

# SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based only on the provisions contained in the legislation as of the latest date listed below.)

BILL: CS/SB 2300

SPONSOR: Committee on Regulated Industries and Senator Sebesta

SUBJECT: Platted Lands

DATE: March 30, 1999 REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Wiehle</u>	<u>Guthrie</u>	<u>RI</u>	<u>Favorable/CS</u>
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____

## I. Summary:

The bill: 1) provides that when a replatting is done, improvements necessitate a new survey only if they affect a boundary of the previously platted property; 2) deletes the current requirement that the same legal entity produce both the survey and the plat; and, 3) allows marking subdivision lots as development occurs, so long as the boundaries of each lot are marked before it is sold.

The bill substantially amends sections 177.041 and 177.091 of the Florida Statutes.

## II. Present Situation:

Part I of chapter 177, F.S., provides for platting, or mapping, of subdivisions. A plat serves to establish the identity of all lands shown on the plat and after recording of a plat, lands may be conveyed by reference to the plat.

Section 177.041(1), F.S., requires that every plat or replat of a subdivision that is submitted to the local governing body for approval be accompanied by a boundary survey of the platted lands. However, a new boundary survey for a replat is required only when the replat affects any boundary of the previously platted property or when improvements have been made on the lands to be replatted or adjoining lands. The section also requires that the boundary survey be performed by and prepared under the supervision of a professional surveyor and mapper. However, the survey and the plat may be prepared by two different professional surveyors as long as the same legal entity produces both the survey and the plat.

Section 177.091, F.S., establishes the requirements for plats offered for recording. Included are requirements on placement of monuments to mark lot corners and other surveying points. In counties or municipalities that require subdivision improvements and have the means of ensuring the construction of those improvements, such as bonding requirements, monuments must be set prior to the expiration of the bond or other surety. In counties or municipalities that do not require subdivision improvements and do not accept bonds or escrow accounts to construct

improvements, monuments may be set prior to the recording of the plat and must be set before the transfer of any lot.

### **III. Effect of Proposed Changes:**

**Section 1** changes the requirements on when a boundary survey is required for a replat. Currently a survey is required when the replat affects a boundary of the previously platted land or when improvements have been made on the lands to be replatted or adjoining lands. Under the bill, improvements would create the necessity for a new survey only if they affect a boundary of the previously platted property.

The bill also deletes the current requirement that the same legal entity produce both the survey and the plat.

**Section 2** changes the requirements for setting monuments in counties or municipalities that do not require subdivision improvements and do not accept bonds or escrow accounts to construct improvements. Currently in these counties or municipalities, monuments must be set before the transfer of any lot. Under the bill, monuments must be set at the lot corners before the transfer of the lot. This allows marking individual lots as they are developed, so long as the boundaries of each lot are marked before it is sold.

**Section 3** provides that the act takes effect July 1, 1999.

### **IV. Constitutional Issues:**

#### **A. Municipality/County Mandates Restrictions:**

None.

#### **B. Public Records/Open Meetings Issues:**

None.

#### **C. Trust Funds Restrictions:**

None.

### **V. Economic Impact and Fiscal Note:**

#### **A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

Developers may benefit by avoiding the requirement of another survey due to improvements which do not affect boundary lines and by phasing the marking of lot lines to coincide with development and potential sales.

**C. Government Sector Impact:**

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Amendments:**

None.

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This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.

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