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LEGISLATIVE ACTION

Senate

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House

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Senator Collins moved the following:

**Senate Amendment (with title amendment)**

Delete lines 250 - 617

and insert:

ss. 692.201, 692.202, 692.203, 692.204, and 692.205, Florida Statutes, to be entitled "Conveyances to Foreign Entities."

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

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

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



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12           (2) "Critical infrastructure facility" means any of the  
13 following, if it employs measures such as fences, barriers, or  
14 guard posts that are designed to exclude unauthorized persons:  
15           (a) A chemical manufacturing facility.  
16           (b) A refinery.  
17           (c) An electrical power plant as defined in s. 403.031(20),  
18 including a substation, switching station, electrical control  
19 center, or electric transmission or distribution facility.  
20           (d) A water intake structure, water treatment facility,  
21 wastewater treatment plant, or pump station.  
22           (e) A natural gas transmission compressor station.  
23           (f) A liquid natural gas terminal or storage facility.  
24           (g) A telecommunications central switching office.  
25           (h) An inland port or other facility or group of facilities  
26 serving as a point of intermodal transfer of freight in a  
27 specific area physically separated from a seaport.  
28           (i) A gas processing plant, including a plant used in the  
29 processing, treatment, or fractionation of natural gas.  
30           (j) A seaport as listed in s. 311.09.  
31           (k) A spaceport territory as defined in s. 331.303(18).  
32           (3) "Foreign country of concern" means the People's  
33 Republic of China, the Russian Federation, the Islamic Republic  
34 of Iran, the Democratic People's Republic of Korea, the Republic  
35 of Cuba, the Venezuelan regime of Nicolás Maduro, or the Syrian  
36 Arab Republic, including any agency of or any other entity of  
37 significant control of such foreign country of concern.  
38           (4) "Foreign principal" means:  
39           (a) The government or any official of the government of a  
40 foreign country of concern;



41 (b) A political party or member of a political party or any  
42 subdivision of a political party in a foreign country of  
43 concern;

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

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

51 (5) "Military installation" has the same meaning as in 10  
52 U.S.C. s. 2801(c) (4) and includes an armory as defined in s.  
53 250.01.

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

56 Section 5. Section 692.202, Florida Statutes, is created to  
57 read:

58 692.202 Purchase of agricultural land by foreign principals  
59 prohibited.-

60 (1) A foreign principal may not directly or indirectly own  
61 or acquire by purchase, grant, devise, or descent agricultural  
62 land or any interest, except a de minimus indirect interest, in  
63 such land in this state. A foreign principal has a de minimus  
64 indirect interest if any ownership in such land is the result of  
65 the foreign principal's ownership of registered equities in a  
66 publicly traded company owning the land and if the foreign  
67 principal's ownership interest in the company is less than 5  
68 percent of any class of registered equities or less than 5  
69 percent in the aggregate in multiple classes of registered



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70 equities.

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

77 (3) (a) A foreign principal that directly or indirectly owns  
78 or acquires agricultural land or any interest in such land in  
79 this state before July 1, 2023, must register with the  
80 Department of Agriculture and Consumer Services by January 1,  
81 2024. The department must establish a form for such  
82 registration, which, at minimum, must include all of the  
83 following:

84 1. The name of the owner of the agricultural land or the  
85 owner of the interest in such land.

86 2. The address of the agricultural land, the property  
87 appraiser's parcel identification number, and the property's  
88 legal description.

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

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

96 (4) Notwithstanding subsection (1), a foreign principal may  
97 acquire agricultural land on or after July 1, 2023, by devise or  
98 descent, through the enforcement of security interests, or



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99 through the collection of debts, provided that the foreign  
100 principal sells, transfers, or otherwise divests itself of the  
101 agricultural land within 2 years after acquiring the  
102 agricultural land.

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

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

108 (b) The failure to obtain or maintain the affidavit does  
109 not:

110 1. Affect the title or insurability of the title for the  
111 agricultural land; or

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

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

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

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

125 (c) Upon filing such action, the clerk must record a lis  
126 pendens in accordance with s. 48.23. The court must advance the  
127 cause on the calendar. The defendant may at any time petition to



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128 modify or discharge the lis pendens based upon a finding that  
129 there is no probable cause to believe that the agricultural  
130 land, or any portion thereof, is owned or held in violation of  
131 this section.

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

138 (e) The department may sell the agricultural land subject  
139 to a final judgment of forfeiture. Any proceeds from the sale  
140 must first be paid to any lienholders of the land, followed by  
141 payment of any outstanding fines assessed pursuant to this  
142 section, after which the department must be reimbursed for all  
143 costs related to the forfeiture civil action and any costs  
144 related to the sale of the land. Any remaining proceeds must be  
145 paid to the property owner.

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

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

155 (8) A person who knowingly sells agricultural land or any  
156 interest therein in violation of this section commits a



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157 misdemeanor of the second degree, punishable as provided in s.  
158 775.082 or s. 775.083.

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

161 Section 6. Section 692.203, Florida Statutes, is created to  
162 read:

163 692.203 Purchase of real property around military  
164 installations and critical infrastructure facilities by foreign  
165 principals prohibited.-

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

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

185 (3) (a) A foreign principal that owns or acquires real



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186 property within 20 miles of any military installation or  
187 critical infrastructure facility in this state before July 1,  
188 2023, must register with the Department of Economic Opportunity  
189 by January 1, 2024. The department must establish a form for  
190 such registration which, at a minimum, must include all of the  
191 following:

- 192 1. The name of the owner of the real property.  
193 2. The address of the real property, the property  
194 appraiser's parcel identification number, and the property's  
195 legal description.

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

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

210 (5) (a) At the time of purchase, a buyer of the real  
211 property that is within 20 miles of any military installation or  
212 critical infrastructure facility in this state must provide an  
213 affidavit signed under penalty of perjury attesting that the  
214 buyer is:





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215       1. Not a foreign principal; and  
216       2. In compliance with the requirements of this section.  
217       (b) The failure to obtain or maintain the affidavit does  
218 not:  
219       1. Affect the title or insurability of the title for the  
220 real property; or  
221       2. Subject the closing agent to civil or criminal  
222 liability, unless the closing agent has actual knowledge that  
223 the transaction will result in a violation of this section.  
224       (c) The Florida Real Estate Commission shall adopt rules to  
225 implement this subsection, including rules establishing the form  
226 for the affidavit required under this subsection.  
227       (6) (a) If any real property is owned or acquired in  
228 violation of this section, the real property may be forfeited to  
229 the state.  
230       (b) The Department of Economic Opportunity may initiate a  
231 civil action in the circuit court of the county in which the  
232 property lies for the forfeiture of the real property or any  
233 interest therein.  
234       (c) Upon filing such action, the clerk must record a lis  
235 pendens in accordance with s. 48.23. The court must advance the  
236 cause on the calendar. The defendant may at any time petition to  
237 modify or discharge the lis pendens based upon a finding that  
238 there is no probable cause to believe that the real property, or  
239 any portion thereof, is owned or held in violation of this  
240 section.  
241       (d) If the court finds that the real property, or any  
242 portion thereof, is owned or held in violation of this section,  
243 the court must enter a final judgment of forfeiture vesting



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244 title to the real property in this state, subject only to the  
245 rights and interests of bona fide lienholders, and such final  
246 judgment relates back to the date of the lis pendens.

247 (e) The department may sell the real property subject to a  
248 final judgment of forfeiture. Any proceeds from the sale must  
249 first be paid to any lienholders of the land, followed by  
250 payment of any outstanding fines assessed pursuant to this  
251 section, after which the department must be reimbursed for all  
252 costs related to the forfeiture civil action and any costs  
253 related to the sale of the land. Any remaining proceeds must be  
254 paid to the property owner.

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

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

263 (8) A person who knowingly sells real property or any  
264 interest therein in violation of this section commits a  
265 misdemeanor of the second degree, punishable as provided in s.  
266 775.082 or s. 775.083.

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

269 Section 7. Section 692.204, Florida Statutes, is created to  
270 read:

271 692.204 Purchase or acquisition of real property by the  
272 People's Republic of China prohibited.-



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

277           1. The People's Republic of China, the Chinese Communist  
278 Party, or any official or member of the People's Republic of  
279 China or the Chinese Communist Party.

280           2. Any other political party or member of a political party  
281 or a subdivision of a political party in the People's Republic  
282 of China.

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

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

290           (b) A person or entity has a de minimus indirect interest  
291 if any ownership is the result of the person's or entity's  
292 ownership of registered equities in a publicly traded company  
293 owning the land and if the person's or entity's ownership  
294 interest in the company is less than 5 percent of any class of  
295 registered equities or less than 5 percent in the aggregate in  
296 multiple classes of registered equities.

297           (2) A person or entity described in paragraph (1) (a) that  
298 directly or indirectly owns or acquires any interest in real  
299 property in this state before July 1, 2023, may continue to own  
300 or hold such real property, but may not purchase or otherwise  
301 acquire by grant, devise, or descent any additional real



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302 property in this state.

303 (3) (a) A person or entity described in paragraph (1) (a)  
304 that owns or acquires real property in this state before July 1,  
305 2023, must register with the Department of Economic Opportunity  
306 by January 1, 2024. The department must establish a form for  
307 such registration which, at a minimum, must include all of the  
308 following:

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

310 2. The address of the real property, the property  
311 appraiser's parcel identification number, and the property's  
312 legal description.

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

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

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

330 1. Not a person or entity described in paragraph (1) (a);



331 and  
332 2. In compliance with the requirements of this section.  
333 (b) The failure to obtain or maintain the affidavit does  
334 not:  
335 1. Affect the title or insurability of the title for the  
336 real property; or  
337 2. Subject the closing agent to civil or criminal  
338 liability, unless the closing agent has actual knowledge that  
339 the transaction will result in a violation of this section.  
340 (c) The Florida Real Estate Commission shall adopt rules to  
341 implement this subsection, including rules establishing the form  
342 for the affidavit required under this subsection.  
343 (6) (a) If any real property is owned or acquired in  
344 violation of this section, the real property may be forfeited to  
345 the state.  
346 (b) The Department of Economic Opportunity may initiate a  
347 civil action in the circuit court of the county in which the  
348 property lies for the forfeiture of the real property or any  
349 interest therein.  
350 (c) Upon filing such action, the clerk must record a lis  
351 pendens in accordance with s. 48.23. The court must advance the  
352 cause on the calendar. The defendant may at any time petition to  
353 modify or discharge the lis pendens based upon a finding that  
354 there is no probable cause to believe that the real property, or  
355 any portion thereof, is owned or held in violation of this  
356 section.  
357 (d) If the court finds that the real property, or any  
358 portion thereof, is owned or held in violation of this section,  
359 the court must enter a final judgment of forfeiture vesting



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360 title to the real property in this state, subject only to the  
361 rights and interests of bona fide lienholders, and such final  
362 judgment relates back to the date of the lis pendens.

363 (e) The department may sell the real property subject to a  
364 final judgment of forfeiture. Any proceeds from the sale must  
365 first be paid to any lienholders of the land, followed by  
366 payment of any outstanding fines assessed pursuant to this  
367 section, after which the department must be reimbursed for all  
368 costs related to the forfeiture civil action and any costs  
369 related to the sale of the land. Any remaining proceeds must be  
370 paid to the property owner.

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

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

378 (8) A person who sells real property or any interest  
379 therein in violation of this section commits a misdemeanor of  
380 the first degree, punishable as provided in s. 775.082 or s.  
381 775.083.

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

384 Section 8. Section 692.205, Florida Statutes, is created to  
385 read:

386 692.205 Inapplicability of this part to real property for  
387 diplomatic purposes.—This part does not apply to a foreign  
388 principal that acquires real property for a diplomatic purpose



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389 that is recognized, acknowledged, or allowed by the Federal  
390 Government.

391  
392 ===== T I T L E   A M E N D M E N T =====

393 And the title is amended as follows:

394       Delete lines 25 - 111

395 and insert:

396       having more than a de minimus indirect interest in  
397       such land, and certain real property in this state,  
398       respectively; authorizing foreign principals to  
399       continue to own or hold such land or property under  
400       certain circumstances; requiring certain foreign  
401       principals that own or acquire such land or real  
402       property to register with a specified department;  
403       requiring the Department of Agriculture and Consumer  
404       Services and the Department of Economic Opportunity,  
405       respectively, to establish a form for such  
406       registration; providing civil penalties; authorizing  
407       the Department of Agriculture and Consumer Services  
408       and the Department of Economic Opportunity to place a  
409       lien against unregistered agricultural land or real  
410       property, respectively; requiring certain foreign  
411       principals to sell, transfer, or otherwise divest  
412       themselves of certain agricultural land or real  
413       property within a specified timeframe; requiring  
414       buyers of such land or property to provide a signed  
415       affidavit; specifying that the failure to maintain or  
416       obtain the affidavit does not affect the title or  
417       insurability of the title for the agricultural land or



418 real property, respectively, or subject the closing  
419 agent to certain liability; authorizing the Florida  
420 Real Estate Commission to adopt rules; authorizing  
421 that certain agricultural land or real property be  
422 forfeited to the state; authorizing the Department of  
423 Agriculture and Consumer Services and the Department  
424 of Economic Opportunity to initiate civil actions for  
425 forfeiture of the interest in agricultural land or  
426 real property, respectively; requiring that such  
427 actions be filed in a certain circuit court; requiring  
428 clerks to record a lis pendens; requiring courts to  
429 advance the cause on the calendar; authorizing  
430 defendants to petition to modify or discharge the lis  
431 pendens; requiring the court to enter a specified  
432 final judgment under certain circumstances;  
433 authorizing the Department of Agriculture and Consumer  
434 Services and the Department of Economic Opportunity,  
435 respectively, to sell the agricultural land or real  
436 property; providing requirements for the proceeds from  
437 such sale; authorizing the Department of Agriculture  
438 and Consumer Services and the Department of Economic  
439 Opportunity, respectively, to seek a specified ex  
440 parte order; providing criminal penalties; requiring  
441 the Department of Agriculture and Consumer Services  
442 and the Department of Economic Opportunity,  
443 respectively, to adopt rules; creating s. 692.204,  
444 F.S.; prohibiting the People's Republic of China, the  
445 Chinese Communist Party, any other political party or  
446 member of a political party in the People's Republic





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447 of China, and certain persons and entities from  
448 purchasing or acquiring real property in this state or  
449 having more than a de minimus indirect interest in  
450 such real property; authorizing such persons and  
451 entities to continue to own or hold such real property  
452 under certain circumstances; requiring certain persons  
453 or entities that own or acquire real property in this  
454 state to register with the Department of Economic  
455 Opportunity by a specified date; requiring the  
456 Department of Economic Opportunity to establish a form  
457 for such registration; providing civil penalties;  
458 authorizing the Department of Economic Opportunity to  
459 place a lien against unregistered real property;  
460 requiring certain persons and entities to sell,  
461 transfer, or otherwise divest themselves of certain  
462 real property within a specified timeframe; requiring  
463 buyers of real property to provide a signed affidavit;  
464 specifying that the failure to maintain or obtain the  
465 affidavit does not affect the title or insurability of  
466 the title for the real property or subject the closing  
467 agent to certain liability; authorizing the commission  
468 to adopt rules; authorizing certain real property to  
469 be forfeited to the state; authorizing the Department  
470 of Economic Opportunity to initiate civil actions for  
471 forfeiture of the interest in real property; requiring  
472 such actions to be filed in a certain circuit court;  
473 requiring clerks to record a lis pendens; requiring  
474 courts to advance the cause on the calendar;  
475 authorizing defendants to petition to modify or



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476 discharge the lis pendens; requiring the court to  
477 enter a specified final judgment under certain  
478 circumstances; authorizing the Department of Economic  
479 Opportunity to sell the real property; providing  
480 requirements for the proceeds from such sale;  
481 authorizing the Department of Economic Opportunity to  
482 seek a specified ex parte order; providing criminal  
483 penalties; requiring the Department of Economic  
484 Opportunity to adopt rules; creating s. 692.205, F.S.;  
485 providing an exception from ownership restrictions and  
486 registration requirements for real property that is  
487 used for diplomatic purposes; amending s. 408.051,  
488 F.S.;