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LEGISLATIVE ACTION

Senate	.	House
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Floor: AD/RM	.	Floor: C
05/04/2023 05:47 PM	.	05/04/2023 06:43 PM
	.	

Senator Collins moved the following:

1 **Senate Amendment to House Amendment (048607) (with title**
2 **amendment)**

3
4 Delete lines 5 - 377
5 and insert:

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

- 9 (a) A chemical manufacturing facility.
10 (b) A refinery.



11 (c) An electrical power plant as defined in s. 403.031(20).

12 (d) A water treatment facility or wastewater treatment
13 plant.

14 (e) A liquid natural gas terminal.

15 (f) A telecommunications central switching office.

16 (g) A gas processing plant, including a plant used in the
17 processing, treatment, or fractionation of natural gas.

18 (h) A seaport as listed in s. 311.09.

19 (i) A spaceport territory as defined in s. 331.303(18).

20 (j) An airport as defined in s. 333.01.

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

27 (4) "Foreign principal" means:

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

30 (b) A political party or member of a political party or any
31 subdivision of a political party in a foreign country of
32 concern;

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

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



40 (e) Any person, entity, or collection of persons or
41 entities, described in paragraphs (a) through (d) having a
42 controlling interest in a partnership, association, corporation,
43 organization, trust, or any other legal entity or subsidiary
44 formed for the purpose of owning real property in this state.

45 (5) "Military installation" means a base, camp, post,
46 station, yard, or center encompassing at least 10 contiguous
47 acres that is under the jurisdiction of the Department of
48 Defense or its affiliates.

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

51 Section 5. Section 692.202, Florida Statutes, is created to
52 read:

53 692.202 Purchase of agricultural land by foreign principals
54 prohibited.—

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

64 (a) Less than 5 percent of any class of registered equities
65 or less than 5 percent in the aggregate in multiple classes of
66 registered equities; or

67 (b) A noncontrolling interest in an entity controlled by a
68 company that is both registered with the United States



69 Securities and Exchange Commission as an investment adviser
70 under the Investment Advisers Act of 1940, as amended, and is
71 not a foreign entity.

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

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

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

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

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

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

97 (4) Notwithstanding subsection (1), a foreign principal may



98 acquire agricultural land on or after July 1, 2023, by devise or
99 descent, through the enforcement of security interests, or
100 through the collection of debts, provided that the foreign
101 principal sells, transfers, or otherwise divests itself of the
102 agricultural land within 3 years after acquiring the
103 agricultural land.

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

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

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

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

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

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

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

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

126 (c) Upon filing such action, the clerk must record a lis



127 pendens in accordance with s. 48.23. The court must advance the
128 cause on the calendar. The defendant may at any time petition to
129 modify or discharge the lis pendens based upon a finding that
130 there is no probable cause to believe that the agricultural
131 land, or any portion thereof, is owned or held in violation of
132 this section.

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

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

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

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



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156 (8) A person who knowingly sells agricultural land or any
157 interest therein in violation of this section commits a
158 misdemeanor of the second degree, punishable as provided in s.
159 775.082 or s. 775.083.

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

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

164 692.203 Purchase of real property on or around military
165 installations or critical infrastructure facilities by foreign
166 principals prohibited.-

167 (1) A foreign principal may not directly or indirectly own,
168 or have a controlling interest in, or acquire by purchase,
169 grant, devise, or descent any interest, except a de minimus
170 indirect interest, in real property on or within 10 miles of any
171 military installation or critical infrastructure facility in
172 this state. A foreign principal has a de minimus indirect
173 interest if any ownership is the result of the foreign
174 principal's ownership of registered equities in a publicly
175 traded company owning the land and if the foreign principal's
176 ownership interest in the company is either:

177 (a) Less than 5 percent of any class of registered equities
178 or less than 5 percent in the aggregate in multiple classes of
179 registered equities; or

180 (b) A noncontrolling interest in an entity controlled by a
181 company that is both registered with the United States
182 Securities and Exchange Commission as an investment adviser
183 under the Investment Advisers Act of 1940, as amended, and is
184 not a foreign entity.



185 (2) A foreign principal that directly or indirectly owns or
186 acquires any interest in real property on or within 10 miles of
187 any military installation or critical infrastructure facility in
188 this state before July 1, 2023, may continue to own or hold such
189 real property, but may not purchase or otherwise acquire by
190 grant, devise, or descent any additional real property on or
191 within 10 miles of any military installation or critical
192 infrastructure facility in this state.

193 (3) (a) A foreign principal must register with the
194 Department of Economic Opportunity if the foreign principal owns
195 or acquires real property on or within 10 miles of any military
196 installation or critical infrastructure facility in this state
197 as authorized under subsection (4) or if the foreign principal
198 owned or acquired an interest, other than a de minimus indirect
199 interest, in such property before July 1, 2023. The department
200 must establish a form for such registration which, at a minimum,
201 must include all of the following:

- 202 1. The name of the owner of the real property.
203 2. The address of the real property, the property
204 appraiser's parcel identification number, and the property's
205 legal description.

206 (b) A foreign principal that fails to timely file a
207 registration with the department is subject to a civil penalty
208 of \$1,000 for each day that the registration is late. A foreign
209 principal must register a property interest owned before July 1,
210 2023, by December 31, 2023. The registration is considered to be
211 late after January 31, 2024. A foreign principal who owns or
212 acquires real property on or after July 1, 2023, as authorized
213 under subsection (4), must register the real property within 30



214 days after the property is owned or acquired. The department may
215 place a lien against the unregistered real property for the
216 unpaid balance of any penalties assessed under this paragraph.

217 (4) Notwithstanding subsection (1) a foreign principal who
218 is a natural person may purchase one residential real property
219 that is up to 2 acres in size if all of the following apply:

220 (a) The parcel is not on or within 5 miles of any military
221 installation in this state.

222 (b) The person has a current verified United States Visa
223 that is not limited to authorizing tourist-based travel or
224 official documentation confirming that the person has been
225 granted asylum in the United States, and such visa or
226 documentation authorizes the person to be legally present within
227 this state.

228 (c) The purchase is in the name of the person who holds the
229 visa or official documentation described in paragraph (b).

230 (5) Notwithstanding subsections (1) and (2), a foreign
231 principal may acquire real property or any interest therein
232 which is on or within 10 miles of any military installation or
233 critical infrastructure facility in this state on or after July
234 1, 2023, by devise or descent, through the enforcement of
235 security interests, or through the collection of debts, provided
236 that the foreign principal sells, transfers, or otherwise
237 divests itself of such real property within 3 years after
238 acquiring the real property.

239 (6) (a) At the time of purchase, a buyer of the real
240 property that is on or within 10 miles of any military
241 installation or critical infrastructure facility in this state
242 must provide an affidavit signed under penalty of perjury



243 attesting that the buyer is:

244 1. Not a foreign principal or not a foreign principal

245 prohibited from purchasing the subject real property; and

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

247 (b) The failure to obtain or maintain the affidavit does

248 not:

249 1. Affect the title or insurability of the title for the

250 real property; or

251 2. Subject the closing agent to civil or criminal

252 liability, unless the closing agent has actual knowledge that

253 the transaction will result in a violation of this section.

254 (c) The Florida Real Estate Commission shall adopt rules to

255 implement this subsection, including rules establishing the form

256 for the affidavit required under this subsection.

257 (7) (a) If any real property is owned or acquired in

258 violation of this section, the real property may be forfeited to

259 the state.

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

261 civil action in the circuit court of the county in which the

262 property lies for the forfeiture of the real property or any

263 interest therein.

264 (c) Upon filing such action, the clerk must record a lis

265 pendens in accordance with s. 48.23. The court must advance the

266 cause on the calendar. The defendant may at any time petition to

267 modify or discharge the lis pendens based upon a finding that

268 there is no probable cause to believe that the real property, or

269 any portion thereof, is owned or held in violation of this

270 section.

271 (d) If the court finds that the real property, or any



272 portion thereof, is owned or held in violation of this section,
273 the court must enter a final judgment of forfeiture vesting
274 title to the real property in this state, subject only to the
275 rights and interests of bona fide lienholders, and such final
276 judgment relates back to the date of the lis pendens.

277 (e) The department may sell the real property subject to a
278 final judgment of forfeiture. Any proceeds from the sale must
279 first be paid to any lienholders of the land, followed by
280 payment of any outstanding fines assessed pursuant to this
281 section, after which the department must be reimbursed for all
282 costs related to the forfeiture civil action and any costs
283 related to the sale of the land. Any remaining proceeds must be
284 paid to the property owner.

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

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

293 (9) A person who knowingly sells real property or any
294 interest therein in violation of this section commits a
295 misdemeanor of the second degree, punishable as provided in s.
296 775.082 or s. 775.083.

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

299 Section 7. Section 692.204, Florida Statutes, is created to
300 read:



301 692.204 Purchase or acquisition of real property by the
302 People's Republic of China prohibited.-

303 (1) (a) The following persons or entities may not directly
304 or indirectly own, have a controlling interest in, or acquire by
305 purchase, grant, devise, or descent any interest, except a de
306 minimus indirect interest, in real property in this state:

307 1. The People's Republic of China, the Chinese Communist
308 Party, or any official or member of the People's Republic of
309 China or the Chinese Communist Party.

310 2. Any other political party or member of a political party
311 or a subdivision of a political party in the People's Republic
312 of China.

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

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

320 5. Any person, entity, or collection of persons or entities
321 described in subparagraphs 1. through 4. having a controlling
322 interest in a partnership, association, corporation,
323 organization, trust, or any other legal entity or subsidiary
324 formed for the purpose of owning real property in this state.

325 (b) A person or entity has a de minimus indirect interest
326 if any ownership is the result of the person's or entity's
327 ownership of registered equities in a publicly traded company
328 owning the land and if the person's or entity's ownership
329 interest in the company is either:



330 1. Less than 5 percent of any class of registered equities
331 or less than 5 percent in the aggregate in multiple classes of
332 registered equities; or

333 2. A noncontrolling interest in an entity controlled by a
334 company that is both registered with the United States
335 Securities and Exchange Commission as an investment adviser
336 under the Investment Advisers Act of 1940, as amended, and is
337 not a foreign entity.

338 (2) Notwithstanding subsection (1), a natural person
339 described in paragraph (1)(a) may purchase one residential real
340 property that is up to 2 acres in size if all of the following
341 apply:

342 (a) The parcel is not on or within 5 miles of any military
343 installation in this state.

344 (b) The person has a current verified United States Visa
345 that is not limited to authorizing tourist-based travel or
346 official documentation confirming that the person has been
347 granted asylum in the United States and such visa or
348 documentation authorizes the person to be legally present within
349 this state.

350 (c) The purchase is in the name of the person who holds the
351 visa or official documentation described in paragraph (b).

352 (3) A person or entity described in paragraph (1)(a) that
353 directly or indirectly owns or acquires any interest in real
354 property in this state before July 1, 2023, may continue to own
355 or hold such real property, but may not purchase or otherwise
356 acquire by grant, devise, or descent any additional real
357 property in this state.

358 (4) (a) A person or entity described in paragraph (1)(a),



359 subsection (2), or subsection (5) must register with the
360 Department of Economic Opportunity if the person or entity owns
361 or acquires more than a de minimus indirect interest in real
362 property in this state. The department must establish a form for
363 such registration which, at a minimum, must include all of the
364 following:

- 365 1. The name of the owner of the real property.
366 2. The address of the real property, the property
367 appraiser's parcel identification number, and the property's
368 legal description.

369 (b) A person or entity that fails to timely file a
370 registration with the department is subject to a civil penalty
371 of \$1,000 for each day that the registration is late. The person
372 or entity subject to the registration requirements must register
373 the property or property interests owned or acquired before July
374 1, 2023, by December 31, 2023. The registration is considered to
375 be late 30 days after January 31, 2024. A person or entity that
376 owns or acquires real property or an interest in real property
377 as authorized under subsection (2) or subsection (5), other than
378 an de minimus indirect interest, on or after July 1, 2023, must
379 register the real property or interest within 30 days after the
380 property or interest is owned or acquired. The department may
381 place a lien against the unregistered real property for the
382 unpaid balance of any penalties assessed under this paragraph.

383 (5) Notwithstanding subsection (1), a person or an entity
384 described in paragraph (1) (a) may acquire real property in this
385 state on or after July 1, 2023, by devise or descent, through
386 the enforcement of security interests, or through the collection
387 of debts, provided that the person or entity sells, transfers,



388 or otherwise divests itself of such real property within 3 years
389 after acquiring the real property, unless the person or entity
390 is exempt under s. 692.205.

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

394 1. Not a person or entity described in paragraph (1) (a) or
395 that the buyer is a person described in paragraph (1) (a) but is
396 authorized under subsection (2) to purchase the subject
397 property; and

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

399 (b) The failure to obtain or maintain the affidavit does
400 not:

401 1. Affect the title or insurability of the title for the
402 real property; or

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

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

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

412 (b) The Department of Economic Opportunity may initiate a
413 civil action in the circuit court of the county in which the
414 property lies for the forfeiture of the real property or any
415 interest therein.

416 (c) Upon filing such action, the clerk must record a lis



417 pendens in accordance with s. 48.23. The court must advance the
418 cause on the calendar. The defendant may at any time petition to
419 modify or discharge the lis pendens based upon a finding that
420 there is no probable cause to believe that the real property, or
421 any portion thereof, is owned or held in violation of this
422 section.

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

429 (e) The department may sell the real property subject to a
430 final judgment of forfeiture. Any proceeds from the sale must
431 first be paid to any lienholders of the land, followed by
432 payment of any outstanding fines assessed pursuant to this
433 section, after which the department must be reimbursed for all
434 costs related to the forfeiture civil action and any costs
435 related to the sale of the land. Any remaining proceeds must be
436 paid to the property owner.

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

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

444 (9) A person who knowingly sells real property or any
445 interest therein in violation of this section commits a



446 misdemeanor of the first degree, punishable as provided in s.
447 775.082 or s. 775.083.

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

450
451 ===== T I T L E A M E N D M E N T =====

452 And the title is amended as follows:

453 Delete lines 382 - 437

454 and insert:

455 respectively; providing exceptions from ownership
456 restrictions; authorizing foreign principals to
457 continue to own or hold such land or property under
458 certain circumstances; requiring certain foreign
459 principals that own or acquire such land or real
460 property to register with a specified department;
461 requiring the Department of Agriculture and Consumer
462 Services and the Department of Economic Opportunity,
463 respectively, to establish a form for such
464 registration; providing civil penalties; authorizing
465 the Department of Agriculture and Consumer Services
466 and the Department of Economic Opportunity to place a
467 lien against unregistered agricultural land or real
468 property, respectively; requiring certain foreign
469 principals to sell, transfer, or otherwise divest
470 themselves of certain agricultural land or real
471 property within a specified timeframe; requiring
472 buyers of such land or property to provide a signed
473 affidavit; specifying that the failure to maintain or
474 obtain the affidavit does not affect the title or



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475 insurability of the title for the agricultural land or
476 real property, respectively, or subject the closing
477 agent to certain liability; authorizing the Florida
478 Real Estate Commission to adopt rules; authorizing
479 that certain agricultural land or real property be
480 forfeited to the state; authorizing the Department of
481 Agriculture and Consumer Services and the Department
482 of Economic Opportunity to initiate civil actions for
483 forfeiture of the interest in agricultural land or
484 real property, respectively; requiring that such
485 actions be filed in a certain circuit court; requiring
486 clerks to record a lis pendens; requiring courts to
487 advance the cause on the calendar; authorizing
488 defendants to petition to modify or discharge the lis
489 pendens; requiring the court to enter a specified
490 final judgment under certain circumstances;
491 authorizing the Department of Agriculture and Consumer
492 Services and the Department of Economic Opportunity,
493 respectively, to sell the agricultural land or real
494 property; providing requirements for the proceeds from
495 such sale; authorizing the Department of Agriculture
496 and Consumer Services and the Department of Economic
497 Opportunity, respectively, to seek a specified ex
498 parte order; providing criminal penalties; requiring
499 the Department of Agriculture and Consumer Services
500 and the Department of Economic Opportunity,
501 respectively, to adopt rules; creating s. 692.204,
502 F.S.; prohibiting the People's Republic of China, the
503 Chinese Communist Party, any other political party or



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504 member of a political party in the People's Republic
505 of China, and certain persons and entities from
506 purchasing or acquiring real property in this state or
507 having more than a de minimus indirect interest in
508 such real property; providing exceptions from
509 ownership restrictions; authorizing such persons and