

By Senator Bennett

21-945-03

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A bill to be entitled  
An act relating to electric utility easements;  
creating s. 704.09, F.S.; providing for the  
creation of such easements by continuous use;  
providing exceptions, limitations, and rights  
of use; providing an effective date.

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

Section 1. Section 704.09, Florida Statutes, is  
created to read:

704.09 Electric utility easements; creation; extent;  
exceptions.--

(1) When an electric utility, as defined in s. 366.02,  
has constructed, operated, or maintained electric facilities  
over, under, upon, or across an owner's lands for a period of  
2 years without landowner objection, an easement for such  
facilities is conclusively deemed to be granted by the  
landowner to the electric utility. The extent of the easement  
is 10 feet on both sides of the center line of the facilities,  
or the minimum clearance distances from all sides of the  
facilities to comply with the most current edition of the  
National Electrical Safety Code and all applicable state and  
local regulations, whichever is greater.

(2) This section does not apply to the construction,  
operation, or maintenance of electric facilities on lands  
where the owner has contested the same by suit commenced  
within 2 years after July 1, 2003, nor to lands owned by  
governmental entities.

(3) This section does not limit claims or rights to  
easements acquired or in existence by prescription on July 1,

1 2003, nor does subsection (2) apply to owners of interests in  
2 land subject to claims or rights to easements acquired, or in  
3 existence by prescription on July 1, 2003.

4 (4) Utility easements established by this section  
5 include the rights to operate, maintain, repair, and upgrade  
6 the electric facilities, and to keep the easement area free of  
7 uses, obstructions, structures, trees, and other vegetation  
8 that would interfere with the utility's use and occupation of  
9 the easement area.

10 Section 2. This act shall take effect July 1, 2003.

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SENATE SUMMARY

Creates electric utility easements after a period of 2 years' use by a utility on private lands. Provides exceptions. (See bill for details.)