

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

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WITHDRAWN	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

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

Amendment (with title amendment)

Remove lines 233-663 and insert:

concern or a subsidiary of such entity.

(e) "Government entity" means a state agency, a political
subdivision, or any other public or private agency, person,
partnership, corporation, or business entity acting on behalf of
any public agency.

(2) A government entity may not knowingly enter into an
agreement or contract for an economic incentive with a foreign
entity.

(3) Before providing any economic incentive, a government
entity must require the recipient or applicant to provide the
government entity with an affidavit signed under penalty of

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17 perjury attesting that the recipient or applicant is not a
18 foreign entity.

19 (4) The department shall adopt rules to administer this
20 section, including rules establishing the form for the affidavit
21 required under subsection (3).

22 Section 3. The Division of Law Revision is directed to
23 create part III of chapter 692, Florida Statutes, consisting of
24 ss. 692.201, 692.202, 692.203, and 692.204, Florida Statutes, to
25 be entitled "Conveyances to Foreign Entities."

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

28 692.201 Definitions.—As used in this part, the term:

29 (1) "Agricultural land" means land classified as
30 agricultural under s. 193.461.

31 (2) "Critical infrastructure facility" means any of the
32 following, if it employs measures such as fences, barriers, or
33 guard posts that are designed to exclude unauthorized persons:

34 (a) A chemical manufacturing facility.

35 (b) A refinery.

36 (c) An electrical power plant as defined in s.
37 403.031(20), including a substation, switching station,
38 electrical control center, or electric transmission or
39 distribution facility.

40 (d) A water intake structure, water treatment facility,
41 wastewater treatment plant, or pump station.

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42 (e) A natural gas transmission compressor station.

43 (f) A liquid natural gas terminal or storage facility.

44 (g) A telecommunications central switching office.

45 (h) An inland port or other facility or group of
46 facilities serving as a point of intermodal transfer of freight
47 in a specific area physically separated from a seaport.

48 (i) A gas processing plant, including a plant used in the
49 processing, treatment, or fractionation of natural gas.

50 (j) A seaport as listed in s. 311.09.

51 (k) A spaceport territory as defined in s. 331.303(18).

52 (3) "Foreign country of concern" means the People's
53 Republic of China, the Russian Federation, the Islamic Republic
54 of Iran, the Democratic People's Republic of Korea, the Republic
55 of Cuba, the Venezuelan regime of Nicolás Maduro, or the Syrian
56 Arab Republic, including any agency of or any other entity of
57 significant control of such foreign country of concern.

58 (4) "Foreign principal" means:

59 (a) The government or any official of the government of a
60 foreign country of concern;

61 (b) A political party or member of a political party or
62 any subdivision of a political party in a foreign country of
63 concern;

64 (c) A partnership, association, corporation, organization,
65 or other combination of persons organized under the laws of or

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66 having its principal place of business in a foreign country of
67 concern, or a subsidiary of such entity; or

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

71 (5) "Military installation" has the same meaning as in 10
72 U.S.C. s. 2801(c)(4) and includes an armory as defined in s.
73 250.01.

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

76 Section 5. Section 692.202, Florida Statutes, is created
77 to read:

78 692.202 Purchase of agricultural land by foreign
79 principals prohibited.-

80 (1) A foreign principal may not directly or indirectly own
81 or acquire by purchase, grant, devise, or descent agricultural
82 land or any interest in such land in the state. This prohibition
83 does not apply to a foreign principal that acquires agricultural
84 land for a diplomatic purpose that is recognized, acknowledged,
85 or allowed by the Federal Government.

86 (2) A foreign principal that directly or indirectly owns
87 or acquires agricultural land or any interest in such land in
88 the state before July 1, 2023, may continue to own or hold such
89 land or interest, but may not purchase or otherwise acquire by

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90 grant, devise, or descent any additional agricultural land or
91 interest in such land in the state.

92 (3)(a) A foreign principal that directly or indirectly
93 owns or acquires agricultural land or any interest in such land
94 in the state before July 1, 2023, must register with the
95 Department of Agriculture and Consumer Services by January 1,
96 2024. The department must establish a form for such
97 registration, which, at minimum, must include all of the
98 following:

99 1. The name of the owner of the agricultural land or the
100 owner of the interest in such land.

101 2. The address of the agricultural land, the property
102 appraiser's parcel identification number, and the property's
103 legal description.

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

105 (b) A foreign principal that fails to timely file a
106 registration with the department is subject to a civil penalty
107 of \$1,000 for each day that the registration is late. The
108 department may place a lien against the unregistered
109 agricultural land for the unpaid balance of any penalties
110 assessed under this paragraph.

111 (4) Notwithstanding subsection (1), a foreign principal
112 may acquire agricultural land on or after July 1, 2023, by
113 devise or descent, through the enforcement of security
114 interests, or through the collection of debts, provided that the

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115 foreign principal sells, transfers, or otherwise divests itself
116 of the agricultural land within 2 years after acquiring the
117 agricultural land.

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

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

123 (b) The failure to obtain or maintain the affidavit does
124 not:

125 1. Affect the title or insurability of the title for the
126 agricultural land; or

127 2. Subject the closing agent to civil or criminal
128 liability except for liability under chapter 837, unless the
129 closing agent has actual knowledge that the transaction will
130 result in a violation of this section.

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

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

137 (b) The Department of Agriculture and Consumer Services
138 may initiate a civil action in the circuit court of the county

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139 in which the property lies for the forfeiture of the
140 agricultural land or any interest therein.

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

148 (d) If the court finds that the agricultural land, or any
149 portion thereof, is owned or held in violation of this section,
150 the court must enter a final judgment of forfeiture vesting
151 title to the agricultural land in the state, subject only to the
152 rights and interests of bona fide lienholders, and such final
153 judgment relates back to the date of the lis pendens.

154 (e) The department may sell the agricultural land subject
155 to a final judgment of forfeiture. Any proceeds from the sale
156 must first be paid to any lienholders of the land, followed by
157 payment of any outstanding fines assessed pursuant to this
158 section, after which the department must be reimbursed for all
159 costs related to the forfeiture civil action and any costs
160 related to the sale of the land. Any remaining proceeds must be
161 paid to the property owner.

162 (f) At any time during the forfeiture proceeding the
163 department may seek an ex parte order of seizure of the

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164 agricultural land upon a showing that the defendant's control of
165 the agricultural land constitutes a clear and present danger to
166 the state.

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

171 (8) A person who knowingly sells agricultural land or any
172 interest therein in violation of this section commits a
173 misdemeanor of the second degree, punishable as provided in s.
174 775.082 or s. 775.083.

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

177 Section 6. Section 692.203, Florida Statutes, is created
178 to read:

179 692.203 Purchase of real property around military
180 installations and critical infrastructure facilities by foreign
181 principals prohibited.-

182 (1) A foreign principal may not directly or indirectly own
183 or acquire by purchase, grant, devise, or descent any interest
184 in real property within 20 miles of any military installation or
185 critical infrastructure facility in the state. This prohibition
186 does not apply to a foreign principal that acquires real
187 property for a diplomatic purpose that is recognized,
188 acknowledged, or allowed by the Federal Government.

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189 (2) A foreign principal that directly or indirectly owns
190 or acquires any interest in real property within 20 miles of any
191 military installation or critical infrastructure facility in the
192 state before July 1, 2023, may continue to own or hold such real
193 property, but may not purchase or otherwise acquire by grant,
194 devise, or descent any additional real property within 20 miles
195 of any military installation or critical infrastructure facility
196 in the state.

197 (3)(a) A foreign principal that owns or acquires real
198 property within 20 miles of any military installation or
199 critical infrastructure facility in the state before July 1,
200 2023, must register with the Department of Economic Opportunity
201 by January 1, 2024. The department must establish a form for
202 such registration which, at a minimum, must include all of the
203 following:

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

205 2. The address of the real property, the property
206 appraiser's parcel identification number, and the property's
207 legal description.

208 (b) A foreign principal that fails to timely file a
209 registration with the department is subject to a civil penalty
210 of \$1,000 for each day that the registration is late. The
211 department may place a lien against the unregistered real
212 property for the unpaid balance of any penalties assessed under
213 this paragraph.

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214 (4) Notwithstanding subsection (1), a foreign principal
215 may acquire real property or any interest therein which is
216 within 20 miles of any military installation or critical
217 infrastructure facility in the state on or after July 1, 2023,
218 by devise or descent, through the enforcement of security
219 interests, or through the collection of debts, provided that the
220 foreign principal sells, transfers, or otherwise divests itself
221 of such real property within 2 years after acquiring the real
222 property.

223 (5) (a) At the time of purchase, a buyer of the real
224 property that is within 20 miles of any military installation or
225 critical infrastructure facility in this state must provide an
226 affidavit signed under penalty of perjury attesting that the
227 buyer is:

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

230 (b) The failure to obtain or maintain the affidavit does
231 not:

- 232 1. Affect the title or insurability of the title for the
233 real property; or

- 234 2. Subject the closing agent to civil or criminal
235 liability except for liability under chapter 837, unless the
236 closing agent has actual knowledge that the transaction will
237 result in a violation of this section.

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

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

244 (b) The Department of Economic Opportunity may initiate a
245 civil action in the circuit court of the county in which the
246 property lies for the forfeiture of the real property or any
247 interest therein.

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

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

261 (e) The department may sell the real property subject to a
262 final judgment of forfeiture. Any proceeds from the sale must

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263 first be paid to any lienholders of the land, followed by
264 payment of any outstanding fines assessed pursuant to this
265 section, after which the department must be reimbursed for all
266 costs related to the forfeiture civil action and any costs
267 related to the sale of the land. Any remaining proceeds must be
268 paid to the property owner.

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

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

277 (8) A person who knowingly sells real property or any
278 interest therein in violation of this section commits a
279 misdemeanor of the second degree, punishable as provided in s.
280 775.082 or s. 775.083.

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

283 Section 7. Section 692.204, Florida Statutes, is created
284 to read:

285 692.204 Purchase or acquisition of real property by the
286 People's Republic of China prohibited.-

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287 (1) (a) The following persons or entities may not directly
288 or indirectly own or acquire by purchase, grant, devise, or
289 descent any interest in real property in the state:

290 1. The People's Republic of China, the Chinese Communist
291 Party, or any official or member of the People's Republic of
292 China or the Chinese Communist Party.

293 2. Any other political party or member of a political
294 party or a subdivision of a political party in the People's
295 Republic of China.

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

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

303 (b) Paragraph (a) does not apply to a person or entity of
304 the People's Republic of China that acquires real property for a
305 diplomatic purpose that is recognized, acknowledged, or allowed
306 by the Federal Government.

307 (2) A person or entity described in paragraph (1) (a) that
308 directly or indirectly owns or acquires any interest in real
309 property in the state before July 1, 2023, may continue to own
310 or hold such real property, but may not purchase or otherwise

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311 acquire by grant, devise, or descent any additional real
312 property in the state.

313 (3) (a) A person or entity described in paragraph (1) (a)
314 that owns or acquires real property in the state before July 1,
315 2023, must register with the Department of Economic Opportunity
316 by January 1, 2024. The department must establish a form for
317 such registration which, at a minimum, must include all of the
318 following:

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

320 2. The address of the real property, the property
321 appraiser's parcel identification number, and the property's
322 legal description.

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

329 (4) Notwithstanding subsection (1), a person or an entity
330 described in paragraph (1) (a) may acquire real property in the
331 state on or after July 1, 2023, by devise or descent, through
332 the enforcement of security interests, or through the collection
333 of debts, provided that the person or entity sells, transfers,
334 or otherwise divests itself of such real property within 2 years

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335 after acquiring the real property unless the person or entity is
336 exempt under paragraph (1)(b).

337 (5)(a) At the time of purchase, a buyer of real property
338 in the state must provide an affidavit signed under penalty of
339 perjury attesting that the buyer is:

340 1. Not a person or entity described in paragraph (1)(a);
341 and

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

343 (b) The failure to obtain or maintain the affidavit does
344 not:

345 1. Affect the title or insurability of the title for the
346 real property; or

347 2. Subject the closing agent to civil or criminal
348 liability except for liability under chapter 837, unless the
349 closing agent has actual knowledge that the transaction will
350 result in a violation of this section.

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

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

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

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359 property lies for the forfeiture of the real property or any
360 interest therein.

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

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

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

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

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

386 (7) A violation of this section constitutes a felony of
387 the third degree, punishable as provided in s. 775.082, s.
388 775.083, or s. 775.084.

389 (8) A person who sells real property or any interest
390 therein in violation of this section commits a misdemeanor of
391 the first degree, punishable as provided in s. 775.082 or s.
392 775.083.

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

395 (2) DEFINITIONS.—As used in this section, the term:

396 (c)-(a) "Electronic health record" means a record of a
397 person's medical treatment which is created by a licensed health
398 care provider and stored in an interoperable and accessible
399 digital format.

400 (i)-(b) "Qualified electronic health record" means an
401 electronic record of health-related information concerning an
402 individual which includes patient demographic and clinical
403 health information, such as medical history and problem lists,
404 and which has the capacity to provide clinical decision support,
405 to support physician order entry, to capture and query
406 information relevant to health care quality, and to exchange
407 electronic health information with, and integrate such
408 information from, other sources.

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409 (a)-(e) "Certified electronic health record technology"
410 means a qualified electronic health record that is certified
411 pursuant to s. 3001(c) (5) of the Public Health Service Act as
412 meeting standards adopted under s. 3004 of such act which are
413 applicable to the type of record involved, such as an ambulatory
414 electronic health record for office-based physicians or an
415 inpatient hospital electronic health record for hospitals.

416 (b) "Cloud computing" has the same meaning as in s.
417 282.0041.

418 (d) "Health care provider" means any of the following:

419 1. A provider as defined in s. 408.803.

420 2. A health care practitioner as defined in s. 456.001.

421 3. A health care professional certified under part IV of
422 chapter 468.

423 4. A home health aide as defined in s. 400.462.

424 5. A service provider as defined in s. 394.455 and the
425 service provider's clinical and nonclinical staff who provide
426 inpatient or outpatient services.

427 6. A continuing care facility licensed under chapter 651.

428 7. A pharmacy permitted under chapter 465.

429 (e)-(d) "Health record" means any information, recorded in
430 any form or medium, which relates to the past, present, or
431 future health of an individual for the primary purpose of
432 providing health care and health-related services.

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433 ~~(f)(e)~~ "Identifiable health record" means any health
434 record that identifies the patient or with respect to which
435 there is a reasonable basis to believe the information can be
436 used to identify the patient.

437 ~~(g)(f)~~ "Patient" means an individual who has sought, is
438 seeking, is undergoing, or has undergone care or treatment in a
439 health care facility or by a health care provider.

440 ~~(h)(g)~~ "Patient representative" means a parent of a minor
441 patient, a court-appointed guardian for the patient, a health
442 care surrogate, or a person holding a power of attorney or
443 notarized consent appropriately executed by the patient granting
444 permission to a health care facility or health care provider to
445 disclose the patient's health care information to that person.
446 In the case of a deceased patient, the term also means the
447 personal representative of the estate of the deceased patient;
448 the deceased patient's surviving spouse, surviving parent, or
449 surviving adult child; the parent or guardian of a surviving
450 minor child of the deceased patient; the attorney for the
451 patient's surviving spouse, parent, or adult child; or the
452 attorney for the parent or guardian of a surviving minor child.

453 (3) SECURITY AND STORAGE OF PERSONAL MEDICAL INFORMATION.—
454 In addition to the requirements in 45 C.F.R. part 160 and
455 subparts A and C of part 164, a health care provider that
456 utilizes certified electronic health record technology must
457 ensure that all patient information stored in an offsite

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458 physical or virtual environment, including through a third-party
459 or subcontracted computing facility or an entity providing cloud
460 computing services, is physically maintained in the continental
461 United States or its territories or Canada. This subsection
462 applies to all qualified
463
464

465 -----

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

467 Remove lines 46-114 and insert:
468 real property, respectively, or subject the closing
469 agent to certain liability; authorizing the Florida
470 Real Estate Commission to adopt rules; authorizing
471 that certain agricultural land or real property be
472 forfeited to the state; authorizing the Department of
473 Agriculture and Consumer Services and the Department
474 of Economic Opportunity to initiate civil actions for
475 forfeiture of the interest in agricultural land or
476 real property, respectively; requiring that such
477 actions be filed in a certain circuit court; requiring
478 clerks to record a lis pendens; requiring courts to
479 advance the cause on the calendar; authorizing
480 defendants to petition to modify or discharge the lis
481 pendens; requiring the court to enter a specified
482 final judgment under certain circumstances;

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483 authorizing the Department of Agriculture and Consumer
484 Services and the Department of Economic Opportunity,
485 respectively, to sell the agricultural land or real
486 property; providing requirements for the proceeds from
487 such sale; authorizing the Department of Agriculture
488 and Consumer Services and the Department of Economic
489 Opportunity, respectively, to seek a specified ex
490 parte order; providing criminal penalties; requiring
491 the Department of Agriculture and Consumer Services
492 and the Department of Economic Opportunity,
493 respectively, to adopt rules; creating s. 692.204,
494 F.S.; prohibiting the People's Republic of China, the
495 Chinese Communist Party, any other political party or
496 member of a political party in the People's Republic
497 of China, and certain persons and entities from
498 purchasing or acquiring real property in the state;
499 providing an exception; authorizing such persons and
500 entities to continue to own or hold such real property
501 under certain circumstances; requiring certain persons
502 or entities that own or acquire real property in the
503 state to register with the Department of Economic
504 Opportunity by a specified date; requiring the
505 Department of Economic Opportunity to establish a form
506 for such registration; providing civil penalties;
507 authorizing the Department of Economic Opportunity to

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508 place a lien against unregistered real property;
509 requiring certain persons and entities to sell,
510 transfer, or otherwise divest themselves of certain
511 real property within a specified timeframe; requiring
512 buyers of real property to provide a signed affidavit;
513 specifying that the failure to maintain or obtain the
514 affidavit does not affect the title or insurability of
515 the title for the real property or subject the closing
516 agent to certain liability; authorizing the commission
517 to adopt rules; authorizing certain real property to
518 be forfeited to the state; authorizing the Department
519 of Economic Opportunity to initiate civil actions for
520 forfeiture of the interest in real property; requiring
521 such actions to be filed in a certain circuit court;
522 requiring clerks to record a lis pendens; requiring
523 courts to advance the cause on the calendar;
524 authorizing defendants to petition to modify or
525 discharge the lis pendens; requiring the court to
526 enter a specified final judgment under certain
527 circumstances; authorizing the Department of Economic
528 Opportunity to sell the real property; providing
529 requirements for the proceeds from such sale;
530 authorizing the Department of Economic Opportunity to
531 seek a specified ex parte order; providing criminal
532 penalties; requiring the Department of Economic

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533 Opportunity to adopt rules; amending s. 408.051, F.S.;
534 defining the terms "cloud computing" and "health care
535 provider"; requiring that certain information held by
536 health care providers that utilize certified
537 electronic health record technology be maintained in
538 specified locations; providing
539