



833514

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/22/2023	.	
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The Committee on Rules (Collins) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 293 - 663  
and insert:  
concern and is not a citizen or lawful permanent resident of the  
United States.

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

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



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12 Section 5. Section 692.202, Florida Statutes, is created to  
13 read:

14 692.202 Purchase of agricultural land by foreign principals  
15 prohibited.-

16 (1) A foreign principal may not directly or indirectly own  
17 or acquire by purchase, grant, devise, or descent agricultural  
18 land or any interest in such land in the state. This prohibition  
19 does not apply to a foreign principal that acquires agricultural  
20 land for a diplomatic purpose that is recognized, acknowledged,  
21 or allowed by the Federal Government.

22 (2) A foreign principal that directly or indirectly owns or  
23 acquires agricultural land or any interest in such land in the  
24 state before July 1, 2023, may continue to own or hold such land  
25 or interest, but may not purchase or otherwise acquire by grant,  
26 devise, or descent any additional agricultural land or interest  
27 in such land in the state.

28 (3) (a) A foreign principal that directly or indirectly owns  
29 or acquires agricultural land or any interest in such land in  
30 the state before July 1, 2023, must register with the Department  
31 of Agriculture and Consumer Services by January 1, 2024. The  
32 department must establish a form for such registration, which,  
33 at minimum, must include all of the following:

34 1. The name of the owner of the agricultural land or the  
35 owner of the interest in such land.

36 2. The address of the agricultural land, the property  
37 appraiser's parcel identification number, and the property's  
38 legal description.

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

40 (b) A foreign principal that fails to timely file a



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41 registration with the department is subject to a civil penalty  
42 of \$1,000 for each day that the registration is late. The  
43 department may place a lien against the unregistered  
44 agricultural land for the unpaid balance of any penalties  
45 assessed under this paragraph.

46 (4) Notwithstanding subsection (1), a foreign principal may  
47 acquire agricultural land on or after July 1, 2023, by devise or  
48 descent, through the enforcement of security interests, or  
49 through the collection of debts, provided that the foreign  
50 principal sells, transfers, or otherwise divests itself of the  
51 agricultural land within 2 years after acquiring the  
52 agricultural land.

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

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

58 (b) The failure to obtain or maintain the affidavit does  
59 not:

60 1. Affect the title or insurability of the title for the  
61 agricultural land; or

62 2. Subject the closing agent to civil or criminal liability  
63 except for liability under chapter 837, unless the closing agent  
64 has actual knowledge that the transaction will result in a  
65 violation of this section.

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

69 (6) (a) The agricultural land or an interest in such land



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70 that is owned or acquired in violation of this section may be  
71 forfeited to the state.

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

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

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

89 (e) The department may sell the agricultural land subject  
90 to a final judgment of forfeiture. Any proceeds from the sale  
91 must first be paid to any lienholders of the land, followed by  
92 payment of any outstanding fines assessed pursuant to this  
93 section, after which the department must be reimbursed for all  
94 costs related to the forfeiture civil action and any costs  
95 related to the sale of the land. Any remaining proceeds must be  
96 paid to the property owner.

97 (f) At any time during the forfeiture proceeding the  
98 department may seek an ex parte order of seizure of the



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99 agricultural land upon a showing that the defendant's control of  
100 the agricultural land constitutes a clear and present danger to  
101 the state.

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

106 (8) A person who knowingly sells agricultural land or any  
107 interest therein in violation of this section commits a  
108 misdemeanor of the second degree, punishable as provided in s.  
109 775.082 or s. 775.083.

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

112 Section 6. Section 692.203, Florida Statutes, is created to  
113 read:

114 692.203 Purchase of real property around military  
115 installations and critical infrastructure facilities by foreign  
116 principals prohibited.-

117 (1) A foreign principal may not directly or indirectly own  
118 or acquire by purchase, grant, devise, or descent any interest  
119 in real property within 20 miles of any military installation or  
120 critical infrastructure facility in the state. This prohibition  
121 does not apply to a foreign principal that acquires real  
122 property for a diplomatic purpose that is recognized,  
123 acknowledged, or allowed by the Federal Government.

124 (2) A foreign principal that directly or indirectly owns or  
125 acquires any interest in real property within 20 miles of any  
126 military installation or critical infrastructure facility in the  
127 state before July 1, 2023, may continue to own or hold such real



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128 property, but may not purchase or otherwise acquire by grant,  
129 devise, or descent any additional real property within 20 miles  
130 of any military installation or critical infrastructure facility  
131 in the state.

132 (3) (a) A foreign principal that owns or acquires real  
133 property within 20 miles of any military installation or  
134 critical infrastructure facility in the state before July 1,  
135 2023, must register with the Department of Economic Opportunity  
136 by January 1, 2024. The department must establish a form for  
137 such registration which, at a minimum, must include all of the  
138 following:

- 139 1. The name of the owner of the real property.  
140 2. The address of the real property, the property  
141 appraiser's parcel identification number, and the property's  
142 legal description.

143 (b) A foreign principal that fails to timely file a  
144 registration with the department is subject to a civil penalty  
145 of \$1,000 for each day that the registration is late. The  
146 department may place a lien against the unregistered real  
147 property for the unpaid balance of any penalties assessed under  
148 this paragraph.

149 (4) Notwithstanding subsection (1), a foreign principal may  
150 acquire real property or any interest therein which is within 20  
151 miles of any military installation or critical infrastructure  
152 facility in the state on or after July 1, 2023, by devise or  
153 descent, through the enforcement of security interests, or  
154 through the collection of debts, provided that the foreign  
155 principal sells, transfers, or otherwise divests itself of such  
156 real property within 2 years after acquiring the real property.



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157       (5) (a) At the time of purchase, a buyer of the real  
158 property that is within 20 miles of any military installation or  
159 critical infrastructure facility in this state must provide an  
160 affidavit signed under penalty of perjury attesting that the  
161 buyer is:

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

164       (b) The failure to obtain or maintain the affidavit does  
165 not:

- 166       1. Affect the title or insurability of the title for the  
167 real property; or

168       2. Subject the closing agent to civil or criminal liability  
169 except for liability under chapter 837, unless the closing agent  
170 has actual knowledge that the transaction will result in a  
171 violation of this section.

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

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

178       (b) The Department of Economic Opportunity may initiate a  
179 civil action in the circuit court of the county in which the  
180 property lies for the forfeiture of the real property or any  
181 interest therein.

182       (c) Upon filing such action, the clerk must record a lis  
183 pendens in accordance with s. 48.23. The court must advance the  
184 cause on the calendar. The defendant may at any time petition to  
185 modify or discharge the lis pendens based upon a finding that



186 there is no probable cause to believe that the real property, or  
187 any portion thereof, is owned or held in violation of this  
188 section.

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

195 (e) The department may sell the real property subject to a  
196 final judgment of forfeiture. Any proceeds from the sale must  
197 first be paid to any lienholders of the land, followed by  
198 payment of any outstanding fines assessed pursuant to this  
199 section, after which the department must be reimbursed for all  
200 costs related to the forfeiture civil action and any costs  
201 related to the sale of the land. Any remaining proceeds must be  
202 paid to the property owner.

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

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

211 (8) A person who knowingly sells real property or any  
212 interest therein in violation of this section commits a  
213 misdemeanor of the second degree, punishable as provided in s.  
214 775.082 or s. 775.083.





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

217 Section 7. Section 692.204, Florida Statutes, is created to  
218 read:

219 692.204 Purchase or acquisition of real property by the  
220 People's Republic of China prohibited.—

221 (1) (a) The following persons or entities may not directly  
222 or indirectly own or acquire by purchase, grant, devise, or  
223 descent any interest in real property in the state:

224 1. The People's Republic of China, the Chinese Communist  
225 Party, or any official or member of the People's Republic of  
226 China or the Chinese Communist Party.

227 2. Any other political party or member of a political party  
228 or a subdivision of a political party in the People's Republic  
229 of China.

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

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

237 (b) Paragraph (a) does not apply to a person or entity of  
238 the People's Republic of China that acquires real property for a  
239 diplomatic purpose that is recognized, acknowledged, or allowed  
240 by the Federal Government.

241 (2) A person or entity described in paragraph (1) (a) that  
242 directly or indirectly owns or acquires any interest in real  
243 property in the state before July 1, 2023, may continue to own



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244 or hold such real property, but may not purchase or otherwise  
245 acquire by grant, devise, or descent any additional real  
246 property in the state.

247 (3) (a) A person or entity described in paragraph (1) (a)  
248 that owns or acquires real property in the state before July 1,  
249 2023, must register with the Department of Economic Opportunity  
250 by January 1, 2024. The department must establish a form for  
251 such registration which, at a minimum, must include all of the  
252 following:

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

254 2. The address of the real property, the property  
255 appraiser's parcel identification number, and the property's  
256 legal description.

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

263 (4) Notwithstanding subsection (1), a person or an entity  
264 described in paragraph (1) (a) may acquire real property in the  
265 state on or after July 1, 2023, by devise or descent, through  
266 the enforcement of security interests, or through the collection  
267 of debts, provided that the person or entity sells, transfers,  
268 or otherwise divests itself of such real property within 2 years  
269 after acquiring the real property unless the person or entity is  
270 exempt under paragraph (1) (b).

271 (5) (a) At the time of purchase, a buyer of real property in  
272 the state must provide an affidavit signed under penalty of



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273 perjury attesting that the buyer is:  
274 1. Not a person or entity described in paragraph (1) (a);  
275 and  
276 2. In compliance with the requirements of this section.  
277 (b) The failure to obtain or maintain the affidavit does  
278 not:  
279 1. Affect the title or insurability of the title for the  
280 real property; or  
281 2. Subject the closing agent to civil or criminal liability  
282 except for liability under chapter 837, unless the closing agent  
283 has actual knowledge that the transaction will result in a  
284 violation of this section.  
285 (c) The Florida Real Estate Commission shall adopt rules to  
286 implement this subsection, including rules establishing the form  
287 for the affidavit required under this subsection.  
288 (6) (a) If any real property is owned or acquired in  
289 violation of this section, the real property may be forfeited to  
290 the state.  
291 (b) The Department of Economic Opportunity may initiate a  
292 civil action in the circuit court of the county in which the  
293 property lies for the forfeiture of the real property or any  
294 interest therein.  
295 (c) Upon filing such action, the clerk must record a lis  
296 pendens in accordance with s. 48.23. The court must advance the  
297 cause on the calendar. The defendant may at any time petition to  
298 modify or discharge the lis pendens based upon a finding that  
299 there is no probable cause to believe that the real property, or  
300 any portion thereof, is owned or held in violation of this  
301 section.



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

308       (e) The department may sell the real property subject to a  
309 final judgment of forfeiture. Any proceeds from the sale must  
310 first be paid to any lienholders of the land, followed by  
311 payment of any outstanding fines assessed pursuant to this  
312 section, after which the department must be reimbursed for all  
313 costs related to the forfeiture civil action and any costs  
314 related to the sale of the land. Any remaining proceeds must be  
315 paid to the property owner.

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

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

323       (8) A person who sells real property or any interest  
324 therein in violation of this section commits a misdemeanor of  
325 the first degree, punishable as provided in s. 775.082 or s.  
326 775.083.

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

329       Section 8. Present subsections (3), (4), and (5) of section  
330 408.051, Florida Statutes, are redesignated as subsections (4),



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331 (5), and (6), respectively, a new subsection (3) is added to  
332 that section, and subsection (2) of that section is reordered  
333 and amended, to read:

334 408.051 Florida Electronic Health Records Exchange Act.—

335 (2) DEFINITIONS.—As used in this section, the term:

336 (c)~~(a)~~ "Electronic health record" means a record of a  
337 person's medical treatment which is created by a licensed health  
338 care provider and stored in an interoperable and accessible  
339 digital format.

340 (i)~~(b)~~ "Qualified electronic health record" means an  
341 electronic record of health-related information concerning an  
342 individual which includes patient demographic and clinical  
343 health information, such as medical history and problem lists,  
344 and which has the capacity to provide clinical decision support,  
345 to support physician order entry, to capture and query  
346 information relevant to health care quality, and to exchange  
347 electronic health information with, and integrate such  
348 information from, other sources.

349 (a)~~(e)~~ "Certified electronic health record technology"  
350 means a qualified electronic health record that is certified  
351 pursuant to s. 3001(c)(5) of the Public Health Service Act as  
352 meeting standards adopted under s. 3004 of such act which are  
353 applicable to the type of record involved, such as an ambulatory  
354 electronic health record for office-based physicians or an  
355 inpatient hospital electronic health record for hospitals.

356 (b) "Cloud computing" has the same meaning as in s.  
357 282.0041.

358 (d) "Health care provider" means any of the following:

359 1. A provider as defined in s. 408.803.



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360           2. A health care practitioner as defined in s. 456.001.

361           3. A health care professional certified under part IV of  
362 chapter 468.

363           4. A home health aide as defined in s. 400.462.

364           5. A service provider as defined in s. 394.455 and the  
365 service provider's clinical and nonclinical staff who provide  
366 inpatient or outpatient services.

367           6. A continuing care facility licensed under chapter 651.

368           7. A pharmacy permitted under chapter 465.

369           ~~(e)~~ (d) "Health record" means any information, recorded in  
370 any form or medium, which relates to the past, present, or  
371 future health of an individual for the primary purpose of  
372 providing health care and health-related services.

373           ~~(f)~~ (e) "Identifiable health record" means any health record  
374 that identifies the patient or with respect to which there is a  
375 reasonable basis to believe the information can be used to  
376 identify the patient.

377           ~~(g)~~ (f) "Patient" means an individual who has sought, is  
378 seeking, is undergoing, or has undergone care or treatment in a  
379 health care facility or by a health care provider.

380           ~~(h)~~ (g) "Patient representative" means a parent of a minor  
381 patient, a court-appointed guardian for the patient, a health  
382 care surrogate, or a person holding a power of attorney or  
383 notarized consent appropriately executed by the patient granting  
384 permission to a health care facility or health care provider to  
385 disclose the patient's health care information to that person.  
386 In the case of a deceased patient, the term also means the  
387 personal representative of the estate of the deceased patient;  
388 the deceased patient's surviving spouse, surviving parent, or



389 surviving adult child; the parent or guardian of a surviving  
390 minor child of the deceased patient; the attorney for the  
391 patient's surviving spouse, parent, or adult child; or the  
392 attorney for the parent or guardian of a surviving minor child.

393 (3) SECURITY AND STORAGE OF PERSONAL MEDICAL INFORMATION.-

394 In addition to the requirements in 45 C.F.R. part 160 and  
395 subparts A and C of part 164, a health care provider that  
396 utilizes certified electronic health record technology must  
397 ensure that all patient information stored in an offsite  
398 physical or virtual environment, including through a third-party  
399 or subcontracted computing facility or an entity providing cloud  
400 computing services, is physically maintained in the continental  
401 United States or its territories or Canada. This subsection  
402 applies to all qualified

403  
404 ===== T I T L E A M E N D M E N T =====

405 And the title is amended as follows:

406 Delete lines 46 - 114

407 and insert:

408 real property, respectively, or subject the closing  
409 agent to certain liability; authorizing the Florida  
410 Real Estate Commission to adopt rules; authorizing  
411 that certain agricultural land or real property be  
412 forfeited to the state; authorizing the Department of  
413 Agriculture and Consumer Services and the Department  
414 of Economic Opportunity to initiate civil actions for  
415 forfeiture of the interest in agricultural land or  
416 real property, respectively; requiring that such  
417 actions be filed in a certain circuit court; requiring



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418 clerks to record a lis pendens; requiring courts to  
419 advance the cause on the calendar; authorizing  
420 defendants to petition to modify or discharge the lis  
421 pendens; requiring the court to enter a specified  
422 final judgment under certain circumstances;  
423 authorizing the Department of Agriculture and Consumer  
424 Services and the Department of Economic Opportunity,  
425 respectively, to sell the agricultural land or real  
426 property; providing requirements for the proceeds from  
427 such sale; authorizing the Department of Agriculture  
428 and Consumer Services and the Department of Economic  
429 Opportunity, respectively, to seek a specified ex  
430 parte order; providing criminal penalties; requiring  
431 the Department of Agriculture and Consumer Services  
432 and the Department of Economic Opportunity,  
433 respectively, to adopt rules; creating s. 692.204,  
434 F.S.; prohibiting the People's Republic of China, the  
435 Chinese Communist Party, any other political party or  
436 member of a political party in the People's Republic  
437 of China, and certain persons and entities from  
438 purchasing or acquiring real property in the state;  
439 providing an exception; authorizing such persons and  
440 entities to continue to own or hold such real property  
441 under certain circumstances; requiring certain persons  
442 or entities that own or acquire real property in the  
443 state to register with the Department of Economic  
444 Opportunity by a specified date; requiring the  
445 Department of Economic Opportunity to establish a form  
446 for such registration; providing civil penalties;





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447 authorizing the Department of Economic Opportunity to  
448 place a lien against unregistered real property;  
449 requiring certain persons and entities to sell,  
450 transfer, or otherwise divest themselves of certain  
451 real property within a specified timeframe; requiring  
452 buyers of real property to provide a signed affidavit;  
453 specifying that the failure to maintain or obtain the  
454 affidavit does not affect the title or insurability of  
455 the title for the real property or subject the closing  
456 agent to certain liability; authorizing the commission  
457 to adopt rules; authorizing certain real property to  
458 be forfeited to the state; authorizing the Department  
459 of Economic Opportunity to initiate civil actions for  
460 forfeiture of the interest in real property; requiring  
461 such actions to be filed in a certain circuit court;  
462 requiring clerks to record a lis pendens; requiring  
463 courts to advance the cause on the calendar;  
464 authorizing defendants to petition to modify or  
465 discharge the lis pendens; requiring the court to  
466 enter a specified final judgment under certain  
467 circumstances; authorizing the Department of Economic  
468 Opportunity to sell the real property; providing  
469 requirements for the proceeds from such sale;  
470 authorizing the Department of Economic Opportunity to  
471 seek a specified ex parte order; providing criminal  
472 penalties; requiring the Department of Economic  
473 Opportunity to adopt rules; amending s. 408.051, F.S.;  
474 defining the terms "cloud computing" and "health care  
475 provider"; requiring that certain information held by



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476 health care providers that utilize certified  
477 electronic health record technology be maintained in  
478 specified locations; providing