

1 A bill to be entitled
 2 An act relating to conservation easements; amending s.
 3 704.06, F.S.; removing provisions prohibiting the
 4 owner of land, or the owner of a conservation easement
 5 over land, to voluntarily negotiate the sale or use of
 6 such land or easement for the construction and
 7 operation of linear facilities; amending s. 570.71,
 8 F.S.; conforming cross-references; providing an
 9 effective date.

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 11 Be It Enacted by the Legislature of the State of Florida:

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 13 Section 1. Subsection (11) of section 704.06, Florida
 14 Statutes, is amended to read:

15 704.06 Conservation easements; creation; acquisition;
 16 enforcement.—

17 ~~(11) Nothing in this section or other provisions of law~~
 18 ~~shall be construed to prohibit or limit the owner of land, or~~
 19 ~~the owner of a conservation easement over land, to voluntarily~~
 20 ~~negotiate the sale or utilization of such lands or easement for~~
 21 ~~the construction and operation of linear facilities, including~~
 22 ~~electric transmission and distribution facilities,~~
 23 ~~telecommunications transmission and distribution facilities,~~
 24 ~~pipeline transmission and distribution facilities, public~~
 25 ~~transportation corridors, and related appurtenances, nor shall~~

26 | ~~this section prohibit the use of eminent domain for said~~
27 | ~~purposes as established by law. In any legal proceeding to~~
28 | ~~condemn land for the purpose of construction and operation of a~~
29 | ~~linear facility as described above, the court shall consider the~~
30 | ~~public benefit provided by the conservation easement and linear~~
31 | ~~facilities in determining which lands may be taken and the~~
32 | ~~compensation paid.~~

33 | Section 2. Paragraph (a) of subsection (3) and paragraph
34 | (a) of subsection (5) of section 570.71, Florida Statutes, are
35 | amended to read:

36 | 570.71 Conservation easements and agreements.—

37 | (3) Rural-lands-protection easements shall be a perpetual
38 | right or interest in agricultural land which is appropriate to
39 | retain such land in predominantly its current state and to
40 | prevent the subdivision and conversion of such land into other
41 | uses. This right or interest in property shall prohibit only the
42 | following:

43 | (a) Construction or placing of buildings, roads,
44 | billboards or other advertising, utilities, or structures,
45 | except those structures and unpaved roads necessary for the
46 | agricultural operations on the land or structures necessary for
47 | other activities allowed under the easement, ~~and except for~~
48 | ~~linear facilities described in s. 704.06(11);~~

49 | (5) Agricultural protection agreements shall be for terms
50 | of 30 years and will provide payments to landowners having

51 significant natural areas on their land. Public access and
52 public recreational opportunities may be negotiated at the
53 request of the landowner.

54 (a) For the length of the agreement, the landowner shall
55 agree to prohibit:

56 1. Construction or placing of buildings, roads, billboards
57 or other advertising, utilities, or structures, except those
58 structures and unpaved roads necessary for the agricultural
59 operations on the land or structures necessary for other
60 activities allowed under the easement, ~~and except for linear~~
61 ~~facilities described in s. 704.06(11);~~

62 2. Subdivision of the property;

63 3. Dumping or placing of trash, waste, or offensive
64 materials; and

65 4. Activities that affect the natural hydrology of the
66 land, or that detrimentally affect water conservation, erosion
67 control, soil conservation, or fish or wildlife habitat.

68 Section 3. This act shall take effect July 1, 2020.