

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Boyd offered the following:

2  
3 **Amendment (with title amendment)**

4 Between lines 102 and 103 insert:

5 Section 2. Subsection (4) of section 704.06, Florida  
6 Statutes, is amended to read:

7 704.06 Conservation easements; creation; acquisition;  
8 enforcement.--

9 (4) Conservation easements shall run with the land and be  
10 binding on all subsequent owners of the servient estate.

11 Notwithstanding the provisions of s. 197.552, all provisions of  
12 a conservation easement shall survive and are enforceable after  
13 the issuance of a tax deed. No conservation easement shall be  
14 unenforceable on account of lack of privity of contract or lack  
15 of benefit to particular land or on account of the benefit being  
16 assignable. Conservation easements may be enforced by injunction  
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17 or proceeding in equity or at law, and shall entitle the holder  
18 to enter the land in a reasonable manner and at reasonable times  
19 to assure compliance. A conservation easement may be released  
20 by the holder of the easement to the holder of the fee even  
21 though the holder of the fee may not be a governmental body or a  
22 charitable corporation or trust.

23 Section 3. Tax increment financing for conservation  
24 lands.--

25 (1) Two or more counties, or a combination of at least one  
26 county and one or more municipalities, may establish, through an  
27 interlocal agreement, a tax increment area for conservation  
28 lands. The interlocal agreement, at a minimum, shall:

29 (a) Identify the geographic boundaries of the tax  
30 increment area;

31 (b) Identify the real property to be acquired as  
32 conservation land within the tax increment area;

33 (c) Establish the percentage of tax increment financing  
34 for each jurisdiction in the tax increment area;

35 (d) Identify the governing body of the jurisdiction that  
36 will administer a separate reserve account in which the tax  
37 increment will be deposited;

38 (e) Require that any tax increment revenues not used to  
39 purchase conservation lands by a date certain be refunded to the  
40 parties to the interlocal agreement. Any refund shall be  
41 proportionate to the parties' payment of tax increment revenues  
42 into the separate reserve account;

43 (f) Provide for an annual audit of the separate reserve  
44 account;

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45 (g) Designate an entity to hold title to any conservation  
46 lands purchased using the tax increment revenues;

47 (h) Provide for a continuing management plan for the  
48 conservation lands; and

49 (i) Identify the entity that will manage these  
50 conservation lands.

51 (2) The water management district in which conservation  
52 lands proposed for purchase under this section are located may  
53 also enter into the interlocal agreement if the district  
54 provides any funds for the purchase of the conservation lands.  
55 The water management districts may only use ad valorem tax  
56 revenues for agreements described within this section.

57 (3) The governing body of the jurisdiction that will  
58 administer the separate reserve account shall provide  
59 documentation to the Department of Community Affairs identifying  
60 the boundary of the tax increment area. The department shall  
61 determine whether the boundary is appropriate in that property  
62 owners within the boundary will receive a benefit from the  
63 proposed purchase of identified conservation lands. The  
64 department shall issue a letter of approval stating that the  
65 establishment of the tax increment area and the proposed  
66 purchases would benefit property owners within the boundary and  
67 serve a public purpose before any tax increment funds are  
68 deposited into the separate reserve account. If the department  
69 fails to provide the required letter within 90 days after  
70 receiving sufficient documentation of the boundary, the  
71 establishment of the area and the proposed purchases are deemed  
72 to provide such benefit and serve a public purpose.

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73       (4) Prior to the purchase of conservation lands under this  
74 section, the Department of Environmental Protection must  
75 determine whether the proposed purchase is sufficient to provide  
76 additional recreational and ecotourism opportunities for  
77 residents in the tax increment area. If the department fails to  
78 provide a letter of approval within 90 days after receipt of the  
79 request for such a letter, the purchase is deemed sufficient to  
80 provide recreation and ecotourism opportunities.

81       (5) The tax increment authorized under this section shall  
82 be determined annually and may not exceed 95 percent of the  
83 difference in ad valorem taxes as provided in s. 163.387(1)(a),  
84 Florida Statutes.

85       (6) A separate reserve account shall be established for  
86 each tax increment area for conservation lands which is created  
87 under this section. The separate reserve account must be  
88 administered pursuant to the terms of the interlocal agreement.  
89 Tax increment funds allocated to this separate reserve account  
90 shall be used to acquire the real property identified for  
91 purchase in the interlocal agreement. Pursuant to the interlocal  
92 agreement, the governing body of the local government that will  
93 administer the separate reserve account may spend increment  
94 revenues to purchase the real property only if all parties to  
95 the interlocal agreement adopt a resolution approving the  
96 purchase price.

97       (7) The annual funding of the separate reserve account may  
98 not be less than the increment income of each taxing authority  
99 which is held as provided in the interlocal agreement for the  
100 purchase of conservation lands.

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101       (8) Unless otherwise provided in the interlocal agreement,  
102 a taxing authority that does not pay the tax increment revenues  
103 to the separate reserve account by January 1 shall pay interest  
104 on the amount of unpaid increment revenues equal to 1 percent  
105 for each month that the increment revenue remains outstanding.

106       (9) The public bodies and taxing authorities listed in s.  
107 163.387(2)(c), Florida Statutes, and special districts that levy  
108 ad valorem taxes within a tax increment area are exempt from  
109 this section.

110       (10) Revenue bonds under this section are payable solely  
111 out of revenues pledged to and received by the local government  
112 administering the separate reserve account and deposited into  
113 the separate reserve account. The revenue bonds issued under  
114 this section do not constitute a debt, liability, or obligation  
115 of a public body, the state, or any of the state's political  
116 subdivisions.

117       Section 4. The Legislature finds that an inadequate supply  
118 of conservation lands limits recreational opportunities and  
119 negatively impacts the economy, health, and welfare of the  
120 surrounding community. The Legislature also finds that acquiring  
121 conservation lands for recreational opportunities and ecotourism  
122 serves a valid public purpose.

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125 ===== T I T L E   A M E N D M E N T =====

126       Remove lines 2-10 and insert:

127       An act relating to conservation; creating part IV of ch.

128       369, F.S., entitled "Springs Protection"; providing a

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129 short title; providing legislative findings and intent;  
130 providing definitions; establishing the Florida Springs  
131 Stewardship Task Force; providing for task force  
132 membership and duties; requiring a report to the Governor  
133 and Legislature; providing for assistance and cooperation  
134 from state agencies and local governments; providing for  
135 expiration of the task force; amending s. 704.06, F.S.;  
136 providing that all provisions of a conservation easement  
137 shall survive and remain enforceable after the issuance of  
138 a tax deed; authorizing two or more counties, or a  
139 combination of at least one county and municipality, to  
140 establish a tax increment area for conservation lands by  
141 interlocal agreement; providing requirements for such an  
142 interlocal agreement; requiring that a tax increment be  
143 determined annually; limiting the amount of the tax  
144 increment; requiring the establishment of a separate  
145 reserve account for each tax increment area; providing for  
146 a refund; requiring an annual audit of the separate  
147 reserve account; providing for the administration of the  
148 separate reserve account; providing that the governmental  
149 body that administers the separate reserve account may  
150 spend revenues from the tax increment to purchase real  
151 property only if all parties to the interlocal agreement  
152 adopt a resolution that approves the purchase price;  
153 providing that a water management district may be a party  
154 to the interlocal agreement; requiring certain approvals  
155 from the Department of Environmental Protection and the  
156 Department of Community Affairs; providing a comparative

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157 standard on which the minimum annual funding of the  
158 separate reserve account must be based; requiring a taxing  
159 authority that does not pay tax increment revenues to the  
160 separate reserve account before a specified date to pay a  
161 specified amount of interest on the amount of unpaid  
162 increment revenues; providing exemptions for certain  
163 public bodies, taxing authorities, and special districts;  
164 providing that revenue bonds may be paid only from  
165 revenues deposited into the separate reserve account;  
166 providing that such revenue bonds are not a debt,  
167 liability, or obligation of the state or any public body;  
168 providing legislative findings; providing an effective  
169 date.

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