

1                   A bill to be entitled  
2           An act relating to platted lands; amending s.  
3           177.041, F.S.; revising language with respect  
4           to certain boundaries for a replat; removing a  
5           requirement that the boundary survey and plat  
6           be prepared by a professional surveyor and  
7           mapper under the same legal entity; amending s.  
8           177.081, F.S.; revising language with respect  
9           to dedication and approval; amending s.  
10          177.091, F.S.; revising language with respect  
11          to certain monuments; providing an effective  
12          date.

13  
14 Be It Enacted by the Legislature of the State of Florida:

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

18           177.041 Boundary survey and title certification  
19 required.--Every plat or replat of a subdivision submitted to  
20 the approving agency of the local governing body must be  
21 accompanied by:

22           (1) A boundary survey of the platted lands. However, a  
23 new boundary survey for a replat is required only when the  
24 replat affects any boundary of the previously platted property  
25 or when improvements which may affect the boundary of the  
26 previously platted property have been made on the lands to be  
27 replatted ~~or adjoining lands~~. The boundary survey must be  
28 performed and prepared under the responsible direction and  
29 supervision of a professional surveyor and mapper preceding  
30 the initial submittal of the plat to the local governing body.  
31 This subsection does not restrict a legal entity from

1 employing one professional surveyor and mapper to perform and  
2 prepare the boundary survey and another professional surveyor  
3 and mapper to prepare the plat, ~~except that both the boundary~~  
4 ~~survey and the plat must be under the same legal entity.~~

5 Section 2. Subsection (2) of section 177.081, Florida  
6 Statutes, 1998 Supplement, is amended to read:

7 177.081 Dedication and approval.--

8 (2) Every plat of a subdivision filed for record must  
9 contain a dedication by the owner or owners of record. The  
10 dedication must be executed by all persons, corporations, or  
11 entities whose signature would be required to convey record  
12 fee simple title to the lands being dedicated in the same  
13 manner in which deeds are required to be executed.~~The~~

14 ~~dedication must be executed by all persons, corporations, or~~  
15 ~~entities having a record interest in the lands subdivided, in~~  
16 ~~the same manner in which deeds are required to be executed.~~

17 All mortgagees having a record interest in the lands  
18 subdivided shall execute, in the same manner in which deeds  
19 are required to be executed, either the dedication contained  
20 on the plat or a separate instrument joining in and ratifying  
21 the plat and all dedications and reservations thereon.

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

24 177.091 Plats made for recording.--Every plat of a  
25 subdivision offered for recording shall conform to the  
26 following:

27 (9) Monuments shall be set at all lot corners, points  
28 of intersection, and changes of direction of lines within the  
29 subdivision which do not require a "P.R.M." or a "P.C.P.";  
30 however, a monument need not be set if a monument already  
31 exists at such corner, point, or change of direction or when a

1 monument cannot be set due to a physical obstruction. In those  
2 counties or municipalities that do not require subdivision  
3 improvements and do not accept bonds or escrow accounts to  
4 construct improvements, monuments may be set prior to the  
5 recording of the plat and must be set at the lot corners  
6 before the transfer of the ~~any~~ lot. In those counties or  
7 municipalities that require subdivision improvements and have  
8 the means of ensuring the construction of those improvements,  
9 such as bonding requirements, monuments shall be set prior to  
10 the expiration of the bond or other surety. If the  
11 professional surveyor and mapper or legal entity of record is  
12 no longer in practice or is not available due to relocation,  
13 or when the contractual relationship between the subdivider  
14 and professional surveyor and mapper or legal entity has been  
15 terminated, the subdivider shall contract with a professional  
16 surveyor and mapper or legal entity in good standing who shall  
17 be allowed to place the monuments within the time allotted.

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