



Fact Sheet

FOREIGN OWNERSHIP OF LAND NEAR CRITICAL INFRASTRUCTURE

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Across the United States, a wave of legislation has been considered regarding foreign ownership of land. While each state varies, foreign ownership of land restrictions aim to prohibit or limit land acquisitions by select foreign entities, governments, or individuals within state borders. Several states including Wyoming have enacted legislation which seeks to assess or restrict foreign ownership of land near sites of critical infrastructure within the state. Definitions of critical infrastructure, restricted entities, as well as the distance from these sites in which foreign land ownership is prohibited vary by state. This fact sheet provides a description of the foreign ownership restrictions near critical infrastructure sites in Wyoming, Alabama, Arizona,¹ Florida, Indiana, and Montana.

LEGISLATION – AS RELATED TO CRITICAL INFRASTRUCTURE

Wyoming: 2024 Senate File 0077

- Defines “critical infrastructure” as “any property, system and asset, whether physical or cyber-based, so vital to the United States or the state of Wyoming that the degradation or destruction of the property, system and asset would have a debilitating impact on national security, including national economic security and national public health or safety”.²
- Defines “critical infrastructure zone” as “an area of property, whether covering the surface estate, mineral estate, pore space estate or nonphysical property, designated by the governor in consultation with the director of the office of homeland security as property encompassing critical infrastructure”.³
- Defines “designated country or persons” which, if involved in land transactions near critical infrastructure zones, require reporting:
 - Foreign governments or persons determined to be a foreign adversary by the U.S. Secretary of Commerce and specified in 15 C.F. R. 7.4(a); or⁴

¹ Legislation is under consideration.

² W.S. § 19-13-501(a)(ii).

³ W.S. § 19-13-501(a)(iii).

⁴ China; Cuba; Iran; North Korea; Russia; Maduro Regime, 15 C.F.R. § 7.4 (a).

- A country or government designated as a state sponsor or terrorism.⁵
- Requires the Governor and the Wyoming Office of Homeland Security (HLS) to designate critical infrastructure zones.
 - The designation of a critical infrastructure zone is to be the least restrictive designation necessary to ensure the security of the critical infrastructure zone.⁶
- County clerks are to report land transactions including conveyances, leases, and leasehold interests which occur in a critical infrastructure zone or within five miles of a critical infrastructure zone to the HLS and Division of Criminal Investigation (DCI).
- The Director of HLS and the DCI shall investigate, upon reasonable suspicion, if a land transaction at or near a critical infrastructure zone involves a designated country or person, or if the transaction poses a threat to national or state security or that of the critical infrastructure.

Alabama: 2023 House Bill 379

- Defines “foreign country of concern” as China, Iran, North Korea, and Russia.
- Defines “foreign principal” as:
 - The government or any official of the government of a foreign country of concern;
 - A political party, or member of a political party in a foreign country of concern;
 - A country or government identified on a sanctions list of the U.S. Department of the Treasury’s Office of Foreign Assets Control.
- Defines “critical infrastructure facility” as:
 - A chemical manufacturing facility;
 - A refinery;
 - A plant or facility producing electric energy no matter how generated or produced;
 - A water treatment facility or wastewater treatment plant;
 - A liquid natural gas terminal;
 - A telecommunications central switching office;
 - A gas processing plant, including any plant used in the processing, treatment, or fractionation of natural gas;
 - A seaport facility;
 - Aerospace or spaceport infrastructure; or
 - An airport.
- Prohibits a foreign principal from acquiring title to or controlling interests in real property within ten miles of a critical infrastructure facility or military installation.

⁵ As designated by the United States Secretary of State under the federal Export Administration Act of 1979, the Foreign Assistance Act of 1961, the Arms Export Control Act or any other provision of federal law, **W.S. § 19-13-501(a)(iv)(B)**.

⁶ **W.S. § 19-13-502 (a)**.

Arizona: 2024 Senate Bill 1123⁷

- Defines “critical infrastructure” as systems and assets, whether physical or virtual, that are so vital to Arizona and the United States that the incapacity or destruction of the systems and assets would have a debilitating impact on security, economic security, public health or safety.⁸
- Defines “company” as a sole proprietor or an entity owned or controlled by citizens of governments of China, Iran, North Korea, or Russia.
- Prohibits a business in the state or governmental entity from entering into an agreement with a “company” involving critical infrastructure if the company would be able to access or control critical infrastructure in the state.

Florida: 2023 Senate Bill 264

- Defines “foreign country of concern” as China, Russia, Iran, North Korea, Cuba, the Venezuelan Maduro Regime, or Syria.
- Defines “foreign principal” as:
 - The government or any official of the government of a foreign country of concern;
 - A political party or member of a political party of a foreign country of concern;
 - A legal entity composed of persons, or organized under the laws of a foreign country of concern;
 - Any person lawfully domiciled in a foreign country of concern and who is not a citizen or lawful permanent resident of the United States;
 - Any person, entity, or collection of persons of entities of the entities above with a controlling interest in a legal entity formed for the purpose of owning real estate in the state.
- Defines “critical infrastructure facility” as:
 - A chemical manufacturing facility;
 - A refinery;
 - An electrical power plant;
 - A water treatment facility or wastewater treatment plant;
 - A liquid natural gas terminal;
 - A telecommunications central switching office;
 - A gas processing plant, including a plant used in the processing, treatment, or fractionation of natural gas;
 - A seaport;
 - A spaceport territory; or
 - An airport.⁹

⁷ This legislation has not been enacted as of the writing of this fact sheet.

⁸ Ariz. Rev. Stat. § 41-1801 (1).

⁹ Fla. Stat. Ann. § 692.201 (2).

- Prohibits a foreign principal from owning or having a controlling interest in real property on or within ten miles of a critical infrastructure facility or a military installation in the state.
- Provides exceptions.

Indiana: Senate Enrolled Act 477

- Defines “critical infrastructure” as a military installation or:
 - A chemical manufacturing facility;
 - A refinery;
 - A steelmaking facility;
 - An aluminum manufacturing facility;
 - An electric utility facility, including:
 - A power plant;
 - A power generation facility peaker;
 - An electric transmission facility;
 - An electric station or substation; or
 - Any other facility used to support the generation, transmission, or distribution of electricity.
 - A water intake structure or water treatment facility;
 - A natural gas utility facility, including:
 - An age station;
 - A compressor station;
 - An odorization facility;
 - A main line valve;
 - A natural gas storage facility; or
 - Any other facility used to support the acquisition, transmission, distribution, or storage of natural gas.
 - A gasoline, propane, liquid natural gas, or other fuel terminal or storage facility;
 - A transportation facility, including, but not limited to, a port, railroad switching yard, or trucking terminal. However, the term does not include a railroad track that is not part of a railroad switching yard;
 - A pulp or paper manufacturing facility;
 - A pharmaceutical manufacturing facility;
 - A hazardous waste storage, treatment, or disposal facility;
 - A crude oil exploration and production equipment or refined products storage and distribution facility including, but not limited to, valve sites, pipeline interconnections, a pump station, a metering station, below or aboveground pipeline or piping, and a truck loading or offloading facility;
 - A communications services facility, including a central office, cable head end, cable node, or cellular telephone tower site;

- A dam that is regulated by the department of natural resources;
- A facility:
 - Whose owner or operator is required to submit a risk management plan under the federal Chemical Safety Information, Site Security and Fuels Regulatory Relief Act (42 U.S.C. 7412(r)); or
 - Identified and regulated by the United States Department of Homeland Security Chemical Facility Anti-Terrorism Standards (CFATS) program.
- Any aboveground portion of an oil, gas, hazardous liquid, or chemical pipeline, tank, railroad facility, or other storage facility that is completely enclosed, posted, and maintained by the critical infrastructure utility.¹⁰
- Defines “prohibited person” as an individual who is a citizen of or company with a majority of stock or other interest controlled by citizens of, or a company or other entity owned or controlled by citizens of: China, Iran, North Korea, Russia, or a country designated as a threat to critical infrastructure by the governor.
- Defines “company” as an entity owned or controlled by a prohibited person as defined above, or a company headquartered in China, Iran, North Korea, or Russia or a country designated by the governor to be a threat to critical infrastructure.
- Specifies that a qualified entity may not enter into an agreement with a company relating to critical infrastructure if under the agreement the company would be able to control or access critical infrastructure directly or indirectly or a cybersecurity system of a critical infrastructure.

Montana: 2023 Senate Bill 203

- Defines “critical infrastructure” as “systems and assets, whether physical or virtual, so vital to the United States that the incapacity or destruction of the systems and assets would have a debilitating impact on security, national economic security, national public health or safety, or any combination of those matters.”¹¹
- Defines “foreign adversary” as “any foreign government or foreign nongovernment person determined by the secretary of commerce to have engaged in a long-term pattern or serious instances of conduct significantly adverse to the national security of the United States or the security and safety of the people of the United States or a corporation, however constituted, domiciled or headquartered in a nation determined to be a foreign adversary, or a corporation over which a foreign adversary has a controlling interest.”
- Specifies that a foreign adversary may not buy, lease, or rent critical infrastructure in the state.
- A foreign adversary may not enter a contract with an entity which results in the foreign adversary’s control of critical infrastructure in the state.

¹⁰ Ind. Code Ann. § 35-46-10-1 (a).

¹¹ Mont. Code Ann. § 82-1-601 (1).

APPENDIX A

ENROLLED ACT NO. 58, SENATE

SIXTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING
2024 BUDGET SESSION

AN ACT relating to homeland security; requiring county clerks to report conveyances and property transactions to the office of homeland security and the division of criminal investigation as specified; requiring the designation of critical infrastructure zones; authorizing the office of homeland security and the division of criminal investigation to investigate land transactions that threaten critical infrastructure; requiring the division of criminal investigation to investigate homeland security incidents; providing definitions; making conforming amendments; providing an appropriation; specifying applicability; and providing for an effective date.

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

Section 1. W.S. 19-13-501 and 19-13-502 are created to read:

ARTICLE 5

PROPERTY CONVEYANCES NEAR CRITICAL INFRASTRUCTURE

19-13-501. Definitions.

(a) As used in this article:

(i) "Conveyance" means as defined by W.S. 34-1-102 and includes conveyances of real property, surface interests, mineral interests and pore space interests;

(ii) "Critical infrastructure" means any property, system and asset, whether physical or cyber-based, so vital to the United States or the state of Wyoming that the degradation or destruction of the property, system and asset would have a debilitating impact

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on national security, including national economic security and national public health or safety;

(iii) "Critical infrastructure zone" means an area of property, whether covering the surface estate, mineral estate, pore space estate or nonphysical property, designated by the governor in consultation with the director of the office of homeland security as property encompassing critical infrastructure;

(iv) "Designated country or person" means:

(A) A foreign government or foreign nongovernment person determined to be a foreign adversary by the United States secretary of commerce and specified in 15 C.F.R. 7.4(a); or

(B) A country or government designated as a state sponsor of terrorism by the United States secretary of state under the federal Export Administration Act of 1979, the Foreign Assistance Act of 1961, the Arms Export Control Act or any other provision of federal law.

(v) "Director" means the director of the office of homeland security appointed under W.S. 19-13-104.

19-13-502. Critical infrastructure zones; reporting of conveyances; investigations; rulemaking.

(a) The governor, in consultation with the director, shall designate any property or area of property that qualifies under this article as a critical infrastructure zone. The governor and director shall identify each property designated as a critical infrastructure zone by using a legal description of the property. Any designation

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under this section shall be the least restrictive designation necessary to ensure the security of the critical infrastructure to be protected. The director, in consultation with the governor, may remove a designation of a critical infrastructure zone from any property. Not later than July 1, 2025 and each July 1 thereafter, the director, in consultation with the governor, shall review the designations made under this subsection to determine whether designations should be removed or amended. Any property designated as a critical infrastructure zone under this subsection shall remain designated until removed in accordance with this subsection or by order of a court.

(b) Not later than July 1 of each year, the director shall provide a list of all currently designated critical infrastructure zones to each county clerk.

(c) Within fifteen (15) days after the conveyance is executed and completed, the county clerk shall report each conveyance that involves any property located within a critical infrastructure zone or that is located not more than five (5) miles from a critical infrastructure zone to the director and to the division of criminal investigation.

(d) Upon receiving a report from a county clerk under subsection (c) of this section, the director and the division of criminal investigation shall, upon reasonable suspicion, investigate the conveyance to determine if the conveyance involves a designated country or person or if the conveyance poses a threat to national or state security or to critical infrastructure.

(e) The director, the attorney general and the division of criminal investigation may take any action authorized by law to determine the actual identity of any

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party to a conveyance reported under this section if the party's actual identity is not clear from the conveyance. Any investigation and information obtained during the investigation shall remain confidential and shall not be open to public inspection.

(f) The director shall promulgate any rules necessary for the designation of critical infrastructure zones in accordance with this section.

Section 2. W.S. 9-1-618(b) by creating new paragraphs (vi) and (vii), 18-3-402(a) by creating a new paragraph (xxvi) and 19-13-104(d) by creating a new paragraph (vi) are amended to read:

9-1-618. Agents to be safeguarded as peace officers; general assistance to state, county or local authorities; investigative duties.

(b) The division shall investigate:

(vi) Conveyances, leases and leasehold interests within or near designated critical infrastructure zones as reported by county clerks in accordance with W.S. 19-13-501 and 19-13-502. The division may investigate whether the conveyance, lease and leasehold interest may result in a threat to national or state security or whether the conveyance, lease and leasehold interest involves a designated country or person as defined by W.S. 19-13-501(a)(iv). The attorney general or, with the attorney general's approval, the division may subpoena witnesses, compel their attendance and require the production of records and other evidence to determine:

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(A) Whether a conveyance, lease and leasehold interest within five (5) miles of a designated critical infrastructure zone threatens national or state security;

(B) Whether a conveyance, lease and leasehold interest involves a designated country or person as defined by W.S. 19-13-501(a)(iv);

(C) The actual identity of a party to a conveyance, lease and leasehold interest within five (5) miles of a designated critical infrastructure zone.

(vii) Incidents involving domestic terrorism or disasters related to homeland security as specified in W.S. 19-13-102(a)(ii).

18-3-402. Duties generally.

(a) The county clerk shall:

(xxvi) Report all conveyances within five (5) miles of a designated critical infrastructure zone to the director of the office of homeland security and the division of criminal investigation in accordance with W.S. 19-13-501 and 19-13-502.

19-13-104. Powers of governor generally; director, office of homeland security.

(d) The position of the director, office of homeland security is created in the governor's office and shall be appointed by the governor. He shall be responsible to the governor and may be removed by the governor as provided in W.S. 9-1-202. The director shall:

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(vi) Consult the governor and assist the attorney general and division of criminal investigation on the designation of critical infrastructure zones and the investigation of conveyances, leases and leasehold interests within five (5) miles of critical infrastructure zones in accordance with W.S. 19-13-501 and 19-13-502.

Section 3. There is appropriated two hundred fifty thousand dollars (\$250,000.00) from the general fund to the office of state lands and investments for purposes of distributing funds to county clerks to implement this act. The office of state lands and investments shall distribute this appropriation to counties in equal amounts. This appropriation shall only be expended for technology changes and upgrades and other expenses related to implementing this act. This appropriation shall not be transferred or expended for any other purpose and any unexpended, unobligated funds remaining from this appropriation shall revert as provided by law on June 30, 2026.

Section 4. This act shall apply to all conveyances executed on and after July 1, 2024.

ORIGINAL SENATE
FILE NO. SF0077

ENGROSSED

ENROLLED ACT NO. 58, SENATE

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Section 5. This act is effective July 1, 2024.

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the Senate.

Chief Clerk

First Regular Session of the 123rd General Assembly (2023)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2022 Regular Session of the General Assembly.

SENATE ENROLLED ACT No. 477

AN ACT to amend the Indiana Code concerning general provisions.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 1-1-15-0.1 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 0.1. As used in this chapter, "covered communications equipment or service" means communications equipment or service (as defined in 47 CFR 1.50001(c)) that is:**

(1) determined under 47 CFR 1.50002 to pose an unacceptable risk to the national security of the United States or the security and safety of United States persons; and

(2) included on the covered list (as defined in 47 CFR 1.50001(f)) that is:

(A) published;

(B) maintained; and

(C) updated;

by the federal Public Safety and Homeland Security Bureau on the website of the Federal Communications Commission under 47 CFR 1.50002 and 47 CFR 1.50003.

SECTION 2. IC 1-1-15-4, AS ADDED BY P.L.8-2020, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 4. Money appropriated by the general assembly or a political subdivision may not be granted to or used to purchase or obtain any:

(1) equipment or services produced or provided by a prohibited

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person; **or**

(2) covered communications equipment or service.

SECTION 3. IC 1-1-16 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]:

Chapter 16. Critical Infrastructure: Prohibited Contracts and Land Sales to Certain Foreign Owned Companies and Foreign Individuals

Sec. 1. (a) As used in this chapter, "company" means any of the following that exists to make a profit:

- (1) A sole proprietorship.**
- (2) An organization.**
- (3) An association.**
- (4) A corporation.**
- (5) A partnership.**
- (6) A joint venture.**
- (7) A limited partnership.**
- (8) A limited liability partnership.**
- (9) A limited liability company.**
- (10) A business association.**

(b) The term includes:

- (1) a wholly owned subsidiary;**
- (2) a majority owned subsidiary;**
- (3) a parent company; or**
- (4) an affiliate;**

of an individual, entity, or association described in subsection (a)(1) through (a)(10).

Sec. 2. As used in this chapter, "council" means the governor's security council established by IC 10-19-8.1-2.

Sec. 3. As used in this chapter, "critical infrastructure" means any part of:

- (1) a facility, structure, or station listed in IC 35-46-10-1(a);**
- or**
- (2) a military installation;**

that is located in Indiana.

Sec. 4. As used in this chapter, "cybersecurity system" means a system designed to protect any:

- (1) computer;**
- (2) computer network;**
- (3) computer system; or**
- (4) other technology infrastructure;**

against unauthorized use or access.



Sec. 5. (a) As used in this chapter, "military installation" has the meaning set forth in 10 U.S.C. 2801(c)(4) or IC 10-16-1-2.5.

(b) The term includes a military base described in IC 36-7-34-3.

Sec. 6. As used in this chapter, "prohibited person" means either of the following:

(1) An individual who is a citizen of China, Iran, North Korea, Russia, or a country designated as a threat to critical infrastructure by the governor under section 8(b) of this chapter.

(2) A company described in section 9(a)(2) of this chapter.

Sec. 7. As used in this chapter, "qualified entity" means any of the following:

(1) A business corporation, a nonprofit corporation, a general partnership, a limited partnership, a limited liability company, an estate, a trust, an association, a joint venture, or any other legal or commercial entity.

(2) A state agency (as defined in IC 1-1-15-3).

(3) A political subdivision (as defined in IC 36-1-2-13).

Sec. 8. (a) The governor may, at any time, consult with the council to assess a threat to critical infrastructure.

(b) The governor may, at any time, and in consultation with the executive director of the department of homeland security appointed under IC 10-19-3-1, designate a country as a threat to critical infrastructure.

Sec. 9. (a) After June 30, 2023, a qualified entity may not enter into an agreement relating to critical infrastructure with a company if:

(1) under the agreement, the company would be able to directly or remotely access or control critical infrastructure or a cybersecurity system of a critical infrastructure; and

(2) the company is:

(A) owned by, or the majority of stock or other ownership interest of the company is held or controlled by:

(i) individuals who are citizens of China, Iran, North Korea, Russia, or a country designated as a threat to critical infrastructure by the governor under section 8(b) of this chapter; or

(ii) a company or other entity, including a governmental entity, that is owned or controlled by citizens of, or is directly controlled by the government of, China, Iran, North Korea, Russia, or a country designated as a threat to critical infrastructure by the governor under section



8(b) of this chapter; or
 (B) headquartered in China, Iran, North Korea, Russia, or a country designated as a threat to critical infrastructure by the governor under section 8(b) of this chapter.

(b) The prohibition set forth in subsection (a) applies regardless of whether:

- (1) the securities of the company, or of the company's parent company, are publicly traded; or
- (2) the company or the company's parent company is listed as a company of a country designated as a threat by the governor under section 8(b) of this chapter or a Chinese, Iranian, North Korean, or Russian company on a public stock exchange;

as applicable.

Sec. 10. (a) After June 30, 2023, a prohibited person may not purchase, lease, or acquire a parcel of real property that is:

- (1) located in Indiana; and
- (2) directly adjacent to a military installation.

(b) A purchase, lease, or acquisition of a parcel of real property in violation of subsection (a) is subject to divestiture pursuant to section 11 of this chapter.

(c) No title to real property shall be invalid or subject to divestiture by reason of the violation of this section by any former owner or other individual or entity holding or owning a former interest in the real property.

Sec. 11. (a) The attorney general may investigate the purchase, lease, or acquisition of real property upon receipt of a complaint alleging a violation of section 10 of this chapter.

(b) The attorney general shall enforce a violation of section 10 of this chapter by commencing a receivership proceeding under IC 32-30-5-1 and selling the property through the receivership. The following apply to a receivership proceeding under this section:

- (1) Proceeds of the sale shall be disbursed to lienholders, in their order of priority, except for liens which under the terms of the sale are to remain on the property.
- (2) At the receivership sale, lienholders shall be able to have a credit bid.
- (3) No proceeds shall be distributed from the receivership sale to the prohibited person. Any excess proceeds are forfeited and shall be transferred to the state general fund by the receiver.
- (4) Upon commencement of an action under this section, the



attorney general shall promptly file a notice of lis pendens with the clerk of court. Upon the entry order for the sale of the property under this section, the attorney general shall promptly record a copy of the order in the office of the recorder of the county where the property is located.

(c) The responsibility for determining whether an individual or other entity is subject to section 10 of this chapter rests solely with the prohibited person and the attorney general and no other individual or entity. An individual or other entity who is not a prohibited person shall bear no civil or criminal liability for failing to determine or make inquiry of whether an individual or other entity is a prohibited person.

(d) Divestiture of a prohibited person's title under this section shall not be a basis to void, invalidate, or otherwise extinguish any bona fide mortgage, lien, or other interest granted by, through, or under the prohibited person.

SECTION 4. IC 34-30-2.1-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: **Sec. 1.5. IC 1-1-16-11(c) (Concerning the sale, lease, or acquisition of property adjacent to a military installation to a prohibited person).**



President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Governor of the State of Indiana

Date: _____ Time: _____

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Senate Engrossed

critical infrastructure; prohibited agreements

State of Arizona
Senate
Fifty-sixth Legislature
Second Regular Session
2024

SENATE BILL 1123

AN ACT

AMENDING TITLE 44, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 41;
RELATING TO CRITICAL INFRASTRUCTURE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 44, Arizona Revised Statutes, is amended by adding
3 chapter 41, to read:

4 CHAPTER 41

5 CRITICAL INFRASTRUCTURE

6 ARTICLE 1. PROHIBITED AGREEMENTS IN CONNECTION
7 WITH CRITICAL INFRASTRUCTURE

8 44-8031. Critical infrastructure; prohibited agreements;
9 exception; threat designation; definitions

10 A. EXCEPT AS PROVIDED IN SUBSECTION B OF THIS SECTION, A BUSINESS
11 IN THIS STATE OR GOVERNMENTAL ENTITY IN THIS STATE MAY NOT ENTER INTO AN
12 AGREEMENT INVOLVING CRITICAL INFRASTRUCTURE IN THIS STATE WITH A COMPANY
13 IF BOTH OF THE FOLLOWING APPLY:

14 1. UNDER THE AGREEMENT, THE COMPANY, DIRECTLY OR REMOTELY, WOULD BE
15 ABLE TO ACCESS OR CONTROL CRITICAL INFRASTRUCTURE IN THIS STATE, EXCEPT
16 FOR ACCESS THAT IS SPECIFICALLY ALLOWED FOR PRODUCT WARRANTY AND SUPPORT
17 PURPOSES.

18 2. THE COMPANY IS OWNED BY OR CONTROLLED BY EITHER OF THE
19 FOLLOWING:

20 (a) CITIZENS OF CHINA, IRAN, NORTH KOREA OR RUSSIA.

21 (b) A COMPANY OR OTHER ENTITY, INCLUDING A GOVERNMENTAL ENTITY,
22 THAT IS OWNED OR CONTROLLED BY CITIZENS OF OR IS DIRECTLY CONTROLLED BY
23 THE GOVERNMENT OF CHINA, IRAN, NORTH KOREA OR RUSSIA OR THAT IS
24 HEADQUARTERED IN CHINA, IRAN, NORTH KOREA OR RUSSIA.

25 B. SUBSECTION A OF THIS SECTION DOES NOT APPLY TO A COMPANY IF
26 EITHER OF THE FOLLOWING:

27 1. THE COMMITTEE ON FOREIGN INVESTMENT IN THE UNITED STATES OR ITS
28 SUCCESSOR COMMITTEE DETERMINES THAT THERE ARE NO UNRESOLVED NATIONAL
29 SECURITY CONCERNS REGARDING THE TRANSACTION THAT CREATED THE COMPANY'S
30 OWNERSHIP OR ALLOWED THE COMPANY TO OPERATE WITHIN THE UNITED STATES.

31 2. THE CITIZENS DESCRIBED IN SUBSECTION A, PARAGRAPH 2, SUBDIVISION
32 (a) OR (b) OF THIS SECTION ARE ALSO CITIZENS OF THE UNITED STATES.

33 C. THE GOVERNOR, IN CONSULTATION WITH THE DEPARTMENT OF PUBLIC
34 SAFETY, MAY DESIGNATE A COUNTRY AS A THREAT TO CRITICAL INFRASTRUCTURE IN
35 THIS STATE.

36 D. FOR THE PURPOSES OF THIS SECTION:

37 1. "COMPANY" MEANS A SOLE PROPRIETORSHIP, ORGANIZATION,
38 ASSOCIATION, CORPORATION, PARTNERSHIP, JOINT VENTURE, LIMITED PARTNERSHIP,
39 LIMITED LIABILITY PARTNERSHIP OR LIMITED LIABILITY COMPANY, INCLUDING A
40 WHOLLY OWNED SUBSIDIARY, MAJORITY-OWNED SUBSIDIARY, PARENT COMPANY OR
41 AFFILIATE OF THOSE ENTITIES OR BUSINESS ASSOCIATIONS, THAT EXISTS TO MAKE
42 A PROFIT.

43 2. "CRITICAL INFRASTRUCTURE" HAS THE SAME MEANING PRESCRIBED IN
44 SECTION 41-1801.

CHAPTER 2023-33

Committee Substitute for Committee Substitute for Senate Bill No. 264

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; providing exceptions from ownership restrictions; 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; providing exceptions from ownership restrictions; 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. 403.031(20).
 - (d) A water treatment facility or wastewater treatment plant.
 - (e) A liquid natural gas terminal.
 - (f) A telecommunications central switching office.
 - (g) A gas processing plant, including a plant used in the processing, treatment, or fractionation of natural gas.
 - (h) A seaport as listed in s. 311.09.
 - (i) A spaceport territory as defined in s. 331.303(18).
 - (j) 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 foreign country of concern;
 - (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; or
 - (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.
 - (e) Any person, entity, or collection of persons or entities, described in paragraphs (a) through (d) having a controlling interest in a partnership, association, corporation, organization, trust, or any other legal entity or subsidiary formed for the purpose of owning real property in this state.
- (5) “Military installation” means a base, camp, post, station, yard, or center encompassing at least 10 contiguous acres that is under the jurisdiction of the Department of Defense or its affiliates.

(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, have a controlling interest in, 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 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 either:

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

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

(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, devise, 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 3 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 on or around military installations or critical infrastructure facilities by foreign principals prohibited.—

(1) A foreign principal may not directly or indirectly own, or have a controlling interest in, or acquire by purchase, grant, devise, or descent any interest, except a de minimus indirect interest, in real property on or within 10 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 either:

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

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

(2) A foreign principal that directly or indirectly owns or acquires any interest in real property on or within 10 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 on or within 10 miles of any military installation or critical infrastructure facility in this state.

(3)(a) A foreign principal must register with the Department of Economic Opportunity if the foreign principal owns or acquires real property on or within 10 miles of any military installation or critical infrastructure facility in this state as authorized under subsection (4) or if the foreign principal owned or acquired an interest, other than a de minimus indirect interest, in

such property before July 1, 2023. 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. A foreign principal must register a property interest owned before July 1, 2023, by December 31, 2023. The registration is considered to be late after January 31, 2024. A foreign principal who owns or acquires real property on or after July 1, 2023, as authorized under subsection (4), must register the real property within 30 days after the property is owned or acquired. 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 who is a natural person may purchase one residential real property that is up to 2 acres in size if all of the following apply:

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

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

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

(5) Notwithstanding subsections (1) and (2), a foreign principal may acquire real property or any interest therein which is on or within 10 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 3 years after acquiring the real property.

(6)(a) At the time of purchase, a buyer of the real property that is on or within 10 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 or not a foreign principal prohibited from purchasing the subject real property; 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.

(7)(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.

(8) 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.

(9) 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.

(10) 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, have a controlling interest in, 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.

5. Any person, entity, or collection of persons or entities described in subparagraphs 1. through 4. having a controlling interest in a partnership, association, corporation, organization, trust, or any other legal entity or subsidiary formed for the purpose of owning real property in this state.

(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 either:

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

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

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

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

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

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

(3) 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.

(4)(a) A person or entity described in paragraph (1)(a), subsection (2), or subsection (5) must register with the Department of Economic Opportunity if the person or entity owns or acquires more than a de minimus indirect interest in real property in this state. 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 person or entity subject to the registration requirements must register the property or property interests owned or acquired before July 1, 2023, by December 31, 2023. The registration is considered to be late 30 days after January 31, 2024. A person or entity that owns or acquires real property or an interest in real property as authorized under subsection (2) or subsection (5), other than a de minimus indirect interest, on or after July 1, 2023, must register the real property or interest within 30 days after the property or interest is owned or acquired. The department may place a lien against the unregistered real property for the unpaid balance of any penalties assessed under this paragraph.

(5) 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 3 years

after acquiring the real property, unless the person or entity is exempt under s. 692.205.

(6)(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) or that the buyer is a person described in paragraph (1)(a) but is authorized under subsection (2) to purchase the subject property; 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.

(7)(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.

(8) 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.

(9) A person who knowingly 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.

(10) 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)(a) “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)(b) “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)(e) “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 inpatient hospital electronic health record for hospitals.

(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)~~(d) “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)~~(e) “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)~~(f) “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)~~(g) “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.

Approved by the Governor May 8, 2023.

Filed in Office Secretary of State May 8, 2023.

First Regular Session of the 123rd General Assembly (2023)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2022 Regular Session of the General Assembly.

SENATE ENROLLED ACT No. 477

AN ACT to amend the Indiana Code concerning general provisions.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 1-1-15-0.1 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: **Sec. 0.1. As used in this chapter, "covered communications equipment or service" means communications equipment or service (as defined in 47 CFR 1.50001(c)) that is:**

(1) determined under 47 CFR 1.50002 to pose an unacceptable risk to the national security of the United States or the security and safety of United States persons; and

(2) included on the covered list (as defined in 47 CFR 1.50001(f)) that is:

(A) published;

(B) maintained; and

(C) updated;

by the federal Public Safety and Homeland Security Bureau on the website of the Federal Communications Commission under 47 CFR 1.50002 and 47 CFR 1.50003.

SECTION 2. IC 1-1-15-4, AS ADDED BY P.L.8-2020, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: **Sec. 4. Money appropriated by the general assembly or a political subdivision may not be granted to or used to purchase or obtain any:**

(1) equipment or services produced or provided by a prohibited

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person; **or**

(2) covered communications equipment or service.

SECTION 3. IC 1-1-16 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]:

Chapter 16. Critical Infrastructure: Prohibited Contracts and Land Sales to Certain Foreign Owned Companies and Foreign Individuals

Sec. 1. (a) As used in this chapter, "company" means any of the following that exists to make a profit:

- (1) A sole proprietorship.**
- (2) An organization.**
- (3) An association.**
- (4) A corporation.**
- (5) A partnership.**
- (6) A joint venture.**
- (7) A limited partnership.**
- (8) A limited liability partnership.**
- (9) A limited liability company.**
- (10) A business association.**

(b) The term includes:

- (1) a wholly owned subsidiary;**
- (2) a majority owned subsidiary;**
- (3) a parent company; or**
- (4) an affiliate;**

of an individual, entity, or association described in subsection (a)(1) through (a)(10).

Sec. 2. As used in this chapter, "council" means the governor's security council established by IC 10-19-8.1-2.

Sec. 3. As used in this chapter, "critical infrastructure" means any part of:

- (1) a facility, structure, or station listed in IC 35-46-10-1(a);**
- or**
- (2) a military installation;**

that is located in Indiana.

Sec. 4. As used in this chapter, "cybersecurity system" means a system designed to protect any:

- (1) computer;**
- (2) computer network;**
- (3) computer system; or**
- (4) other technology infrastructure;**

against unauthorized use or access.



Sec. 5. (a) As used in this chapter, "military installation" has the meaning set forth in 10 U.S.C. 2801(c)(4) or IC 10-16-1-2.5.

(b) The term includes a military base described in IC 36-7-34-3.

Sec. 6. As used in this chapter, "prohibited person" means either of the following:

(1) An individual who is a citizen of China, Iran, North Korea, Russia, or a country designated as a threat to critical infrastructure by the governor under section 8(b) of this chapter.

(2) A company described in section 9(a)(2) of this chapter.

Sec. 7. As used in this chapter, "qualified entity" means any of the following:

(1) A business corporation, a nonprofit corporation, a general partnership, a limited partnership, a limited liability company, an estate, a trust, an association, a joint venture, or any other legal or commercial entity.

(2) A state agency (as defined in IC 1-1-15-3).

(3) A political subdivision (as defined in IC 36-1-2-13).

Sec. 8. (a) The governor may, at any time, consult with the council to assess a threat to critical infrastructure.

(b) The governor may, at any time, and in consultation with the executive director of the department of homeland security appointed under IC 10-19-3-1, designate a country as a threat to critical infrastructure.

Sec. 9. (a) After June 30, 2023, a qualified entity may not enter into an agreement relating to critical infrastructure with a company if:

(1) under the agreement, the company would be able to directly or remotely access or control critical infrastructure or a cybersecurity system of a critical infrastructure; and

(2) the company is:

(A) owned by, or the majority of stock or other ownership interest of the company is held or controlled by:

(i) individuals who are citizens of China, Iran, North Korea, Russia, or a country designated as a threat to critical infrastructure by the governor under section 8(b) of this chapter; or

(ii) a company or other entity, including a governmental entity, that is owned or controlled by citizens of, or is directly controlled by the government of, China, Iran, North Korea, Russia, or a country designated as a threat to critical infrastructure by the governor under section



8(b) of this chapter; or
 (B) headquartered in China, Iran, North Korea, Russia, or a country designated as a threat to critical infrastructure by the governor under section 8(b) of this chapter.

(b) The prohibition set forth in subsection (a) applies regardless of whether:

- (1) the securities of the company, or of the company's parent company, are publicly traded; or
- (2) the company or the company's parent company is listed as a company of a country designated as a threat by the governor under section 8(b) of this chapter or a Chinese, Iranian, North Korean, or Russian company on a public stock exchange;

as applicable.

Sec. 10. (a) After June 30, 2023, a prohibited person may not purchase, lease, or acquire a parcel of real property that is:

- (1) located in Indiana; and
- (2) directly adjacent to a military installation.

(b) A purchase, lease, or acquisition of a parcel of real property in violation of subsection (a) is subject to divestiture pursuant to section 11 of this chapter.

(c) No title to real property shall be invalid or subject to divestiture by reason of the violation of this section by any former owner or other individual or entity holding or owning a former interest in the real property.

Sec. 11. (a) The attorney general may investigate the purchase, lease, or acquisition of real property upon receipt of a complaint alleging a violation of section 10 of this chapter.

(b) The attorney general shall enforce a violation of section 10 of this chapter by commencing a receivership proceeding under IC 32-30-5-1 and selling the property through the receivership. The following apply to a receivership proceeding under this section:

- (1) Proceeds of the sale shall be disbursed to lienholders, in their order of priority, except for liens which under the terms of the sale are to remain on the property.
- (2) At the receivership sale, lienholders shall be able to have a credit bid.
- (3) No proceeds shall be distributed from the receivership sale to the prohibited person. Any excess proceeds are forfeited and shall be transferred to the state general fund by the receiver.
- (4) Upon commencement of an action under this section, the



attorney general shall promptly file a notice of lis pendens with the clerk of court. Upon the entry order for the sale of the property under this section, the attorney general shall promptly record a copy of the order in the office of the recorder of the county where the property is located.

(c) The responsibility for determining whether an individual or other entity is subject to section 10 of this chapter rests solely with the prohibited person and the attorney general and no other individual or entity. An individual or other entity who is not a prohibited person shall bear no civil or criminal liability for failing to determine or make inquiry of whether an individual or other entity is a prohibited person.

(d) Divestiture of a prohibited person's title under this section shall not be a basis to void, invalidate, or otherwise extinguish any bona fide mortgage, lien, or other interest granted by, through, or under the prohibited person.

SECTION 4. IC 34-30-2.1-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: **Sec. 1.5. IC 1-1-16-11(c) (Concerning the sale, lease, or acquisition of property adjacent to a military installation to a prohibited person).**



President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Governor of the State of Indiana

Date: _____ Time: _____

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AN ACT REVISING THE LAW FOR THE TRANSFER OF CRITICAL INFRASTRUCTURE AND AGRICULTURAL LAND; PROHIBITING THE SALE, LEASE, OR RENTAL OF CRITICAL INFRASTRUCTURE OR LAND USED FOR AGRICULTURAL PRODUCTION TO FOREIGN ADVERSARIES OR CORPORATIONS DOMICILED IN FOREIGN ADVERSARY NATIONS; AND PROVIDING DEFINITIONS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Prohibited transactions with foreign adversaries. (1) A foreign adversary may not:

(a) buy, lease, or rent critical infrastructure, land used for agricultural production, or real property or a residence that has a direct line of sight to any part of a military installation from an entity provided for in this title; or

(b) enter into a contract with an entity provided for in this title that results in the foreign adversary's control of agricultural production land or critical infrastructure in this state.

(2) A foreign adversary that violates this section shall divest from its interest in critical infrastructure or land used for agricultural production within 1 year, after which time the property may be sold at public auction by the county sheriff of any county where the critical infrastructure or land used for agricultural production is located.

(3) The attorney general or county where the critical infrastructure or land used for agricultural production is located may bring a suit to enforce this section.

(4) As used in this section, the following definitions apply:

(a) "Agricultural production":

(i) has the meaning provided in 82-10-502; and

(ii) includes homesteads with one or more acres of improvements.

(b) "Critical infrastructure" has the meaning provided in 82-1-601.

(c) "Foreign adversary" means any foreign government or foreign nongovernment person determined by the secretary of commerce to have engaged in a long-term pattern or serious instances of conduct significantly adverse to the national security of the United States or the security and safety of the people of the United States for the purposes of sections (3)(a) and (3)(b) of Executive Order No. 13873 of May 15, 2019, or a corporation, however constituted, domiciled or headquartered in a nation determined to be a foreign adversary, or a corporation over which a foreign adversary has a controlling interest.

Section 2. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 35, and the provisions of Title 35 apply to [section 1].

- END -

I hereby certify that the within bill,
SB 203, originated in the Senate.

Secretary of the Senate

President of the Senate

Signed this _____ day
of _____, 2023.

Speaker of the House

Signed this _____ day
of _____, 2023.

SENATE BILL NO. 203

INTRODUCED BY K. BOGNER

AN ACT REVISING THE LAW FOR THE TRANSFER OF CRITICAL INFRASTRUCTURE AND AGRICULTURAL LAND; PROHIBITING THE SALE, LEASE, OR RENTAL OF CRITICAL INFRASTRUCTURE OR LAND USED FOR AGRICULTURAL PRODUCTION TO FOREIGN ADVERSARIES OR CORPORATIONS DOMICILED IN FOREIGN ADVERSARY NATIONS; AND PROVIDING DEFINITIONS.