



339652

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/14/2009	.	
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	.	

The Committee on Environmental Preservation and Conservation
(Dockery) recommended the following:

1 **Senate Amendment to Amendment (191502) (with title**
2 **amendment)**

3
4 Delete lines 81 - 620
5 and insert:

6 4. Includes a shoreline adjacent to a beach on the Atlantic
7 Ocean or Gulf of Mexico, Outstanding Florida Waters, an Estuary
8 of National Significance, or an American Heritage River; or

9 5. Is adjacent to public lands that are managed for
10 conservation purposes or other private lands that are
11 perpetually encumbered by a conservation easement or other



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12 conservation protection agreement, and is at least 5 contiguous
13 acres in size.

14 (b) In order to qualify for the exemption under this
15 section, real property that is less than 40 contiguous acres
16 must have a management plan that is approved by the entity
17 responsible for enforcing the easement or other conservation
18 protection agreement.

19 (5) The Department of Revenue shall adopt rules providing
20 for the administration of this section.

21 (6) The Department of Environmental Protection shall adopt
22 by rule a list of nonprofit entities that are qualified to
23 enforce the provisions of an easement or other conservation
24 protection agreement.

25 Section 2. Section 193.501, Florida Statutes, is amended to
26 read:

27 193.501 Assessment of lands used for conservation purposes
28 ~~subject to a conservation easement, environmentally endangered~~
29 ~~lands, or lands used for outdoor recreational or park purposes~~
30 ~~when land development rights have been conveyed or conservation~~
31 ~~restrictions have been covenanted.-~~

32 (1) As used in this section and pursuant to s. 4(b), Art.
33 VII of the State Constitution, the term:

34 (a) "Lands used for conservation purposes" means:

35 1. Lands designated as environmentally endangered lands by
36 a formal resolution of the governing body of the local
37 government within whose jurisdictional boundaries the land is
38 located;

39 2. Land designated as conservation land in a local
40 comprehensive plan adopted by the appropriate local governing



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41 body pursuant to chapter 163;

42 3. Lands used for outdoor recreational or park purposes if
43 land development rights have been conveyed; or

44 4. Lands used for the conservation specified in s. 196.1962
45 when a conservation easement or a conservation protection
46 agreement has been executed pursuant to s. 704.06.

47 5. Land for which a conservation management plan has been
48 filed with the Fish and Wildlife Conservation Commission or a
49 water management district and for which the activities and
50 actions are being carried out according the conservation
51 management plan.

52 (b) "Board" means the governing board of any municipality
53 county, or other public agency of the state, or the Board of
54 Trustees of the Internal Improvement Trust Fund.

55 (c) "Conservation easement" has the same meaning as
56 provided in s. 704.06(1).

57 (d) "Covenant" means a covenant running with the land.

58 (e) "Deferred tax liability" means an amount equal to the
59 difference between the total amount of taxes that would have
60 been due in March in each of the previous years in which the
61 conveyance or covenant was in effect if the property had been
62 assessed under the provisions of s. 193.011 and the total amount
63 of taxes actually paid in those years if the property was
64 assessed as provided in this section, plus interest on that
65 difference. The interest accrues at the rate of 1 percent per
66 month beginning on the 21st day of the month following the month
67 in which the full amount of tax based on an assessment pursuant
68 to s. 193.011 would have been due.

69 (f) "Development right" means the right of the owner of the



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70 fee interest in the land to change the use of the land.

71 (g) "Outdoor recreational or park purposes" includes, but
72 is not limited to, boating, golfing, camping, swimming,
73 horseback riding, and archaeological, scenic, or scientific
74 sites. The term applies only to activities on land that is open
75 to the general public.

76 (h) "Qualified as environmentally endangered" means:

77 1. Land that has unique ecological characteristics, rare or
78 limited combinations of geological formations, or features of a
79 rare or limited nature constituting habitat suitable for fish,
80 plants, or wildlife, and which, if subject to a development
81 moratorium or one or more conservation easements or development
82 restrictions appropriate to retaining such land or water areas
83 predominantly in their natural state, would be consistent with
84 the conservation, recreation and open space and, if applicable,
85 coastal protection elements of the comprehensive plan adopted by
86 formal action of the local governing body pursuant to s.
87 163.3161, the Local Government Comprehensive Planning and Land
88 Development Regulation Act; or

89 2. Surface waters and wetlands as determined by the
90 methodology ratified by s. 373.4211.

91 (i) "Conservation management plan" means a document filed
92 with the Fish and Wildlife Conservation Commission or a water
93 management district specifying actions and activities to be
94 undertaken on an annual basis for a period of at least 10 years
95 to manage land for the benefit of native wildlife and habitat,
96 native plant and animal communities, and natural water features.

97 (2)(1) The owner or owners in fee of any land used for
98 conservation subject to a conservation easement as described in



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99 ~~s. 704.06(1); land qualified as environmentally endangered~~
100 ~~pursuant to paragraph (6)(i) and so designated by formal~~
101 ~~resolution of the governing board of the municipality or county~~
102 ~~within which such land is located; land designated as~~
103 ~~conservation land in a comprehensive plan adopted by the~~
104 ~~appropriate municipal or county governing body; or any land~~
105 ~~which is utilized for outdoor recreational or park purposes may,~~
106 ~~by appropriate instrument, for a term of at least ~~not less than~~~~
107 ~~10 years:~~

108 (a) Convey the development right of such land to the
109 governing board of any public agency in this state within which
110 the land is located, or to the Board of Trustees of the Internal
111 Improvement Trust Fund, or to a charitable corporation or trust
112 as described in s. 704.06(4) ~~s. 704.06(3)~~; or

113 (b) Covenant with the governing board of any public agency
114 in this state within which the land is located, or with the
115 Board of Trustees of the Internal Improvement Trust Fund, or
116 with a charitable corporation or trust as described in s.
117 704.06(4) ~~s. 704.06(3)~~, that such land be subject to one or more
118 of the prohibitions or limitations ~~conservation restrictions~~
119 ~~provided in s. 704.06(1) or that not be used by the owner may~~
120 not use the land for any purpose other than outdoor recreational
121 or park purposes if development rights are conveyed. If land is
122 covenanted and used for an outdoor recreational purpose, the
123 normal use and maintenance of the land for that purpose,
124 consistent with the covenant, shall not be restricted.

125 ~~(3)(2)~~ The governing board of any public agency in this
126 state, or the Board of Trustees of the Internal Improvement
127 Trust Fund, or a charitable corporation or trust as described in



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128 s. 704.06(4) ~~s. 704.06(3)~~, is authorized and empowered in its
129 discretion to accept any and all instruments that convey
130 ~~conveying~~ the development right of any such land or establish
131 ~~establishing~~ a covenant for a term of at least 10 years.
132 ~~pursuant to subsection (1),~~ and If accepted by the board or
133 charitable corporation or trust, the instrument shall be
134 promptly recorded in the official public records of the county
135 in which the land is located ~~filed with the appropriate officer~~
136 ~~for recording in the same manner as any other instrument~~
137 ~~affecting the title to real property.~~

138 ~~(4)(3)~~ When, ~~pursuant to subsections (1) and (2),~~ the
139 development right in real property has been conveyed to the
140 governing board of any public agency of this state, to the Board
141 of Trustees of the Internal Improvement Trust Fund, or to a
142 charitable corporation or trust as described in s. 704.06(3) ~~s.~~
143 ~~704.06(2)~~, or a covenant has been executed and accepted by the
144 board or charitable corporation or trust, the lands which are
145 the subject of such conveyance or covenant shall be thereafter
146 assessed as provided herein:

147 (a) If the covenant or conveyance extends for a period of
148 at least not less than 10 years following from January 1 in the
149 year such assessment is made, the property appraiser, ~~in valuing~~
150 ~~such land for tax purposes,~~ shall assess the land solely on the
151 basis of character or use ~~consider no factors other than those~~
152 ~~relative to its value for the present use, as restricted by any~~
153 ~~conveyance or covenant under this section.~~

154 (b) If the covenant or conveyance extends for a period less
155 than 10 years, the land shall be assessed under the provisions
156 of s. 193.011, recognizing the nature and length thereof of any



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157 restriction placed on the use of the land under the provisions
158 of subsection (1).

159 (5) If a conservation management plan extends for a period
160 of at least 10 years following January 1 in the year the plan is
161 filed with the appropriate agency and the landowner has provided
162 a current copy of the conservation management plan to the
163 property appraiser along with a signed statement of the
164 landowner's good-faith intention to use the land only for
165 conservation purposes before March 1 of the same year, the
166 property appraiser shall assess the land solely on the basis of
167 character of use.

168 (a) Plans required by this subsection must be filed with
169 the Fish and Wildlife Conservation Commission if the primary
170 conservation use is restoration or protection of native wildlife
171 habitat or native plant and animal communities.

172 (b) Plans required by this subsection must be filed with
173 the water management district within the boundaries of which the
174 land is located if the primary conservation use is restoration
175 or protection of natural water features.

176 (c) The commission and the Department of Environmental
177 Protection shall produce a guidance document establishing the
178 form and content of a conservation management plan and
179 establishing minimum standards for such plans regarding
180 restoration and protection of wildlife habitats, plant and
181 animal communities, and natural water features; control of
182 exotic species; use of prescribed fire; removal of diseased and
183 damaged vegetation; and other activities as may be necessary to
184 manage conservation land for the benefit of wildlife, plant and
185 animal communities, and water resources.



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186 (d) The property appraiser may require a signed application
187 that includes a statement of the landowner's good-faith
188 intention to use the land only for conservation purposes as
189 described in this section, to keep such uses for a period of 10
190 years after the date of the application, and, upon failure to
191 carry out the conservation management plan, to pay the
192 difference between the total amount of taxes assessed and the
193 total amount that would have been due in March of the current
194 year and each of the previous 10 years if the land had not been
195 assessed solely on the basis of character or use as provided in
196 this section.

197 (6) (4) After conveying making a conveyance of the
198 development right or executing a covenant or conservation
199 protection agreement pursuant to this section, or conveying a
200 conservation easement pursuant to this section and s. 704.06,
201 the owner of the land shall not use the land in any manner not
202 consistent with the development right voluntarily conveyed, or
203 with the restrictions voluntarily imposed, or with the terms of
204 the conservation easement or conservation protection agreement,
205 or shall not change the use of the land from outdoor
206 recreational or park purposes during the term of such conveyance
207 or covenant without first obtaining a written instrument from
208 the board or charitable corporation or trust, which must
209 reconvey to the owner instrument reconveys all or part of the
210 development right to the owner or which must release releases
211 the owner from the terms of the covenant. The written instrument
212 must be recorded in the official records of the county in which
213 the property subject to the reconveyance or release is located
214 and which instrument must be promptly recorded in the same



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215 ~~manner as any other instrument affecting the title to real~~
216 ~~property.~~ Upon obtaining approval for reconveyance or release
217 from the board or the charitable organization or trust, the
218 reconveyance or release shall be made to the owner upon payment
219 of the deferred tax liability. Any payment of the deferred tax
220 liability shall be payable to the county tax collector within 90
221 days of the date of approval for reconveyance or release ~~by the~~
222 ~~board or charitable corporation or trust of the reconveyance or~~
223 ~~release.~~ The collector shall distribute the payment to each
224 governmental unit in the proportion that its millage bears to
225 the total millage levied on the parcel for the years in which
226 such conveyance or covenant was in effect.

227 (7) ~~(5)~~ The governing board of any public agency in this
228 state or the Board of Trustees of the Internal Improvement Trust
229 Fund or a charitable corporation or trust which holds title to a
230 development right pursuant to this section may not convey that
231 development right to anyone other than the governing board of
232 another public agency in this state or a charitable corporation
233 or trust, as described in s. 704.06(4) ~~s. 704.06(3)~~, or the
234 record owner of the fee interest in the land to which the
235 development right attaches. The conveyance from the governing
236 board of a public agency or the Board of Trustees of the
237 Internal Improvement Trust Fund to the owner of the fee shall be
238 made only after a determination by the board that such
239 conveyance would not adversely affect the interest of the
240 public. Section 125.35 does not apply to such sales, but any
241 public agency accepting any instrument conveying a development
242 right pursuant to this section shall forthwith adopt appropriate
243 regulations and procedures governing the disposition of same.



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244 These regulations and procedures must provide in part that the
245 board may not convey a development right to the owner of the fee
246 without first holding a public hearing and unless notice of the
247 proposed conveyance and the time and place at which the public
248 hearing is to be held is published once a week for at least 2
249 weeks in some newspaper of general circulation in the county in
250 which the property is located before ~~involved prior to the~~
251 hearing.

252 ~~(6) The following terms whenever used as referred to in~~
253 ~~this section have the following meanings unless a different~~
254 ~~meaning is clearly indicated by the context:~~

255 ~~(a) "Board" is the governing board of any city, county, or~~
256 ~~other public agency of the state or the Board of Trustees of the~~
257 ~~Internal Improvement Trust Fund.~~

258 ~~(b) "Conservation restriction" means a limitation on a~~
259 ~~right to the use of land for purposes of conserving or~~
260 ~~preserving land or water areas predominantly in their natural,~~
261 ~~scenic, open, agricultural, or wooded condition. The limitation~~
262 ~~on rights to the use of land may involve or pertain to any of~~
263 ~~the activities enumerated in s. 704.06(1).~~

264 ~~(c) "Conservation easement" means that property right~~
265 ~~described in s. 704.06.~~

266 ~~(d) "Covenant" is a covenant running with the land.~~

267 ~~(e) "Deferred tax liability" means an amount equal to the~~
268 ~~difference between the total amount of taxes that would have~~
269 ~~been due in March in each of the previous years in which the~~
270 ~~conveyance or covenant was in effect if the property had been~~
271 ~~assessed under the provisions of s. 193.011 and the total amount~~
272 ~~of taxes actually paid in those years when the property was~~



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273 ~~assessed under the provisions of this section, plus interest on~~
274 ~~that difference computed as provided in s. 212.12(3).~~

275 ~~(f) "Development right" is the right of the owner of the~~
276 ~~fee interest in the land to change the use of the land.~~

277 ~~(g) "Outdoor recreational or park purposes" includes, but~~
278 ~~is not necessarily limited to, boating, golfing, camping,~~
279 ~~swimming, horseback riding, and archaeological, scenic, or~~
280 ~~scientific sites and applies only to land which is open to the~~
281 ~~general public.~~

282 ~~(h) "Present use" is the manner in which the land is~~
283 ~~utilized on January 1 of the year in which the assessment is~~
284 ~~made.~~

285 ~~(i) "Qualified as environmentally endangered" means land~~
286 ~~that has unique ecological characteristics, rare or limited~~
287 ~~combinations of geological formations, or features of a rare or~~
288 ~~limited nature constituting habitat suitable for fish, plants,~~
289 ~~or wildlife, and which, if subject to a development moratorium~~
290 ~~or one or more conservation easements or development~~
291 ~~restrictions appropriate to retaining such land or water areas~~
292 ~~predominantly in their natural state, would be consistent with~~
293 ~~the conservation, recreation and open space, and, if applicable,~~
294 ~~coastal protection elements of the comprehensive plan adopted by~~
295 ~~formal action of the local governing body pursuant to s.~~
296 ~~163.3161, the Local Government Comprehensive Planning and Land~~
297 ~~Development Regulation Act; or surface waters and wetlands, as~~
298 ~~determined by the methodology ratified in s. 373.4211.~~

299 ~~(8)(7)(a) The property appraiser shall report to the~~
300 ~~department showing the just value and the classified use value~~
301 ~~of lands used for property that is subject to a conservation~~



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302 ~~purposes pursuant to this section~~ ~~easement under s. 704.06,~~
303 ~~property assessed as environmentally endangered land pursuant to~~
304 ~~this section, and property assessed as outdoor recreational or~~
305 ~~park land.~~

306 (b) The tax collector shall annually report to the
307 department the amount of deferred tax liability collected
308 pursuant to this section.

309 Section 3. Subsection (1) of section 195.073, Florida
310 Statutes, is amended to read:

311 195.073 Classification of property.—All items required by
312 law to be on the assessment rolls must receive a classification
313 based upon the use of the property. The department shall
314 promulgate uniform definitions for all classifications. The
315 department may designate other subclassifications of property.
316 No assessment roll may be approved by the department which does
317 not show proper classifications.

318 (1) Real property must be classified according to the
319 assessment basis of the land into the following classes:

320 (a) Residential, subclassified into categories, one
321 category for homestead property and one for nonhomestead
322 property:

- 323 1. Single family.
- 324 2. Mobile homes.
- 325 3. Multifamily.
- 326 4. Condominiums.
- 327 5. Cooperatives.
- 328 6. Retirement homes.

329 (b) Commercial and industrial.

330 (c) Agricultural.



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- 331 (d) Nonagricultural acreage.
332 (e) High-water recharge.
333 (f) Historic property used for commercial or certain
334 nonprofit purposes.
335 (g) Exempt, wholly or partially.
336 (h) Centrally assessed.
337 (i) Leasehold interests.
338 (j) Time-share property.
339 (k) Land used for conservation purposes under s. 193.501.
340 (l) ~~(k)~~ Other.

341 Section 4. Paragraph (b) of subsection (1) and subsections
342 (6) and (9) of section 196.011, Florida Statutes, are amended to
343 read:

344 196.011 Annual application required for exemption.—

345 (1)

346 (b) The form to apply for an exemption under s. 196.031, s.
347 196.081, s. 196.091, s. 196.101, 196.1962, or s. 196.202 ~~s.~~
348 ~~196.031, s. 196.081, s. 196.091, s. 196.101, or s. 196.202~~ must
349 include a space for the applicant to list the social security
350 number of the applicant and of the applicant's spouse, if any.
351 If an applicant files a timely and otherwise complete
352 application, and omits the required social security numbers, the
353 application is incomplete. In that event, the property appraiser
354 shall contact the applicant, who may refile a complete
355 application by April 1. Failure to file a complete application
356 by that date constitutes a waiver of the exemption privilege for
357 that year, except as provided in subsection (7) or subsection
358 (8).

359 (6) (a) Once an original application for tax exemption has



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360 been granted, in each succeeding year on or before February 1,
361 the property appraiser shall mail a renewal application to the
362 applicant, and the property appraiser shall accept from each
363 such applicant a renewal application on a form ~~to be~~ prescribed
364 by the Department of Revenue. Such renewal application shall be
365 accepted as evidence of exemption by the property appraiser
366 unless he or she denies the application. Upon denial, the
367 property appraiser shall serve, on or before July 1 of each
368 year, a notice setting forth the grounds for denial on the
369 applicant by first-class mail. Any applicant objecting to such
370 denial may file a petition as provided for in s. 194.011(3).

371 (b) Once an original application for the tax exemption has
372 been granted under s. 196.1962, in each succeeding year on or
373 before February 1, the property appraiser shall mail a renewal
374 application to the applicant on a form prescribed by the
375 Department of Revenue. The applicant must certify on the form
376 that the use of the property has not changed. The form shall
377 include a statement that the exemption granted under s. 196.1962
378 will not be renewed unless application is returned to the
379 property appraiser.

380 (9) (a) A county may, at the request of the property
381 appraiser and by a majority vote of its governing body, waive
382 the requirement that an annual application or statement be made
383 for exemption of property within the county after an initial
384 application is made and the exemption granted. The waiver under
385 this subsection of the annual application or statement
386 requirement applies to all exemptions under this chapter except
387 the exemption under s. 196.1995. Notwithstanding such waiver,
388 refiling of an application or statement shall be required when



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389 any property granted an exemption is sold or otherwise disposed
390 of, when the ownership changes in any manner, when the applicant
391 for homestead exemption ceases to use the property as his or her
392 homestead, or when the status of the owner changes so as to
393 change the exempt status of the property. In its deliberations
394 on whether to waive the annual application or statement
395 requirement, the governing body shall consider the possibility
396 of fraudulent exemption claims which may occur due to the waiver
397 of the annual application requirement. ~~It is~~ The ~~duty of the~~
398 owner of any property granted an exemption who is not required
399 to file an annual application or statement has a duty to notify
400 the property appraiser promptly whenever the use of the property
401 or the status or condition of the owner changes so as to change
402 the exempt status of the property. If any property owner fails
403 to so notify the property appraiser and the property appraiser
404 determines that for any year within the prior 10 years the owner
405 was not entitled to receive such exemption, the owner of the
406 property is subject to the taxes exempted as a result of such
407 failure plus 15 percent interest per annum and a penalty of 50
408 percent of the taxes exempted. Except for homestead exemptions
409 controlled by s. 196.161, ~~it is the duty of~~ the property
410 appraiser making such determination has a duty to record in the
411 public records of the county a notice of tax lien against any
412 property owned by that person or entity in the county, and such
413 property must be identified in the notice of tax lien. Such
414 property is subject to the payment of all taxes and penalties.
415 Such lien when filed shall attach to any property, identified in
416 the notice of tax lien, owned by the person who illegally or
417 improperly received the exemption. Should such person no longer



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418 own property in that county, but own property in some other
419 county or counties in the state, ~~it shall be the duty of the~~
420 property appraiser has a duty to record a notice of tax lien in
421 such other county or counties, identifying the property owned by
422 such person or entity in such county or counties, and it shall
423 become a lien against such property in such county or counties.

424 (b) The owner of any property granted an exemption under s.
425 196.1962 has a duty to notify the property appraiser promptly
426 whenever the use of the property changes. If the property owner
427 fails to so notify the property appraiser and the property
428 appraiser determines that for any year within the preceding 10
429 years the owner was not entitled to receive the exemption, the
430 owner of the property is subject to taxes exempted as a result
431 of the failure plus 18 percent interest per annum and a penalty
432 of 100 percent of the taxes exempted. The provisions for tax
433 liens in paragraph (a) apply to property granted an exemption
434 under s. 196.1962.

435 (c) ~~(b)~~ A county may, at the request of the property
436 appraiser and by a majority vote of its governing body, waive
437 the requirement that an annual application be made for the
438 veteran's disability discount granted pursuant to s. 6(g), Art.
439 VII of the State Constitution after an initial application is
440 made and the discount granted. ~~It is the duty of~~ The disabled
441 veteran receiving a discount for which annual application has
442 been waived has a duty to notify the property appraiser promptly
443 whenever the use of the property or the percentage of disability
444 to which the veteran is entitled changes. If a disabled veteran
445 fails to notify the property appraiser and the property
446 appraiser determines that for any year within the prior 10 years



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447 the veteran was not entitled to receive all or a portion of such
448 discount, the penalties and processes in paragraph (a) relating
449 to the failure to notify the property appraiser of ineligibility
450 for an exemption shall apply.

451 ~~(d)~~ For any exemption under s. 196.101(2), the statement
452 concerning gross income must be filed with the property
453 appraiser not later than March 1 of every year.

454 ~~(e)~~ If an exemption for which the annual application is
455 waived pursuant to this subsection will be denied by the
456 property appraiser in the absence of the refiling of the
457 application, notification of an intent to deny the exemption
458 shall be mailed to the owner of the property prior to February
459 1. If the property appraiser fails to timely mail such notice,
460 the application deadline for such property owner pursuant to
461 subsection (1) shall be extended to 28 days after the date on
462 which the property appraiser mails such notice.

463 Section 5. Section 704.06, Florida Statutes, is amended to
464 read:

465 704.06 Conservation easements and conservation protection
466 agreements; creation; acquisition; enforcement.—

467 (1) As used in this section, "conservation easement" means
468 a transferrable right or interest in real property which may be
469 perpetual or limited to a certain term, and which is appropriate
470 to retaining land or water areas predominantly in their natural,
471 scenic, open, agricultural, or wooded condition; retaining such
472 areas as suitable habitat for fish, plants, or wildlife;
473 retaining the structural integrity or physical appearance of
474 sites or properties of historical, architectural,
475 archaeological, or cultural significance; or maintaining



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476 existing land uses and which prohibits or limits any or all of
477 the following:

478 (a) Construction or placing of buildings, roads, signs,
479 billboards or other advertising, utilities, or other structures
480 on or above the ground.

481 (b) Dumping or placing of soil or other substance or
482 material as landfill or dumping or placing of trash, waste, or
483 unsightly or offensive materials.

484 (c) Removal or destruction of trees, shrubs, or other
485 vegetation.

486 (d) Excavation, dredging, or removal of loam, peat, gravel,
487 soil, rock, or other material substance in such manner as to
488 affect the surface.

489 (e) Surface use except for purposes that permit the land or
490 water area to remain predominantly in its natural condition.

491 (f) Activities detrimental to drainage, flood control,
492 water conservation, erosion control, soil conservation, or fish
493 and wildlife habitat preservation.

494 (g) Acts or uses detrimental to such retention of land or
495 water areas.

496 (h) Acts or uses detrimental to the preservation of the
497 structural integrity or physical appearance of sites or
498 properties of historical, architectural, archaeological, or
499 cultural significance.

500 (2) "Conservation protection agreement" has the same
501 meaning as provided in s. 196.1962.

502 (3) ~~(2)~~ Conservation easements and conservation protection
503 agreements are perpetual, undivided interests in property and
504 may be created or stated in the form of an ~~a restriction,~~



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505 ~~easement, covenant, or condition in any deed, will, or other~~
506 instrument executed by or on behalf of the owner of the
507 property, or in any order of taking. Such easements or
508 agreements may be acquired in the same manner as other interests
509 in property are acquired, except by condemnation or by other
510 exercise of the power of eminent domain, and shall not be
511 unassignable to other governmental bodies or agencies,
512 charitable organizations, or trusts authorized to acquire such
513 easements, ~~for lack of benefit to a dominant estate.~~

514 (4)~~(3)~~ Conservation easements and conservation protection
515 agreements may be acquired by any governmental body or agency or
516 by a charitable corporation or trust whose purposes include
517 protecting natural, scenic, or open space values of real
518 property, assuring its availability for agricultural, forest,
519 recreational, or open space use, protecting natural resources,
520 maintaining or enhancing air or water quality, or preserving
521 sites or properties of historical, architectural,
522 archaeological, or cultural significance.

523 (5)~~(4)~~ Conservation easements and conservation protection
524 agreements shall run with the land and be binding on all
525 subsequent owners of the servient estate. Notwithstanding the
526 provisions of s. 197.552, all provisions of a conservation
527 easement or a conservation protection agreement shall survive
528 and are enforceable after the issuance of a tax deed. No
529 conservation easement shall be unenforceable on account of lack
530 of privity of contract or lack of benefit to particular land or
531 on account of the benefit being assignable. Conservation
532 easements and conservation protection agreements may be enforced
533 by injunction or proceeding in equity or at law, and shall



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534 entitle the holder to enter the land in a reasonable manner and
535 at reasonable times to assure compliance. A conservation
536 easement or a conservation protection agreement may be released
537 by the holder of the easement or the agreement to the holder of
538 the fee even though the holder of the fee may not be a
539 governmental body or a charitable corporation or trust.

540 ~~(6)-(5)~~ All conservation easements and conservation
541 protection agreements shall be recorded in the official records
542 of the county in which the property subject to the easement or
543 agreement is located ~~and indexed in the same manner as any other~~
544 ~~instrument affecting the title to real property.~~

545 ~~(7)-(6)~~ The provisions of this section shall not be
546 construed to imply that any restriction, easement, agreement,
547 covenant, or condition which does not have the benefit of this
548 section shall, on account of any provision hereof, be
549 unenforceable.

550 ~~(8)-(7)~~ Recording of the conservation easement or
551 conservation protection agreement shall be notice to the
552 property appraiser and tax collector of the county of the
553 conveyance of the conservation easement or conservation
554 protection agreement.

555 ~~(9)-(8)~~ Conservation easements and conservation protection
556 agreements may provide for a third-party right of enforcement.
557 As used in this section, third-party right of enforcement means
558 a right provided in a conservation easement or conservation
559 protection agreement to enforce any of its terms granted to a
560 governmental body, or charitable corporation or trust as
561 described in subsection ~~(4) -(3)~~, which although eligible to be a
562 holder, is not a holder.



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563 ~~(10)-(9)~~ An action affecting a conservation easement or a
564 conservation protection agreement may be brought by:
565 (a) An owner of an interest in the real property burdened
566 by the easement or agreement;
567 (b) A holder of the easement or agreement;
568 (c) A person having a third-party right of enforcement; or
569 (d) A person authorized by another law.
570 ~~(11)-(10)~~ The ownership or attempted enforcement of rights
571 held by the holder of an easement or agreement does not subject
572 the holder to any liability for any damage or injury that may be
573 suffered by any person on the property or as a result of the
574 condition of the property encumbered by a conservation easement
575 or a conservation protection agreement.
576 ~~(12)-(11)~~ ~~Nothing in~~ This section or other provisions of law
577 do not shall be construed to prohibit or limit the owner of
578 land, or the owner of a conservation easement or conservation
579 protection agreement over land, to voluntarily negotiate the
580 sale or utilization of such lands or easement or agreement for
581 the construction and operation of linear facilities, including
582 electric transmission and distribution facilities,
583 telecommunications transmission and distribution facilities,
584 pipeline transmission and distribution facilities, public
585 transportation corridors, and related appurtenances, nor shall
586 this section prohibit the use of eminent domain for said
587 purposes as established by law. In any legal proceeding to
588 condemn land for the purpose of construction and operation of a
589 linear facility as described above, the court shall consider the
590 public benefit provided by the conservation easement or the
591 conservation protection agreement and linear facilities in



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592 determining which lands may be taken and the compensation paid.

593 Section 6. The Department of Revenue may adopt emergency
594 rules to administer s. 196.1962, Florida Statutes. The emergency

595

596

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

598 And the title is amended as follows:

599 Delete line 658

600 and insert:

601 based on character or use; providing for the
602 assessment of land if a conservation management plan
603 extends for a specified period and the landowner has
604 provided certain documentation to the property
605 appraiser; requiring the filing of such plans with the
606 Fish and Wildlife Conservation Commission or a water
607 management district under certain circumstances;
608 requiring that the commission and the Department of
609 Environmental Protection produce a guidance document
610 establishing the form and content of a conservation
611 management plan and establishing certain minimum
612 standards for such plans; authorizing a property
613 appraiser to require a signed application that
614 includes certain statements by a landowner; requiring
615 property appraisers to