

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 any
25 interest in such land, and certain real property, or

26 | any interest in such property, in the state,
27 | respectively; providing an exception for a de minimus
28 | indirect interest; specifying what is considered a de
29 | minimus indirect interest; requiring such foreign
30 | principals to register with a specified department;
31 | requiring the Department of Agriculture and Consumer
32 | Services and the Department of Economic Opportunity,
33 | respectively, to establish a form for such
34 | registration; providing civil penalties; authorizing
35 | the Department of Agriculture and Consumer Services
36 | and the Department of Economic Opportunity to place a
37 | lien against unregistered agricultural land or certain
38 | real property, respectively; authorizing foreign
39 | principals to acquire agricultural land and certain
40 | real property if such principal sells, transfers, or
41 | otherwise divests itself of such land or property
42 | within a specified timeframe; requiring buyers of such
43 | land or property to provide a signed affidavit;
44 | specifying that failure to maintain or obtain such
45 | affidavit does not affect the title or insurability of
46 | the title for such land or property, respectively, or
47 | subject the closing agent to certain liability unless
48 | certain circumstances exist; authorizing the Florida
49 | Real Estate Commission to adopt rules; authorizing
50 | such land or property to be forfeited to the state;

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

76 entities from purchasing or acquiring real property,
77 or any interest in such property, in the state;
78 providing an exception for a de minimus indirect
79 interest; specifying what is considered a de minimus
80 indirect interest; authorizing such persons and
81 entities to continue to own or hold such property
82 under certain circumstances; requiring certain persons
83 or entities that own or acquire such property to
84 register with the Department of Economic Opportunity
85 by a specified date; requiring the department to
86 establish a form for such registration; providing
87 civil penalties; authorizing the department to place a
88 lien against unregistered real property; authorizing
89 certain persons and entities to acquire certain real
90 property if such person or entity sells, transfers, or
91 otherwise divests itself of such property within a
92 specified timeframe; requiring buyers of such property
93 to provide a signed affidavit; specifying that failure
94 to maintain or obtain such affidavit does not affect
95 the title or insurability of the title for such
96 property or subject the closing agent to certain
97 liability unless certain circumstances exist;
98 authorizing the commission to adopt rules; authorizing
99 such property to be forfeited to the state;
100 authorizing the department to initiate civil actions

101 for forfeiture of the interest in such property;
102 requiring such actions to be filed in a certain
103 circuit court; requiring clerks to record a lis
104 pendens; requiring courts to advance the cause on the
105 calendar; authorizing defendants to petition to modify
106 or discharge the lis pendens; requiring the court to
107 enter a specified final judgment under certain
108 circumstances; authorizing the department to sell such
109 property; providing requirements for the proceeds from
110 such sale; authorizing the department to seek a
111 specified ex parte order; providing criminal
112 penalties; requiring the department to adopt rules;
113 creating s. 692.205, F.S.; providing inapplicability;
114 amending s. 408.051, F.S.; defining terms; requiring
115 that certain information held by health care providers
116 that utilize certified electronic health record
117 technology be maintained in specified locations;
118 providing applicability; amending s. 408.810, F.S.;
119 requiring a licensee to sign a specified affidavit
120 upon initial application for a license and upon any
121 renewal applications thereafter; authorizing
122 disciplinary action by the Agency for Health Care
123 Administration; prohibiting a person or entity that
124 possesses a controlling interest from holding an
125 interest in certain entities; defining terms; amending

126 s. 836.05, F.S.; providing enhanced criminal penalties
 127 for threatening a person while acting as a foreign
 128 agent with the intent of benefiting a foreign country
 129 of concern; providing an effective date.

130

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

132

133 Section 1. Section 287.138, Florida Statutes, is created
 134 to read:

135 287.138 Contracting with entities of foreign countries of
 136 concern prohibited.-

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

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

146 (b) "Department" means the Department of Management
 147 Services.

148 (c) "Foreign country of concern" means the People's
 149 Republic of China, the Russian Federation, the Islamic Republic
 150 of Iran, the Democratic People's Republic of Korea, the Republic

151 of Cuba, the Venezuelan regime of Nicolás Maduro, or the Syrian
152 Arab Republic, including any agency of or any other entity under
153 significant control of such foreign country of concern.

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

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

165 (a) The entity is owned by the government of a foreign
166 country of concern;

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

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

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

175 (4) (a) Beginning January 1, 2024, a governmental entity

176 may not accept a bid on, a proposal for, or a reply to, or enter
177 into, a contract with an entity which would grant the entity
178 access to an individual's personal identifying information
179 unless the entity provides the governmental entity with an
180 affidavit signed by an officer or representative of the entity
181 under penalty of perjury attesting that the entity does not meet
182 any of the criteria in paragraphs (2) (a)-(c).

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

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

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

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

199 (c) Ineligibility to receive or renew any license,
200 certification, or credential issued by a governmental entity for

201 up to 5 years; and

202 (d) Placement on the suspended vendor list pursuant to s.
 203 287.1351.

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

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

209 Section 2. Section 288.007, Florida Statutes, is created
 210 to read:

211 288.007 Economic incentives to foreign countries of
 212 concern prohibited.—

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

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

222 (b) "Economic incentive" means all programs administered
 223 by, or for which an applicant for the program must seek
 224 certification, approval, or other action by, the department
 225 under this chapter, chapter 212, or chapter 220; and all local

226 economic development programs, grants, or financial benefits
 227 administered by a political subdivision or an agent thereof.

228 (c) "Foreign country of concern" has the same meaning as
 229 in s. 692.201.

230 (d) "Foreign entity" means an entity that is:

231 1. Owned or controlled by the government of a foreign
 232 country of concern; or

233 2. A partnership, association, corporation, organization,
 234 or other combination of persons, or a subsidiary of such entity,
 235 organized under the laws of or having its principal place of
 236 business in a foreign country of concern.

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

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

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

249 (4) The department shall adopt rules to administer this
 250 section, including rules establishing the form for the affidavit

251 required under subsection (3).

252 Section 3. The Division of Law Revision is directed to
 253 create part III of chapter 692, Florida Statutes, consisting of
 254 ss. 692.201, 692.202, 692.203, 692.204, and 692.205, Florida
 255 Statutes, to be entitled "Conveyances to Foreign Entities."

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

258 692.201 Definitions.—As used in this part, the term:

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

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

265 (a) A chemical manufacturing facility.

266 (b) A refinery.

267 (c) An electrical power plant as defined in s.
 268 403.031(20), including a substation, switching station,
 269 electrical control center, or electric transmission or
 270 distribution facility.

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

273 (e) A natural gas transmission compressor station.

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

275 (g) A telecommunications central switching office.

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

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

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

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

283 (l) An airport as defined in s. 333.01.

284 (3) "Foreign country of concern" means the People's
285 Republic of China, the Russian Federation, the Islamic Republic
286 of Iran, the Democratic People's Republic of Korea, the Republic
287 of Cuba, the Venezuelan regime of Nicolás Maduro, or the Syrian
288 Arab Republic, including any agency of or any other entity of
289 significant control of such foreign country of concern.

290 (4) "Foreign principal" means:

291 (a) The government or any official of the government of a
292 foreign country of concern;

293 (b) A political party or member of a political party or
294 any subdivision of a political party in a foreign country of
295 concern;

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

300 (d) Any person who is domiciled in a foreign country of

301 concern and is not a citizen or lawful permanent resident of the
 302 United States.

303 (5) "Military installation" has the same meaning as in 10
 304 U.S.C. s. 2801(c)(4) and includes an armory as defined in s.
 305 250.01.

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

308 Section 5. Section 692.202, Florida Statutes, is created
 309 to read:

310 692.202 Purchase of agricultural land by foreign
 311 principals prohibited.-

312 (1) A foreign principal may not directly or indirectly own
 313 or acquire by purchase, grant, devise, or descent agricultural
 314 land or any interest, except a de minimus indirect interest, in
 315 such land in this state. A foreign principal has a de minimus
 316 indirect interest if any ownership in such land is the result of
 317 the foreign principal's ownership of registered equities in a
 318 publicly traded company owning the land and if the foreign
 319 principal's ownership interest in the company is less than 5
 320 percent of any class of registered equities or less than 5
 321 percent in the aggregate in multiple classes of registered
 322 equities.

323 (2) A foreign principal that directly or indirectly owns
 324 or acquires agricultural land or any interest in such land in
 325 this state before July 1, 2023, may continue to own or hold such

326 land or interest, but may not purchase or otherwise acquire by
327 grant, devise, or descent any additional agricultural land or
328 interest in such land in this state.

329 (3)(a) A foreign principal that directly or indirectly
330 owns or acquires agricultural land or any interest in such land
331 in this state before July 1, 2023, must register with the
332 Department of Agriculture and Consumer Services by January 1,
333 2024. The department must establish a form for such
334 registration, which, at minimum, must include all of the
335 following:

336 1. The name of the owner of the agricultural land or the
337 owner of the interest in such land.

338 2. The address of the agricultural land, the property
339 appraiser's parcel identification number, and the property's
340 legal description.

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

342 (b) A foreign principal that fails to timely file a
343 registration with the department is subject to a civil penalty
344 of \$1,000 for each day that the registration is late. The
345 department may place a lien against the unregistered
346 agricultural land for the unpaid balance of any penalties
347 assessed under this paragraph.

348 (4) Notwithstanding subsection (1), a foreign principal
349 may acquire agricultural land on or after July 1, 2023, by
350 devise or descent, through the enforcement of security

351 interests, or through the collection of debts, provided that the
352 foreign principal sells, transfers, or otherwise divests itself
353 of the agricultural land within 2 years after acquiring the
354 agricultural land.

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

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

360 (b) The failure to obtain or maintain the affidavit does
361 not:

362 1. Affect the title or insurability of the title for the
363 agricultural land; or

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

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

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

373 (b) The Department of Agriculture and Consumer Services
374 may initiate a civil action in the circuit court of the county
375 in which the property lies for the forfeiture of the

376 agricultural land or any interest therein.

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

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

390 (e) The department may sell the agricultural land subject
391 to a final judgment of forfeiture. Any proceeds from the sale
392 must first be paid to any lienholders of the land, followed by
393 payment of any outstanding fines assessed pursuant to this
394 section, after which the department must be reimbursed for all
395 costs related to the forfeiture civil action and any costs
396 related to the sale of the land. Any remaining proceeds must be
397 paid to the property owner.

398 (f) At any time during the forfeiture proceeding the
399 department may seek an ex parte order of seizure of the
400 agricultural land upon a showing that the defendant's control of

401 the agricultural land constitutes a clear and present danger to
 402 the state.

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

407 (8) A person who knowingly sells agricultural land or any
 408 interest therein in violation of this section commits a
 409 misdemeanor of the second degree, punishable as provided in s.
 410 775.082 or s. 775.083.

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

413 Section 6. Section 692.203, Florida Statutes, is created
 414 to read:

415 692.203 Purchase of real property on or around military
 416 installations and critical infrastructure facilities by foreign
 417 principals prohibited.-

418 (1) A foreign principal may not directly or indirectly own
 419 or acquire by purchase, grant, devise, or descent any interest,
 420 except a de minimus indirect interest, in real property on or
 421 within 20 miles of any military installation or critical
 422 infrastructure facility in this state. A foreign principal has a
 423 de minimus indirect interest if any ownership is the result of
 424 the foreign principal's ownership of registered equities in a
 425 publicly traded company owning the land and if the foreign

426 principal's ownership interest in the company is less than 5
427 percent of any class of registered equities or less than 5
428 percent in the aggregate in multiple classes of registered
429 equities.

430 (2) A foreign principal that directly or indirectly owns
431 or acquires any interest in real property on or within 20 miles
432 of any military installation or critical infrastructure facility
433 in this state before July 1, 2023, may continue to own or hold
434 such real property, but may not purchase or otherwise acquire by
435 grant, devise, or descent any additional real property on or
436 within 20 miles of any military installation or critical
437 infrastructure facility in this state.

438 (3)(a) A foreign principal that owns or acquires real
439 property on or within 20 miles of any military installation or
440 critical infrastructure facility in this state before July 1,
441 2023, must register with the Department of Economic Opportunity
442 by January 1, 2024. The department must establish a form for
443 such registration which, at a minimum, must include all of the
444 following:

445 1. The name of the owner of the real property.
446 2. The address of the real property, the property
447 appraiser's parcel identification number, and the property's
448 legal description.

449 (b) A foreign principal that fails to timely file a
450 registration with the department is subject to a civil penalty

451 of \$1,000 for each day that the registration is late. The
452 department may place a lien against the unregistered real
453 property for the unpaid balance of any penalties assessed under
454 this paragraph.

455 (4) Notwithstanding subsection (1), a foreign principal
456 may acquire real property or any interest therein which is
457 within 20 miles of any military installation or critical
458 infrastructure facility in this state on or after July 1, 2023,
459 by devise or descent, through the enforcement of security
460 interests, or through the collection of debts, provided that the
461 foreign principal sells, transfers, or otherwise divests itself
462 of such real property within 2 years after acquiring the real
463 property.

464 (5) (a) At the time of purchase, a buyer of the real
465 property that is on or within 20 miles of any military
466 installation or critical infrastructure facility in this state
467 must provide an affidavit signed under penalty of perjury
468 attesting that the buyer is:

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

471 (b) The failure to obtain or maintain the affidavit does
472 not:

- 473 1. Affect the title or insurability of the title for the
474 real property; or
475 2. Subject the closing agent to civil or criminal

476 liability, unless the closing agent has actual knowledge that
477 the transaction will result in a violation of this section.

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

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

484 (b) The Department of Economic Opportunity may initiate a
485 civil action in the circuit court of the county in which the
486 property lies for the forfeiture of the real property or any
487 interest therein.

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

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

501 (e) The department may sell the real property subject to a
502 final judgment of forfeiture. Any proceeds from the sale must
503 first be paid to any lienholders of the land, followed by
504 payment of any outstanding fines assessed pursuant to this
505 section, after which the department must be reimbursed for all
506 costs related to the forfeiture civil action and any costs
507 related to the sale of the land. Any remaining proceeds must be
508 paid to the property owner.

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

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

517 (8) A person who knowingly sells real property or any
518 interest therein in violation of this section commits a
519 misdemeanor of the second degree, punishable as provided in s.
520 775.082 or s. 775.083.

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

523 Section 7. Section 692.204, Florida Statutes, is created
524 to read:

525 692.204 Purchase or acquisition of real property by the

526 People's Republic of China prohibited.-

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

531 1. The People's Republic of China, the Chinese Communist
532 Party, or any official or member of the People's Republic of
533 China or the Chinese Communist Party.

534 2. Any other political party or member of a political
535 party or a subdivision of a political party in the People's
536 Republic of China.

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

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

544 (b) A person or entity has a de minimus indirect interest
545 if any ownership is the result of the person's or entity's
546 ownership of registered equities in a publicly traded company
547 owning the land and if the person's or entity's ownership
548 interest in the company is less than 5 percent of any class of
549 registered equities or less than 5 percent in the aggregate in
550 multiple classes of registered equities.

551 (2) A person or entity described in paragraph (1) (a) that
552 directly or indirectly owns or acquires any interest in real
553 property in this state before July 1, 2023, may continue to own
554 or hold such real property, but may not purchase or otherwise
555 acquire by grant, devise, or descent any additional real
556 property in this state.

557 (3)(a) A person or entity described in paragraph (1) (a)
558 that owns or acquires real property in this state before July 1,
559 2023, must register with the Department of Economic Opportunity
560 by January 1, 2024. The department must establish a form for
561 such registration which, at a minimum, must include all of the
562 following:

- 563 1. The name of the owner of the real property.
564 2. The address of the real property, the property
565 appraiser's parcel identification number, and the property's
566 legal description.

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

573 (4) Notwithstanding subsection (1), a person or an entity
574 described in paragraph (1) (a) may acquire real property in this
575 state on or after July 1, 2023, by devise or descent, through

576 the enforcement of security interests, or through the collection
 577 of debts, provided that the person or entity sells, transfers,
 578 or otherwise divests itself of such real property within 2 years
 579 after acquiring the real property, unless the person or entity
 580 is exempt under s. 692.205.

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

584 1. Not a person or entity described in paragraph (1)(a);
 585 and

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

587 (b) The failure to obtain or maintain the affidavit does
 588 not:

589 1. Affect the title or insurability of the title for the
 590 real property; or

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

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

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

600 (b) The Department of Economic Opportunity may initiate a

601 civil action in the circuit court of the county in which the
602 property lies for the forfeiture of the real property or any
603 interest therein.

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

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

617 (e) The department may sell the real property subject to a
618 final judgment of forfeiture. Any proceeds from the sale must
619 first be paid to any lienholders of the land, followed by
620 payment of any outstanding fines assessed pursuant to this
621 section, after which the department must be reimbursed for all
622 costs related to the forfeiture civil action and any costs
623 related to the sale of the land. Any remaining proceeds must be
624 paid to the property owner.

625 (f) At any time during the forfeiture proceeding the

626 department may seek an ex parte order of seizure of the real
 627 property upon a showing that the defendant's control of the real
 628 property constitutes a clear and present danger to the state.

629 (7) A violation of this section constitutes a felony of
 630 the third degree, punishable as provided in s. 775.082, s.
 631 775.083, or s. 775.084.

632 (8) A person who sells real property or any interest
 633 therein in violation of this section commits a misdemeanor of
 634 the first degree, punishable as provided in s. 775.082 or s.
 635 775.083.

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

638 Section 8. Section 692.205, Florida Statutes, is created
 639 to read:

640 692.205 Inapplicability of this part to real property for
 641 diplomatic purposes.—This part does not apply to a foreign
 642 principal that acquires real property for a diplomatic purpose
 643 that is recognized, acknowledged, or allowed by the Federal
 644 Government.

645 Section 9. Subsections (3), (4), and (5) of section
 646 408.051, Florida Statutes, are renumbered as subsections (4),
 647 (5), and (6), respectively, subsection (2) is reordered and
 648 amended, and a new subsection (3) is added to that section, to
 649 read:

650 408.051 Florida Electronic Health Records Exchange Act.—

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

652 (c)~~(a)~~ "Electronic health record" means a record of a

653 person's medical treatment which is created by a licensed health

654 care provider and stored in an interoperable and accessible

655 digital format.

656 (i)~~(b)~~ "Qualified electronic health record" means an

657 electronic record of health-related information concerning an

658 individual which includes patient demographic and clinical

659 health information, such as medical history and problem lists,

660 and which has the capacity to provide clinical decision support,

661 to support physician order entry, to capture and query

662 information relevant to health care quality, and to exchange

663 electronic health information with, and integrate such

664 information from, other sources.

665 (a)~~(e)~~ "Certified electronic health record technology"

666 means a qualified electronic health record that is certified

667 pursuant to s. 3001(c)(5) of the Public Health Service Act as

668 meeting standards adopted under s. 3004 of such act which are

669 applicable to the type of record involved, such as an ambulatory

670 electronic health record for office-based physicians or an

671 inpatient hospital electronic health record for hospitals.

672 (b) "Cloud computing" has the same meaning as in s.

673 282.0041.

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

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

- 676 2. A health care practitioner as defined in s. 456.001.
- 677 3. A health care professional certified under part IV of
 678 chapter 468.
- 679 4. A home health aide as defined in s. 400.462.
- 680 5. A service provider as defined in s. 394.455 and the
 681 service provider's clinical and nonclinical staff who provide
 682 inpatient or outpatient services.
- 683 6. A continuing care facility licensed under chapter 651.
- 684 7. A pharmacy permitted under chapter 465.
- 685 (e)-(d) "Health record" means any information, recorded in
 686 any form or medium, which relates to the past, present, or
 687 future health of an individual for the primary purpose of
 688 providing health care and health-related services.
- 689 (f)-(e) "Identifiable health record" means any health
 690 record that identifies the patient or with respect to which
 691 there is a reasonable basis to believe the information can be
 692 used to identify the patient.
- 693 (g)-(f) "Patient" means an individual who has sought, is
 694 seeking, is undergoing, or has undergone care or treatment in a
 695 health care facility or by a health care provider.
- 696 (h)-(g) "Patient representative" means a parent of a minor
 697 patient, a court-appointed guardian for the patient, a health
 698 care surrogate, or a person holding a power of attorney or
 699 notarized consent appropriately executed by the patient granting
 700 permission to a health care facility or health care provider to

701 disclose the patient's health care information to that person.
 702 In the case of a deceased patient, the term also means the
 703 personal representative of the estate of the deceased patient;
 704 the deceased patient's surviving spouse, surviving parent, or
 705 surviving adult child; the parent or guardian of a surviving
 706 minor child of the deceased patient; the attorney for the
 707 patient's surviving spouse, parent, or adult child; or the
 708 attorney for the parent or guardian of a surviving minor child.

709 (3) SECURITY AND STORAGE OF PERSONAL MEDICAL INFORMATION.—

710 In addition to the requirements in 45 C.F.R. part 160 and
 711 subparts A and C of part 164, a health care provider that
 712 utilizes certified electronic health record technology must
 713 ensure that all patient information stored in an offsite
 714 physical or virtual environment, including through a third-party
 715 or subcontracted computing facility or an entity providing cloud
 716 computing services, is physically maintained in the continental
 717 United States or its territories or Canada. This subsection
 718 applies to all qualified electronic health records that are
 719 stored using any technology that can allow information to be
 720 electronically retrieved, accessed, or transmitted.

721 Section 10. Subsections (14) and (15) are added to section
 722 408.810, Florida Statutes, to read:

723 408.810 Minimum licensure requirements.—In addition to the
 724 licensure requirements specified in this part, authorizing
 725 statutes, and applicable rules, each applicant and licensee must

726 | comply with the requirements of this section in order to obtain
727 | and maintain a license.

728 | (14) The licensee must sign an affidavit at the time of
729 | his or her initial application for a license and on any renewal
730 | applications thereafter that attests under penalty of perjury
731 | that he or she is in compliance with s. 408.051(3). The licensee
732 | must remain in compliance with s. 408.051(3) or the licensee
733 | shall be subject to disciplinary action by the agency.

734 | (15) (a) The licensee must ensure that a person or entity
735 | that possesses a controlling interest does not hold, either
736 | directly or indirectly, regardless of ownership structure, an
737 | interest in an entity that has a business relationship with a
738 | foreign country of concern or that is subject to s. 287.135.

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

740 | 1. "Business relationship" means engaging in commerce in
741 | any form, including, but not limited to, acquiring, developing,
742 | maintaining, owning, selling, possessing, leasing, or operating
743 | equipment, facilities, personnel, products, services, personal
744 | property, real property, military equipment, or any other
745 | apparatus of business or commerce.

746 | 2. "Foreign country of concern" has the same meaning as in
747 | s. 692.201.

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

749 | Section 11. Section 836.05, Florida Statutes, is amended
750 | to read:

751 836.05 Threats; extortion.—

752 (1) Whoever, either verbally or by a written or printed
 753 communication, maliciously threatens to accuse another of any
 754 crime or offense, or by such communication maliciously threatens
 755 an injury to the person, property or reputation of another, or
 756 maliciously threatens to expose another to disgrace, or to
 757 expose any secret affecting another, or to impute any deformity
 758 or lack of chastity to another, with intent thereby to extort
 759 money or any pecuniary advantage whatsoever, or with intent to
 760 compel the person so threatened, or any other person, to do any
 761 act or refrain from doing any act against his or her will,
 762 commits ~~shall be guilty of~~ a felony of the second degree,
 763 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

764 (2) A person who commits a violation of subsection (1) and
 765 at the time of the violation is acting as a foreign agent, as
 766 defined in s. 812.081(1), with the intent of benefiting a
 767 foreign country of concern, as defined in s. 692.201, commits a
 768 felony of the first degree, punishable as provided in s.
 769 775.082, s. 775.083, or s. 775.084.

770 Section 12. This act shall take effect July 1, 2023.