

Amendment No.

CHAMBER ACTION

Senate

House

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Representative Borrero offered the following:

Amendment (with title amendment)

Remove lines 262-634 and insert:

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

(3) "Foreign principal" means:

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

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14 (b) A political party or member of a political party or
15 any subdivision of a political party in a foreign country of
16 concern;

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

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

24 (4) "Military installation" has the same meaning as in 10
25 U.S.C. s. 2801(c) (4) and includes an armory as defined in s.
26 250.01.

27 (5) "Real property" means land, buildings, fixtures, and
28 all other improvements to land.

29 Section 5. Section 692.202, Florida Statutes, is created
30 to read:

31 692.202 Purchase of agricultural land by foreign
32 principals prohibited.-

33 (1) A foreign principal may not directly or indirectly own
34 or acquire by purchase, grant, devise, or descent agricultural
35 land or any interest, except a de minimus indirect interest, in
36 such land in this state. A foreign principal has a de minimus
37 indirect interest if any ownership is the result of the foreign
38 principal's ownership of registered equities in a publicly

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39 traded company owning the land and if the foreign principal's
40 ownership interest in the company is either:

41 (a) Less than 5 percent of any class of registered
42 equities or less than 5 percent in the aggregate in multiple
43 classes of registered equities; or

44 (b) A noncontrolling interest in an entity controlled by a
45 company that is both registered with the United States
46 Securities and Exchange Commission as an investment adviser
47 under the Investment Advisers Act of 1940, as amended, and is
48 not a foreign entity.

49 (2) A foreign principal that directly or indirectly owns
50 or acquires agricultural land or any interest in such land in
51 this state before July 1, 2023, may continue to own or hold such
52 land or interest, but may not purchase or otherwise acquire by
53 grant, devise, or descent any additional agricultural land or
54 interest in such land in this state.

55 (3)(a) A foreign principal that directly or indirectly
56 owns or acquires agricultural land or any interest in such land
57 in this state before July 1, 2023, must register with the
58 Department of Agriculture and Consumer Services by January 1,
59 2024. The department must establish a form for such
60 registration, which, at minimum, must include all of the
61 following:

62 1. The name of the owner of the agricultural land or the
63 owner of the interest in such land.

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64 2. The address of the agricultural land, the property
65 appraiser's parcel identification number, and the property's
66 legal description.

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

68 (b) A foreign principal that fails to timely file a
69 registration with the department is subject to a civil penalty
70 of \$1,000 for each day that the registration is late. The
71 department may place a lien against the unregistered
72 agricultural land for the unpaid balance of any penalties
73 assessed under this paragraph.

74 (4) Notwithstanding subsection (1), a foreign principal
75 may acquire agricultural land on or after July 1, 2023, by
76 devise or descent, through the enforcement of security
77 interests, or through the collection of debts, provided that the
78 foreign principal sells, transfers, or otherwise divests itself
79 of the agricultural land within 2 years after acquiring the
80 agricultural land.

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

84 1. Not a foreign principal; and

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

86 (b) The failure to obtain or maintain the affidavit does
87 not:

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88 1. Affect the title or insurability of the title for the
89 agricultural land; or

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

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

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

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

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

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

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

116 (e) The department may sell the agricultural land subject
117 to a final judgment of forfeiture. Any proceeds from the sale
118 must first be paid to any lienholders of the land, followed by
119 payment of any outstanding fines assessed pursuant to this
120 section, after which the department must be reimbursed for all
121 costs related to the forfeiture civil action and any costs
122 related to the sale of the land. Any remaining proceeds must be
123 paid to the property owner.

124 (f) At any time during the forfeiture proceeding the
125 department may seek an ex parte order of seizure of the
126 agricultural land upon a showing that the defendant's control of
127 the agricultural land constitutes a clear and present danger to
128 the state.

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

133 (8) A person who knowingly sells agricultural land or any
134 interest therein in violation of this section commits a
135 misdemeanor of the second degree, punishable as provided in s.
136 775.082 or s. 775.083.

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

139 Section 6. Section 692.203, Florida Statutes, is created
140 to read:

141 692.203 Purchase of real property on or around military
142 installations by foreign principals prohibited.-

143 (1) A foreign principal may not directly or indirectly own
144 or acquire by purchase, grant, devise, or descent any interest,
145 except a de minimus indirect interest, in real property on or
146 within 1 mile of any military installation in this state. A
147 foreign principal has a de minimus indirect interest if any
148 ownership is the result of the foreign principal's ownership of
149 registered equities in a publicly traded company owning the land
150 and if the foreign principal's ownership interest in the company
151 is either:

152 (a) Less than 5 percent of any class of registered
153 equities or less than 5 percent in the aggregate in multiple
154 classes of registered equities; or

155 (b) A noncontrolling interest in an entity controlled by a
156 company that is both registered with the United States
157 Securities and Exchange Commission as an investment adviser
158 under the Investment Advisers Act of 1940, as amended, and is
159 not a foreign entity.

160 (2) A foreign principal that directly or indirectly owns
161 or acquires any interest in real property on or within 1 mile of

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162 any military installation in this state before July 1, 2023, may
163 continue to own or hold such real property, but may not purchase
164 or otherwise acquire by grant, devise, or descent any additional
165 real property on or within 1 mile of any military installation
166 in this state.

167 (3) (a) A foreign principal that owns or acquires real
168 property on or within 1 mile of any military installation in
169 this state before July 1, 2023, must register with the
170 Department of Economic Opportunity by January 1, 2024. The
171 department must establish a form for such registration which, at
172 a minimum, must include all of the following:

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

174 2. The address of the real property, the property
175 appraiser's parcel identification number, and the property's
176 legal description.

177 (b) A foreign principal that fails to timely file a
178 registration with the department is subject to a civil penalty
179 of \$1,000 for each day that the registration is late. The
180 department may place a lien against the unregistered real
181 property for the unpaid balance of any penalties assessed under
182 this paragraph.

183 (4) Notwithstanding subsection (1), a foreign principal
184 may acquire real property or any interest therein which is on or
185 within 1 mile of any military installation in this state on or
186 after July 1, 2023, by devise or descent, through the

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187 enforcement of security interests, or through the collection of
188 debts, provided that the foreign principal sells, transfers, or
189 otherwise divests itself of such real property within 2 years
190 after acquiring the real property.

191 (5) (a) At the time of purchase, a buyer of the real
192 property that is on or within 1 mile of any military
193 installation in this state must provide an affidavit signed
194 under penalty of perjury attesting that the buyer is:

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

197 (b) The failure to obtain or maintain the affidavit does
198 not:

- 199 1. Affect the title or insurability of the title for the
200 real property; or

- 201 2. Subject the closing agent to civil or criminal
202 liability, unless the closing agent has actual knowledge that
203 the transaction will result in a violation of this section.

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

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

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

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212 property lies for the forfeiture of the real property or any
213 interest therein.

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

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

227 (e) The department may sell the real property subject to a
228 final judgment of forfeiture. Any proceeds from the sale must
229 first be paid to any lienholders of the land, followed by
230 payment of any outstanding fines assessed pursuant to this
231 section, after which the department must be reimbursed for all
232 costs related to the forfeiture civil action and any costs
233 related to the sale of the land. Any remaining proceeds must be
234 paid to the property owner.

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

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

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

243 (8) A person who knowingly sells real property or any
244 interest therein in violation of this section commits a
245 misdemeanor of the second degree, punishable as provided in s.
246 775.082 or s. 775.083.

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

249 Section 7. Section 692.204, Florida Statutes, is created
250 to read:

251 692.204 Purchase or acquisition of real property by the
252 People's Republic of China prohibited.-

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

257 1. The People's Republic of China, the Chinese Communist
258 Party, or any official or member of the People's Republic of
259 China or the Chinese Communist Party.

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260 2. Any other political party or member of a political
261 party or a subdivision of a political party in the People's
262 Republic of China.

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

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

270 (b) A person or entity has a de minimus indirect interest
271 if any ownership is the result of the person's or entity's
272 ownership of registered equities in a publicly traded company
273 owning the land and if the person's or entity's ownership
274 interest in the company is either:

275 1. Less than 5 percent of any class of registered equities
276 or less than 5 percent in the aggregate in multiple classes of
277 registered equities; or

278 2. A noncontrolling interest in an entity controlled by a
279 company that is both registered with the United States
280 Securities and Exchange Commission as an investment adviser
281 under the Investment Advisers Act of 1940, as amended, and is
282 not a foreign entity.

283 (2) Notwithstanding subsection (1), a person or entity
284 described in paragraph (1)(a) who is a natural person holding a

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285 current verified visa authorizing the person to be legally
286 present within the state for purposes other than solely tourist-
287 based travel may purchase a single primary residence on a parcel
288 of real property that is up to 2 acres if such purchase is in
289 the person's name who holds the visa and is not on or within a
290 1-mile radius of any military installation in this state.

291 (3) A person or entity described in paragraph (1) (a) that
292 directly or indirectly owns or acquires any interest in real
293 property in this state before July 1, 2023, may continue to own
294 or hold such real property, but may not purchase or otherwise
295 acquire by grant, devise, or descent any additional real
296 property in this state.

297 (4) (a) A person or entity described in paragraph (1) (a)
298 that owns or acquires real property in this state before July 1,
299 2023, must register with the Department of Economic Opportunity
300 by January 1, 2024. The department must establish a form for
301 such registration which, at a minimum, must include all of the
302 following:

- 303 1. The name of the owner of the real property.
304 2. The address of the real property, the property
305 appraiser's parcel identification number, and the property's
306 legal description.

307 (b) A person or entity that fails to timely file a
308 registration with the department is subject to a civil penalty
309 of \$1,000 for each day that the registration is late. The

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310 department may place a lien against the unregistered real
311 property for the unpaid balance of any penalties assessed under
312 this paragraph.

313 (5) Notwithstanding subsection (1), a person or an entity
314 described in paragraph (1)(a) may acquire real property in this
315 state on or after July 1, 2023, by devise or descent, through
316 the enforcement of security interests, or through the collection
317 of debts, provided that the person or entity sells, transfers,
318 or otherwise divests itself of such real property within 2 years
319 after acquiring the real property, unless the person or entity
320 is exempt under s. 692.205.

321 (6)(a) At the time of purchase, a buyer of real property
322 in this state must provide an affidavit signed under penalty of
323 perjury attesting that the buyer is:

324 1. Not a person or entity described in paragraph (1)(a);
325 and

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

327 (b) The failure to obtain or maintain the affidavit does
328 not:

329 1. Affect the title or insurability of the title for the
330 real property; or

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

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

337 (7)(a) If any real property is owned or acquired in
338 violation of this section, the real property may be forfeited to
339 the state.

340 (b) The Department of Economic Opportunity may initiate a
341 civil action in the circuit court of the county in which the
342 property lies for the forfeiture of the real property or any
343 interest therein.

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

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

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

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359 first be paid to any lienholders of the land, followed by
360 payment of any outstanding fines assessed pursuant to this
361 section, after which the department must be reimbursed for all
362 costs related to the forfeiture civil action and any costs
363 related to the sale of the land. Any remaining proceeds must be
364 paid to the property owner.

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

369 (8) A violation of this section constitutes a felony of
370 the third degree, punishable as provided in s. 775.082, s.
371 775.083, or s. 775.084.

372 (9) A person who sells real property or any interest
373 therein in violation of this section commits a misdemeanor of
374 the first degree, punishable as provided in s. 775.082 or s.
375 775.083.

376 (10) The Department of Economic Opportunity shall adopt
377 rules to implement this section.

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

381 Remove lines 27-79 and insert:
382 respectively; specifying what constitutes a de minimus
383 indirect interest; providing exceptions; authorizing

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384 foreign principals to continue to own or hold such
385 land or property under certain circumstances;
386 requiring certain foreign principals that own or
387 acquire such land or real property to register with a
388 specified department; requiring the Department of
389 Agriculture and Consumer Services and the Department
390 of Economic Opportunity, respectively, to establish a
391 form for such registration; providing civil penalties;
392 authorizing the Department of Agriculture and Consumer
393 Services and the Department of Economic Opportunity to
394 place a lien against unregistered agricultural land or
395 real property, respectively; requiring certain foreign
396 principals to sell, transfer, or otherwise divest
397 themselves of certain agricultural land or real
398 property within a specified timeframe; requiring
399 buyers of such land or property to provide a signed
400 affidavit; specifying that the failure to maintain or
401 obtain the affidavit does not affect the title or
402 insurability of the title for the agricultural land or
403 real property, respectively, or subject the closing
404 agent to certain liability; authorizing the Florida
405 Real Estate Commission to adopt rules; authorizing
406 that certain agricultural land or real property be
407 forfeited to the state; authorizing the Department of
408 Agriculture and Consumer Services and the Department

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409 of Economic Opportunity to initiate civil actions for
410 forfeiture of the interest in agricultural land or
411 real property, respectively; requiring that such
412 actions be filed in a certain circuit court; requiring
413 clerks to record a lis pendens; requiring courts to
414 advance the cause on the calendar; authorizing
415 defendants to petition to modify or discharge the lis
416 pendens; requiring the court to enter a specified
417 final judgment under certain circumstances;
418 authorizing the Department of Agriculture and Consumer
419 Services and the Department of Economic Opportunity,
420 respectively, to sell the agricultural land or real
421 property; providing requirements for the proceeds from
422 such sale; authorizing the Department of Agriculture
423 and Consumer Services and the Department of Economic
424 Opportunity, respectively, to seek a specified ex
425 parte order; providing criminal penalties; requiring
426 the Department of Agriculture and Consumer Services
427 and the Department of Economic Opportunity,
428 respectively, to adopt rules; creating s. 692.204,
429 F.S.; prohibiting the People's Republic of China, the
430 Chinese Communist Party, any other political party or
431 member of a political party in the People's Republic
432 of China, and certain persons and entities from
433 purchasing or acquiring real property in this state or

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434 | having more than a de minimus indirect interest in
435 | such real property; specifying what constitutes a de
436 | minimus indirect interest; providing exceptions;
437 | authorizing such persons and
438 |

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