A bill to be entitled
An act relating to interests of foreign countries;
creating s. 287.138, F.S.; defining terms; prohibiting
governmental entities from knowingly entering into
certain contracts; prohibiting governmental entities
from taking specified actions after a specified date
relating to contracts that give certain access to
personal identifying information; providing an
exception; authorizing the Attorney General to bring a
civil action; providing penalties; requiring penalties
to be deposited into the General Revenue Fund;
requiring the Department of Management Services to
adopt rules; creating s. 288.007, F.S.; defining
terms; prohibiting governmental entities from
knowingly entering into certain contracts; requiring
governmental entities to require an affidavit from
applicants before providing any economic incentive;
requiring the Department of Economic Opportunity to
adopt rules; providing a directive to the Division of
Law Revision to create part III of ch. 692, F.S., to
be entitled "Conveyances to Foreign Entities";
creating s. 692.201, F.S.; defining terms; creating
ss. 692.202 and 692.203, F.S.; prohibiting foreign
principals from purchasing agricultural land, or
having more than a de minimus indirect interest in
such land, and certain real property in this state,
respectively; authorizing foreign principals to
continue to own or hold such land or property under
certain circumstances; requiring certain foreign
principals that own or acquire such land or real property to register with a specified department; requiring the Department of Agriculture and Consumer Services and the Department of Economic Opportunity, respectively, to establish a form for such registration; providing civil penalties; authorizing the Department of Agriculture and Consumer Services and the Department of Economic Opportunity to place a lien against unregistered agricultural land or real property, respectively; requiring certain foreign principals to sell, transfer, or otherwise divest themselves of certain agricultural land or real property within a specified timeframe; requiring buyers of such land or property to provide a signed affidavit; specifying that the failure to maintain or obtain the affidavit does not affect the title or insurability of the title for the agricultural land or real property, respectively, or subject the closing agent to certain liability; authorizing the Florida Real Estate Commission to adopt rules; authorizing that certain agricultural land or real property be forfeited to the state; authorizing the Department of Agriculture and Consumer Services and the Department of Economic Opportunity to initiate civil actions for forfeiture of the interest in agricultural land or real property, respectively; requiring that such actions be filed in a certain circuit court; requiring clerks to record a lis pendens; requiring courts to advance the cause on the calendar; authorizing
defendants to petition to modify or discharge the lis pendens; requiring the court to enter a specified final judgment under certain circumstances; authorizing the Department of Agriculture and Consumer Services and the Department of Economic Opportunity, respectively, to sell the agricultural land or real property; providing requirements for the proceeds from such sale; authorizing the Department of Agriculture and Consumer Services and the Department of Economic Opportunity, respectively, to seek a specified ex parte order; providing criminal penalties; requiring the Department of Agriculture and Consumer Services and the Department of Economic Opportunity, respectively, to adopt rules; creating s. 692.204, F.S.; prohibiting the People’s Republic of China, the Chinese Communist Party, any other political party or member of a political party in the People’s Republic of China, and certain persons and entities from purchasing or acquiring real property in this state or having more than a de minimus indirect interest in such real property; authorizing such persons and entities to continue to own or hold such real property under certain circumstances; requiring certain persons or entities that own or acquire real property in this state to register with the Department of Economic Opportunity by a specified date; requiring the Department of Economic Opportunity to establish a form for such registration; providing civil penalties; authorizing the Department of Economic Opportunity to
place a lien against unregistered real property;
requiring certain persons and entities to sell,
transfer, or otherwise divest themselves of certain
real property within a specified timeframe; requiring
buyers of real property to provide a signed affidavit;
specifying that the failure to maintain or obtain the
affidavit does not affect the title or insurability of
the title for the real property or subject the closing
agent to certain liability; authorizing the commission
to adopt rules; authorizing certain real property to
be forfeited to the state; authorizing the Department
of Economic Opportunity to initiate civil actions for
forfeiture of the interest in real property; requiring
such actions to be filed in a certain circuit court;
requiring clerks to record a lis pendens; requiring
courts to advance the cause on the calendar;
authorizing defendants to petition to modify or
discharge the lis pendens; requiring the court to
enter a specified final judgment under certain
circumstances; authorizing the Department of Economic
Opportunity to sell the real property; providing
requirements for the proceeds from such sale;
authorizing the Department of Economic Opportunity to
seek a specified ex parte order; providing criminal
penalties; requiring the Department of Economic
Opportunity to adopt rules; creating s. 692.205, F.S.;
providing an exception from ownership restrictions and
registration requirements for real property that is
used for diplomatic purposes; amending s. 408.051,
F.S.; defining the terms “cloud computing” and “health care provider”; requiring that certain information held by health care providers that utilize certified electronic health record technology be maintained in specified locations; providing applicability; amending s. 408.810, F.S.; requiring a licensee to sign a specified affidavit upon initial application for a license and any renewal applications; authorizing disciplinary action by the Agency for Health Care Administration; prohibiting a person or entity that possesses a controlling interest from holding an interest in certain entities; providing definitions; amending s. 836.05, F.S.; providing enhanced criminal penalties for threatening a person while acting as a foreign agent with the intent of benefiting a foreign country of concern; providing an effective date.

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

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

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

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

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

(b) “Department” means the Department of Management
Services.

(c) “Foreign country of concern” means the People’s
Republic of China, the Russian Federation, the Islamic Republic
of Iran, the Democratic People’s Republic of Korea, the Republic
of Cuba, the Venezuelan regime of Nicolás Maduro, or the Syrian
Arab Republic, including any agency of or any other entity of
significant control of such foreign country of concern.

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

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

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

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

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

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

(4)(a) Beginning January 1, 2024, a governmental entity may not accept a bid on, a proposal for, or a reply to, or enter into, a contract with an entity which would grant the entity access to an individual’s personal identifying information unless the entity provides the governmental entity with an affidavit signed by an officer or representative of the entity under penalty of perjury attesting that the entity does not meet any of the criteria in paragraphs (2)(a)-(c).

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

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

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

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

(c) Ineligibility to receive or renew any license, certification, or credential issued by a governmental entity for up to 5 years; and
(d) Placement on the suspended vendor list pursuant to s. 287.1351.

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

(7) The department shall adopt rules to implement this section, including rules establishing the form for the affidavit required under subsection (4).

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

288.007 Economic incentives to foreign countries of concern prohibited.—

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

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

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

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

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

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

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

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

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

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

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

Section 3. The Division of Law Revision is directed to create part III of chapter 692, Florida Statutes, consisting of ss. 692.201, 692.202, 692.203, 692.204, and 692.205, Florida Statutes, to be entitled "Conveyances to Foreign Entities.”

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

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

(1) “Agricultural land” means land classified as agricultural under s. 193.461.
(2) “Critical infrastructure facility” means any of the following, if it employs measures such as fences, barriers, or guard posts that are designed to exclude unauthorized persons:

   (a) A chemical manufacturing facility.

   (b) A refinery.

   (c) An electrical power plant as defined in s. 403.03(20), including a substation, switching station, electrical control center, or electric transmission or distribution facility.

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

   (e) A natural gas transmission compressor station.

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

   (g) A telecommunications central switching office.

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

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

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

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

   (l) An airport as defined in s. 333.01.

(3) “Foreign country of concern” means the People’s Republic of China, the Russian Federation, the Islamic Republic of Iran, the Democratic People’s Republic of Korea, the Republic of Cuba, the Venezuelan regime of Nicolás Maduro, or the Syrian Arab Republic, including any agency of or any other entity of significant control of such foreign country of concern.

(4) “Foreign principal” means:

   (a) The government or any official of the government of a
(b) A political party or member of a political party or any subdivision of a political party in a foreign country of concern;

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

d) Any person who is domiciled in a foreign country of 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.

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

692.202 Purchase of agricultural land by foreign principals prohibited.—

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

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

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

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

2. The address of the agricultural land, the property
appraiser’s parcel identification number, and the property’s
legal description.

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

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

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

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

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

1. Affect the title or insurability of the title for the agricultural land; or
2. Subject the closing agent to civil or criminal liability, unless the closing agent has actual knowledge that the transaction will result in a violation of this section.

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

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

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

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

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

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

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

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

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

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

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

692.203 Purchase of real property around military installations and critical infrastructure facilities by foreign principals prohibited.—

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

(2) A foreign principal that directly or indirectly owns or acquires any interest in real property within 20 miles of any military installation or critical infrastructure facility in this state before July 1, 2023, may continue to own or hold such real property, but may not purchase or otherwise acquire by grant, devise, or descent any additional real property within 20 miles of any military installation or critical infrastructure facility in this state.
(3) (a) A foreign principal that owns or acquires real property within 20 miles of any military installation or critical infrastructure facility in this state before July 1, 2023, must register with the Department of Economic Opportunity by January 1, 2024. The department must establish a form for such registration which, at a minimum, must include all of the following:

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

2. The address of the real property, the property appraiser’s parcel identification number, and the property’s legal description.

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

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

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

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

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

1. Affect the title or insurability of the title for the real property; or
2. Subject the closing agent to civil or criminal liability, unless the closing agent has actual knowledge that the transaction will result in a violation of this section.

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

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

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

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

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

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

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

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

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

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

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

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

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

1. The People’s Republic of China, the Chinese Communist Party, or any official or member of the People’s Republic of China or the Chinese Communist Party.

2. Any other political party or member of a political party or a subdivision of a political party in the People’s Republic of China.

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

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

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

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

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

1. The name of the owner of the real property.
2. The address of the real property, the property
   appraiser’s parcel identification number, and the property’s
   legal description.

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

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

(5)(a) At the time of purchase, a buyer of real property in
this state must provide an affidavit signed under penalty of
perjury attesting that the buyer is:
1. Not a person or entity described in paragraph (1)(a);

and

2. In compliance with the requirements of this section.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

692.205 Inapplicability of this part to real property for
diplomatic purposes.—This part does not apply to a foreign
principal that acquires real property for a diplomatic purpose that is recognized, acknowledged, or allowed by the Federal Government.

Section 9. Present subsections (3), (4), and (5) of section 408.051, Florida Statutes, are redesignated as subsections (4), (5), and (6), respectively, a new subsection (3) is added to that section, and subsection (2) of that section is reordered and amended, to read:

408.051 Florida Electronic Health Records Exchange Act.—

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

(c) “Electronic health record” means a record of a person’s medical treatment which is created by a licensed health care provider and stored in an interoperable and accessible digital format.

(i) “Qualified electronic health record” means an electronic record of health-related information concerning an individual which includes patient demographic and clinical health information, such as medical history and problem lists, and which has the capacity to provide clinical decision support, to support physician order entry, to capture and query information relevant to health care quality, and to exchange electronic health information with, and integrate such information from, other sources.

(a) “Certified electronic health record technology” means a qualified electronic health record that is certified pursuant to s. 3001(c)(5) of the Public Health Service Act as meeting standards adopted under s. 3004 of such act which are applicable to the type of record involved, such as an ambulatory electronic health record for office-based physicians or an

CODING: Words stricken are deletions; words underlined are additions.
(b) “Cloud computing” has the same meaning as in s. 282.0041.
(d) “Health care provider” means any of the following:
1. A provider as defined in s. 408.803.
2. A health care practitioner as defined in s. 456.001.
3. A health care professional certified under part IV of chapter 468.
4. A home health aide as defined in s. 400.462.
5. A service provider as defined in s. 394.455 and the service provider’s clinical and nonclinical staff who provide inpatient or outpatient services.
6. A continuing care facility licensed under chapter 651.
7. A pharmacy permitted under chapter 465.
(e) “Health record” means any information, recorded in any form or medium, which relates to the past, present, or future health of an individual for the primary purpose of providing health care and health-related services.
(f) “Identifiable health record” means any health record that identifies the patient or with respect to which there is a reasonable basis to believe the information can be used to identify the patient.
(g) “Patient” means an individual who has sought, is seeking, is undergoing, or has undergone care or treatment in a health care facility or by a health care provider.
(h) “Patient representative” means a parent of a minor patient, a court-appointed guardian for the patient, a health care surrogate, or a person holding a power of attorney or notarized consent appropriately executed by the patient granting
permission to a health care facility or health care provider to disclose the patient’s health care information to that person. In the case of a deceased patient, the term also means the personal representative of the estate of the deceased patient; the deceased patient’s surviving spouse, surviving parent, or surviving adult child; the parent or guardian of a surviving minor child of the deceased patient; the attorney for the patient’s surviving spouse, parent, or adult child; or the attorney for the parent or guardian of a surviving minor child.

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

Section 10. Subsections (14) and (15) are added to section 408.810, Florida Statutes, to read:

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

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

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

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

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

2. “Foreign country of concern” has the same meaning as in s. 692.201.

3. “Interest” has the same meaning as in s. 286.101(1).

Section 11. Section 836.05, Florida Statutes, is amended to read:

836.05 Threats; extortion.—

(1) Whoever, either verbally or by a written or printed communication, maliciously threatens to accuse another of any crime or offense, or by such communication maliciously threatens an injury to the person, property or reputation of another, or maliciously threatens to expose another to disgrace, or to expose any secret affecting another, or to impute any deformity
or lack of chastity to another, with intent thereby to extort
money or any pecuniary advantage whatsoever, or with intent to
compel the person so threatened, or any other person, to do any
act or refrain from doing any act against his or her will,
commits shall be guilty of a felony of the second degree,
punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
(2) A person who commits a violation of subsection (1) and
at the time of the violation is acting as a foreign agent, as
defined in s. 812.081(1), with the intent of benefiting a
foreign country of concern, as defined in s. 692.201, commits a
felony of the first degree, punishable as provided in s.
775.082, s. 775.083, or s. 775.084.
Section 12. This act shall take effect July 1, 2023.