

By Senator Hargrett

21-444-98

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 deed has not
12 contained a statement of the reservation since
13 passage of the Marketable Record Title Act;
14 providing an effective date.

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16 Be It Enacted by the Legislature of the State of Florida:

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18 Section 1. Subsection (6) is added to section 253.82,
19 Florida Statutes, to read:

20 253.82 Title of state or private owners to Murphy Act
21 lands.--

22 (6)(a) All road reservations in deeds conveyed
23 pursuant to the Murphy Act prior to July 1, 1991, are conveyed
24 to the governmental entity having right and title to the road
25 to which the reservations are adjacent. All reservations
26 adjacent to a road that was designated as a state road at the
27 time of the reservation and which road is currently held by
28 the state are conveyed to the Department of Transportation.
29 All reservations adjacent to a road that was designated as a
30 state road at the time of the reservation and which is located
31 in an unincorporated area of a county or on a road owned by

1 the county within any incorporated area are conveyed to the
2 respective counties. All other reservations within
3 incorporated areas adjacent to a road that was designated as a
4 state road at the time of the reservation and which are not
5 otherwise conveyed to the state or the county are conveyed to
6 the incorporated area. The conveyance must include all right,
7 title, and interests in the reservation held by the Board of
8 Trustees of the Internal Improvement Trust Fund.

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

13 1. A determination of whether the language of the deed
14 created a reservation at the time of the original conveyance;

15 2. Review of any release of the reservation provided
16 by the property owner;

17 3. The recording of a notice of the non-existence of a
18 reservation if reservation language in the deed does not
19 impact the property;

20 4. A determination of whether any or all of the
21 reservation may be released, and a form for recording the
22 release.

23 (c)1. If the deeds transferring ownership of the
24 underlying property have not contained language providing for
25 the reservation of a road right-of-way since the passage of
26 the Marketable Record Title Act, the person holding title to
27 the underlying fee is entitled to compensation for the
28 reservation or release of the reservation at the time the
29 governmental entity is acquiring other rights-of-way for a
30 transportation project where any part of the reservation will
31 be used.

1 2. If a person owning property qualifying for payment
2 under subparagraph 1. can show that the discovery of the
3 reservation has rendered the remaining property useless or
4 valueless or the owner has, as a result of the discovery of
5 the reservation, been unable to make beneficial use of the
6 property, the governmental entity owning the reservation must
7 consider a claim by the owner for immediate compensation or
8 release of all or part of the reservation as needed to make
9 use of the property.

10 3. The amount of compensation for a reservation
11 pursuant to subparagraph 1. or subparagraph 2. must be
12 determined by negotiation between the property owner and the
13 governmental entity. If a payment cannot be agreed upon, each
14 party must select a qualified property appraiser and the two
15 appraisers shall agree on a third. The value of the property
16 will be established by agreement of a majority of the
17 appraisers selected. The governmental entity must provide
18 compensation for the appraisers at the current market rate.

19 Section 2. This act shall take effect upon becoming a
20 law.

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23 SENATE SUMMARY

24 Provides for the conveyance of Murphy Act road
25 reservations. Requires the establishment of a procedure
26 for review of deeds containing reservations. Provides
27 criteria for the review process. Provides for
28 compensation of property owners.