

Amendment No.

CHAMBER ACTION

Senate

House

.

Representative Borrero offered the following:

Amendment

Remove lines 261-462 and insert:

agricultural under s. 193.461 or under the comprehensive plan applicable to the land.

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

(a) A chemical manufacturing facility.

(b) A refinery.

(c) An electrical power plant as defined in s. 403.031(20), including a substation, switching station,

639273

Approved For Filing: 5/1/2023 2:46:06 PM

Amendment No.

14 electrical control center, or electric transmission or
15 distribution facility.

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

18 (e) A natural gas transmission compressor station.

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

20 (g) A telecommunications central switching office.

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

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

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

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

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

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

35 (4) "Foreign principal" means:

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

639273

Approved For Filing: 5/1/2023 2:46:06 PM

Amendment No.

38 (b) A political party or member of a political party or
39 any subdivision of a political party in a foreign country of
40 concern;

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

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

48 (5) "Military installation" has the same meaning as in 10
49 U.S.C. s. 2801(c) (4) and includes an armory as defined in s.
50 250.01.

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

53 Section 5. Section 692.202, Florida Statutes, is created
54 to read:

55 692.202 Purchase of agricultural land by foreign
56 principals prohibited.-

57 (1) A foreign principal may not directly or indirectly own
58 or acquire by purchase, grant, devise, or descent agricultural
59 land or any interest, except a de minimus indirect interest, in
60 such land in this state. A foreign principal has a de minimus
61 indirect interest if any ownership in such land is the result of
62 the foreign principal's ownership of registered equities in a

639273

Approved For Filing: 5/1/2023 2:46:06 PM

Amendment No.

63 publicly traded company owning the land and if the foreign
64 principal's ownership interest in the company is less than 5
65 percent of any class of registered equities or less than 5
66 percent in the aggregate in multiple classes of registered
67 equities.

68 (2) A foreign principal that directly or indirectly owns
69 or acquires agricultural land or any interest in such land in
70 this state before July 1, 2023, may continue to own or hold such
71 land or interest, but may not purchase or otherwise acquire by
72 grant, devise, or descent any additional agricultural land or
73 interest in such land in this state.

74 (3)(a) A foreign principal that directly or indirectly
75 owns or acquires agricultural land or any interest in such land
76 in this state before July 1, 2023, must register with the
77 Department of Agriculture and Consumer Services by January 1,
78 2024. The department must establish a form for such
79 registration, which, at minimum, must include all of the
80 following:

81 1. The name of the owner of the agricultural land or the
82 owner of the interest in such land.

83 2. The address of the agricultural land, the property
84 appraiser's parcel identification number, and the property's
85 legal description.

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

639273

Approved For Filing: 5/1/2023 2:46:06 PM

Amendment No.

87 (b) A foreign principal that fails to timely file a
88 registration with the department is subject to a civil penalty
89 of \$1,000 for each day that the registration is late. The
90 department may place a lien against the unregistered
91 agricultural land for the unpaid balance of any penalties
92 assessed under this paragraph.

93 (4) Notwithstanding subsection (1), a foreign principal
94 may acquire agricultural land on or after July 1, 2023, by
95 devise or descent, through the enforcement of security
96 interests, or through the collection of debts, provided that the
97 foreign principal sells, transfers, or otherwise divests itself
98 of the agricultural land within 2 years after acquiring the
99 agricultural land.

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

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

105 (b) The failure to obtain or maintain the affidavit does
106 not:

107 1. Affect the title or insurability of the title for the
108 agricultural land; or

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

639273

Approved For Filing: 5/1/2023 2:46:06 PM

Amendment No.

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

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

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

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

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

135 (e) The department may sell the agricultural land subject
136 to a final judgment of forfeiture. Any proceeds from the sale

639273

Approved For Filing: 5/1/2023 2:46:06 PM

Amendment No.

137 must first be paid to any lienholders of the land, followed by
138 payment of any outstanding fines assessed pursuant to this
139 section, after which the department must be reimbursed for all
140 costs related to the forfeiture civil action and any costs
141 related to the sale of the land. Any remaining proceeds must be
142 paid to the property owner.

143 (f) At any time during the forfeiture proceeding the
144 department may seek an ex parte order of seizure of the
145 agricultural land upon a showing that the defendant's control of
146 the agricultural land constitutes a clear and present danger to
147 the state.

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

152 (8) A person who knowingly sells agricultural land or any
153 interest therein in violation of this section commits a
154 misdemeanor of the second degree, punishable as provided in s.
155 775.082 or s. 775.083.

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

158 Section 6. Section 692.203, Florida Statutes, is created
159 to read:

639273

Approved For Filing: 5/1/2023 2:46:06 PM

Amendment No.

160 692.203 Purchase of real property on or around military
161 installations and critical infrastructure facilities by foreign
162 principals prohibited.-

163 (1) A foreign principal may not directly or indirectly own
164 or acquire by purchase, grant, devise, or descent any interest,
165 except a de minimus indirect interest, in real property on or
166 within 20 miles of any military installation or critical
167 infrastructure facility in this state. A foreign principal has a
168 de minimus indirect interest if any ownership is the result of
169 the foreign principal's ownership of registered equities in a
170 publicly traded company owning the land and if the foreign
171 principal's ownership interest in the company is less than 5
172 percent of any class of registered equities or less than 5
173 percent in the aggregate in multiple classes of registered
174 equities.

175 (2) A foreign principal that directly or indirectly owns
176 or acquires any interest in real property on or within 20 miles
177 of any military installation or critical infrastructure facility
178 in this state before July 1, 2023, may continue to own or hold
179 such real property, but may not purchase or otherwise acquire by
180 grant, devise, or descent any additional real property on or
181 within 20 miles of any military installation or critical
182 infrastructure facility in this state.

183 (3)(a) A foreign principal that owns or acquires real
184 property on or within 20 miles of any military installation or

639273

Approved For Filing: 5/1/2023 2:46:06 PM

Amendment No.

185 critical infrastructure facility in this state before July 1,
186 2023, must register with the Department of Economic Opportunity
187 by January 1, 2024. The department must establish a form for
188 such registration which, at a minimum, must include all of the
189 following:

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

191 2. The address of the real property, the property
192 appraiser's parcel identification number, and the property's
193 legal description.

194 (b) A foreign principal that fails to timely file a
195 registration with the department is subject to a civil penalty
196 of \$1,000 for each day that the registration is late. The
197 department may place a lien against the unregistered real
198 property for the unpaid balance of any penalties assessed under
199 this paragraph.

200 (4) Notwithstanding subsection (1), a foreign principal
201 may acquire real property or any interest therein which is on or
202 within 20 miles of any military installation or critical
203 infrastructure facility in this state on or after July 1, 2023,
204 by devise or descent, through the enforcement of security
205 interests, or through the collection of debts, provided that the
206 foreign principal sells, transfers, or otherwise divests itself
207 of such real property within 2 years after acquiring the real
208 property.

639273

Approved For Filing: 5/1/2023 2:46:06 PM

Amendment No.

209 (5) (a) At the time of purchase, a buyer of the real
210 property that is on or within 20 miles of any military
211 installation or

639273

Approved For Filing: 5/1/2023 2:46:06 PM