

By the Committee on Judiciary; and Senators Collins and Avila

590-02576-23

2023264c1

1 A bill to be entitled
2 An act relating to interests of foreign countries;
3 creating s. 287.138, F.S.; defining terms; prohibiting
4 governmental entities from knowingly entering into
5 certain contracts; prohibiting governmental entities
6 from taking specified actions after a specified date
7 relating to contracts that give certain access to
8 personal identifying information; providing an
9 exception; authorizing the Attorney General to bring a
10 civil action; providing penalties; requiring penalties
11 to be deposited into the General Revenue Fund;
12 requiring the Department of Management Services to
13 adopt rules; creating s. 288.007, F.S.; defining
14 terms; prohibiting governmental entities from
15 knowingly entering into certain contracts; requiring
16 government entities to require an affidavit from
17 applicants before providing any economic incentive;
18 requiring the Department of Economic Opportunity to
19 adopt rules; providing a directive to the Division of
20 Law Revision to create part III of ch. 692, F.S., to
21 be entitled "Conveyances to Foreign Entities";
22 creating s. 692.201, F.S.; defining terms; creating
23 ss. 692.202 and 692.203, F.S.; prohibiting foreign
24 principals from purchasing agricultural land, or
25 interest in such land, and certain real property in
26 the state, respectively; authorizing foreign
27 principals to continue to own or hold such land or
28 property under certain circumstances; requiring
29 certain foreign principals that own or acquire such

590-02576-23

2023264c1

30 land or real property to register with a specified
31 department; requiring the Department of Agriculture
32 and Consumer Services and the Department of Economic
33 Opportunity, respectively, to establish a form for
34 such registration; providing civil penalties;
35 authorizing the Department of Agriculture and Consumer
36 Services and the Department of Economic Opportunity to
37 place a lien against unregistered agricultural land or
38 real property, respectively; requiring certain foreign
39 principals to sell, transfer, or otherwise divest
40 themselves of certain agricultural land or real
41 property within a specified timeframe; requiring
42 buyers of such land or property to provide a signed
43 affidavit; specifying that the failure to maintain or
44 obtain the affidavit does not affect the title or
45 insurability of the title for the agricultural land or
46 real property, respectively; authorizing the Florida
47 Real Estate Commission to adopt rules; authorizing
48 certain agricultural land or real property to be
49 forfeited to the state; authorizing the Department of
50 Agriculture and Consumer Services and the Department
51 of Economic Opportunity to initiate civil actions for
52 forfeiture of the interest in agricultural land or
53 real property, respectively; requiring such actions to
54 be filed in a certain circuit court; requiring clerks
55 to record a lis pendens; requiring courts to advance
56 the cause on the calendar; authorizing defendants to
57 petition to modify or discharge the lis pendens;
58 requiring the court to enter a specified final

590-02576-23

2023264c1

59 judgment under certain circumstances; authorizing the
60 Department of Agriculture and Consumer Services and
61 the Department of Economic Opportunity, respectively,
62 to sell the agricultural land or real property;
63 providing requirements for the proceeds from such
64 sale; authorizing the Department of Agriculture and
65 Consumer Services and the Department of Economic
66 Opportunity, respectively, to seek a specified ex
67 parte order; providing criminal penalties; requiring
68 the Department of Agriculture and Consumer Services
69 and the Department of Economic Opportunity,
70 respectively, to adopt rules; creating s. 692.204,
71 F.S.; prohibiting the People's Republic of China, the
72 Chinese Communist Party, any other political party or
73 member of a political party in the People's Republic
74 of China, and certain persons and entities from
75 purchasing or acquiring real property in the state;
76 providing an exception; authorizing such persons and
77 entities to continue to own or hold such real property
78 under certain circumstances; requiring certain persons
79 or entities that own or acquire real property in the
80 state to register with the Department of Economic
81 Opportunity by a specified date; requiring the
82 Department of Economic Opportunity to establish a form
83 for such registration; providing civil penalties;
84 authorizing the Department of Economic Opportunity to
85 place a lien against unregistered real property;
86 requiring certain persons and entities to sell,
87 transfer, or otherwise divest themselves of certain

590-02576-23

2023264c1

88 real property within a specified timeframe; requiring
89 buyers of real property to provide a signed affidavit;
90 specifying that the failure to maintain or obtain the
91 affidavit does not affect the title or insurability of
92 the title for the real property; authorizing the
93 commission to adopt rules; authorizing certain real
94 property to be forfeited to the state; authorizing the
95 Department of Economic Opportunity to initiate civil
96 actions for forfeiture of the interest in real
97 property; requiring such actions to be filed in a
98 certain circuit court; requiring clerks to record a
99 lis pendens; requiring courts to advance the cause on
100 the calendar; authorizing defendants to petition to
101 modify or discharge the lis pendens; requiring the
102 court to enter a specified final judgment under
103 certain circumstances; authorizing the Department of
104 Economic Opportunity to sell the real property;
105 providing requirements for the proceeds from such
106 sale; authorizing the Department of Economic
107 Opportunity to seek a specified ex parte order;
108 providing criminal penalties; requiring the Department
109 of Economic Opportunity to adopt rules; amending s.
110 408.051, F.S.; defining the terms "cloud computing"
111 and "health care provider"; requiring that certain
112 information held by health care providers that utilize
113 certified electronic health record technology be
114 maintained in the continental United States; providing
115 applicability; amending s. 408.810, F.S.; requiring a
116 licensee to sign a specified affidavit upon initial

590-02576-23

2023264c1

117 application for a license and any renewal
118 applications; authorizing disciplinary action by the
119 Agency for Health Care Administration; prohibiting a
120 person or entity that possesses a controlling interest
121 from holding an interest in certain entities;
122 providing definitions; amending s. 836.05, F.S.;
123 providing enhanced criminal penalties for threatening
124 a person while acting as a foreign agent with the
125 intent of benefiting a foreign country of concern;
126 providing an effective date.

127
128 Be It Enacted by the Legislature of the State of Florida:

129
130 Section 1. Section 287.138, Florida Statutes, is created to
131 read:

132 287.138 Contracting with entities of foreign countries of
133 concern prohibited.-

134 (1) As used in this section, the term:

135 (a) "Controlling interest" means possession of the power to
136 direct or cause the direction of the management or policies of a
137 company, whether through ownership of securities, by contract,
138 or otherwise. A person or entity that directly or indirectly has
139 the right to vote 25 percent or more of the voting interests of
140 the company or is entitled to 25 percent or more of its profits
141 is presumed to possess a controlling interest.

142 (b) "Department" means the Department of Management
143 Services.

144 (c) "Foreign country of concern" means the People's
145 Republic of China, the Russian Federation, the Islamic Republic

590-02576-23

2023264c1

146 of Iran, the Democratic People's Republic of Korea, the Republic
147 of Cuba, the Venezuelan regime of Nicolás Maduro, or the Syrian
148 Arab Republic, including any agency of or any other entity of
149 significant control of such foreign country of concern.

150 (d) "Governmental entity" means any state, county,
151 district, authority, or municipal officer, department, division,
152 board, bureau, commission, or other separate unit of government
153 created or established by law including, but not limited to, the
154 Commission on Ethics, the Public Service Commission, the Office
155 of Public Counsel, and any other public or private agency,
156 person, partnership, corporation, or business entity acting on
157 behalf of any public agency.

158 (2) A governmental entity may not knowingly enter into a
159 contract with an entity which would give access to an
160 individual's personal identifying information if:

161 (a) The entity is owned by the government of a foreign
162 country of concern;

163 (b) The government of a foreign country of concern has a
164 controlling interest in the entity; or

165 (c) The entity is organized under the laws of or has its
166 principal place of business in a foreign country of concern.

167 (3) Beginning July 1, 2025, a governmental entity may not
168 extend or renew a contract with an entity listed in paragraphs
169 (2) (a)-(c) if the contract would give such entity access to an
170 individual's personal identifying information.

171 (4) (a) Beginning January 1, 2024, a governmental entity may
172 not accept a bid on, a proposal for, or a reply to, or enter
173 into, a contract with an entity which would grant the entity
174 access to an individual's personal identifying information

590-02576-23

2023264c1

175 unless the entity provides the governmental entity with an
176 affidavit signed by an officer or representative of the entity
177 under penalty of perjury attesting that the entity does not meet
178 any of the criteria in paragraphs (2) (a)-(c).

179 (b) Beginning July 1, 2025, when an entity extends or
180 renews a contract with a governmental entity which would grant
181 the entity access to an individual's personal identifying
182 information, the entity must provide the governmental entity
183 with an affidavit signed by an officer or representative of the
184 entity under penalty of perjury attesting that the entity does
185 not meet any of the criteria in paragraphs (2) (a)-(c).

186 (5) The Attorney General may bring a civil action in any
187 court of competent jurisdiction against an entity that violates
188 this section. Violations of this section may result in:

189 (a) A civil penalty equal to twice the amount of the
190 contract for which the entity submitted a bid or proposal for,
191 replied to, or entered into;

192 (b) Ineligibility to enter into, renew, or extend any
193 contract, including any grant agreements, with any governmental
194 entity for up to 5 years;

195 (c) Ineligibility to receive or renew any license,
196 certification, or credential issued by a governmental entity for
197 up to 5 years; and

198 (d) Placement on the suspended vendor list pursuant to s.
199 287.1351.

200 (6) Any penalties collected under subsection (5) must be
201 deposited into the General Revenue Fund.

202 (7) The department shall adopt rules to implement this
203 section, including rules establishing the form for the affidavit

590-02576-23

2023264c1

204 required under subsection (4).

205 Section 2. Section 288.007, Florida Statutes, is created to
206 read:

207 288.007 Economic incentives to foreign countries of concern
208 prohibited.-

209 (1) As used in this section, the term:

210 (a) "Controlled by" means having possession of the power to
211 direct or cause the direction of the management or policies of a
212 company, whether through ownership of securities, by contract,
213 or otherwise. A person or entity that directly or indirectly has
214 the right to vote 25 percent or more of the voting interests of
215 the company or that is entitled to 25 percent or more of its
216 profits is presumed to control the foreign entity.

217 (b) "Economic incentive" means all programs administered
218 by, or for which an applicant for the program must seek
219 certification, approval, or other action by, the department
220 under this chapter, chapter 212, or chapter 220; and all local
221 economic development programs, grants, or financial benefits
222 administered by a political subdivision or an agent thereof.

223 (c) "Foreign country of concern" has the same meaning as in
224 s. 692.201.

225 (d) "Foreign entity" means an entity that is:

226 1. Owned or controlled by the government of a foreign
227 country of concern; or

228 2. A partnership, association, corporation, organization,
229 or other combination of persons organized under the laws of or
230 having its principal place of business in a foreign country of
231 concern, or a subsidiary of such entity.

232 (e) "Government entity" means a state agency, a political

590-02576-23

2023264c1

233 subdivision, or any other public or private agency, person,
234 partnership, corporation, or business entity acting on behalf of
235 any public agency.

236 (2) A government entity may not knowingly enter into an
237 agreement or contract for an economic incentive with a foreign
238 entity.

239 (3) Before providing any economic incentive, a government
240 entity must require the recipient or applicant to provide the
241 government entity with an affidavit signed under penalty of
242 perjury attesting that the recipient or applicant is not a
243 foreign entity.

244 (4) The department shall adopt rules to administer this
245 section, including rules establishing the form for the affidavit
246 required under subsection (3).

247 Section 3. The Division of Law Revision is directed to
248 create part III of chapter 692, Florida Statutes, consisting of
249 ss. 692.201, 692.202, 692.203, and 692.204, Florida Statutes, to
250 be entitled "Conveyances to Foreign Entities."

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

253 692.201 Definitions.—As used in this part, the term:

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

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

259 (a) A chemical manufacturing facility.

260 (b) A refinery.

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

590-02576-23

2023264c1

262 including a substation, switching station, electrical control
263 center, or electric transmission or distribution facility.

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

266 (e) A natural gas transmission compressor station.

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

268 (g) A telecommunications central switching office.

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

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

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

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

276 (3) "Foreign country of concern" means the People's
277 Republic of China, the Russian Federation, the Islamic Republic
278 of Iran, the Democratic People's Republic of Korea, the Republic
279 of Cuba, the Venezuelan regime of Nicolás Maduro, or the Syrian
280 Arab Republic, including any agency of or any other entity of
281 significant control of such foreign country of concern.

282 (4) "Foreign principal" means:

283 (a) The government or any official of the government of a
284 foreign country of concern;

285 (b) A political party or member of a political party or any
286 subdivision of a political party in a foreign country of
287 concern;

288 (c) A partnership, association, corporation, organization,
289 or other combination of persons organized under the laws of or
290 having its principal place of business in a foreign country of

590-02576-23

2023264c1

291 concern, or a subsidiary of such entity;

292 (d) Any person who is domiciled in a foreign country of
293 concern and is not a citizen of the United States.

294 (5) "Military installation" has the same meaning as in 10
295 U.S.C. s. 2801(c)(4) and includes an armory as defined in s.
296 250.01.

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

299 Section 5. Section 692.202, Florida Statutes, is created to
300 read:

301 692.202 Purchase of agricultural land by foreign principals
302 prohibited.—

303 (1) A foreign principal may not directly or indirectly own
304 or acquire by purchase, grant, devise, or descent agricultural
305 land or any interest in such land in the state. This prohibition
306 does not apply to a foreign principal that acquires agricultural
307 land for a diplomatic purpose that is recognized, acknowledged,
308 or allowed by the Federal Government.

309 (2) A foreign principal that directly or indirectly owns or
310 acquires agricultural land or any interest in such land in the
311 state before July 1, 2023, may continue to own or hold such land
312 or interest, but may not purchase or otherwise acquire by grant,
313 devise, or descent any additional agricultural land or interest
314 in such land in the state.

315 (3) (a) A foreign principal that directly or indirectly owns
316 or acquires agricultural land or any interest in such land in
317 the state before July 1, 2023, must register with the Department
318 of Agriculture and Consumer Services by January 1, 2024. The
319 department must establish a form for such registration, which,

590-02576-23

2023264c1

320 at minimum, must include all of the following:

321 1. The name of the owner of the agricultural land or the
322 owner of the interest in such land.

323 2. The address of the agricultural land, the property
324 appraiser's parcel identification number, and the property's
325 legal description.

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

327 (b) A foreign principal that fails to timely file a
328 registration with the department is subject to a civil penalty
329 of \$1,000 for each day that the registration is late. The
330 department may place a lien against the unregistered
331 agricultural land for the unpaid balance of any penalties
332 assessed under this paragraph.

333 (4) Notwithstanding subsection (1), a foreign principal may
334 acquire agricultural land on or after July 1, 2023, by devise or
335 descent, through the enforcement of security interests, or
336 through the collection of debts, provided that the foreign
337 principal sells, transfers, or otherwise divests itself of the
338 agricultural land within 2 years after acquiring the
339 agricultural land.

340 (5) At the time of purchase, a buyer of agricultural land
341 or an interest in such land must provide an affidavit signed
342 under penalty of perjury attesting to compliance with this
343 section. The failure to obtain or maintain the affidavit does
344 not affect the title or insurability of the title for the
345 agricultural land. The Florida Real Estate Commission shall
346 adopt rules to implement this subsection, including rules
347 establishing the form for the affidavit required under this
348 subsection.

590-02576-23

2023264c1

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

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

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

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

369 (e) The department may sell the agricultural land subject
370 to a final judgment of forfeiture. Any proceeds from the sale
371 must first be paid to any lienholders of the land, followed by
372 payment of any outstanding fines assessed pursuant to this
373 section, after which the department must be reimbursed for all
374 costs related to the forfeiture civil action and any costs
375 related to the sale of the land. Any remaining proceeds must be
376 paid to the property owner.

377 (f) At any time during the forfeiture proceeding the

590-02576-23

2023264c1

378 department may seek an ex parte order of seizure of the
379 agricultural land upon a showing that the defendant's control of
380 the agricultural land constitutes a clear and present danger to
381 the state.

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

386 (8) A person who knowingly sells agricultural land or any
387 interest therein in violation of this section commits a
388 misdemeanor of the second degree, punishable as provided in s.
389 775.082 or s. 775.083.

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

392 Section 6. Section 692.203, Florida Statutes, is created to
393 read:

394 692.203 Purchase of real property around military
395 installations and critical infrastructure facilities by foreign
396 principals prohibited.-

397 (1) A foreign principal may not directly or indirectly own
398 or acquire by purchase, grant, devise, or descent any interest
399 in real property within 20 miles of any military installation or
400 critical infrastructure facility in the state. This prohibition
401 does not apply to a foreign principal that acquires real
402 property for a diplomatic purpose that is recognized,
403 acknowledged, or allowed by the Federal Government.

404 (2) A foreign principal that directly or indirectly owns or
405 acquires any interest in real property within 20 miles of any
406 military installation or critical infrastructure facility in the

590-02576-23

2023264c1

407 state before July 1, 2023, may continue to own or hold such real
408 property, but may not purchase or otherwise acquire by grant,
409 devise, or descent any additional real property within 20 miles
410 of any military installation or critical infrastructure facility
411 in the state.

412 (3) (a) A foreign principal that owns or acquires real
413 property within 20 miles of any military installation or
414 critical infrastructure facility in the state before July 1,
415 2023, must register with the Department of Economic Opportunity
416 by January 1, 2024. The department must establish a form for
417 such registration which, at a minimum, must include all of the
418 following:

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

420 2. The address of the real property, the property
421 appraiser's parcel identification number, and the property's
422 legal description.

423 (b) A foreign principal that fails to timely file a
424 registration with the department is subject to a civil penalty
425 of \$1,000 for each day that the registration is late. The
426 department may place a lien against the unregistered real
427 property for the unpaid balance of any penalties assessed under
428 this paragraph.

429 (4) Notwithstanding subsection (1), a foreign principal may
430 acquire real property or any interest therein which is within 20
431 miles of any military installation or critical infrastructure
432 facility in the state on or after July 1, 2023, by devise or
433 descent, through the enforcement of security interests, or
434 through the collection of debts, provided that the foreign
435 principal sells, transfers, or otherwise divests itself of such

590-02576-23

2023264c1

436 real property within 2 years after acquiring the real property.

437 (5) At the time of purchase, a buyer of real property that
438 is located within 20 miles of any military installation or
439 critical infrastructure facility in the state must provide an
440 affidavit signed under penalty of perjury attesting to
441 compliance with this section. The failure to obtain or maintain
442 the affidavit does not affect the title or insurability of the
443 title for the real property. The Florida Real Estate Commission
444 shall adopt rules to implement this subsection, including rules
445 establishing the form for the affidavit required under this
446 subsection.

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

450 (b) The Department of Economic Opportunity may initiate a
451 civil action in the circuit court of the county in which the
452 property lies for the forfeiture of the real property or any
453 interest therein.

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

461 (d) If the court finds that the real property, or any
462 portion thereof, is owned or held in violation of this section,
463 the court must enter a final judgment of forfeiture vesting
464 title to the real property in the state, subject only to the

590-02576-23

2023264c1

465 rights and interests of bona fide lienholders, and such final
466 judgment relates back to the date of the lis pendens.

467 (e) The department may sell the real property subject to a
468 final judgment of forfeiture. Any proceeds from the sale must
469 first be paid to any lienholders of the land, followed by
470 payment of any outstanding fines assessed pursuant to this
471 section, after which the department must be reimbursed for all
472 costs related to the forfeiture civil action and any costs
473 related to the sale of the land. Any remaining proceeds must be
474 paid to the property owner.

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

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

483 (8) A person who knowingly sells real property or any
484 interest therein in violation of this section commits a
485 misdemeanor of the second degree, punishable as provided in s.
486 775.082 or s. 775.083.

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

489 Section 7. Section 692.204, Florida Statutes, is created to
490 read:

491 692.204 Purchase or acquisition of real property by the
492 People's Republic of China prohibited.—

493 (1) (a) The following persons or entities may not directly

590-02576-23

2023264c1

494 or indirectly own or acquire by purchase, grant, devise, or
495 descent any interest in real property in the state:

496 1. The People's Republic of China, the Chinese Communist
497 Party, or any official or member of the People's Republic of
498 China or the Chinese Communist Party.

499 2. Any other political party or member of a political party
500 or a subdivision of a political party in the People's Republic
501 of China.

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

506 4. Any person who is domiciled in the People's Republic of
507 China and who is not a citizen of the United States.

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

512 (2) A person or entity described in paragraph (1)(a) that
513 directly or indirectly owns or acquires any interest in real
514 property in the state before July 1, 2023, may continue to own
515 or hold such real property, but may not purchase or otherwise
516 acquire by grant, devise, or descent any additional real
517 property in the state.

518 (3)(a) A person or entity described in paragraph (1)(a)
519 that owns or acquires real property in the state before July 1,
520 2023, must register with the Department of Economic Opportunity
521 by January 1, 2024. The department must establish a form for
522 such registration which, at a minimum, must include all of the

590-02576-23

2023264c1

523 following:

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

525 2. The address of the real property, the property
526 appraiser's parcel identification number, and the property's
527 legal description.

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

534 (4) Notwithstanding subsection (1), a person or an entity
535 described in paragraph (1)(a) may acquire real property in the
536 state on or after July 1, 2023, by devise or descent, through
537 the enforcement of security interests, or through the collection
538 of debts, provided that the person or entity sells, transfers,
539 or otherwise divests itself of such real property within 2 years
540 after acquiring the real property unless the person or entity is
541 exempt under paragraph (1)(b).

542 (5) At the time of purchase, a buyer of real property in
543 the state must provide an affidavit signed under penalty of
544 perjury attesting to compliance with this section. The failure
545 to obtain or maintain the affidavit does not affect the title or
546 insurability of the title for the real property. The Florida
547 Real Estate Commission shall adopt rules to implement this
548 subsection, including rules establishing the form for the
549 affidavit required under this subsection.

550 (6) (a) If any real property is owned or acquired in
551 violation of this section, the real property may be forfeited to

590-02576-23

2023264c1

552 the state.

553 (b) The Department of Economic Opportunity may initiate a
554 civil action in the circuit court of the county in which the
555 property lies for the forfeiture of the real property or any
556 interest therein.

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

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

570 (e) The department may sell the real property subject to a
571 final judgment of forfeiture. Any proceeds from the sale must
572 first be paid to any lienholders of the land, followed by
573 payment of any outstanding fines assessed pursuant to this
574 section, after which the department must be reimbursed for all
575 costs related to the forfeiture civil action and any costs
576 related to the sale of the land. Any remaining proceeds must be
577 paid to the property owner.

578 (f) At any time during the forfeiture proceeding the
579 department may seek an ex parte order of seizure of the real
580 property upon a showing that the defendant's control of the real

590-02576-23

2023264c1

581 property constitutes a clear and present danger to the state.

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

585 (8) A person who sells real property or any interest
586 therein in violation of this section commits a misdemeanor of
587 the first degree, punishable as provided in s. 775.082 or s.
588 775.083.

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

591 Section 8. Present subsections (3), (4), and (5) of section
592 408.051, Florida Statutes, are redesignated as subsections (4),
593 (5), and (6), respectively, a new subsection (3) is added to
594 that section, and subsection (2) of that section is reordered
595 and amended, to read:

596 408.051 Florida Electronic Health Records Exchange Act.—

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

598 (a) "Electronic health record" means a record of a person's
599 medical treatment which is created by a licensed health care
600 provider and stored in an interoperable and accessible digital
601 format.

602 (i)~~(b)~~ "Qualified electronic health record" means an
603 electronic record of health-related information concerning an
604 individual which includes patient demographic and clinical
605 health information, such as medical history and problem lists,
606 and which has the capacity to provide clinical decision support,
607 to support physician order entry, to capture and query
608 information relevant to health care quality, and to exchange
609 electronic health information with, and integrate such

590-02576-23

2023264c1

610 information from, other sources.

611 (b)~~(e)~~ "Certified electronic health record technology"
612 means a qualified electronic health record that is certified
613 pursuant to s. 3001(c)(5) of the Public Health Service Act as
614 meeting standards adopted under s. 3004 of such act which are
615 applicable to the type of record involved, such as an ambulatory
616 electronic health record for office-based physicians or an
617 inpatient hospital electronic health record for hospitals.

618 (c) "Cloud computing" has the same meaning as in s.
619 282.0041.

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

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

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

623 3. A health care professional certified under part IV of
624 chapter 468.

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

626 5. A service provider as defined in s. 394.455 and the
627 service provider's clinical and nonclinical staff who provide
628 inpatient or outpatient services.

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

630 7. A pharmacy permitted under chapter 465.

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

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

590-02576-23

2023264c1

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

642 (h)~~(g)~~ "Patient representative" means a parent of a minor
643 patient, a court-appointed guardian for the patient, a health
644 care surrogate, or a person holding a power of attorney or
645 notarized consent appropriately executed by the patient granting
646 permission to a health care facility or health care provider to
647 disclose the patient's health care information to that person.
648 In the case of a deceased patient, the term also means the
649 personal representative of the estate of the deceased patient;
650 the deceased patient's surviving spouse, surviving parent, or
651 surviving adult child; the parent or guardian of a surviving
652 minor child of the deceased patient; the attorney for the
653 patient's surviving spouse, parent, or adult child; or the
654 attorney for the parent or guardian of a surviving minor child.

655 (3) SECURITY AND STORAGE OF PERSONAL MEDICAL INFORMATION.-
656 In addition to the requirements in 45 C.F.R. part 160 and
657 subparts A and C of part 164, a health care provider that
658 utilizes certified electronic health record technology must
659 ensure that all patient information stored in an offsite
660 physical or virtual environment, including through a third-party
661 or subcontracted computing facility or an entity providing cloud
662 computing services, is physically maintained in the continental
663 United States. This subsection applies to all qualified
664 electronic health records that are stored using any technology
665 that can allow information to be electronically retrieved,
666 accessed, or transmitted.

667 Section 9. Subsections (14) and (15) are added to section

590-02576-23

2023264c1

668 408.810, Florida Statutes, to read:

669 408.810 Minimum licensure requirements.—In addition to the
670 licensure requirements specified in this part, authorizing
671 statutes, and applicable rules, each applicant and licensee must
672 comply with the requirements of this section in order to obtain
673 and maintain a license.

674 (14) The licensee must sign an affidavit at the time of his
675 or her initial application for a license and on any renewal
676 applications thereafter that attests under penalty of perjury
677 that he or she is in compliance with s. 408.051(3). The licensee
678 must remain in compliance with s. 408.051(3) or the licensee
679 shall be subject to disciplinary action by the agency.

680 (15) (a) The licensee must ensure that a person or entity
681 who possesses a controlling interest does not hold, either
682 directly or indirectly, regardless of ownership structure, an
683 interest in an entity that has a business relationship with a
684 foreign country of concern or that is subject to s. 287.135.

685 (b) For purposes of this subsection, the term:

686 1. "Business relationship" means engaging in commerce in
687 any form, including, but not limited to, acquiring, developing,
688 maintaining, owning, selling, possessing, leasing, or operating
689 equipment, facilities, personnel, products, services, personal
690 property, real property, military equipment, or any other
691 apparatus of business or commerce.

692 2. "Foreign country of concern" has the same meaning as in
693 s. 692.201.

694 3. "Interest" has the same meaning as in s. 286.101(1).

695 Section 10. Section 836.05, Florida Statutes, is amended to
696 read:

590-02576-23

2023264c1

697 836.05 Threats; extortion.—

698 (1) Whoever, either verbally or by a written or printed
699 communication, maliciously threatens to accuse another of any
700 crime or offense, or by such communication maliciously threatens
701 an injury to the person, property or reputation of another, or
702 maliciously threatens to expose another to disgrace, or to
703 expose any secret affecting another, or to impute any deformity
704 or lack of chastity to another, with intent thereby to extort
705 money or any pecuniary advantage whatsoever, or with intent to
706 compel the person so threatened, or any other person, to do any
707 act or refrain from doing any act against his or her will,
708 commits ~~shall be guilty of~~ a felony of the second degree,
709 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

710 (2) A person who commits a violation of subsection (1) and
711 at the time of the violation is acting as a foreign agent, as
712 defined in s. 812.081(1), with the intent of benefiting a
713 foreign country of concern, as defined in s. 692.201, commits a
714 felony of the first degree, punishable as provided in s.
715 775.082, s. 775.083, or s. 775.084.

716 Section 11. This act shall take effect July 1, 2023.