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1 A bill to be entitled
2 An act relating to real property rights; creating s.
3 125.412, F.S.; authorizing the board of county
4 commissioners of a charter county to release
5 conservation restrictions on county-owned property
6 without a referendum under certain circumstances;
7 amending s. 712.03, F.S.; revising rights that are not
8 affected or extinguished by marketable record titles;
9 amending s. 712.04, F.S.; revising the types of
10 interests extinguished by marketable record titles;
11 providing construction; amending s. 712.12, F.S.;
12 revising the definition of the term "covenant or
13 restriction"; creating s. 715.075, F.S.; authorizing
14 owners or operators of private property used for motor
15 vehicle parking to establish rules and rates governing
16 private persons parking on the property; requiring
17 that such rules and rates be posted and clearly
18 visible to persons parking motor vehicles on the
19 property; requiring certain invoices to have a
20 specified statement; prohibiting counties and
21 municipalities from enacting any ordinance or
22 regulation attempting to restrict or prohibit the
23 owner or operator from adopting such rules, rates, or
24 fines; providing that any ordinance or regulation
25 making such attempt is a violation of this act and is
26 null and void; providing applicability; requiring
27 persons and certain counties with certain interests in
28 land which may be extinguished by the act to file a
29 specified notice to preserve such interests; providing

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30 a directive to the Division of Law Revision; providing
31 an effective date.

32
33 Be It Enacted by the Legislature of the State of Florida:

34
35 Section 1. Section 125.412, Florida Statutes, is created to
36 read:

37 125.412 Release of conservation restrictions on land owned
38 by charter counties.—The board of county commissioners of a
39 charter county may release a conservation designation or
40 conservation easement on county-owned property without a
41 referendum, notwithstanding the county charter, if the property
42 will be used for any K-12 educational or athletic purpose by an
43 educational institution that serves students in kindergarten
44 through 12th grade and the property is contiguous to the
45 educational institution.

46 Section 2. Subsection (1) of section 712.03, Florida
47 Statutes, is amended to read:

48 712.03 Exceptions to marketability.—Such marketable record
49 title shall not affect or extinguish the following rights:

50 (1) Estates or interests, easements and use restrictions
51 disclosed by and defects inherent in the muniments of title on
52 which said estate is based beginning with the root of title, ~~+~~
53 ~~provided, however,~~ that in the muniments of title those estates,
54 interests, easements, or use restrictions created before the
55 root of title are preserved by identification in the legal
56 description of the property by specific reference to the
57 official records book and page number, instrument number, or
58 plat name or there is otherwise an affirmative statement in a

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59 muniment of title to preserve such estates, interests,
60 easements, or use restrictions created before the root of title
61 as identified by the official records book and page or
62 instrument number ~~a general reference in any of such muniments~~
63 ~~to easements, use restrictions or other interests created prior~~
64 ~~to the root of title shall not be sufficient to preserve them~~
65 ~~unless specific identification by reference to book and page of~~
66 ~~record or by name of recorded plat be made therein to a recorded~~
67 ~~title transaction which imposed, transferred or continued such~~
68 ~~easement, use restrictions or other interests;~~ subject, however,
69 to ~~the provisions of~~ subsection (5).

70 Section 3. Section 712.04, Florida Statutes, is amended to
71 read:

72 712.04 Interests extinguished by marketable record title.-
73 Subject to s. 712.03, a marketable record title is free and
74 clear of all estates, interests, claims, covenants,
75 restrictions, or charges, the existence of which depends upon
76 any act, title transaction, event, zoning requirement, building
77 or development permit, or omission that occurred before the
78 effective date of the root of title. Except as provided in s.
79 712.03, all such estates, interests, claims, covenants,
80 restrictions, or charges, however denominated, whether they are
81 or appear to be held or asserted by a person sui juris or under
82 a disability, whether such person is within or without the
83 state, natural or corporate, or private or governmental, are
84 declared to be null and void. However, this chapter does not
85 affect any right, title, or interest of the United States,
86 Florida, or any of its officers, boards, commissions, or other
87 agencies reserved in the patent or deed by which the United

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88 States, Florida, or any of its agencies parted with title. This
89 section may not be construed to alter or invalidate:

90 (1) A comprehensive plan or plan amendment; zoning
91 ordinance; land development regulation; building code;
92 development permit; development order; or other law, regulation,
93 or regulatory approval, to the extent such law, regulation, or
94 regulatory approval operates independently of matters recorded
95 in the official records; or

96 (2) Any recorded covenant or restriction that on the face
97 of the first page of the document states that it was accepted by
98 a governmental entity as part of, or as a condition of, any such
99 comprehensive plan or plan amendment; zoning ordinance; land
100 development regulation; building code; development permit;
101 development order; or other law, regulation, or regulatory
102 approval.

103 Section 4. Paragraph (b) of subsection (1) of section
104 712.12, Florida Statutes, is amended to read:

105 712.12 Covenant or restriction revitalization by parcel
106 owners not subject to a homeowners' association.—

107 (1) As used in this section, the term:

108 (b) "Covenant or restriction" means any agreement or
109 limitation ~~imposed by a private party and not required by a~~
110 ~~governmental agency as a condition of a development permit, as~~
111 ~~defined in s. 163.3164, which is~~ contained in a document
112 recorded in the public records of the county in which a parcel
113 is located and which subjects the parcel to any use restriction
114 that may be enforced by a parcel owner.

115 Section 5. Section 715.075, Florida Statutes, is created to
116 read:

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117 715.075 Vehicles parked on private property; rules and
118 rates authorized.—

119 (1) The owner or operator of a private property used for
120 motor vehicle parking may establish rules and rates that govern
121 private persons parking motor vehicles on such private property.
122 Such rules and rates may include parking charges for violating
123 the property owner's or operator's rules and must be posted and
124 clearly visible to persons parking motor vehicles on such
125 private property. An invoice for parking charges issued under
126 this section must include the following statement in uppercase
127 type:

128
129 THIS INVOICE IS PRIVATELY ISSUED, IS NOT ISSUED BY A
130 GOVERNMENTAL AUTHORITY, AND IS NOT SUBJECT TO CRIMINAL
131 PENALTIES.

132
133 (2) A county or municipality may not enact an ordinance or
134 a regulation restricting or prohibiting a right of a private
135 property owner or operator established under subsection (1). Any
136 such ordinance or regulation is a violation of this section and
137 is null and void.

138 Section 6. The amendments to ss. 712.03, 712.04, and
139 712.12, Florida Statutes, in this act are intended to clarify
140 existing law, are remedial in nature, and apply to all estates,
141 interests, claims, covenants, restrictions, and charges, whether
142 imposed or accepted before, on, or after the effective date of
143 this act.

144 Section 7. A person with an interest in land which may
145 potentially be extinguished by this act, and whose interest has

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146 not been extinguished before July 1, 2022, must file a notice
147 pursuant to s. 712.06, Florida Statutes, by July 1, 2023, to
148 preserve such interest. Any county as defined in s. 125.011(1),
149 Florida Statutes, with an interest in land which may potentially
150 be extinguished by this act, and whose interest has not been
151 extinguished before July 1, 2022, must file a notice pursuant to
152 s. 712.06, Florida Statutes, by July 1, 2025, to preserve such
153 interest.

154 Section 8. The Division of Law Revision is directed to
155 replace the phrase "the effective date of this act" wherever it
156 occurs in this act with the date the act becomes a law.

157 Section 9. This act shall take effect upon becoming a law.