

1 A bill to be entitled
2 An act relating to interests of foreign countries;
3 creating s. 287.138, F.S.; defining terms; prohibiting
4 governmental entities from knowingly entering into
5 certain contracts; prohibiting governmental entities
6 from taking specified actions after a specified date
7 relating to contracts that give certain access to
8 personal identifying information; providing an
9 exception; authorizing the Attorney General to bring a
10 civil action; providing penalties; requiring penalties
11 to be deposited into the General Revenue Fund;
12 requiring the Department of Management Services to
13 adopt rules; creating s. 288.007, F.S.; defining
14 terms; prohibiting governmental entities from
15 knowingly entering into certain contracts; requiring
16 government entities to require an affidavit from
17 applicants before providing any economic incentive;
18 requiring the Department of Economic Opportunity to
19 adopt rules; providing a directive to the Division of
20 Law Revision to create part III of ch. 692, F.S., to
21 be entitled "Conveyances to Foreign Entities";
22 creating s. 692.201, F.S.; defining terms; creating
23 ss. 692.202 and 692.203, F.S.; prohibiting foreign
24 principals from purchasing agricultural land, or
25 interest in such land, and certain real property in

26 | the state, respectively; authorizing foreign
27 | principals to continue to own or hold such land or
28 | property under certain circumstances; requiring
29 | certain foreign principals that own or acquire such
30 | land or real property to register with a specified
31 | department; requiring the Department of Agriculture
32 | and Consumer Services and the Department of Economic
33 | Opportunity, respectively, to establish a form for
34 | such registration; providing civil penalties;
35 | authorizing the Department of Agriculture and Consumer
36 | Services and the Department of Economic Opportunity to
37 | place a lien against unregistered agricultural land or
38 | real property, respectively; requiring certain foreign
39 | principals to sell, transfer, or otherwise divest
40 | themselves of certain agricultural land or real
41 | property within a specified timeframe; requiring
42 | buyers of such land or property to provide a signed
43 | affidavit; specifying that the failure to maintain or
44 | obtain the affidavit does not affect the title or
45 | insurability of the title for the agricultural land or
46 | real property, respectively; authorizing the Florida
47 | Real Estate Commission to adopt rules; authorizing
48 | certain agricultural land or real property to be
49 | forfeited to the state; authorizing the Department of
50 | Agriculture and Consumer Services and the Department

51 of Economic Opportunity to initiate civil actions for
52 forfeiture of the interest in agricultural land or
53 real property, respectively; requiring such actions to
54 be filed in a certain circuit court; requiring clerks
55 to record a lis pendens; requiring courts to advance
56 the cause on the calendar; authorizing defendants to
57 petition to modify or discharge the lis pendens;
58 requiring the court to enter a specified final
59 judgment under certain circumstances; authorizing the
60 Department of Agriculture and Consumer Services and
61 the Department of Economic Opportunity, respectively,
62 to sell the agricultural land or real property;
63 providing requirements for the proceeds from such
64 sale; authorizing the Department of Agriculture and
65 Consumer Services and the Department of Economic
66 Opportunity, respectively, to seek a specified ex
67 parte order; providing criminal penalties; requiring
68 the Department of Agriculture and Consumer Services
69 and the Department of Economic Opportunity,
70 respectively, to adopt rules; creating s. 692.204,
71 F.S.; prohibiting the People's Republic of China, the
72 Chinese Communist Party, any other political party or
73 member of a political party in the People's Republic
74 of China, and certain persons and entities from
75 purchasing or acquiring real property in the state;

76 providing an exception; authorizing such persons and
77 entities to continue to own or hold such real property
78 under certain circumstances; requiring certain persons
79 or entities that own or acquire real property in the
80 state to register with the Department of Economic
81 Opportunity by a specified date; requiring the
82 Department of Economic Opportunity to establish a form
83 for such registration; providing civil penalties;
84 authorizing the Department of Economic Opportunity to
85 place a lien against unregistered real property;
86 requiring certain persons and entities to sell,
87 transfer, or otherwise divest themselves of certain
88 real property within a specified timeframe; requiring
89 buyers of real property to provide a signed affidavit;
90 specifying that the failure to maintain or obtain the
91 affidavit does not affect the title or insurability of
92 the title for the real property; authorizing the
93 commission to adopt rules; authorizing certain real
94 property to be forfeited to the state; authorizing the
95 Department of Economic Opportunity to initiate civil
96 actions for forfeiture of the interest in real
97 property; requiring such actions to be filed in a
98 certain circuit court; requiring clerks to record a
99 lis pendens; requiring courts to advance the cause on
100 the calendar; authorizing defendants to petition to

101 modify or discharge the lis pendens; requiring the
102 court to enter a specified final judgment under
103 certain circumstances; authorizing the Department of
104 Economic Opportunity to sell the real property;
105 providing requirements for the proceeds from such
106 sale; authorizing the Department of Economic
107 Opportunity to seek a specified ex parte order;
108 providing criminal penalties; requiring the Department
109 of Economic Opportunity to adopt rules; amending s.
110 408.051, F.S.; defining the terms "cloud computing"
111 and "health care provider"; requiring that certain
112 information held by health care providers that utilize
113 certified electronic health record technology be
114 maintained in the continental United States; providing
115 applicability; amending s. 408.810, F.S.; requiring a
116 licensee to sign a specified affidavit upon initial
117 application for a license and any renewal
118 applications; authorizing disciplinary action by the
119 Agency for Health Care Administration; prohibiting a
120 person or entity that possesses a controlling interest
121 from holding an interest in certain entities;
122 providing definitions; amending s. 836.05, F.S.;

123 providing enhanced criminal penalties for threatening
124 a person while acting as a foreign agent with the
125 intent of benefiting a foreign country of concern;

126 providing an effective date.

127
128 Be It Enacted by the Legislature of the State of Florida:

129
130 Section 1. Section 287.138, Florida Statutes, is created
131 to read:

132 287.138 Contracting with entities of foreign countries of
133 concern prohibited.—

134 (1) As used in this section, the term:

135 (a) "Controlling interest" means possession of the power
136 to direct or cause the direction of the management or policies
137 of a company, whether through ownership of securities, by
138 contract, or otherwise. A person or entity that directly or
139 indirectly has the right to vote 25 percent or more of the
140 voting interests of the company or is entitled to 25 percent or
141 more of its profits is presumed to possess a controlling
142 interest.

143 (b) "Department" means the Department of Management
144 Services.

145 (c) "Foreign country of concern" means the People's
146 Republic of China, the Russian Federation, the Islamic Republic
147 of Iran, the Democratic People's Republic of Korea, the Republic
148 of Cuba, the Venezuelan regime of Nicolás Maduro, or the Syrian
149 Arab Republic, including any agency of or any other entity of
150 significant control of such foreign country of concern.

151 (d) "Governmental entity" means any state, county,
152 district, authority, or municipal officer, department, division,
153 board, bureau, commission, or other separate unit of government
154 created or established by law including, but not limited to, the
155 Commission on Ethics, the Public Service Commission, the Office
156 of Public Counsel, and any other public or private agency,
157 person, partnership, corporation, or business entity acting on
158 behalf of any public agency.

159 (2) A governmental entity may not knowingly enter into a
160 contract with an entity which would give access to an
161 individual's personal identifying information if:

162 (a) The entity is owned by the government of a foreign
163 country of concern;

164 (b) The government of a foreign country of concern has a
165 controlling interest in the entity; or

166 (c) The entity is organized under the laws of or has its
167 principal place of business in a foreign country of concern.

168 (3) Beginning July 1, 2025, a governmental entity may not
169 extend or renew a contract with an entity listed in paragraphs
170 (2)(a)-(c) if the contract would give such entity access to an
171 individual's personal identifying information.

172 (4)(a) Beginning January 1, 2024, a governmental entity
173 may not accept a bid on, a proposal for, or a reply to, or enter
174 into, a contract with an entity which would grant the entity
175 access to an individual's personal identifying information

176 unless the entity provides the governmental entity with an
 177 affidavit signed by an officer or representative of the entity
 178 under penalty of perjury attesting that the entity does not meet
 179 any of the criteria in paragraphs (2) (a) - (c).

180 (b) Beginning July 1, 2025, when an entity extends or
 181 renews a contract with a governmental entity which would grant
 182 the entity access to an individual's personal identifying
 183 information, the entity must provide the governmental entity
 184 with an affidavit signed by an officer or representative of the
 185 entity under penalty of perjury attesting that the entity does
 186 not meet any of the criteria in paragraphs (2) (a) - (c).

187 (5) The Attorney General may bring a civil action in any
 188 court of competent jurisdiction against an entity that violates
 189 this section. Violations of this section may result in:

190 (a) A civil penalty equal to twice the amount of the
 191 contract for which the entity submitted a bid or proposal for,
 192 replied to, or entered into;

193 (b) Ineligibility to enter into, renew, or extend any
 194 contract, including any grant agreements, with any governmental
 195 entity for up to 5 years;

196 (c) Ineligibility to receive or renew any license,
 197 certification, or credential issued by a governmental entity for
 198 up to 5 years; and

199 (d) Placement on the suspended vendor list pursuant to s.
 200 287.1351.

201 (6) Any penalties collected under subsection (5) must be
 202 deposited into the General Revenue Fund.

203 (7) The department shall adopt rules to implement this
 204 section, including rules establishing the form for the affidavit
 205 required under subsection (4).

206 Section 2. Section 288.007, Florida Statutes, is created
 207 to read:

208 288.007 Economic incentives to foreign countries of
 209 concern prohibited.—

210 (1) As used in this section, the term:

211 (a) "Controlled by" means having possession of the power
 212 to direct or cause the direction of the management or policies
 213 of a company, whether through ownership of securities, by
 214 contract, or otherwise. A person or entity that directly or
 215 indirectly has the right to vote 25 percent or more of the
 216 voting interests of the company or that is entitled to 25
 217 percent or more of its profits is presumed to control the
 218 foreign entity.

219 (b) "Economic incentive" means all programs administered
 220 by, or for which an applicant for the program must seek
 221 certification, approval, or other action by, the department
 222 under this chapter, chapter 212, or chapter 220; and all local
 223 economic development programs, grants, or financial benefits
 224 administered by a political subdivision or an agent thereof.

225 (c) "Foreign country of concern" has the same meaning as

226 | in s. 692.201.

227 | (d) "Foreign entity" means an entity that is:

228 | 1. Owned or controlled by the government of a foreign
 229 | country of concern; or

230 | 2. A partnership, association, corporation, organization,
 231 | or other combination of persons organized under the laws of or
 232 | having its principal place of business in a foreign country of
 233 | concern.

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

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

241 | (3) Before providing any economic incentive, a government
 242 | entity must require the recipient or applicant to provide the
 243 | government entity with an affidavit signed under penalty of
 244 | perjury attesting that the recipient or applicant is not a
 245 | foreign entity.

246 | (4) The department shall adopt rules to administer this
 247 | section, including rules establishing the form for the affidavit
 248 | required under subsection (3).

249 | Section 3. The Division of Law Revision is directed to
 250 | create part III of chapter 692, Florida Statutes, consisting of

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

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

255 692.201 Definitions.—As used in this part, the term:

256 (1) "Agricultural land" means land classified as
257 agricultural under s. 193.461.

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

261 (a) A chemical manufacturing facility.

262 (b) A refinery.

263 (c) An electrical power plant as defined in s.
264 403.031(20), including a substation, switching station,
265 electrical control center, or electric transmission or
266 distribution facility.

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

269 (e) A natural gas transmission compressor station.

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

271 (g) A telecommunications central switching office.

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

275 (i) A gas processing plant, including a plant used in the

276 | processing, treatment, or fractionation of natural gas.
 277 | (j) A seaport as listed in s. 311.09.
 278 | (k) A spaceport territory as defined in s. 331.303(18).
 279 | (3) "Foreign country of concern" means the People's
 280 | Republic of China, the Russian Federation, the Islamic Republic
 281 | of Iran, the Democratic People's Republic of Korea, the Republic
 282 | of Cuba, the Venezuelan regime of Nicolás Maduro, or the Syrian
 283 | Arab Republic, including any agency of or any other entity of
 284 | significant control of such foreign country of concern.
 285 | (4) "Foreign principal" means:
 286 | (a) The government or any official of the government of a
 287 | foreign country of concern;
 288 | (b) A political party or member of a political party or
 289 | any subdivision of a political party in a foreign country of
 290 | concern;
 291 | (c) A partnership, association, corporation, organization,
 292 | or other combination of persons organized under the laws of or
 293 | having its principal place of business in a foreign country of
 294 | concern; or
 295 | (d) Any person who is domiciled in a foreign country of
 296 | concern and is not a citizen of the United States.
 297 | (5) "Military installation" has the same meaning as in 10
 298 | U.S.C. s. 2801(c)(4) and includes an armory as defined in s.
 299 | 250.01.
 300 | (6) "Real property" means land, buildings, fixtures, and

301 all other improvements to land.

302 Section 5. Section 692.202, Florida Statutes, is created
303 to read:

304 692.202 Purchase of agricultural land by foreign
305 principals prohibited.—

306 (1) A foreign principal may not directly or indirectly own
307 or acquire by purchase, grant, devise, or descent agricultural
308 land or any interest in such land in the state. This prohibition
309 does not apply to a foreign principal that acquires agricultural
310 land for a diplomatic purpose that is recognized, acknowledged,
311 or allowed by the Federal Government.

312 (2) A foreign principal that directly or indirectly owns
313 or acquires agricultural land or any interest in such land in
314 the state before July 1, 2023, may continue to own or hold such
315 land or interest, but may not purchase or otherwise acquire by
316 grant, devise, or descent any additional agricultural land or
317 interest in such land in the state.

318 (3)(a) A foreign principal that directly or indirectly
319 owns or acquires agricultural land or any interest in such land
320 in the state before July 1, 2023, must register with the
321 Department of Agriculture and Consumer Services by January 1,
322 2024. The department must establish a form for such
323 registration, which, at minimum, must include all of the
324 following:

325 1. The name of the owner of the agricultural land or the

326 owner of the interest in such land.

327 2. The address of the agricultural land, the property
328 appraiser's parcel identification number, and the property's
329 legal description.

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

331 (b) A foreign principal that fails to timely file a
332 registration with the department is subject to a civil penalty
333 of \$1,000 for each day that the registration is late. The
334 department may place a lien against the unregistered
335 agricultural land for the unpaid balance of any penalties
336 assessed under this paragraph.

337 (4) A foreign principal that acquires agricultural land on
338 or after July 1, 2023, by devise or descent, through the
339 enforcement of security interests, or through the collection of
340 debts must sell, transfer, or otherwise divest itself of the
341 agricultural land within 2 years after acquiring the
342 agricultural land.

343 (5) At the time of purchase, a buyer of agricultural land
344 or an interest in such land must provide an affidavit signed
345 under penalty of perjury attesting to compliance with this
346 section. The failure to obtain or maintain the affidavit does
347 not affect the title or insurability of the title for the
348 agricultural land. The Florida Real Estate Commission shall
349 adopt rules to implement this subsection, including rules
350 establishing the form for the affidavit required under this

351 subsection.

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

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

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

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

372 (e) The department may sell the agricultural land subject
373 to a final judgment of forfeiture. Any proceeds from the sale
374 must first be paid to any lienholders of the land, followed by
375 payment of any outstanding fines assessed pursuant to this

376 section, after which the department must be reimbursed for all
377 costs related to the forfeiture civil action and any costs
378 related to the sale of the land. Any remaining proceeds must be
379 paid to the property owner.

380 (f) At any time during the forfeiture proceeding the
381 department may seek an ex parte order of seizure of the
382 agricultural land upon a showing that the defendant's control of
383 the agricultural land constitutes a clear and present danger to
384 the state.

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

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

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

395 Section 6. Section 692.203, Florida Statutes, is created
396 to read:

397 692.203 Purchase of real property around military
398 installations and critical infrastructure facilities by foreign
399 principals prohibited.—

400 (1) A foreign principal may not directly or indirectly own

401 or acquire by purchase, grant, devise, or descent any interest
402 in real property within 20 miles of any military installation or
403 critical infrastructure facility in the state. This prohibition
404 does not apply to a foreign principal that acquires real
405 property for a diplomatic purpose that is recognized,
406 acknowledged, or allowed by the Federal Government.

407 (2) A foreign principal that directly or indirectly owns
408 or acquires any interest in real property within 20 miles of any
409 military installation or critical infrastructure facility in the
410 state before July 1, 2023, may continue to own or hold such real
411 property, but may not purchase or otherwise acquire by grant,
412 devise, or descent any additional real property within 20 miles
413 of any military installation or critical infrastructure facility
414 in the state.

415 (3)(a) A foreign principal that owns or acquires real
416 property within 20 miles of any military installation or
417 critical infrastructure facility in the state before July 1,
418 2023, must register with the Department of Economic Opportunity
419 by January 1, 2024. The department must establish a form for
420 such registration which, at a minimum, must include all of the
421 following:

- 422 1. The name of the owner of the real property.
423 2. The address of the real property, the property
424 appraiser's parcel identification number, and the property's
425 legal description.

426 (b) A foreign principal that fails to timely file a
427 registration with the department is subject to a civil penalty
428 of \$1,000 for each day that the registration is late. The
429 department may place a lien against the unregistered real
430 property for the unpaid balance of any penalties assessed under
431 this paragraph.

432 (4) A foreign principal that acquires real property or any
433 interest therein which is within 20 miles of any military
434 installation or critical infrastructure facility in the state on
435 or after July 1, 2023, by devise or descent, through the
436 enforcement of security interests, or through the collection of
437 debts must sell, transfer, or otherwise divest itself of such
438 real property within 2 years after acquiring the real property.

439 (5) At the time of purchase, a buyer of real property that
440 is located within 20 miles of any military installation or
441 critical infrastructure facility in the state must provide an
442 affidavit signed under penalty of perjury attesting to
443 compliance with this section. The failure to obtain or maintain
444 the affidavit does not affect the title or insurability of the
445 title for the real property. The Florida Real Estate Commission
446 shall adopt rules to implement this subsection, including rules
447 establishing the form for the affidavit required under this
448 subsection.

449 (6) (a) If any real property is owned or acquired in
450 violation of this section, the real property may be forfeited to

451 the state.

452 (b) The Department of Economic Opportunity may initiate a
 453 civil action in the circuit court of the county in which the
 454 property lies for the forfeiture of the real property or any
 455 interest therein.

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

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

469 (e) The department may sell the real property subject to a
 470 final judgment of forfeiture. Any proceeds from the sale must
 471 first be paid to any lienholders of the land, followed by
 472 payment of any outstanding fines assessed pursuant to this
 473 section, after which the department must be reimbursed for all
 474 costs related to the forfeiture civil action and any costs
 475 related to the sale of the land. Any remaining proceeds must be

476 paid to the property owner.

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

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

485 (8) A person who knowingly sells real property or any
486 interest therein in violation of this section commits a
487 misdemeanor of the second degree, punishable as provided in s.
488 775.082 or s. 775.083.

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

491 Section 7. Section 692.204, Florida Statutes, is created
492 to read:

493 692.204 Purchase or acquisition of real property by the
494 People's Republic of China prohibited.—

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

498 1. The People's Republic of China, the Chinese Communist
499 Party, or any official or member of the People's Republic of
500 China or the Chinese Communist Party.

501 2. Any other political party or member of a political
502 party or a subdivision of a political party in the People's
503 Republic of China.

504 3. A partnership, an association, a corporation, an
505 organization, or any other combination of persons organized
506 under the laws of or having its principal place of business in
507 the People's Republic of China.

508 4. Any person who is domiciled in the People's Republic of
509 China and who is not a citizen of the United States.

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

514 (2) A person or entity described in paragraph (1) (a) that
515 directly or indirectly owns or acquires any interest in real
516 property in the state before July 1, 2023, may continue to own
517 or hold such real property, but may not purchase or otherwise
518 acquire by grant, devise, or descent any additional real
519 property in the state.

520 (3) (a) A person or entity described in paragraph (1) (a)
521 that owns or acquires real property in the state before July 1,
522 2023, must register with the Department of Economic Opportunity
523 by January 1, 2024. The department must establish a form for
524 such registration which, at a minimum, must include all of the
525 following:

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

527 2. The address of the real property, the property
528 appraiser's parcel identification number, and the property's
529 legal description.

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

536 (4) A person or entity that acquires real property in the
537 state on or after July 1, 2023, by devise or descent, through
538 the enforcement of security interests, or through the collection
539 of debts must sell, transfer, or otherwise divest itself of such
540 real property within 2 years after acquiring the real property
541 unless the person or entity is exempt under paragraph (1)(b).

542 (5) At the time of purchase, a buyer of real property in
543 the state must provide an affidavit signed under penalty of
544 perjury attesting to compliance with this section. The failure
545 to obtain or maintain the affidavit does not affect the title or
546 insurability of the title for the real property. The Florida
547 Real Estate Commission shall adopt rules to implement this
548 subsection, including rules establishing the form for the
549 affidavit required under this subsection.

550 (6)(a) If any real property is owned or acquired in

551 violation of this section, the real property may be forfeited to
552 the state.

553 (b) The Department of Economic Opportunity may initiate a
554 civil action in the circuit court of the county in which the
555 property lies for the forfeiture of the real property or any
556 interest therein.

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

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

570 (e) The department may sell the real property subject to a
571 final judgment of forfeiture. Any proceeds from the sale must
572 first be paid to any lienholders of the land, followed by
573 payment of any outstanding fines assessed pursuant to this
574 section, after which the department must be reimbursed for all
575 costs related to the forfeiture civil action and any costs

576 related to the sale of the land. Any remaining proceeds must be
 577 paid to the property owner.

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

582 (7) A violation of this section constitutes a felony of
 583 the third degree, punishable as provided in s. 775.082, s.
 584 775.083, or s. 775.084.

585 (8) A person who sells real property or any interest
 586 therein in violation of this section commits a misdemeanor of
 587 the first degree, punishable as provided in s. 775.082 or s.
 588 775.083.

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

591 Section 8. Present subsections (3), (4), and (5) of
 592 section 408.051, Florida Statutes, are redesignated as
 593 subsections (4), (5), and (6), respectively, a new subsection
 594 (3) is added to that section, and subsection (2) of that section
 595 is reordered and amended, to read:

596 408.051 Florida Electronic Health Records Exchange Act.—

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

598 (a) "Electronic health record" means a record of a
 599 person's medical treatment which is created by a licensed health
 600 care provider and stored in an interoperable and accessible

601 digital format.

602 (i)~~(b)~~ "Qualified electronic health record" means an
 603 electronic record of health-related information concerning an
 604 individual which includes patient demographic and clinical
 605 health information, such as medical history and problem lists,
 606 and which has the capacity to provide clinical decision support,
 607 to support physician order entry, to capture and query
 608 information relevant to health care quality, and to exchange
 609 electronic health information with, and integrate such
 610 information from, other sources.

611 (b)~~(e)~~ "Certified electronic health record technology"
 612 means a qualified electronic health record that is certified
 613 pursuant to s. 3001(c) (5) of the Public Health Service Act as
 614 meeting standards adopted under s. 3004 of such act which are
 615 applicable to the type of record involved, such as an ambulatory
 616 electronic health record for office-based physicians or an
 617 inpatient hospital electronic health record for hospitals.

618 (c) "Cloud computing" has the same meaning as in s.
 619 282.0041.

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

- 621 1. A provider as defined in s. 408.803.
- 622 2. A health care practitioner as defined in s. 456.001.
- 623 3. A health care professional certified under part IV of
 624 chapter 468.
- 625 4. A home health aide as defined in s. 400.462.

626 5. A service provider as defined in s. 394.455 and the
 627 service provider's clinical and nonclinical staff who provide
 628 inpatient or outpatient services.

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

630 7. A pharmacy permitted under chapter 465.

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

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

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

642 (h)~~(g)~~ "Patient representative" means a parent of a minor
 643 patient, a court-appointed guardian for the patient, a health
 644 care surrogate, or a person holding a power of attorney or
 645 notarized consent appropriately executed by the patient granting
 646 permission to a health care facility or health care provider to
 647 disclose the patient's health care information to that person.
 648 In the case of a deceased patient, the term also means the
 649 personal representative of the estate of the deceased patient;
 650 the deceased patient's surviving spouse, surviving parent, or

651 surviving adult child; the parent or guardian of a surviving
 652 minor child of the deceased patient; the attorney for the
 653 patient's surviving spouse, parent, or adult child; or the
 654 attorney for the parent or guardian of a surviving minor child.

655 (3) SECURITY AND STORAGE OF PERSONAL MEDICAL INFORMATION.—
 656 In addition to the requirements in 45 C.F.R. part 160 and
 657 subparts A and C of part 164, a health care provider that
 658 utilizes certified electronic health record technology must
 659 ensure that all patient information stored in an offsite
 660 physical or virtual environment, including through a third-party
 661 or subcontracted computing facility or an entity providing cloud
 662 computing services, is physically maintained in the continental
 663 United States. This subsection applies to all qualified
 664 electronic health records that are stored using any technology
 665 that can allow information to be electronically retrieved,
 666 accessed, or transmitted.

667 Section 9. Subsections (14) and (15) are added to section
 668 408.810, Florida Statutes, to read:

669 408.810 Minimum licensure requirements.—In addition to the
 670 licensure requirements specified in this part, authorizing
 671 statutes, and applicable rules, each applicant and licensee must
 672 comply with the requirements of this section in order to obtain
 673 and maintain a license.

674 (14) The licensee must sign an affidavit at the time of
 675 his or her initial application for a license and on any renewal

676 applications thereafter that attests under penalty of perjury
 677 that he or she is in compliance with s. 408.051(3). The licensee
 678 must remain in compliance with s. 408.051(3) or the licensee
 679 shall be subject to disciplinary action by the agency.

680 (15) (a) The licensee must ensure that a person or entity
 681 who possesses a controlling interest does not hold, either
 682 directly or indirectly, regardless of ownership structure, an
 683 interest in an entity that has a business relationship with a
 684 foreign country of concern or that is subject to s. 287.135.

685 (b) For purposes of this subsection, the term:

686 1. "Business relationship" means engaging in commerce in
 687 any form, including, but not limited to, acquiring, developing,
 688 maintaining, owning, selling, possessing, leasing, or operating
 689 equipment, facilities, personnel, products, services, personal
 690 property, real property, military equipment, or any other
 691 apparatus of business or commerce.

692 2. "Foreign country of concern" has the same meaning as in
 693 s. 692.201.

694 3. "Interest" has the same meaning as in s. 286.101(1).

695 Section 10. Section 836.05, Florida Statutes, is amended
 696 to read:

697 836.05 Threats; extortion.—

698 (1) Whoever, either verbally or by a written or printed
 699 communication, maliciously threatens to accuse another of any
 700 crime or offense, or by such communication maliciously threatens

HB 1355

2023

701 an injury to the person, property or reputation of another, or
702 maliciously threatens to expose another to disgrace, or to
703 expose any secret affecting another, or to impute any deformity
704 or lack of chastity to another, with intent thereby to extort
705 money or any pecuniary advantage whatsoever, or with intent to
706 compel the person so threatened, or any other person, to do any
707 act or refrain from doing any act against his or her will,
708 commits ~~shall be guilty of~~ a felony of the second degree,
709 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

710 (2) A person who commits a violation of subsection (1) and
711 at the time of the violation is acting as a foreign agent, as
712 defined in s. 812.081(1), with the intent of benefiting a
713 foreign country of concern, as defined in s. 692.201, commits a
714 felony of the first degree, punishable as provided in s.
715 775.082, s. 775.083, or s. 775.084.

716 Section 11. This act shall take effect July 1, 2023.