



Written by [Luis Miguel](#) on June 30, 2023

DOJ Rips Florida Law Banning Chinese Land Purchases Near Military Bases

Beijing has a powerful ally in its effort to purchase large swaths of American land: The United States Department of Justice.

The DOJ [contends in a court filing](#) this week that Florida legislation, signed into law by Republican Gov. Ron DeSantis last month, is “unconstitutional” for banning Chinese land ownership near U.S. military facilities and key infrastructure.

According to the Justice Department, the Florida law, [SB 264](#), goes against the 14th Amendment’s Equal Protection Clause and violates the [Fair Housing Act of 1968](#) (FHA).



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The [14th Amendment](#) states that “No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.”

And FHA prohibits discrimination in housing on the basis of race, color, religion, sex, familial status, disability, or national origin.

The administration is using this as the foundation for their base that the Florida policy discriminates against Chinese and others whose nations of origin are included on the state’s list of problematic countries.

Per SB 264, the “foreign countries of concern” are Russia, Iran, North Korea, Cuba, Venezuela, and Syria. “Foreign principals” from those countries may not own or buy farmland or real property if it falls within a 10-mile radius of a military facility or “critical infrastructure.”

Under SB 264, a “foreign principal” is an individual who is not an American citizen or legal permanent resident and whose “domicile” is in one of the listed countries.

There are exceptions, however, including for those with a non-tourist visa or who have been given asylum in the United States. Such individuals may own one residential real property so long as it’s smaller than two acres and more than five miles away from a military installation.

But the acquisition of property by China is strictly prohibited, and that prohibition includes both political and corporate entities.

“These unlawful provisions will cause serious harm to people simply because of their national origin, contravene federal civil rights laws, undermine constitutional rights, and will not advance the State’s purported goal of increasing public safety,” the DOJ wrote in its filing, as reported by Fox News.

But Gov. DeSantis and Florida Republicans have defended the legislation as crucial to curtailing the influence of the Chinese Communist Party and other antagonistic foreign entities.



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As Fox documents, one of the law's biggest champions has been Florida Agriculture Commissioner Wilton Simpson:

“Restricting China and other hostile foreign nations from controlling Florida’s agricultural land and lands near critical infrastructure facilities protects our state, provides long-term stability, and preserves our economic freedom,” Florida’s Commissioner of Agriculture Wilton Simpson ... stated last month, according to the filing.

“Food security is national security, and we have a responsibility to ensure Floridians have access to a safe, affordable, and abundant food supply,” Simpson added in May. “China and other hostile foreign nations control hundreds of thousands of acres of critical agricultural lands in the U.S., leaving our food supply and our national security interests at risk.”

The outlet notes that the American Civil Liberties Union (ACLU) is representing the plaintiffs: Multi-Choice Realty, LLC (a Florida brokerage firm) and Yifan Shen, Zhiming Xu, Xinxi Wang, and Yongxin Liu — four Chinese nationals who live in Florida.

The ACLU argues that the Florida policy will “cast an undue burden of suspicion on anyone seeking to buy property whose name sounds remotely Asian, Russian, Iranian, Cuban, Venezuelan, or Syrian.” A hearing is scheduled for July 18.

Chinese investors have purchased approximately 400,000 acres of land in the United States. As tensions rise between the U.S. and China, Chinese ownership of American land — particularly agricultural land and land near military installations — has become a hot-button issue among policymakers, particularly among Republicans.

In just two notable examples of China’s [growing influence in America](#), twelve Chinese investors have put \$16 million into an aquaculture project on 100 acres in Fellsmere, Florida. In Virginia, the Chinese bought Smithfield Foods and its 460 large farms and facilities in 26 states, employing tens of thousands of Americans.

In South Dakota, special interests [crushed an effort](#) by Republican Gov. Kristi Noem to crack down on Chinese land purchases by creating a panel to review foreign land purchases within the state and giving the governor’s office authority to veto such purchases.

Noem’s bill would have established a state-level version of the Committee on Foreign Investment in the United States (CFIUS), which under federal law has the power to approve or disapprove major U.S. transactions. CFIUS-South Dakota would review proposed transactions, and the legislation would empower Noem to unilaterally veto transactions reviewed by the committee.

Gov. Greg Abbott of Texas, also a Republican, has championed legislation restricting Chinese land purchases in his state. And President Donald Trump has included in his 2024 platform a measure to ban China from purchasing American farmland.



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