

By Senator Sebesta

20-1455-99

See HB 587

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A bill to be entitled
An act relating to platted lands; amending s.
177.041, F.S.; revising language with respect
to certain boundaries for a replat; amending s.
177.081, F.S.; deleting the requirement of a
review of a plat prior to approval by the
appropriate governing body; amending s.
177.091, F.S.; revising language with respect
to certain monuments; providing an effective
date.

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

Section 1. Subsection (1) of section 177.041, Florida
Statutes, 1998 Supplement, is amended to read:

177.041 Boundary survey and title certification
required.--Every plat or replat of a subdivision submitted to
the approving agency of the local governing body must be
accompanied by:

(1) 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 affecting the boundary of the previously
platted property have been made on the lands to be replatted
~~or adjoining lands~~. The boundary survey must be performed and
prepared under the responsible direction and supervision of a
professional surveyor and mapper preceding the initial
submittal of the plat to the local governing body. This
subsection does not restrict a legal entity from employing one
professional surveyor and mapper to perform and prepare the
boundary survey and another professional surveyor and mapper

CODING:Words ~~stricken~~ are deletions; words underlined are additions.

1 to prepare the plat, ~~except that both the boundary survey and~~
2 ~~the plat must be under the same legal entity.~~

3 Section 2. Section 177.081, Florida Statutes, 1998
4 Supplement, is amended to read:

5 177.081 Dedication and approval.--

6 ~~(1) Prior to approval by the appropriate governing~~
7 ~~body, the plat shall be reviewed for conformity to this~~
8 ~~chapter by a professional surveyor and mapper either employed~~
9 ~~by or under contract to the local governing body, the costs of~~
10 ~~which shall be borne by the legal entity offering the plat for~~
11 ~~recordation, and evidence of such review must be placed on~~
12 ~~such plat.~~

13 (1)~~(2)~~ Every plat of a subdivision filed for record
14 must contain a dedication by the owner or owners of record.
15 The dedication must be executed by all persons, corporations,
16 or entities having a record interest in the lands subdivided,
17 in the same manner in which deeds are required to be executed.
18 All mortgagees having a record interest in the lands
19 subdivided shall execute, in the same manner in which deeds
20 are required to be executed, either the dedication contained
21 on the plat or a separate instrument joining in and ratifying
22 the plat and all dedications and reservations thereon.

23 (2)~~(3)~~ When a tract or parcel of land has been
24 subdivided and a plat thereof bearing the dedication executed
25 by the owners of record and mortgagees having a record
26 interest in the lands subdivided, and when the approval of the
27 governing body has been secured and recorded in compliance
28 with this part, all streets, alleys, easements, rights-of-way,
29 and public areas shown on such plat, unless otherwise stated,
30 shall be deemed to have been dedicated to the public for the
31 uses and purposes thereon stated. However, nothing herein

1 shall be construed as creating an obligation upon any
2 governing body to perform any act of construction or
3 maintenance within such dedicated areas except when the
4 obligation is voluntarily assumed by the governing body.

5 Section 3. Subsection (9) of section 177.091, Florida
6 Statutes, 1998 Supplement, is amended to read:

7 177.091 Plats made for recording.--Every plat of a
8 subdivision offered for recording shall conform to the
9 following:

10 (9) Monuments shall be set at all lot corners, points
11 of intersection, and changes of direction of lines within the
12 subdivision which do not require a "P.R.M." or a "P.C.P.";
13 however, a monument need not be set if a monument already
14 exists at such corner, point, or change of direction or when a
15 monument cannot be set due to a physical obstruction. In those
16 counties or municipalities that do not require subdivision
17 improvements and do not accept bonds or escrow accounts to
18 construct improvements, monuments may be set prior to the
19 recording of the plat and must be set at the lot corners
20 before the transfer of the ~~any~~ lot. In those counties or
21 municipalities that require subdivision improvements and have
22 the means of ensuring the construction of those improvements,
23 such as bonding requirements, monuments shall be set prior to
24 the expiration of the bond or other surety. If the
25 professional surveyor and mapper or legal entity of record is
26 no longer in practice or is not available due to relocation,
27 or when the contractual relationship between the subdivider
28 and professional surveyor and mapper or legal entity has been
29 terminated, the subdivider shall contract with a professional
30 surveyor and mapper or legal entity in good standing who shall
31 be allowed to place the monuments within the time allotted.

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Section 4. This act shall take effect July 1, 1999.

HOUSE SUMMARY

Revises provisions of law with respect to platted lands to:

1. Provide that a replat is required when improvements affecting the boundary of the previously platted property have been made on the lands to be replatted.
2. Delete the requirement that a review of the plat must be made prior to approval by the appropriate governing body.
3. Revise language with respect to described monuments. See bill for details.