 property for the unpaid balance of any penalties assessed under
324 this paragraph.

325 (4) Notwithstanding subsection (1), a person or an entity
326 described in paragraph (1)(a) may acquire real property in this
327 state on or after July 1, 2023, by devise or descent, through
328 the enforcement of security interests, or through the collection
329 of debts, provided that the person or entity sells, transfers,
330 or otherwise divests itself of such real property within 2 years
331 after acquiring the real property, unless the person or entity
332 is exempt under s. 692.205.

333 (5)(a) At the time of purchase, a buyer of real property
334 in this state must provide an affidavit signed under penalty of
335 perjury attesting that the buyer is:

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336 1. Not a person or entity described in paragraph (1) (a);
337 and

338 2. In compliance with the requirements of this section.

339 (b) The failure to obtain or maintain the affidavit does
340 not:

341 1. Affect the title or insurability of the title for the
342 real property; or

343 2. Subject the closing agent to civil or criminal
344 liability, unless the closing agent has actual knowledge that
345 the transaction will result in a violation of this section.

346 (c) The Florida Real Estate Commission shall adopt rules
347 to implement this subsection, including rules establishing the
348 form for the affidavit required under this subsection.

349 (6) (a) If any real property is owned or acquired in
350 violation of this section, the real property may be forfeited to
351 the state.

352 (b) The Department of Economic Opportunity may initiate a
353 civil action in the circuit court of the county in which the
354 property lies for the forfeiture of the real property or any
355 interest therein.

356 (c) Upon filing such action, the clerk must record a lis
357 pendens in accordance with s. 48.23. The court must advance the
358 cause on the calendar. The defendant may at any time petition to
359 modify or discharge the lis pendens based upon a finding that
360 there is no probable cause to believe that the real property, or

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361 any portion thereof, is owned or held in violation of this
362 section.

363 (d) If the court finds that the real property, or any
364 portion thereof, is owned or held in violation of this section,
365 the court must enter a final judgment of forfeiture vesting
366 title to the real property in this state, subject only to the
367 rights and interests of bona fide lienholders, and such final
368 judgment relates back to the date of the lis pendens.

369 (e) The department may sell the real property subject to a
370 final judgment of forfeiture. Any proceeds from the sale must
371 first be paid to any lienholders of the land, followed by
372 payment of any outstanding fines assessed pursuant to this
373 section, after which the department must be reimbursed for all
374 costs related to the forfeiture civil action and any costs
375 related to the sale of the land. Any remaining proceeds must be
376 paid to the property owner.

377 (f) At any time during the forfeiture proceeding the
378 department may seek an ex parte order of seizure of the real
379 property upon a showing that the defendant's control of the real
380 property constitutes a clear and present danger to the state.

381 (7) A violation of this section constitutes a felony of
382 the third degree, punishable as provided in s. 775.082, s.
383 775.083, or s. 775.084.

384 (8) A person who sells real property or any interest
385 therein in violation of this section commits a misdemeanor of

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386 the first degree, punishable as provided in s. 775.082 or s.
387 775.083.

388 (9) The Department of Economic Opportunity shall adopt
389 rules to implement this section.

390 Section 8. Section 692.205, Florida Statutes, is created
391 to read:

392 692.205 Inapplicability of this part to real property for
393 diplomatic purposes.—This part does not apply to a foreign
394 principal that acquires real property for a diplomatic purpose
395 that is recognized, acknowledged, or allowed by the Federal
396 Government.

397
398 -----

399 **T I T L E A M E N D M E N T**

400 Remove lines 24-111 and insert:
401 principals from purchasing agricultural land, or having more
402 than a de minimus indirect interest in such land, and certain
403 real property in this state, respectively; authorizing foreign
404 principals to continue to own or hold such land or property
405 under certain circumstances; requiring certain foreign
406 principals that own or acquire such land or real property to
407 register with a specified department; requiring the Department
408 of Agriculture and Consumer Services and the Department of
409 Economic Opportunity, respectively, to establish a form for such
410 registration; providing civil penalties; authorizing the

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Bill No. CS/HB 1355 (2023)

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411 Department of Agriculture and Consumer Services and the
412 Department of Economic Opportunity to place a lien against
413 unregistered agricultural land or real property, respectively;
414 requiring certain foreign principals to sell, transfer, or
415 otherwise divest themselves of certain agricultural land or real
416 property within a specified timeframe; requiring buyers of such
417 land or property to provide a signed affidavit; specifying that
418 the failure to maintain or obtain the affidavit does not affect
419 the title or insurability of the title for the agricultural land
420 or real property, respectively, or subject the closing agent to
421 certain liability; authorizing the Florida Real Estate
422 Commission to adopt rules; authorizing that certain agricultural
423 land or real property be forfeited to the state; authorizing the
424 Department of Agriculture and Consumer Services and the
425 Department of Economic Opportunity to initiate civil actions for
426 forfeiture of the interest in agricultural land or real
427 property, respectively; requiring that such actions be filed in
428 a certain circuit court; requiring clerks to record a lis
429 pendens; requiring courts to advance the cause on the calendar;
430 authorizing defendants to petition to modify or discharge the
431 lis pendens; requiring the court to enter a specified final
432 judgment under certain circumstances; authorizing the Department
433 of Agriculture and Consumer Services and the Department of
434 Economic Opportunity, respectively, to sell the agricultural
435 land or real property; providing requirements for the proceeds

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436 from such sale; authorizing the Department of Agriculture and
437 Consumer Services and the Department of Economic Opportunity,
438 respectively, to seek a specified ex parte order; providing
439 criminal penalties; requiring the Department of Agriculture and
440 Consumer Services and the Department of Economic Opportunity,
441 respectively, to adopt rules; creating s. 692.204, F.S.;
442 prohibiting the People's Republic of China, the Chinese
443 Communist Party, any other political party or member of a
444 political party in the People's Republic of China, and certain
445 persons and entities from purchasing or acquiring real property
446 in this state or having more than a de minimus indirect interest
447 in such real property; authorizing such persons and entities to
448 continue to own or hold such real property under certain
449 circumstances; requiring certain persons or entities that own or
450 acquire real property in this state to register with the
451 Department of Economic Opportunity by a specified date;
452 requiring the Department of Economic Opportunity to establish a
453 form for such registration; providing civil penalties;
454 authorizing the Department of Economic Opportunity to place a
455 lien against unregistered real property; requiring certain
456 persons and entities to sell, transfer, or otherwise divest
457 themselves of certain real property within a specified
458 timeframe; requiring buyers of real property to provide a signed
459 affidavit; specifying that the failure to maintain or obtain the
460 affidavit does not affect the title or insurability of the title

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461 for the real property or subject the closing agent to certain
462 liability; authorizing the commission to adopt rules;
463 authorizing certain real property to be forfeited to the state;
464 authorizing the Department of Economic Opportunity to initiate
465 civil actions for forfeiture of the interest in real property;
466 requiring such actions to be filed in a certain circuit court;
467 requiring clerks to record a lis pendens; requiring courts to
468 advance the cause on the calendar; authorizing defendants to
469 petition to modify or discharge the lis pendens; requiring the
470 court to enter a specified final judgment under certain
471 circumstances; authorizing the Department of Economic
472 Opportunity to sell the real property; providing requirements
473 for the proceeds from such sale; authorizing the Department of
474 Economic Opportunity to seek a specified ex parte order;
475 providing criminal penalties; requiring the Department of
476 Economic Opportunity to adopt rules; creating s. 692.205, F.S.;
477 providing an exception from ownership restrictions and
478 registration requirements for real property that is used for
479 diplomatic purposes; amending s. 408.051, F.S.; defining the
480 terms "cloud

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