

The attached affidavits and notice were drafted as suggestions to the Florida Real Estate Commission to be adopted by Rule pursuant to Laws of Florida Chapter 2023-33. That process will likely not be finalized prior to the July 1, 2023 effective date of the law.

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## **NOTICE: FLORIDA NOW RESTRICTS THE SALE OF PROPERTY TO FOREIGN PRINCIPALS (Secs. 692.202-205, F.S.)**

Effective July 1, 2023, *foreign principals* of these *foreign countries of concern* are prohibited from purchasing or acquiring any interest in certain types of Florida real property, subject to limited exceptions:

- 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
- The Syrian Arab Republic
- Any agency of or any other entity of significant control of such foreign country of concern

### **BUYERS ARE A FOREIGN PRINCIPAL IF ANY OF THESE APPLY TO THEM:**

- (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;
- (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, or
- (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 Florida.

### **IF A BUYER IS A FOREIGN PRINCIPAL, FLORIDA LAW PROHIBITS THEM:**

- From purchasing or acquiring any interest in real property in Florida classified as agricultural land<sup>1</sup> or within 5 miles of a military installation.<sup>2</sup>

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<sup>1</sup> "Agricultural land" is defined to be that which has "agricultural classification" under 193.461 F.S.

<sup>2</sup> "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. Sec. 692.201(5), F.S.

- With limited exceptions, from purchasing or acquiring any interest in real property in Florida within 10 miles of a critical infrastructure facility<sup>3</sup> or military installation
- NOTE: Foreign principals of the People’s Republic China are prohibited from purchasing or acquiring any interest in any real property in Florida regardless of its classification, subject to the Limited Residential Exception and Diplomatic Purposes Exception described below

**CERTAIN EXCEPTIONS MAY APPLY:**

- Limited Residential Exception - If the Buyer is a ‘natural person’ subject to the law, they may still purchase one residential real property, 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;
  - (b) Buyer 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 in Florida;
  - (c) The purchase is in the Buyer’s name, i.e., the name of the person who holds the visa or official documentation described in paragraph (b), and
  - (d) The Buyer is only entitled to one residential property as described above.
- Diplomatic Purposes Exception - The real property is for diplomatic purposes as recognized, acknowledged, or allowed by the Federal Government

**CAUTION: PERSONS WHO ARE OR MAY BE DEFINED AS “FOREIGN PRINCIPALS OF FOREIGN COUNTRIES OF CONCERN” SHOULD CONSULT WITH AN ATTORNEY BEFORE PURCHASING OR ACQUIRING ANY INTEREST IN REAL PROPERTY IN FLORIDA ON OR AFTER JULY 1, 2023. LAND ACQUIRED IN VIOLATION OF THIS LAW MAY BE FORFEITED TO THE STATE.**

BY SIGNING BELOW, I ACKNOWLEDGE HAVING REVIEWED THE ABOVE NOTICE.

Buyer:

\_\_\_\_\_

Dated: \_\_\_\_\_

<sup>3</sup> “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

# Affidavit

## [Part III, Ch. 692 F.S. - Conveyances to Foreign Entities - By Individual Buyer]

BEFORE ME, the undersigned authority, duly authorized to take acknowledgments and administer oaths, personally appeared \*\*\* (“Affiant”), who deposes and says under penalties of perjury that:

(When used “Affiant” includes singular or plural as context so requires or admits.)

1. Affiant is purchasing or acquiring an interest in the following described real property:  
\*\*\* [insert legal description]
2. Affiant has read the attached Notice and has been given the opportunity to consult with an attorney.
3. Affiant is (**Initial which is applicable**):  
\_\_\_\_ Not a Foreign Principal as defined in §692.201, F.S. and as such is in compliance with the requirements set out in §692.202-205, F.S.  
**OR**  
\_\_\_\_ A Foreign Principal as defined in §692.201, F.S. and is in compliance with the requirements set out in §692.202-205, F.S.
4. Affiant acknowledges the foregoing representations will be relied upon to establish compliance with the law.

\_\_\_\_\_  
\*\*\*

Address: \_\_\_\_\_  
\_\_\_\_\_

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_

Sworn to (or affirmed) and subscribed before me by means of [ ] physical presence or [ ] online notarization this \_\_\_ day of \_\_\_\_\_, 20\_\_\_, by \*\*\* who [ ] is/are personally known or [ ] has/have produced \_\_\_\_\_ as identification.

(Notary Seal)

\_\_\_\_\_  
Notary Public  
My Commission Expires: \_\_\_\_\_  
My Commission Number: \_\_\_\_\_

## **Affidavit (Continued)**

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SAMPLE

# Affidavit

[Part III, Ch. 692 F.S. - Conveyances to Foreign Entities - By Entity Buyer]

**BEFORE ME**, the undersigned authority, duly authorized to take acknowledgments and administer oaths, personally appeared \_\_\_\_\_ (“Affiant”) who deposes and says under penalties of perjury that:

(When used “Affiant” and “Buyer” include singular or plural as context so requires or admits.)

1. Affiant is the [state official capacity] of [state name/type/venue of entity], which is hereinafter referred to as “Buyer.”

2. Buyer is purchasing or acquiring an interest in the following described real property:

[Insert Legal Description]

3. Affiant has read the attached Notice and has been given the opportunity to consult with an attorney.

4. Buyer is (Initial which is applicable):

\_\_\_\_ Not a Foreign Principal as defined in §692.201, F.S. and as such is in compliance with the requirements set out in §692.202-205, F.S.

OR

\_\_\_\_ A Foreign Principal as defined in sec §692.201, F.S. and is in compliance with the requirements set out in §692.202-205, F.S.

5. Affiant acknowledges the foregoing representations will be relied upon to establish compliance with the law.

\_\_\_\_\_  
(Affiant)

Print Name: \_\_\_\_\_

Official Capacity: \_\_\_\_\_

Name of Buyer: \_\_\_\_\_

Address: \_\_\_\_\_

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_

Sworn to (or affirmed) and subscribed before me by means of [ ] physical presence or [ ] online notarization this \_\_\_\_ day of \_\_\_\_, 20\_\_, by \_\_\_\_\_ who [ ] is personally known or [ ] has produced \_\_\_\_\_ as identification.

\_\_\_\_\_  
Notary Public

[Notary Seal]

Printed Name: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

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SAMPLE