

Bill No. HB 7203, 2nd Eng.

Barcode 810406

	CHAMBER ACTION	
<u>Senate</u>		<u>House</u>

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Senator Constantine moved the following **amendment to amendment**
(113368):

Senate Amendment (with title amendment)

On page 15, between lines 14 and 15,

insert:

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

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

(4) Conservation easements shall run with the land and
be binding on all subsequent owners of the servient estate.
Notwithstanding the provisions of s. 197.552, all provisions
of a conservation easement shall survive and are enforceable
after the issuance of a tax deed. No conservation easement
shall be unenforceable on account of lack of privity of
contract or lack of benefit to particular land or on account
of the benefit being assignable. Conservation easements may be
enforced by injunction or proceeding in equity or at law, and
shall entitle the holder to enter the land in a reasonable

1 manner and at reasonable times to assure compliance. A
 2 conservation easement may be released by the holder of the
 3 easement to the holder of the fee even though the holder of
 4 the fee may not be a governmental body or a charitable
 5 corporation or trust.

6 Section 7. Tax increment financing for conservation
 7 lands.--

8 (1) Two or more counties, or a combination of at least
 9 one county and one or more municipalities, may establish,
 10 through an interlocal agreement, a tax increment area for
 11 conservation lands. The interlocal agreement, at a minimum,
 12 must:

13 (a) Identify the geographic boundaries of the tax
 14 increment area;

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

17 (c) Establish the percentage of tax increment
 18 financing for each jurisdiction in the tax increment area
 19 which is a party to the interlocal agreement;

20 (d) Identify the governing body of the jurisdiction
 21 that will administer a separate reserve account in which the
 22 tax increment will be deposited;

23 (e) Require that any tax increment revenues not used
 24 to purchase conservation lands by a date certain be refunded
 25 to the parties to the interlocal agreement. Any refund shall
 26 be proportionate to the parties' payment of tax increment
 27 revenues into the separate reserve account;

28 (f) Provide for an annual audit of the separate
 29 reserve account;

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

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1 (h) Provide for a continuing management plan for the
2 conservation lands; and

3 (i) Identify the entity that will manage these
4 conservation lands.

5 (2) The water management district in which
6 conservation lands proposed for purchase under this section
7 are located may also enter into the interlocal agreement if
8 the district provides any funds for the purchase of the
9 conservation lands. The water management districts may only
10 use ad valorem tax revenues for agreements described within
11 this section.

12 (3) The governing body of the jurisdiction that will
13 administer the separate reserve account shall provide
14 documentation to the Department of Community Affairs
15 identifying the boundary of the tax increment area. The
16 department shall determine whether the boundary is appropriate
17 in that property owners within the boundary will receive a
18 benefit from the proposed purchase of identified conservation
19 lands. The department must issue a letter of approval stating
20 that the establishment of the tax increment area and the
21 proposed purchases would benefit property owners within the
22 boundary and serve a public purpose before any tax increment
23 funds are deposited into the separate reserve account. If the
24 department fails to provide the required letter within 90 days
25 after receiving sufficient documentation of the boundary, the
26 establishment of the area and the proposed purchases are
27 deemed to provide such benefit and serve a public purpose.

28 (4) Prior to the purchase of conservation lands under
29 this section, the Department of Environmental Protection must
30 determine whether the proposed purchase is sufficient to
31 provide additional recreational and ecotourism opportunities

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1 for residents in the tax increment area. If the department
 2 fails to provide a letter of approval within 90 days after
 3 receipt of the request for such a letter, the purchase is
 4 deemed sufficient to provide recreation and ecotourism
 5 opportunities.

6 (5) The tax increment authorized under this section
 7 shall be determined annually and may not exceed 95 percent of
 8 the difference in ad valorem taxes as provided in s.
 9 163.387(1)(a), Florida Statutes.

10 (6) A separate reserve account must be established for
 11 each tax increment area for conservation lands which is
 12 created under this section. The separate reserve account must
 13 be administered pursuant to the terms of the interlocal
 14 agreement. Tax increment funds allocated to this separate
 15 reserve account shall be used to acquire the real property
 16 identified for purchase in the interlocal agreement. Pursuant
 17 to the interlocal agreement, the governing body of the local
 18 government that will administer the separate reserve account
 19 may spend increment revenues to purchase the real property
 20 only if all parties to the interlocal agreement adopt a
 21 resolution approving the purchase price.

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

26 (8) Unless otherwise provided in the interlocal
 27 agreement, a taxing authority that does not pay the tax
 28 increment revenues to the separate reserve account by January
 29 1 shall pay interest on the amount of unpaid increment
 30 revenues equal to 1 percent for each month that the increment
 31 revenue remains outstanding.

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

5 (10) Revenue bonds under this section are payable
 6 solely out of revenues pledged to and received by the local
 7 government administering the separate reserve account and
 8 deposited into the separate reserve account. The revenue bonds
 9 issued under this section do not constitute a debt, liability,
 10 or obligation of a public body, the state, or any of the
 11 state's political subdivisions.

12 Section 8. The Legislature finds that an inadequate
 13 supply of conservation lands limits recreational opportunities
 14 and negatively impacts the economy, health, and welfare of the
 15 surrounding community. The Legislature also finds that
 16 acquiring conservation lands for recreational opportunities
 17 and ecotourism serves a valid public purpose.

18
19 (Redesignate subsequent sections.)

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

23 And the title is amended as follows:

24 On page 16, line 28, after the semicolon,

25
26 insert:

27 amending s. 704.06, F.S.; providing that all
 28 provisions of a conservation easement shall
 29 survive and remain enforceable after the
 30 issuance of a tax deed; authorizing two or more
 31 counties, or a combination of at least one

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1 county and municipality, to establish a tax
2 increment area for conservation lands by
3 interlocal agreement; providing requirements
4 for such an interlocal agreement; requiring
5 that a tax increment be determined annually;
6 limiting the amount of the tax increment;
7 requiring the establishment of a separate
8 reserve account for each tax increment area;
9 providing for a refund; requiring an annual
10 audit of the separate reserve account;
11 providing for the administration of the
12 separate reserve account; providing that the
13 governmental body that administers the separate
14 reserve account may spend revenues from the tax
15 increment to purchase real property only if all
16 parties to the interlocal agreement adopt a
17 resolution that approves the purchase price;
18 providing that a water management district may
19 be a party to the interlocal agreement;
20 requiring certain approvals from the Department
21 of Environmental Protection and the Department
22 of Community Affairs; providing a comparative
23 standard on which the minimum annual funding of
24 the separate reserve account must be based;
25 requiring a taxing authority that does not pay
26 tax increment revenues to the separate reserve
27 account before a specified date to pay a
28 specified amount of interest on the amount of
29 unpaid increment revenues; providing exemptions
30 for certain public bodies, taxing authorities,
31 school districts and special districts;

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1 providing that revenue bonds may be paid only
2 from revenues deposited into the separate
3 reserve account; providing that such revenue
4 bonds are not a debt, liability, or obligation
5 of the state or any public body; providing
6 legislative findings;

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