

By Representatives Eggelletion and Harrington

1                                   A bill to be entitled  
2           An act relating to Murphy Act lands; amending  
3           s. 253.82, F.S.; providing for conveyance of  
4           all Murphy Act transportation easements to the  
5           governmental entity currently having title to  
6           the adjacent roadway; requiring the  
7           establishment of a procedure for review of  
8           deeds containing Murphy Act transportation  
9           reservations; setting requirements for the  
10          review process; providing for compensation of  
11          certain property owners when the reservation  
12          denies all current economic use of the  
13          property; providing for mediation or  
14          arbitration; amending s. 712.04, F.S.;  
15          providing for release of certain easements held  
16          by governmental entities; providing for  
17          preservation of road right of way easements;  
18          amending s. 712.05, F.S.; providing for release  
19          of certain easements held by governmental  
20          entities; providing for preservation of road  
21          right of way easements; providing an effective  
22          date.

23  
24 Be It Enacted by the Legislature of the State of Florida:

25  
26           Section 1. Subsection (6) is added to section 253.82,  
27 Florida Statutes, to read:

28           253.82 Title of state or private owners to Murphy Act  
29 lands.--

30           (6)(a) All road reservations in deeds conveyed  
31 pursuant to the Murphy Act prior to July 1, 1991, are hereby

1 vested by operation of law and without the necessity of  
2 instruments of conveyance from the Board of Trustees of the  
3 Internal Improvement Trust Fund, in the governmental entity  
4 having right and title to the road to which the reservations  
5 are adjacent. All reservations adjacent to a road that was  
6 designated as a state road at the time of the reservation and  
7 which road is currently held by the state are conveyed to the  
8 Department of Transportation. All reservations adjacent to a  
9 road that was designated as a state road at the time of the  
10 reservation and which is located in an unincorporated area of  
11 a county or on a road owned by the county within any  
12 incorporated area are conveyed to the respective counties. All  
13 other reservations within incorporated areas adjacent to a  
14 road that was designated as a state road at the time of the  
15 reservation and which are not otherwise conveyed to the state  
16 or the county are conveyed to the incorporated area. The  
17 conveyance includes all right, title, and interests in the  
18 reservation held by the Board of Trustees of the Internal  
19 Improvement Trust Fund.

20 (b) Every entity holding title to Murphy Act  
21 reservations must establish a procedure for review of any deed  
22 containing a reservation when a review is requested or a road  
23 project is anticipated. The review process must provide for:

24 1. A determination of whether the language of the deed  
25 created a reservation at the time of the original conveyance.

26 2. Review of any release of the reservation provided  
27 by the property owner.

28 3. The recording of a notice of the non-existence of a  
29 reservation if reservation language in the deed does not  
30 impact the property.

31

1           4. A determination of whether any or all of the  
2 reservation may be released, and a form for recording the  
3 release.

4           5. A process to allow for review through mediation if  
5 requested by the property owner or through binding arbitration  
6 pursuant to chapter 44.

7           6. Any fee charged not to exceed the actual cost to  
8 review the deed, perform an appeal and pay for any recording  
9 expenses, with no fee to exceed \$300.

10           (c)1. Any owner of property encumbered by a Murphy Act  
11 road reservation who has been denied a release of all or part  
12 of the reservation or who has received notice of a  
13 governmental entity's intent to preserve the reservation under  
14 section 712.05, may appeal to the entity and show that the  
15 reservation denies the property owner the current economic use  
16 of the property held by the owner.

17           2. Upon a determination by the governmental entity  
18 that the reservation denies the property owner the current  
19 economic use of the property held by the owner, the entity  
20 must purchase the real property and improvements not retained  
21 by the property owner in fee simple title or release all or  
22 part of the reservation as necessary to allow for beneficial  
23 use of the property.

24           3. Where the governmental entity and the property  
25 owner are unable to agree as to the denial of the current  
26 economic use of the property or the purchase price, the  
27 property owner may request mediation or binding arbitration  
28 pursuant to chapter 44 to resolve these issues.

29           4. Prior to the payment of any compensation, the  
30 property owner must provide the governmental entity copies of  
31

1 any title insurance policies and notice of any compensation  
2 received from a title company related to the easement.

3 (3) The process for release of any road reservation  
4 covered by this section or payment for property impacted by  
5 the use of a reservation covered by this section shall be  
6 solely in accordance with this section. Any action for the  
7 taking of property related to road construction is separate  
8 and distinct from an action pursuant to this section.

9 (4) The governmental entity shall not be liable for  
10 attorney fees or costs incurred by the owner in establishing  
11 the impact of the road reservation on the property.

12 Section 2. Section 712.04, Florida Statute, is amended  
13 to read:

14 712.04 Interests extinguished by marketable record  
15 title.--Subject to the matters stated in s. 712.03, such  
16 marketable record title shall be free and clear of all  
17 estates, interests, claims, or charges whatsoever, the  
18 existence of which depends upon any act, title transaction,  
19 event or omission that occurred prior to the effective date of  
20 the root of title. All such estates, interests, claims, or  
21 charges, however denominated, whether such estates, interests,  
22 claims, or charges are or appear to be held or asserted by a  
23 person sui juris or under a disability, whether such person is  
24 within or without the state, whether such person is natural or  
25 corporate, or is private or governmental, are hereby declared  
26 to be null and void, except that this chapter shall not be  
27 deemed to affect any right, title, or interest of the United  
28 States, Florida, or any of its officers, boards, commissions,  
29 or other agencies reserved in the patent or deed by which the  
30 United States, Florida, or any of its agencies parted with  
31 title. Provided, however, that easements for state road right

1 of way reserved in deeds by the Trustees of the Internal  
2 Improvement Trust Fund, conveying land acquired under chapter  
3 18296, Laws of Florida, 1937, shall be extinguished by the  
4 Marketable Record Title Act on July 1, 2001, subject to the  
5 matters under section 712.03, and further subject to the right  
6 of any governmental entity holding title to said reservations  
7 to preserve such reservations that are necessary for future  
8 transportation projects in adopted transportation plans by  
9 filing notice under section 712.05, before July 1, 2001.

10 Section 3. Subsection (3) is added to section 712.05,  
11 Florida Statutes, to read:

12 712.05 Effect of filing notice.--

13 (3) Any governmental entity claiming a road  
14 reservation pursuant to a deed conveyed pursuant to the Murphy  
15 Act prior to July 1, 1991, may preserve the reservation or any  
16 portion thereof necessary for future transportation projects  
17 in adopted transportation plans and protect it from  
18 extinguishment by the operation of this chapter by filing for  
19 record, prior to July 1, 2001, a notice, in writing, in  
20 accordance with the provisions of this chapter. The notice  
21 will have the effect of preserving the reservation or portion  
22 thereof for a period of 10 years. If the reservation is used  
23 for a road during the 10 year period the reservation is not  
24 extinguished.

25 Section 4. This act shall take effect upon becoming a  
26 law.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31

\*\*\*\*\*

HOUSE SUMMARY

Provides for the conveyance of Murphy Act road reservations. Requires the establishment of a procedure for review of deeds containing reservations. Provides criteria for the review process. Provides for compensation of property owners. Provides for the release of described easements held by governmental entities. See bill for details.