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1 A bill to be entitled
2 An act relating to real property rights; amending s.
3 712.03, F.S.; revising rights that are not affected or
4 extinguished by marketable record titles; amending s.
5 712.04, F.S.; revising the types of interests
6 extinguished by marketable record titles; providing
7 construction; amending s. 712.12, F.S.; revising the
8 definition of the term "covenant or restriction";
9 creating s. 715.075, F.S.; authorizing owners or
10 operators of private property used for motor vehicle
11 parking to establish rules and rates governing private
12 persons parking on the property; requiring that such
13 rules and rates be posted and clearly visible to
14 persons parking motor vehicles on the property;
15 requiring certain invoices to have a specified
16 statement; prohibiting counties and municipalities
17 from enacting any ordinance or regulation attempting
18 to restrict or prohibit the owner or operator from
19 adopting such rules, rates, or fines; providing that
20 any ordinance or regulation making such attempt is a
21 violation of this act and is null and void; providing
22 applicability; requiring persons and certain counties
23 with certain interests in land which may be
24 extinguished by the act to file a specified notice to
25 preserve such interests; providing a directive to the
26 Division of Law Revision; providing an effective date.

27
28 Be It Enacted by the Legislature of the State of Florida:
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30 Section 1. Subsection (1) of section 712.03, Florida
31 Statutes, is amended to read:

32 712.03 Exceptions to marketability.—Such marketable record
33 title shall not affect or extinguish the following rights:

34 (1) Estates or interests, easements and use restrictions
35 disclosed by and defects inherent in the muniments of title on
36 which said estate is based beginning with the root of title,~~+~~
37 provided, however, that in the muniments of title those estates,
38 interests, easements, or use restrictions created before the
39 root of title are preserved by identification in the legal
40 description of the property by specific reference to the
41 official records book and page number, instrument number, or
42 plat name or there is otherwise an affirmative statement in a
43 muniment of title to preserve such estates, interests,
44 easements, or use restrictions created before the root of title
45 as identified by the official records book and page or
46 instrument number ~~a general reference in any of such muniments~~
47 ~~to easements, use restrictions or other interests created prior~~
48 ~~to the root of title shall not be sufficient to preserve them~~
49 ~~unless specific identification by reference to book and page of~~
50 ~~record or by name of recorded plat be made therein to a recorded~~
51 ~~title transaction which imposed, transferred or continued such~~
52 ~~easement, use restrictions or other interests; subject, however,~~
53 ~~to the provisions of subsection (5).~~

54 Section 2. Section 712.04, Florida Statutes, is amended to
55 read:

56 712.04 Interests extinguished by marketable record title.—
57 Subject to s. 712.03, a marketable record title is free and
58 clear of all estates, interests, claims, covenants,

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59 restrictions, or charges, the existence of which depends upon
60 any act, title transaction, event, zoning requirement, building
61 or development permit, or omission that occurred before the
62 effective date of the root of title. Except as provided in s.
63 712.03, all such estates, interests, claims, covenants,
64 restrictions, or charges, however denominated, whether they are
65 or appear to be held or asserted by a person sui juris or under
66 a disability, whether such person is within or without the
67 state, natural or corporate, or private or governmental, are
68 declared to be null and void. However, this chapter does not
69 affect any right, title, or interest of the United States,
70 Florida, or any of its officers, boards, commissions, or other
71 agencies reserved in the patent or deed by which the United
72 States, Florida, or any of its agencies parted with title. This
73 section may not be construed to alter or invalidate:

74 (1) A comprehensive plan or plan amendment; zoning
75 ordinance; land development regulation; building code;
76 development permit; development order; or other law, regulation,
77 or regulatory approval, to the extent such law, regulation, or
78 regulatory approval operates independently of matters recorded
79 in the official records; or

80 (2) Any recorded covenant or restriction that on the face
81 of the first page of the document states that it was accepted by
82 a governmental entity as part of, or as a condition of, any such
83 comprehensive plan or plan amendment; zoning ordinance; land
84 development regulation; building code; development permit;
85 development order; or other law, regulation, or regulatory
86 approval.

87 Section 3. Paragraph (b) of subsection (1) of section

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88 712.12, Florida Statutes, is amended to read:

89 712.12 Covenant or restriction revitalization by parcel
90 owners not subject to a homeowners' association.—

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

92 (b) "Covenant or restriction" means any agreement or
93 limitation ~~imposed by a private party and not required by a~~
94 ~~governmental agency as a condition of a development permit, as~~
95 ~~defined in s. 163.3164, which is contained in a document~~
96 recorded in the public records of the county in which a parcel
97 is located and which subjects the parcel to any use restriction
98 that may be enforced by a parcel owner.

99 Section 4. Section 715.075, Florida Statutes, is created to
100 read:

101 715.075 Vehicles parked on private property; rules and
102 rates authorized.—

103 (1) The owner or operator of a private property used for
104 motor vehicle parking may establish rules and rates that govern
105 private persons parking motor vehicles on such private property.
106 Such rules and rates may include parking charges for violating
107 the property owner's or operator's rules and must be posted and
108 clearly visible to persons parking motor vehicles on such
109 private property. An invoice for parking charges issued under
110 this section must include the following statement in uppercase
111 type:

112
113 THIS INVOICE IS PRIVATELY ISSUED, IS NOT ISSUED BY A
114 GOVERNMENTAL AUTHORITY, AND IS NOT SUBJECT TO CRIMINAL
115 PENALTIES.
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117 (2) A county or municipality may not enact an ordinance or
118 a regulation restricting or prohibiting a right of a private
119 property owner or operator established under subsection (1). Any
120 such ordinance or regulation is a violation of this section and
121 is null and void.

122 Section 5. The amendments to ss. 712.03, 712.04, and
123 712.12, Florida Statutes, in this act are intended to clarify
124 existing law, are remedial in nature, and apply to all estates,
125 interests, claims, covenants, restrictions, and charges, whether
126 imposed or accepted before, on, or after the effective date of
127 this act.

128 Section 6. A person with an interest in land which may
129 potentially be extinguished by this act, and whose interest has
130 not been extinguished before July 1, 2022, must file a notice
131 pursuant to s. 712.06, Florida Statutes, by July 1, 2023, to
132 preserve such interest. Any county as defined in s. 125.011(1),
133 Florida Statutes, with an interest in land which may potentially
134 be extinguished by this act, and whose interest has not been
135 extinguished before July 1, 2022, must file a notice pursuant to
136 s. 712.06, Florida Statutes, by July 1, 2025, to preserve such
137 interest.

138 Section 7. The Division of Law Revision is directed to
139 replace the phrase "the effective date of this act" wherever it
140 occurs in this act with the date the act becomes a law.

141 Section 8. This act shall take effect upon becoming a law.