

Amendment No.

CHAMBER ACTION

Senate

House



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, must:

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 must 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 must 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

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

119 Remove lines 2-10 and insert:

120 An act relating to conservation; creating part IV of ch.
 121 369, F.S., entitled "Springs Protection"; providing a
 122 short title; providing legislative findings and intent;
 123 providing definitions; establishing the Florida Springs
 124 Stewardship Task Force; providing for task force
 125 membership and duties; requiring a report to the Governor
 126 and Legislature; providing for assistance and cooperation
 127 from state agencies and local governments; providing for
 128 expiration of the task force; amending s. 704.06, F.S.;

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129 providing that all provisions of a conservation easement
130 shall survive and remain enforceable after the issuance of
131 a tax deed; authorizing two or more counties, or a
132 combination of at least one county and municipality, to
133 establish a tax increment area for conservation lands by
134 interlocal agreement; providing requirements for such an
135 interlocal agreement; requiring that a tax increment be
136 determined annually; limiting the amount of the tax
137 increment; requiring the establishment of a separate
138 reserve account for each tax increment area; providing for
139 a refund; requiring an annual audit of the separate
140 reserve account; providing for the administration of the
141 separate reserve account; providing that the governmental
142 body that administers the separate reserve account may
143 spend revenues from the tax increment to purchase real
144 property only if all parties to the interlocal agreement
145 adopt a resolution that approves the purchase price;
146 providing that a water management district may be a party
147 to the interlocal agreement; requiring certain approvals
148 from the Department of Environmental Protection and the
149 Department of Community Affairs; providing a comparative
150 standard on which the minimum annual funding of the
151 separate reserve account must be based; requiring a taxing
152 authority that does not pay tax increment revenues to the
153 separate reserve account before a specified date to pay a
154 specified amount of interest on the amount of unpaid
155 increment revenues; providing exemptions for certain
156 public bodies, taxing authorities, and special districts;

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(LATE FILED)

HOUSE AMENDMENT

Bill No. CS/HB 299

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157 providing that revenue bonds may be paid only from
158 revenues deposited into the separate reserve account;
159 providing that such revenue bonds are not a debt,
160 liability, or obligation of the state or any public body;
161 providing legislative findings; providing an effective
162 date.

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