

Amendment No.

CHAMBER ACTION

Senate

House

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Representative Borrero offered the following:

**Amendment (with title amendment)**

Remove lines 428-547 and insert:

(2)(a) A foreign principal that holds a current verified Employment-Based Immigrant Visa sponsored by a company wholly owned by the United States may purchase a single primary residence on a parcel of real property that is up to 2 acres if such purchase is in the person's name who holds the visa and is not within a 5-mile radius of any military installation or critical infrastructure facility in this state. A purchaser of real property under this subsection must register the property with the Department of Economic Opportunity within 90 days after

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14 the purchase in a form and a manner prescribed by the  
15 department. A person who does not register his or her property  
16 as required under this paragraph is subject to the penalties  
17 under paragraph (4) (b).

18 (b) A purchaser of real property under this subsection  
19 must be a permanent resident of the United States, have an  
20 application for permanent residency pending with the United  
21 States Citizenship and Immigration Services, or verify via  
22 affidavit that such purchaser intends to permanently change his  
23 or her domicile to this state.

24 (c) If a person purchases real property under this  
25 subsection during the pendency of an application for permanent  
26 residency and such application is denied or withdrawn, the  
27 person must sell, transfer, or otherwise divest himself or  
28 herself of such real property within 2 years after the  
29 application is denied or withdrawn.

30 (d) If a person purchases real property under this  
31 subsection based on the person's intent to permanently change  
32 his or her domicile to this state, such person must change his  
33 or her domicile to this state within 2 years after the purchase  
34 of such real property. If the person does not change his or her  
35 domicile to this state within 2 years after such purchase, the  
36 person must sell, transfer, or otherwise divest himself or  
37 herself of such real property within 4 years after the purchase.

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38 (3) A foreign principal that directly or indirectly owns  
39 or acquires any interest in real property within 20 miles of any  
40 military installation or critical infrastructure facility in  
41 this state before July 1, 2023, may continue to own or hold such  
42 real property, but may not purchase or otherwise acquire by  
43 grant, devise, or descent any additional real property within 20  
44 miles of any military installation or critical infrastructure  
45 facility in this state.

46 (4)(a) A foreign principal that owns or acquires real  
47 property within 20 miles of any military installation or  
48 critical infrastructure facility in this state before July 1,  
49 2023, must register with the Department of Economic Opportunity  
50 by January 1, 2024. The department must establish a form for  
51 such registration which, at a minimum, must include all of the  
52 following:

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

54 2. The address of the real property, the property  
55 appraiser's parcel identification number, and the property's  
56 legal description.

57 (b) A foreign principal that fails to timely file a  
58 registration with the department is subject to a civil penalty  
59 of \$1,000 for each day that the registration is late. The  
60 department may place a lien against the unregistered real  
61 property for the unpaid balance of any penalties assessed under  
62 this paragraph.

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63 (5) Notwithstanding subsection (1), a foreign principal  
64 may acquire real property or any interest therein which is  
65 within 20 miles of any military installation or critical  
66 infrastructure facility in this state on or after July 1, 2023,  
67 by devise or descent, through the enforcement of security  
68 interests, or through the collection of debts, provided that the  
69 foreign principal sells, transfers, or otherwise divests itself  
70 of such real property within 2 years after acquiring the real  
71 property.

72 (6) (a) At the time of purchase, a buyer of the real  
73 property that is within 20 miles of any military installation or  
74 critical infrastructure facility in this state must provide an  
75 affidavit signed under penalty of perjury attesting that the  
76 buyer is:

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

79 (b) The failure to obtain or maintain the affidavit does  
80 not:

- 81 1. Affect the title or insurability of the title for the  
82 real property; or  
83 2. Subject the closing agent to civil or criminal  
84 liability, unless the closing agent has actual knowledge that  
85 the transaction will result in a violation of this section.

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

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

92 (b) The Department of Economic Opportunity may initiate a  
93 civil action in the circuit court of the county in which the  
94 property lies for the forfeiture of the real property or any  
95 interest therein.

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

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

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

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111 first be paid to any lienholders of the land, followed by  
112 payment of any outstanding fines assessed pursuant to this  
113 section, after which the department must be reimbursed for all  
114 costs related to the forfeiture civil action and any costs  
115 related to the sale of the land. Any remaining proceeds must be  
116 paid to the property owner.

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

121 (8) A foreign principal that purchases or acquires real  
122 property or any interest therein in violation of this section  
123 commits a misdemeanor of the second degree, punishable as  
124 provided in s. 775.082 or s. 775.083.

125 (9) A person who knowingly sells real property or any  
126 interest therein in violation of this section commits a  
127 misdemeanor of the second degree, punishable as provided in s.  
128 775.082 or s. 775.083.

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

131 Section 7. Section 692.204, Florida Statutes, is created  
132 to read:

133 692.204 Purchase or acquisition of real property by the  
134 People's Republic of China prohibited.-

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

139       1. The People's Republic of China, the Chinese Communist  
140 Party, or any official or member of the People's Republic of  
141 China or the Chinese Communist Party.

142       2. Any other political party or member of a political  
143 party or a subdivision of a political party in the People's  
144 Republic of China.

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

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

152       (b) A person or entity has a de minimus indirect interest  
153 if any ownership is the result of the person's or entity's  
154 ownership of registered equities in a publicly traded company  
155 owning the land and if the person's or entity's ownership  
156 interest in the company is less than 5 percent of any class of  
157 registered equities or less than 5 percent in the aggregate in  
158 multiple classes of registered equities.

159       (c) Paragraph (a) does not apply to:

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160       1. The purchase of a single primary residence on a parcel  
 161 of real property that is up to 2 acres if such purchase is made  
 162 by a permanent worker who holds a current verified Employment-  
 163 Based Immigrant Visa sponsored by a company wholly owned by the  
 164 United States. A purchase of real property under this paragraph  
 165 must be in the person's name who holds the visa and such person  
 166 must register the property with the Department of Economic  
 167 Opportunity within 90 days after the purchase in a form and a  
 168 manner prescribed by the department. A person who does not  
 169 register his or her property as required under this subparagraph  
 170 is subject to the penalties under paragraph (3) (b).

171       2. An entity that administers and invests funds related to  
 172 the United States Citizenship and Immigration Services' EB-5  
 173 Immigrant Investor Program if such entity is controlled by  
 174 general partners that are United States citizens and all EB-5  
 175 immigrant investors are passive. If the EB-5 applicant does not  
 176 obtain his or her visa within 2 years after the purchase of real  
 177 property using invested funds, the applicant must sell,  
 178 transfer, or otherwise divest himself or herself of such real  
 179 property within 4 years after the purchase.

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**T I T L E   A M E N D M E N T**

Remove lines 27-79 and insert:

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184           respectively; providing exceptions; authorizing  
185           foreign principals to continue to own or hold such  
186           land or property under certain circumstances;  
187           requiring certain foreign principals that own or  
188           acquire such land or real property to register with a  
189           specified department; requiring the Department of  
190           Agriculture and Consumer Services and the Department  
191           of Economic Opportunity, respectively, to establish a  
192           form for such registration; providing civil penalties;  
193           authorizing the Department of Agriculture and Consumer  
194           Services and the Department of Economic Opportunity to  
195           place a lien against unregistered agricultural land or  
196           real property, respectively; requiring certain foreign  
197           principals to sell, transfer, or otherwise divest  
198           themselves of certain agricultural land or real  
199           property within a specified timeframe; requiring  
200           buyers of such land or property to provide a signed  
201           affidavit; specifying that the failure to maintain or  
202           obtain the affidavit does not affect the title or  
203           insurability of the title for the agricultural land or  
204           real property, respectively, or subject the closing  
205           agent to certain liability; authorizing the Florida  
206           Real Estate Commission to adopt rules; authorizing  
207           that certain agricultural land or real property be  
208           forfeited to the state; authorizing the Department of

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209 Agriculture and Consumer Services and the Department  
210 of Economic Opportunity to initiate civil actions for  
211 forfeiture of the interest in agricultural land or  
212 real property, respectively; requiring that such  
213 actions be filed in a certain circuit court; requiring  
214 clerks to record a lis pendens; requiring courts to  
215 advance the cause on the calendar; authorizing  
216 defendants to petition to modify or discharge the lis  
217 pendens; requiring the court to enter a specified  
218 final judgment under certain circumstances;  
219 authorizing the Department of Agriculture and Consumer  
220 Services and the Department of Economic Opportunity,  
221 respectively, to sell the agricultural land or real  
222 property; providing requirements for the proceeds from  
223 such sale; authorizing the Department of Agriculture  
224 and Consumer Services and the Department of Economic  
225 Opportunity, respectively, to seek a specified ex  
226 parte order; providing criminal penalties; requiring  
227 the Department of Agriculture and Consumer Services  
228 and the Department of Economic Opportunity,  
229 respectively, to adopt rules; creating s. 692.204,  
230 F.S.; prohibiting the People's Republic of China, the  
231 Chinese Communist Party, any other political party or  
232 member of a political party in the People's Republic  
233 of China, and certain persons and entities from

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234 | purchasing or acquiring real property in this state or  
235 | having more than a de minimus indirect interest in  
236 | such real property; providing exceptions; authorizing  
237 | such persons and

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