

26 | root of title are preserved by identification in the legal
 27 | description of the property by specific reference to the
 28 | official records book and page number, instrument number, or
 29 | plat name or there is otherwise an affirmative statement in a
 30 | muniment of title to preserve such estates, interests,
 31 | easements, or use restrictions created before the root of title
 32 | as identified by the official records book and page or
 33 | instrument number ~~a general reference in any of such muniments~~
 34 | ~~to easements, use restrictions or other interests created prior~~
 35 | ~~to the root of title shall not be sufficient to preserve them~~
 36 | ~~unless specific identification by reference to book and page of~~
 37 | ~~record or by name of recorded plat be made therein to a recorded~~
 38 | ~~title transaction which imposed, transferred or continued such~~
 39 | ~~easement, use restrictions or other interests; subject, however,~~
 40 | ~~to the provisions of subsection (5).~~

41 | Section 2. Section 712.04, Florida Statutes, is amended to
 42 | read:

43 | 712.04 Interests extinguished by marketable record title.—
 44 | Subject to s. 712.03, a marketable record title is free and
 45 | clear of all estates, interests, claims, covenants,
 46 | restrictions, or charges, the existence of which depends upon
 47 | any act, title transaction, event, zoning requirement, building
 48 | or development permit, or omission that occurred before the
 49 | effective date of the root of title. Except as provided in s.
 50 | 712.03, all such estates, interests, claims, covenants,

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51 restrictions, or charges, however denominated, whether they are
52 or appear to be held or asserted by a person sui juris or under
53 a disability, whether such person is within or without the
54 state, natural or corporate, or private or governmental, are
55 declared to be null and void. However, this chapter does not
56 affect any right, title, or interest of the United States,
57 Florida, or any of its officers, boards, commissions, or other
58 agencies reserved in the patent or deed by which the United
59 States, Florida, or any of its agencies parted with title. This
60 section may not be construed to alter or invalidate:

61 (1) A comprehensive plan or plan amendment; zoning
62 ordinance; land development regulation; building code;
63 development permit; development order; or other law, regulation,
64 or regulatory approval, to the extent such law, regulation, or
65 regulatory approval operates independently of matters recorded
66 in the official records; or

67 (2) Any recorded covenant or restriction that on the face
68 of the first page of the document states that it was accepted by
69 a governmental entity as part of, or as a condition of, any such
70 comprehensive plan or plan amendment; zoning ordinance; land
71 development regulation; building code; development permit;
72 development order; or other law, regulation, or regulatory
73 approval.

74 Section 3. Paragraph (b) of subsection (1) of section
75 712.12, Florida Statutes, is amended to read:

76 712.12 Covenant or restriction revitalization by parcel
 77 owners not subject to a homeowners' association.—

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

79 (b) "Covenant or restriction" means any agreement or
 80 limitation ~~imposed by a private party and not required by a~~
 81 ~~governmental agency as a condition of a development permit, as~~
 82 ~~defined in s. 163.3164, which is~~ contained in a document
 83 recorded in the public records of the county in which a parcel
 84 is located and which subjects the parcel to any use restriction
 85 that may be enforced by a parcel owner.

86 Section 4. The amendments to ss. 712.03, 712.04, and
 87 712.12, Florida Statutes, in this act are intended to clarify
 88 existing law, are remedial in nature, and apply to all estates,
 89 interests, claims, covenants, restrictions, and charges, whether
 90 imposed or accepted before, on, or after the effective date of
 91 this act.

92 Section 5. A person with an interest in land which may
 93 potentially be extinguished by this act, and whose interest has
 94 not been extinguished before July 1, 2022, must file a notice
 95 pursuant to s. 712.06, Florida Statutes, by July 1, 2023, to
 96 preserve such interest.

97 Section 6. The Division of Law Revision is directed to
 98 replace the phrase "the effective date of this act" wherever it
 99 occurs in this act with the date the act becomes a law.

100 Section 7. This act shall take effect upon becoming a law.