

By Senator Dean

3-03396-08

20082294\_\_

1                   A bill to be entitled  
2           An act relating to working waterfront real property;  
3           creating s. 193.506, F.S.; authorizing owners of working  
4           waterfront real property to convey development rights to  
5           such property to a county or municipality; authorizing  
6           counties or municipalities to enter into agreements with  
7           owners of working waterfront real property to acquire  
8           development rights to such property for certain  
9           consideration and for certain periods; providing for  
10          renewals; authorizing owners to opt out of a conveyance  
11          under certain circumstances; providing for payment of  
12          certain additional ad valorem taxes under certain  
13          circumstances; providing procedures and requirements;  
14          providing for assessment of such property; providing a  
15          definition; requiring certain counties or municipalities  
16          to include within a local government comprehensive plan  
17          provisions to protect working waterfront property under  
18          certain circumstances; providing duties of property  
19          appraisers; providing an effective date.

20  
21 Be It Enacted by the Legislature of the State of Florida:

22  
23           Section 1.   Section 193.506, Florida Statutes, is created to  
24 read:

25           193.506 Working waterfront real property; development  
26 rights purchase by local government.--

27           (1) (a) The owner or owners in fee of any working waterfront  
28 real property may by appropriate instrument convey all rights to  
29 develop the property to the county or municipality in which such

3-03396-08

20082294\_\_

30 property is located for the sum of \$10 and other valuable  
31 considerations for a period of 7 years. The conveyance shall be  
32 subject to renewal upon agreement by the owner or owners of the  
33 property and the county or municipality.

34 (b) Before the end of any 7-year period, the owner or  
35 owners of the property may elect to terminate the conveyance by  
36 paying to the county or municipality an amount of ad valorem  
37 taxes equal to the difference between the amount actually paid  
38 during the time the conveyance was in effect and the amount the  
39 owner or owners would have paid had development rights not been  
40 conveyed as provided under this section.

41 (2) A county or municipality may enter into an agreement  
42 with the owner or owners of working waterfront real property to  
43 acquire the development rights to such property as provided in  
44 subsection (1) and accept any instrument conveying a development  
45 right pursuant to subsection (1). If such instrument is accepted  
46 by the county or municipality, the instrument shall be promptly  
47 filed with the appropriate officer for recording in the same  
48 manner as any other instrument affecting title to real property.

49 (3) When, pursuant to this section, the development rights  
50 in working waterfront property have been conveyed to a county or  
51 municipality, the real property subject to such conveyance shall  
52 be assessed at fair market value as working waterfront real  
53 property and the appraiser shall recognize the nature and length  
54 of the restriction placed on the use of the property under the  
55 provisions of the conveyance.

56 (4) A county or municipality that holds title to any  
57 development right pursuant to this section may not convey that  
58 right to anyone and may not exercise that right in any manner

3-03396-08

20082294\_\_

59 inconsistent with working waterfronts. Property for which the  
60 development right has been conveyed to a county or municipality  
61 under this section may not be used for any purpose inconsistent  
62 with working waterfronts.

63 (5) For purposes of this section, the term "working  
64 waterfront real property" means land that is used predominantly  
65 for commercial fishing purposes, used predominantly for  
66 commercial or industrial water-dependent activities, or used for  
67 public access to waters that are navigable, and includes marinas  
68 and drystacks that are open to the public, water-dependent marine  
69 manufacturing facilities, commercial fishing facilities, marine  
70 repair facilities, and support facilities for marine repair  
71 facilities.

72 (6) A county or municipality that acquires the development  
73 rights to working waterfront real property pursuant to this  
74 section shall include within the local government comprehensive  
75 plan for such county or municipality required under chapter 163  
76 provisions for protecting such property as a working waterfront.

77 (7) (a) For the purposes of assessment roll preparation and  
78 recordkeeping, the property appraiser shall report the assessed  
79 value of property subject to a conveyance pursuant to this  
80 section as its classified use value and shall annually determine  
81 and report as just value the fair market value of such property  
82 irrespective of any negative effect that restrictions imposed or  
83 conveyances made pursuant to this section may have had on such  
84 value.

85 (b) The property appraiser shall report annually to the  
86 department the just value and classified use value of property  
87 for which the development right has been conveyed.

3-03396-08

20082294\_\_

88

Section 2. This act shall take effect July 1, 2008.