1	A bill to be entitled
2	An act relating to marketable record titles to real
3	property; amending s. 712.03, F.S.; revising rights
4	that are not affected or extinguished by marketable
5	record titles; amending s. 712.04, F.S.; revising the
6	types of interests extinguished by a marketable record
7	title; providing construction; amending s. 712.12,
8	F.S.; revising the definition of the term "covenant or
9	restriction"; providing applicability; requiring
10	persons with certain interests in land which may be
11	extinguished by this act to file a specified notice to
12	preserve such interests; providing a directive to the
13	Division of Law Revision; providing an effective date.
14	
15	Be It Enacted by the Legislature of the State of Florida:
16	
17	Section 1. Subsection (1) of section 712.03, Florida
18	Statutes, is amended to read:
19	712.03 Exceptions to marketabilitySuch marketable record
20	title shall not affect or extinguish the following rights:
21	(1) Estates or interests, easements and use restrictions
22	disclosed by and defects inherent in the muniments of title on
23	which said estate is based beginning with the root of title $\{.} au$
24	provided, however, that in the muniments of title those estates,
25	interests, easements, or use restrictions created before the
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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 casements, 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, <u>covenants,</u>
46	restrictions, or charges, the existence of which depends upon
47	any act, title transaction, event, <u>zoning requirement, building</u>
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, <u>covenants,</u>
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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 section may not be construed to alter or invalidate: 60 (1) A comprehensive plan or plan amendment; zoning 61 ordinance; land development regulation; building code; 62 development permit; development order; or other law, regulation, 63 64 or regulatory approval, to the extent such law, regulation, or 65 regulatory approval operates independently of matters recorded in the official records; or 66 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 development regulation; building code; development permit; 71 development order; or other law, regulation, or regulatory 72 73 approval. 74 Section 3. Paragraph (b) of subsection (1) of section 75 712.12, Florida Statutes, is amended to read:

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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 "Covenant or restriction" means any agreement or (b) limitation imposed by a private party and not required by a 80 governmental agency as a condition of a development permit, as 81 82 defined in s. 163.3164, which is contained in a document recorded in the public records of the county in which a parcel 83 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 existing law, are remedial in nature, and apply to all estates, 88 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 The Division of Law Revision is directed to Section 6. 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.

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