



809904

LEGISLATIVE ACTION

Senate

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House

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Floor: 1c/RE/2R

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05/04/2017 10:16 PM

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Senator Young moved the following:

1           **Senate Amendment to Amendment (885236) (with title**  
2 **amendment)**

3  
4           Between lines 4 and 5

5 insert:

6           Section 1. Subsection (6) of section 125.022, Florida  
7 Statutes, is amended to read:

8           125.022 Development permits.—

9           (6) A county may not delegate its police power to a third  
10 party by restriction, covenant, or otherwise. The imposition by  
11 a county of a recorded or unrecorded restriction or covenant as



809904

12 a condition of a county's approval or issuance of a development  
13 permit does not preclude the county from exercising its police  
14 power to later amend, release, or terminate the restriction or  
15 covenant. Any such amendment, release, or termination of the  
16 restriction or covenant must follow the procedural requirements  
17 in s. 125.66(4). ~~This section does not prohibit a county from~~  
18 ~~providing information to an applicant regarding what other~~  
19 ~~state or federal permits may apply.~~

20 Section 2. Subsection (6) of section 166.033, Florida  
21 Statutes, is amended to read:

22 166.033 Development permits.-

23 (6) A municipality may not delegate its police power to a  
24 third party by restriction, covenant, or otherwise. The  
25 imposition by a municipality of a recorded or unrecorded  
26 restriction or covenant as a condition of a municipality's  
27 approval or issuance of a development permit does not preclude a  
28 municipality from exercising its police power to later amend,  
29 release, or terminate the restriction or covenant. Any such  
30 amendment, release, or termination of the restriction or  
31 covenant must follow the procedural requirements in s.  
32 166.041(3)(c). ~~This section does not prohibit a municipality~~  
33 ~~from providing information to an applicant regarding what other~~  
34 ~~state or federal permits may apply.~~

35 Section 3. Section 712.04, Florida Statutes, is amended to  
36 read:

37 712.04 Interests extinguished by marketable record title.-

38 (1) Subject to s. 712.03, a marketable record title is free  
39 and clear of all estates, interests, claims, covenants,  
40 restrictions, or charges, the existence of which depends upon



809904

41 any act, title transaction, event, zoning requirement, building  
42 or development permit, or omission that occurred before the  
43 effective date of the root of title. Except as provided in s.  
44 712.03, all such estates, interests, claims, covenants,  
45 restrictions, or charges, however denominated, whether they are  
46 or appear to be held or asserted by a person sui juris or under  
47 a disability, whether such person is within or without the  
48 state, natural or corporate, or private or governmental, are  
49 declared to be null and void. However, this chapter does not  
50 affect any right, title, or interest of the United States,  
51 Florida, or any of its officers, boards, commissions, or other  
52 agencies reserved in the patent or deed by which the United  
53 States, Florida, or any of its agencies parted with title.

54 (2) This section may not be construed to alter or  
55 invalidate a zoning ordinance, land development regulation,  
56 building code, or other ordinance, rule, regulation, or law if  
57 such ordinance, rule, regulation, or law operates independently  
58 of matters recorded in the official records.

59  
60 ===== T I T L E A M E N D M E N T =====

61 And the title is amended as follows:

62 Between lines 638 and 639

63 insert:

64 amending ss. 125.022 and 166.033, F.S.; prohibiting a  
65 county or municipality from delegating its police  
66 power to a third party by restriction, covenant, or  
67 otherwise; providing that the imposition by a county  
68 or municipality of a recorded or unrecorded  
69 restriction or covenant as a condition of a county's



809904

70 or municipality's approval or issuance of a  
71 development permit does not preclude the county or  
72 municipality from exercising its police power to later  
73 amend, release, or terminate the restriction or  
74 covenant; providing that any such amendment, release,  
75 or termination of the restriction or covenant must  
76 follow specified procedural requirements; amending s.  
77 712.04, F.S.; providing that a marketable record title  
78 is free and clear of all covenants or restrictions,  
79 the existence of which depends upon any zoning  
80 requirement, building or development permit; providing  
81 that all such covenants or restrictions are declared  
82 to be null and void; providing construction;