

By the Committee on Rules; and Senator Yarborough

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1 A bill to be entitled
2 An act relating to real property ownership; amending
3 s. 692.201, F.S.; defining terms; revising the
4 definition of the term "foreign principal"; amending
5 s. 692.202, F.S.; revising the ownership interest that
6 a foreign principal may have in agricultural land;
7 requiring certain foreign principals to register the
8 ownership of a controlling interest in agricultural
9 land owned before a certain date; requiring foreign
10 principals to divest themselves of the controlling
11 interest in agricultural land within a certain
12 timeframe; specifying an exception for certain
13 residential development; deleting a requirement for a
14 buyer purchasing an interest in agricultural land to
15 provide a signed affidavit; authorizing criminal
16 penalties for certain sales and purchases of
17 controlling interests in agricultural land; making
18 technical changes; amending s. 692.203, F.S.; revising
19 the ownership interest that a foreign principal may
20 have in real property on or near military
21 installations or critical infrastructure facilities;
22 requiring certain foreign principals to register the
23 ownership of a controlling interest in real property
24 on or near military installations or critical
25 infrastructure facilities owned before a certain date;
26 requiring foreign principals to divest themselves of
27 the controlling interest in certain real property
28 within a certain timeframe; specifying an exception
29 for certain residential development; authorizing

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30 criminal penalties for certain sales and purchases of
31 controlling interests in real property on or near
32 military installations or critical infrastructure
33 facilities; making technical changes; amending s.
34 692.204, F.S.; revising the ownership interest that
35 certain persons or entities associated with the
36 People's Republic of China may have in real property;
37 requiring such persons or entities to register the
38 ownership of a controlling interest in real property
39 owned before a certain date; requiring the persons or
40 entities associated with the People's Republic of
41 China to divest themselves of the controlling interest
42 in certain real property they own within a certain
43 timeframe; specifying an exception for certain
44 residential development; authorizing criminal
45 penalties for certain sales and purchases of
46 controlling interests in real property by certain
47 business entities associated with the People's
48 Republic of China; creating s. 704.09, F.S.;

49 authorizing an owner of real property to create an
50 easement, servitude, or other interest in the owner's
51 real property; providing that such easement,
52 servitude, or other interest is valid; providing an
53 exception; providing legislative intent; providing a
54 directive to the Division of Law Revision; providing
55 an effective date.

56
57 Be It Enacted by the Legislature of the State of Florida:
58

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59 Section 1. Present subsections (2) through (6) of section
60 692.201, Florida Statutes, are redesignated as subsections (4)
61 and (6) through (9), respectively, and new subsections (2), (3),
62 and (5) are added to that section, to read:

63 692.201 Definitions.—As used in this part, the term:

64 (2) "Business entity" has the same meaning as in s. 606.03.

65 (3) "Controlling interest" means the possession of the
66 power to control access to or the use or management of a parcel
67 of real property through ownership interests in or securities of
68 a business entity or entities that own the parcel of real
69 property, or through direct ownership interests in a parcel of
70 real property. A business entity or person who directly or
71 indirectly has an ownership interest of 25 percent or more of a
72 parcel of real property is presumed to have a controlling
73 interest. The term does not include a de minimus indirect
74 interest.

75 (4)-(2) "Critical infrastructure facility" means any of the
76 following, if it employs measures such as fences, barriers, or
77 guard posts that are designed to exclude unauthorized persons:

78 (a) A chemical manufacturing facility.

79 (b) A refinery.

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

81 (d) A water treatment facility or wastewater treatment
82 plant.

83 (e) A liquid natural gas terminal.

84 (f) A telecommunications central switching office.

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

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

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

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

90 (5) "De minimus indirect interest" means a foreign
91 principal's ownership of a business entity's registered equities
92 in a publicly traded company, if the foreign principal's
93 ownership interest in the company is either:

94 (a) Less than 5 percent of any class of registered equities
95 or less than 5 percent in the aggregate in multiple classes of
96 registered equities; or

97 (b) A noncontrolling interest in an entity controlled by a
98 company that is both registered with the United States
99 Securities and Exchange Commission as an investment adviser
100 under the Investment Advisers Act of 1940, as amended, and is
101 not a foreign entity.

102 (7)~~(4)~~ "Foreign principal" means:

103 (a) The government or any official of the government of a
104 foreign country of concern;

105 (b) A political party or member of a political party or any
106 subdivision of a political party in a foreign country of
107 concern;

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

112 (d) Any person who is domiciled in a foreign country of
113 concern, unless the person and is not:

114 1. A citizen or lawful permanent resident of the United
115 States;

116 2. A holder of a current verified visa to enter the United

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117 States which does not limit the holder to tourist-based travel;
118 or

119 3. A holder of official documentation confirming that the
120 person has been granted asylum in the United States.

121 (e) Any person, entity, or collection of persons or
122 entities, described in paragraphs (a)-(d) ~~(a) through (d)~~ having
123 a controlling interest in a partnership, an association, a
124 corporation, an organization, a trust, or any other legal entity
125 or subsidiary formed for the purpose of owning real property in
126 this state.

127 Section 2. Section 692.202, Florida Statutes, is amended to
128 read:

129 692.202 Purchase of agricultural land by foreign principals
130 prohibited.—

131 (1) A foreign principal may not ~~directly or indirectly own~~
132 or, have a controlling interest in, ~~or acquire by purchase,~~
133 ~~grant, devise, or descent~~ agricultural land ~~or any interest,~~
134 ~~except a de minimus indirect interest, in such land in this~~
135 ~~state. A foreign principal has a de minimus indirect interest if~~
136 ~~any ownership is the result of the foreign principal's ownership~~
137 ~~of registered equities in a publicly traded company owning the~~
138 ~~land and if the foreign principal's ownership interest in the~~
139 ~~company is either:~~

140 (2) A foreign principal that directly or indirectly owns or
141 acquires a controlling interest in agricultural land ~~or any~~
142 ~~interest in such land~~ in this state before July 1, 2023, may
143 continue to own ~~or hold~~ such land ~~or interest,~~ but may not
144 purchase or otherwise acquire a controlling interest in ~~by~~
145 ~~grant, devise, or descent~~ any additional agricultural land ~~or~~

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146 ~~interest in such land~~ in this state.

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

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

156 2. The address of the agricultural land, the property
157 appraiser's parcel identification number, and the property's
158 legal description.

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

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

166 (4) (a) Notwithstanding subsection (1), a foreign principal
167 may acquire a controlling interest in agricultural land on or
168 after July 1, 2023:7

169 1. By devise or descent, through the enforcement of
170 security interests, or through the collection of debts, provided
171 that the foreign principal sells, transfers, or otherwise
172 divests itself of the controlling interest in agricultural land
173 within 3 years after acquiring the controlling interest; or
174 ~~agricultural land.~~

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175 2. For the primary purpose of development and sale of
176 residential units as shown on a final plat if the person or
177 entity provides an affidavit to the Department of Commerce
178 signed under penalty of perjury attesting that the acquisition
179 is primarily for the development and sale of residential units
180 and that those residential units will be offered for sale after
181 the acquisition of the first construction permit.

182 (b) Violations of this subsection are subject to penalties
183 under subsections (7) and (8).

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

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

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

191 1. Affect the title or insurability of the title for the
192 agricultural land; or

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

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

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

202 (b) The Department of Agriculture and Consumer Services may
203 initiate a civil action in the circuit court of the county in

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204 which the property lies for the forfeiture of the agricultural
205 land or any interest therein.

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

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

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

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

232 (7) A foreign principal that purchases or acquires

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233 agricultural land or a controlling ~~any~~ interest therein in
234 violation of this section commits a misdemeanor of the second
235 degree, punishable as provided in s. 775.082 or s. 775.083.

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

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

242 Section 3. Section 692.203, Florida Statutes, is amended to
243 read:

244 692.203 Purchase of real property on or around military
245 installations or critical infrastructure facilities by foreign
246 principals prohibited.-

247 (1) A foreign principal may not ~~directly or indirectly own,~~
248 ~~or have a controlling interest in, or acquire by purchase,~~
249 ~~grant, devise, or descent any interest, except a de minimus~~
250 ~~indirect interest,~~ in real property on or within 10 miles of any
251 military installation or critical infrastructure facility in
252 this state. ~~A foreign principal has a de minimus indirect~~
253 ~~interest if any ownership is the result of the foreign~~
254 ~~principal's ownership of registered equities in a publicly~~
255 ~~traded company owning the land and if the foreign principal's~~
256 ~~ownership interest in the company is either:~~

257 (2) A foreign principal that directly or indirectly owns or
258 acquires a controlling ~~any~~ interest in real property on or
259 within 10 miles of any military installation or critical
260 infrastructure facility in this state before July 1, 2023, may
261 continue to own or hold the controlling interest in such real

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262 property, but may not purchase or otherwise acquire a
263 controlling interest in ~~by grant, devise, or descent~~ any
264 additional real property on or within 10 miles of any military
265 installation or critical infrastructure facility in this state.

266 (3) (a) A foreign principal must register with the
267 Department of Commerce ~~Economic Opportunity~~ if the foreign
268 principal owns or acquires a controlling interest in real
269 property on or within 10 miles of any military installation or
270 critical infrastructure facility in this state as authorized
271 under subsection (4) or if the foreign principal owned or
272 acquired a controlling an interest, ~~other than a de minimus~~
273 ~~indirect interest,~~ in such property before July 1, 2023. The
274 department must establish a form for such registration which
275 must, at a minimum, ~~must~~ include all of the following:

- 276 1. The name of the owner of the real property.
277 2. The address of the real property, the property
278 appraiser's parcel identification number, and the property's
279 legal description.

280 (b) A foreign principal that fails to timely file a
281 registration with the department is subject to a civil penalty
282 of \$1,000 for each day that the registration is late. A foreign
283 principal must register a controlling property interest owned
284 before July 1, 2023, by December 31, 2023. The registration is
285 considered to be late after January 31, 2024. A foreign
286 principal who owns or acquires a controlling interest in real
287 property on or after July 1, 2023, as authorized under
288 subsection (4), must register the real property within 30 days
289 after acquiring the controlling interest ~~property is owned or~~
290 ~~acquired~~. The department may place a lien against the

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291 unregistered real property for the unpaid balance of any
292 penalties assessed under this paragraph.

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

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

298 (b) The person has a current verified United States Visa
299 that is not limited to authorizing tourist-based travel or
300 official documentation confirming that the person has been
301 granted asylum in the United States, and such visa or
302 documentation authorizes the person to be legally present within
303 this state.

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

306 (5) (a) Notwithstanding subsections (1) and (2), a foreign
307 principal may acquire real property or a controlling ~~any~~
308 interest therein which is on or within 10 miles of any military
309 installation or critical infrastructure facility in this state
310 on or after July 1, 2023:;

311 1. By devise or descent, through the enforcement of
312 security interests, or through the collection of debts, provided
313 that the foreign principal sells, transfers, or otherwise
314 divests itself of such real property or controlling interest
315 within 3 years after acquiring the real property or interest;
316 or-

317 2. For the primary purpose of development and sale of
318 residential units as shown on a final plat if the person or
319 entity provides an affidavit to the Department of Commerce

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320 signed under penalty of perjury attesting that the acquisition
321 is primarily for the development and sale of residential units
322 and that those residential units will be offered for sale after
323 the acquisition of the first construction permit.

324 (b) Violations of this subsection are subject to penalties
325 under subsections (7) and (8).

326 (6) (a) At the time of purchase, a buyer of the real
327 property that is on or within 10 miles of any military
328 installation or critical infrastructure facility in this state
329 must provide an affidavit signed under penalty of perjury
330 attesting that the buyer is:

- 331 1. Not a foreign principal or not a foreign principal
332 prohibited from purchasing the subject real property; and
333 2. In compliance with the requirements of this section.

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

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

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

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

347 (b) The Department of Commerce ~~Economic Opportunity~~ may
348 initiate a civil action in the circuit court of the county in

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349 which the property lies for the forfeiture of the real property
350 or any interest therein.

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

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

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

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

376 (8) A foreign principal that purchases or acquires real
377 property or a controlling ~~any~~ interest therein in violation of

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378 this section commits a misdemeanor of the second degree,
379 punishable as provided in s. 775.082 or s. 775.083.

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

384 (10) The Department of Commerce ~~Economic Opportunity~~ shall
385 adopt rules to implement this section.

386 Section 4. Section 692.204, Florida Statutes, is amended to
387 read:

388 692.204 Purchase or acquisition of real property by the
389 People's Republic of China prohibited.—

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

394 (a)1. The People's Republic of China, the Chinese Communist
395 Party, or any official or member of the People's Republic of
396 China or the Chinese Communist Party.

397 (b)2. Any other political party or member of a political
398 party or a subdivision of a political party in the People's
399 Republic of China.

400 (c)3. A partnership, an association, a corporation, an
401 organization, or any other combination of persons organized
402 under the laws of or having its principal place of business in
403 the People's Republic of China, or a subsidiary of such entity.

404 (d)4. Any person who is domiciled in the People's Republic
405 of China, unless the person ~~and who is not~~:

406 1. A citizen or lawful permanent resident of the United

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407 States;

408 2. A holder of a current verified visa to enter the United
409 States which does not limit the holder to tourist-based travel;

410 or

411 3. A holder of official documentation confirming that the
412 person has been granted asylum in the United States.

413 ~~(e) 5.~~ Any person, entity, or collection of persons or
414 entities described in paragraphs (a)-(d) ~~subparagraphs 1.~~
415 ~~through 4.~~ having a controlling interest in a partnership, an
416 association, a corporation, an organization, a trust, or any
417 other legal entity or subsidiary formed for the purpose of
418 owning real property in this state.

419 ~~(b) A person or entity has a de minimus indirect interest~~
420 ~~if any ownership is the result of the person's or entity's~~
421 ~~ownership of registered equities in a publicly traded company~~
422 ~~owning the land and if the person's or entity's ownership~~
423 ~~interest in the company is either:~~

424 ~~1. Less than 5 percent of any class of registered equities~~
425 ~~or less than 5 percent in the aggregate in multiple classes of~~
426 ~~registered equities; or~~

427 ~~2. A noncontrolling interest in an entity controlled by a~~
428 ~~company that is both registered with the United States~~
429 ~~Securities and Exchange Commission as an investment adviser~~
430 ~~under the Investment Advisers Act of 1940, as amended, and is~~
431 ~~not a foreign entity.~~

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

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

438 (b) The person has a current verified United States Visa
439 that is not limited to authorizing tourist-based travel or
440 official documentation confirming that the person has been
441 granted asylum in the United States and such visa or
442 documentation authorizes the person to be legally present within
443 this state.

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

446 (3) A person or entity described in subsection (1)
447 ~~paragraph (1)(a)~~ that directly or indirectly owns or acquires a
448 controlling ~~any~~ interest in real property in this state before
449 July 1, 2023, may continue to own or hold such real property,
450 but may not purchase or otherwise acquire a controlling interest
451 ~~in by grant, devise, or descent~~ any additional real property in
452 this state.

453 (4) (a) A person or entity described in subsection (1)
454 ~~paragraph (1)(a)~~, subsection (2), or paragraph (5) (a) ~~subsection~~
455 ~~(5)~~ must register with the Department of Commerce ~~Economic~~
456 ~~Opportunity~~ if the person or entity owns or acquires ~~more than~~ a
457 controlling ~~de minimus indirect~~ interest in real property in
458 this state. The department must establish a form for such
459 registration which, at a minimum, must include all of the
460 following:

- 461 1. The name of the owner of the real property.
- 462 2. The address of the real property, the property
463 appraiser's parcel identification number, and the property's
464 legal description.

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465 (b) A person or entity that fails to timely file a
466 registration with the department is subject to a civil penalty
467 of \$1,000 for each day that the registration is late. The person
468 or entity subject to the registration requirements must register
469 the property ~~or property interests~~ owned or acquired before July
470 1, 2023, by December 31, 2023. The registration is considered to
471 be late 30 days after January 31, 2024. A person or entity that
472 owns or acquires a controlling interest in real property ~~or an~~
473 ~~interest in real property~~ as authorized under subsection (2) or
474 subsection (5), ~~other than a de minimus indirect interest,~~ on or
475 after July 1, 2023, must register the real property ~~or interest~~
476 within 30 days after the controlling property ~~or interest~~ is
477 owned or acquired. The department may place a lien against the
478 unregistered real property for the unpaid balance of any
479 penalties assessed under this paragraph.

480 (5) (a) Notwithstanding subsection (1), a person or an
481 entity described in subsection (1) ~~paragraph (1) (a)~~ may acquire
482 a controlling interest in real property in this state on or
483 after July 1, 2023; ~~r~~

484 1. By devise or descent, through the enforcement of
485 security interests, or through the collection of debts, provided
486 that the person or entity sells, transfers, or otherwise divests
487 itself of such controlling interest ~~real property~~ within 3 years
488 after acquiring the controlling interest ~~real property~~, unless
489 the person or entity is exempt under s. 692.205; ~~or-~~

490 2. For the primary purpose of development and sale of
491 residential units as shown on a final plat if the person or
492 entity provides an affidavit to the Department of Commerce
493 signed under penalty of perjury attesting that the acquisition

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494 is primarily for the development and sale of residential units
495 and that those residential units will be offered for sale after
496 the acquisition of the first construction permit.

497 (b) Violations of this subsection are subject to penalties
498 under subsections (7) and (8).

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

502 1. Not a person or entity described in subsection (1)
503 ~~paragraph (1)(a)~~ or that the buyer is a person described in
504 subsection (1) ~~paragraph (1)(a)~~ but is authorized under
505 subsection (2) to purchase the subject property; and

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

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

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

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

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

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

520 (b) The Department of Commerce ~~Economic Opportunity~~ may
521 initiate a civil action in the circuit court of the county in
522 which the property lies for the forfeiture of the real property

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523 or any interest therein.

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

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

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

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

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

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552 (9) A person who knowingly sells real property or a
553 controlling ~~any~~ interest therein in violation of this section
554 commits a misdemeanor of the first degree, punishable as
555 provided in s. 775.082 or s. 775.083.

556 (10) The Department of Commerce ~~Economic Opportunity~~ shall
557 adopt rules to implement this section.

558 Section 5. Section 704.09, Florida Statutes, is created to
559 read:

560 704.09 Creation of easements, servitudes, and other
561 interests affecting real property owned by the same owner.-

562 (1) An owner of real property may create an easement,
563 servitude, or other interest in the owner's real property,
564 notwithstanding that the owner owns all of the affected real
565 property.

566 (2) An easement, servitude, or other interest in real
567 property created by an owner in the owner's real property before
568 the effective date of this act is valid unless invalidated by a
569 court on grounds other than unity of title.

570 Section 6. It is the intent of the Legislature to respect
571 the intent of parties to real property transactions that
572 occurred before the effective date of this act and the parties'
573 reliance on easements, servitudes, or other interests created by
574 those transactions.

575 Section 7. The Division of Law Revision is directed to
576 replace the phrase "the effective date of this act" wherever it
577 occurs in s. 704.09, Florida Statutes, as created by this act,
578 with the date this act becomes a law.

579 Section 8. This act shall take effect upon becoming a law.