

By the Committees on Rules; and Judiciary; and Senators Collins and Avila

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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 governmental 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

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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, or subject the closing
47 agent to certain liability; authorizing the Florida
48 Real Estate Commission to adopt rules; authorizing
49 that certain agricultural land or real property be
50 forfeited to the state; authorizing the Department of
51 Agriculture and Consumer Services and the Department
52 of Economic Opportunity to initiate civil actions for
53 forfeiture of the interest in agricultural land or
54 real property, respectively; requiring that such
55 actions be filed in a certain circuit court; requiring
56 clerks to record a lis pendens; requiring courts to
57 advance the cause on the calendar; authorizing
58 defendants to petition to modify or discharge the lis

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

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

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117 s. 408.810, F.S.; requiring a licensee to sign a
118 specified affidavit upon initial application for a
119 license and any renewal applications; authorizing
120 disciplinary action by the Agency for Health Care
121 Administration; prohibiting a person or entity that
122 possesses a controlling interest from holding an
123 interest in certain entities; providing definitions;
124 amending s. 836.05, F.S.; providing enhanced criminal
125 penalties for threatening a person while acting as a
126 foreign agent with the intent of benefiting a foreign
127 country of concern; providing an effective date.

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

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

133 287.138 Contracting with entities of foreign countries of
134 concern prohibited.—

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

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

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

145 (c) "Foreign country of concern" means the People's

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

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

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

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

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

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

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

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

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

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

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

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

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

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

199 (d) Placement on the suspended vendor list pursuant to s.
200 287.1351.

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

203 (7) The department shall adopt rules to implement this

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204 section, including rules establishing the form for the affidavit
205 required under subsection (4).

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

208 288.007 Economic incentives to foreign countries of concern
209 prohibited.—

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

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

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

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

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

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

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

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233 (e) "Government entity" means a state agency, a political
234 subdivision, or any other public or private agency, person,
235 partnership, corporation, or business entity acting on behalf of
236 any public agency.

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

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

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

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

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

254 692.201 Definitions.—As used in this part, the term:

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

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

260 (a) A chemical manufacturing facility.

261 (b) A refinery.

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262 (c) An electrical power plant as defined in s. 403.031(20),
263 including a substation, switching station, electrical control
264 center, or electric transmission or distribution facility.

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

267 (e) A natural gas transmission compressor station.

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

269 (g) A telecommunications central switching office.

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

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

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

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

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

283 (4) "Foreign principal" means:

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

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

289 (c) A partnership, association, corporation, organization,
290 or other combination of persons organized under the laws of or

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291 having its principal place of business in a foreign country of
292 concern, or a subsidiary of such entity;

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

296 (5) "Military installation" has the same meaning as in 10
297 U.S.C. s. 2801(c)(4) and includes an armory as defined in s.
298 250.01.

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

301 Section 5. Section 692.202, Florida Statutes, is created to
302 read:

303 692.202 Purchase of agricultural land by foreign principals
304 prohibited.-

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

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

317 (3) (a) A foreign principal that directly or indirectly owns
318 or acquires agricultural land or any interest in such land in
319 the state before July 1, 2023, must register with the Department

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320 of Agriculture and Consumer Services by January 1, 2024. The
321 department must establish a form for such registration, which,
322 at minimum, must include all of the following:

323 1. The name of the owner of the agricultural land or the
324 owner of the interest in such land.

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

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

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

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

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

345 1. Not a foreign principal; and

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

347 (b) The failure to obtain or maintain the affidavit does
348 not:

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349 1. Affect the title or insurability of the title for the
350 agricultural land; or

351 2. Subject the closing agent to civil or criminal liability
352 except for liability under chapter 837, unless the closing agent
353 has actual knowledge that the transaction will result in a
354 violation of this section.

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

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

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

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

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

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378 (e) The department may sell the agricultural land subject
379 to a final judgment of forfeiture. Any proceeds from the sale
380 must first be paid to any lienholders of the land, followed by
381 payment of any outstanding fines assessed pursuant to this
382 section, after which the department must be reimbursed for all
383 costs related to the forfeiture civil action and any costs
384 related to the sale of the land. Any remaining proceeds must be
385 paid to the property owner.

386 (f) At any time during the forfeiture proceeding the
387 department may seek an ex parte order of seizure of the
388 agricultural land upon a showing that the defendant's control of
389 the agricultural land constitutes a clear and present danger to
390 the state.

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

395 (8) A person who knowingly sells agricultural land or any
396 interest therein in violation of this section commits a
397 misdemeanor of the second degree, punishable as provided in s.
398 775.082 or s. 775.083.

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

401 Section 6. Section 692.203, Florida Statutes, is created to
402 read:

403 692.203 Purchase of real property around military
404 installations and critical infrastructure facilities by foreign
405 principals prohibited.-

406 (1) A foreign principal may not directly or indirectly own

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407 or acquire by purchase, grant, devise, or descent any interest
408 in real property within 20 miles of any military installation or
409 critical infrastructure facility in the state. This prohibition
410 does not apply to a foreign principal that acquires real
411 property for a diplomatic purpose that is recognized,
412 acknowledged, or allowed by the Federal Government.

413 (2) A foreign principal that directly or indirectly owns or
414 acquires any interest in real property within 20 miles of any
415 military installation or critical infrastructure facility in the
416 state before July 1, 2023, may continue to own or hold such real
417 property, but may not purchase or otherwise acquire by grant,
418 devise, or descent any additional real property within 20 miles
419 of any military installation or critical infrastructure facility
420 in the state.

421 (3) (a) A foreign principal that owns or acquires real
422 property within 20 miles of any military installation or
423 critical infrastructure facility in the state before July 1,
424 2023, must register with the Department of Economic Opportunity
425 by January 1, 2024. The department must establish a form for
426 such registration which, at a minimum, must include all of the
427 following:

428 1. The name of the owner of the real property.
429 2. The address of the real property, the property
430 appraiser's parcel identification number, and the property's
431 legal description.

432 (b) A foreign principal that fails to timely file a
433 registration with the department is subject to a civil penalty
434 of \$1,000 for each day that the registration is late. The
435 department may place a lien against the unregistered real

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436 property for the unpaid balance of any penalties assessed under
437 this paragraph.

438 (4) Notwithstanding subsection (1), a foreign principal may
439 acquire real property or any interest therein which is within 20
440 miles of any military installation or critical infrastructure
441 facility in the state on or after July 1, 2023, by devise or
442 descent, through the enforcement of security interests, or
443 through the collection of debts, provided that the foreign
444 principal sells, transfers, or otherwise divests itself of such
445 real property within 2 years after acquiring the real property.

446 (5) (a) At the time of purchase, a buyer of the real
447 property that is within 20 miles of any military installation or
448 critical infrastructure facility in this state must provide an
449 affidavit signed under penalty of perjury attesting that the
450 buyer is:

451 1. Not a foreign principal; and

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

453 (b) The failure to obtain or maintain the affidavit does
454 not:

455 1. Affect the title or insurability of the title for the
456 real property; or

457 2. Subject the closing agent to civil or criminal liability
458 except for liability under chapter 837, unless the closing agent
459 has actual knowledge that the transaction will result in a
460 violation of this section.

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

464 (6) (a) If any real property is owned or acquired in

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465 violation of this section, the real property may be forfeited to
466 the state.

467 (b) The Department of Economic Opportunity may initiate a
468 civil action in the circuit court of the county in which the
469 property lies for the forfeiture of the real property or any
470 interest therein.

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

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

484 (e) The department may sell the real property subject to a
485 final judgment of forfeiture. Any proceeds from the sale must
486 first be paid to any lienholders of the land, followed by
487 payment of any outstanding fines assessed pursuant to this
488 section, after which the department must be reimbursed for all
489 costs related to the forfeiture civil action and any costs
490 related to the sale of the land. Any remaining proceeds must be
491 paid to the property owner.

492 (f) At any time during the forfeiture proceeding the
493 department may seek an ex parte order of seizure of the real

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494 property upon a showing that the defendant's control of the real
495 property constitutes a clear and present danger to the state.

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

500 (8) A person who knowingly sells real property or any
501 interest therein in violation of this section commits a
502 misdemeanor of the second degree, punishable as provided in s.
503 775.082 or s. 775.083.

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

506 Section 7. Section 692.204, Florida Statutes, is created to
507 read:

508 692.204 Purchase or acquisition of real property by the
509 People's Republic of China prohibited.—

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

513 1. The People's Republic of China, the Chinese Communist
514 Party, or any official or member of the People's Republic of
515 China or the Chinese Communist Party.

516 2. Any other political party or member of a political party
517 or a subdivision of a political party in the People's Republic
518 of China.

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

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

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

530 (2) A person or entity described in paragraph (1)(a) that
531 directly or indirectly owns or acquires any interest in real
532 property in the state before July 1, 2023, may continue to own
533 or hold such real property, but may not purchase or otherwise
534 acquire by grant, devise, or descent any additional real
535 property in the state.

536 (3)(a) A person or entity described in paragraph (1)(a)
537 that owns or acquires real property in the state before July 1,
538 2023, must register with the Department of Economic Opportunity
539 by January 1, 2024. The department must establish a form for
540 such registration which, at a minimum, must include all of the
541 following:

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

543 2. The address of the real property, the property
544 appraiser's parcel identification number, and the property's
545 legal description.

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

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552 (4) Notwithstanding subsection (1), a person or an entity
553 described in paragraph (1)(a) may acquire real property in the
554 state on or after July 1, 2023, by devise or descent, through
555 the enforcement of security interests, or through the collection
556 of debts, provided that the person or entity sells, transfers,
557 or otherwise divests itself of such real property within 2 years
558 after acquiring the real property unless the person or entity is
559 exempt under paragraph (1)(b).

560 (5)(a) At the time of purchase, a buyer of real property in
561 the state must provide an affidavit signed under penalty of
562 perjury attesting that the buyer is:

563 1. Not a person or entity described in paragraph (1)(a);
564 and

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

566 (b) The failure to obtain or maintain the affidavit does
567 not:

568 1. Affect the title or insurability of the title for the
569 real property; or

570 2. Subject the closing agent to civil or criminal liability
571 except for liability under chapter 837, unless the closing agent
572 has actual knowledge that the transaction will result in a
573 violation of this section.

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

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

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

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581 civil action in the circuit court of the county in which the
582 property lies for the forfeiture of the real property or any
583 interest therein.

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

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

597 (e) The department may sell the real property subject to a
598 final judgment of forfeiture. Any proceeds from the sale must
599 first be paid to any lienholders of the land, followed by
600 payment of any outstanding fines assessed pursuant to this
601 section, after which the department must be reimbursed for all
602 costs related to the forfeiture civil action and any costs
603 related to the sale of the land. Any remaining proceeds must be
604 paid to the property owner.

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

609 (7) A violation of this section constitutes a felony of the

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610 third degree, punishable as provided in s. 775.082, s. 775.083,
611 or s. 775.084.

612 (8) A person who sells real property or any interest
613 therein in violation of this section commits a misdemeanor of
614 the first degree, punishable as provided in s. 775.082 or s.
615 775.083.

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

618 Section 8. Present subsections (3), (4), and (5) of section
619 408.051, Florida Statutes, are redesignated as subsections (4),
620 (5), and (6), respectively, a new subsection (3) is added to
621 that section, and subsection (2) of that section is reordered
622 and amended, to read:

623 408.051 Florida Electronic Health Records Exchange Act.—

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

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

629 (i)~~(b)~~ "Qualified electronic health record" means an
630 electronic record of health-related information concerning an
631 individual which includes patient demographic and clinical
632 health information, such as medical history and problem lists,
633 and which has the capacity to provide clinical decision support,
634 to support physician order entry, to capture and query
635 information relevant to health care quality, and to exchange
636 electronic health information with, and integrate such
637 information from, other sources.

638 (a)~~(e)~~ "Certified electronic health record technology"

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639 means a qualified electronic health record that is certified
640 pursuant to s. 3001(c)(5) of the Public Health Service Act as
641 meeting standards adopted under s. 3004 of such act which are
642 applicable to the type of record involved, such as an ambulatory
643 electronic health record for office-based physicians or an
644 inpatient hospital electronic health record for hospitals.

645 (b) "Cloud computing" has the same meaning as in s.
646 282.0041.

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

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

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

650 3. A health care professional certified under part IV of
651 chapter 468.

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

653 5. A service provider as defined in s. 394.455 and the
654 service provider's clinical and nonclinical staff who provide
655 inpatient or outpatient services.

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

657 7. A pharmacy permitted under chapter 465.

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

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

666 (g)~~(f)~~ "Patient" means an individual who has sought, is
667 seeking, is undergoing, or has undergone care or treatment in a

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668 health care facility or by a health care provider.

669 (h)~~(g)~~ "Patient representative" means a parent of a minor
670 patient, a court-appointed guardian for the patient, a health
671 care surrogate, or a person holding a power of attorney or
672 notarized consent appropriately executed by the patient granting
673 permission to a health care facility or health care provider to
674 disclose the patient's health care information to that person.
675 In the case of a deceased patient, the term also means the
676 personal representative of the estate of the deceased patient;
677 the deceased patient's surviving spouse, surviving parent, or
678 surviving adult child; the parent or guardian of a surviving
679 minor child of the deceased patient; the attorney for the
680 patient's surviving spouse, parent, or adult child; or the
681 attorney for the parent or guardian of a surviving minor child.

682 (3) SECURITY AND STORAGE OF PERSONAL MEDICAL INFORMATION.-
683 In addition to the requirements in 45 C.F.R. part 160 and
684 subparts A and C of part 164, a health care provider that
685 utilizes certified electronic health record technology must
686 ensure that all patient information stored in an offsite
687 physical or virtual environment, including through a third-party
688 or subcontracted computing facility or an entity providing cloud
689 computing services, is physically maintained in the continental
690 United States or its territories or Canada. This subsection
691 applies to all qualified electronic health records that are
692 stored using any technology that can allow information to be
693 electronically retrieved, accessed, or transmitted.

694 Section 9. Subsections (14) and (15) are added to section
695 408.810, Florida Statutes, to read:

696 408.810 Minimum licensure requirements.—In addition to the

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697 licensure requirements specified in this part, authorizing
698 statutes, and applicable rules, each applicant and licensee must
699 comply with the requirements of this section in order to obtain
700 and maintain a license.

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

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

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

713 1. "Business relationship" means engaging in commerce in
714 any form, including, but not limited to, acquiring, developing,
715 maintaining, owning, selling, possessing, leasing, or operating
716 equipment, facilities, personnel, products, services, personal
717 property, real property, military equipment, or any other
718 apparatus of business or commerce.

719 2. "Foreign country of concern" has the same meaning as in
720 s. 692.201.

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

722 Section 10. Section 836.05, Florida Statutes, is amended to
723 read:

724 836.05 Threats; extortion.—

725 (1) Whoever, either verbally or by a written or printed

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726 communication, maliciously threatens to accuse another of any
727 crime or offense, or by such communication maliciously threatens
728 an injury to the person, property or reputation of another, or
729 maliciously threatens to expose another to disgrace, or to
730 expose any secret affecting another, or to impute any deformity
731 or lack of chastity to another, with intent thereby to extort
732 money or any pecuniary advantage whatsoever, or with intent to
733 compel the person so threatened, or any other person, to do any
734 act or refrain from doing any act against his or her will,
735 commits ~~shall be guilty of~~ a felony of the second degree,
736 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

737 (2) A person who commits a violation of subsection (1) and
738 at the time of the violation is acting as a foreign agent, as
739 defined in s. 812.081(1), with the intent of benefiting a
740 foreign country of concern, as defined in s. 692.201, commits a
741 felony of the first degree, punishable as provided in s.
742 775.082, s. 775.083, or s. 775.084.

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