

By Senator Saunders

37-584-03

1 A bill to be entitled
2 An act relating to land development regulation;
3 amending s. 125.01, F.S.; prescribing duties of
4 counties with respect to platted lands
5 development and to community and environmental
6 welfare; amending s. 163.3164, F.S.; redefining
7 the term "land development regulations" and
8 defining the term "land assembly or adjustment"
9 for purposes of the Local Government
10 Comprehensive Planning Act; amending s.
11 163.3202, F.S.; providing that land development
12 regulations regulate land assembly or
13 adjustment; providing for construction favoring
14 land assembly or adjustment; amending s.
15 177.011, F.S.; prescribing legislative purpose
16 of land assembly or adjustment with respect to
17 platting requirements; amending s. 177.031,
18 F.S.; redefining the term "subdivision" and
19 defining the term "land assembly or adjustment"
20 for purposes of regulation of platting;
21 amending s. 177.101, F.S.; prescribing duties
22 of local governments with respect to assembly
23 or adjustment of certain subdivided lands;
24 providing criteria for determining eligible
25 lands; amending s. 380.031, F.S.; redefining
26 the term "land development regulations" and
27 defining the term "land assembly or adjustment"
28 for purposes of land and water management;
29 amending s. 28.222, F.S.; prescribing duties of
30 the clerk of the court in recording certain
31 documents relating to the transfer and to the

1 subdivision of land; amending s. 177.091, F.S.;
2 requiring the recording of approved subdivision
3 plats; amending s. 177.111, F.S.; revising
4 provisions relating to submission of an
5 approved plat for recording; amending s.
6 498.033, F.S.; prescribing guidelines for
7 recordation of an agreement for deed in the
8 sale of subdivided lands; amending s. 695.01,
9 F.S.; requiring specified land conveyance
10 documents to be recorded; requiring that a copy
11 of the approved plat be attached to certain
12 documents when recorded; amending s. 695.22,
13 F.S.; requiring the daily schedule of deeds and
14 conveyances filed for recording to be furnished
15 to the county and municipal planning
16 departments; amending s. 696.01, F.S.;
17 requiring recordation of specified instruments
18 for the purchase or sale of real estate;
19 requiring that a copy of the approved plat be
20 attached to such instruments when they are
21 recorded; amending s. 697.01, F.S.; providing
22 that contracts or agreements for deed will be
23 deemed to be mortgages; providing an effective
24 date.

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

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28 Section 1. Paragraphs (g) and (h) of subsection (1) of
29 section 125.01, Florida Statutes, are amended to read:

30 125.01 Powers and duties.--
31

1 (1) The legislative and governing body of a county
2 shall have the power to carry on county government. To the
3 extent not inconsistent with general or special law, this
4 power includes, but is not restricted to, the power to:

5 (g) Prepare and enforce comprehensive plans for the
6 development of the county and the regulation of the platted
7 lands development.

8 (h) Establish, coordinate, and enforce zoning and such
9 business regulations as are necessary for the protection of
10 the community and environmental welfare ~~public~~.

11 Section 2. Subsection (23) of section 163.3164,
12 Florida Statutes, is amended, and subsection (32) is added to
13 that section, to read:

14 163.3164 Local Government Comprehensive Planning and
15 Land Development Regulation Act; definitions.--As used in this
16 act:

17 (23) "Land development regulations" means ordinances
18 enacted by governing bodies for the regulation of any aspect
19 of development and includes any local government zoning,
20 rezoning, subdivision, land assembly or adjustment of lands
21 that are platted or subdivided or both, building construction,
22 or sign regulations or any other regulations controlling the
23 development of land, except that this definition shall not
24 apply in s. 163.3213.

25 (32) "Land assembly or adjustment" means the
26 consolidation of contiguous and noncontiguous undeveloped
27 platted or subdivided lots and the vacation or deplat of all
28 or a portion of these lots to allow their replat for more
29 appropriate development or use.

30 Section 3. Subsections (2) and (3) of section
31 163.3202, Florida Statutes, are amended to read:

1 163.3202 Land development regulations.--
2 (2) Local land development regulations shall contain
3 specific and detailed provisions necessary or desirable to
4 implement the adopted comprehensive plan and shall as a
5 minimum:
6 (a) Regulate the subdivision of land and land assembly
7 or adjustment as defined in ss. 163.3164(32) and 177.031;
8 (b) Regulate the use of land and water for those land
9 use categories included in the land use element and ensure the
10 compatibility of adjacent uses and provide for open space;
11 (c) Provide for protection of potable water
12 wellfields;
13 (d) Regulate areas subject to seasonal and periodic
14 flooding and provide for drainage and stormwater management;
15 (e) Ensure the protection of environmentally sensitive
16 lands designated in the comprehensive plan;
17 (f) Regulate signage;
18 (g) Provide that public facilities and services meet
19 or exceed the standards established in the capital
20 improvements element required by s. 163.3177 and are available
21 when needed for the development, or that development orders
22 and permits are conditioned on the availability of these
23 public facilities and services necessary to serve the proposed
24 development. Not later than 1 year after its due date
25 established by the state land planning agency's rule for
26 submission of local comprehensive plans pursuant to s.
27 163.3167(2), a local government shall not issue a development
28 order or permit which results in a reduction in the level of
29 services for the affected public facilities below the level of
30 services provided in the comprehensive plan of the local
31 government.

1 (h) Ensure safe and convenient onsite traffic flow,
2 considering needed vehicle parking.

3 (3) This section shall be construed to encourage the
4 use of innovative land development regulations which include
5 provisions such as transfer of development rights, incentive
6 and inclusionary zoning, planned-unit development, impact
7 fees, ~~and~~ performance zoning, and land assembly or adjustment
8 techniques as described in chapter 177. These and all other
9 such regulations shall be combined and compiled into a single
10 land development code for the jurisdiction. A general zoning
11 code shall not be required if a local government's adopted
12 land development regulations meet the requirements of this
13 section.

14 Section 4. Section 177.011, Florida Statutes, is
15 amended to read:

16 177.011 Purpose and scope of part I.--This part shall
17 be deemed to establish consistent minimum requirements, and to
18 create such additional powers in local governing bodies, as
19 herein provided to regulate and control the platting and
20 assembly of lands. The public health, safety, comfort,
21 economy, order, appearance, convenience, morals, and general
22 welfare require the harmonious, orderly, and progressive
23 development of land within the state and its counties and
24 municipalities. In furtherance of this general purpose,
25 counties and municipalities, individually or in combination,
26 may adopt, amend or revise, and enforce measures relating to
27 platting and to land assembly or adjustment.

28 (1) The regulation of platting and of land assembly or
29 adjustment is intended to:
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1 (a) Aid in the coordination of land development in
2 counties and municipalities in accordance with orderly
3 physical patterns;

4 (b) Discourage haphazard, premature, uneconomic, or
5 scattered land development;

6 (c) Encourage development of economically stable and
7 healthful communities;

8 (d) Ensure adequate utilities provision to all lands
9 being developed; and

10 (e) Serve as one of the several instruments of the
11 local comprehensive plan authorized by ss. 163.3161 et seq.

12 (2) This part establishes minimum requirements and
13 does not exclude additional provisions or regulations by local
14 ordinance, laws, or regulations.

15 Section 5. Subsection (18) of section 177.031, Florida
16 Statutes, is amended, and subsection (23) is added to that
17 section, to read:

18 177.031 Definitions.--As used in this part:

19 (18) "Subdivision" means the division of land into two
20 ~~three~~ or more lots, parcels, tracts, tiers, blocks, sites,
21 units, or any other division of land; and includes
22 establishment of new streets and alleys, additions, and
23 resubdivisions; and, when appropriate to the context, relates
24 to the process of subdividing or to the lands or area
25 subdivided.

26 (23) "Land assembly or adjustment" means the
27 consolidation of contiguous and noncontiguous undeveloped
28 platted or subdivided lots and the vacation or deplat of all
29 or a portion of these lots to allow their replat for more
30 appropriate development or use.

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1 Section 6. Section 177.101, Florida Statutes, is
2 amended to read:

3 177.101 Assembly, replat, vacation,and annulment of
4 plats subdividing land.--

5 (1) Whenever it is discovered, after the plat has been
6 recorded in the public records, that the developer has
7 previously caused the lands embraced in the second plat to be
8 differently subdivided under and by virtue of another plat of
9 the same identical lands, and the first plat was also filed of
10 public record at an earlier date, and no conveyances of lots
11 by reference to the first plat so filed appears of record in
12 such county, the governing body of the county is authorized
13 and directed to and shall, by resolution, vacate and annul the
14 first plat of such lands appearing of record upon the
15 application of the developer of such lands under the first
16 plat or upon application of the owners of all the lots shown
17 and designated upon the second and subsequent plat of such
18 lands, and the circuit court clerk of the county shall
19 thereupon make proper notation of the annulment of such plat
20 upon the face of such annulled plat.

21 (2) Whenever it is discovered that after the filing of
22 a plat subdividing a parcel of land located in the county, the
23 developer of the lands therein and thereby subdivided did
24 cause such lands embraced in said plat, or a part thereof, to
25 be again and subsequently differently subdivided under another
26 plat of the same and identical lands or a part thereof, which
27 said second plat was also filed at a later date; and it is
28 further made to appear to the governing body of the county
29 that the filing and recording of the second plat would not
30 materially affect the right of convenient access to lots
31 previously conveyed under the first plat, the governing body

1 of the county is authorized by resolution to vacate and annul
2 so much of the first plat of such lands appearing of record as
3 are included in the second plat, upon application of the
4 owners and developer of such lands under the first plat or
5 their successors, grantees, or assignees, and the circuit
6 court clerk of the county shall thereupon make proper notation
7 of the action of the governing body upon the face of the first
8 plat. The approval of a replat by the governing body of a
9 local government, which encompasses lands embraced in all or
10 part of a prior plat filed of public record shall, upon
11 recordation of the replat, automatically and simultaneously
12 vacate and annul all of the prior plat encompassed by the
13 replat.

14 (3) The governing bodies of the counties of the state
15 may adopt resolutions vacating plats in whole or in part of
16 subdivisions in said counties, returning the property covered
17 by such plats either in whole or in part into acreage. Before
18 such resolution of vacating any plat either in whole or in
19 part shall be entered by the governing body of a county, it
20 must be shown that the persons making application for said
21 vacation own the fee simple title to the whole or that part of
22 the tract covered by the plat sought to be vacated, and it
23 must be further shown that the vacation by the governing body
24 of the county will not affect the ownership or right of
25 convenient access of persons owning other parts of the
26 subdivision.

27 (4) Persons making application for vacations of plats
28 either in whole or in part shall give notice of their
29 intention to apply to the governing body of the county to
30 vacate said plat by publishing legal notice in a newspaper of
31 general circulation in the county in which the tract or parcel

1 of land is located, in not less than two weekly issues of said
2 paper, and must attach to the petition for vacation the proof
3 of such publication, together with certificates showing that
4 all state and county taxes have been paid. For the purpose of
5 the tax collector's certification that state, county, and
6 municipal taxes have been paid, the taxes shall be deemed to
7 have been paid if, in addition to any partial payment under s.
8 194.171, the owner of the platted lands sought to be vacated
9 shall post a cash bond, approved by the tax collector of the
10 county where the land is located and by the Department of
11 Revenue, conditioned to pay the full amount of any judgment
12 entered pursuant to s. 194.192 adverse to the person making
13 partial payment, including all costs, interest, and penalties.
14 The circuit court shall fix the amount of said bond by order,
15 after considering the reasonable timeframe for such litigation
16 and all other relevant factors; and a certified copy of such
17 approval, order, and cash bond shall be attached to the
18 application. If such tract or parcel of land is within the
19 corporate limits of any incorporated city or town, the
20 governing body of the county shall be furnished with a
21 certified copy of a resolution of the town council or city
22 commission, as the case may be, showing that it has already by
23 suitable resolution vacated such plat or subdivision or such
24 part thereof sought to be vacated.

25 (5) Every such resolution by the governing body shall
26 have the effect of vacating all streets and alleys which have
27 not become highways necessary for use by the traveling public.
28 Such vacation shall not become effective until a certified
29 copy of such resolution has been filed in the offices of the
30 circuit court clerk and duly recorded in the public records of
31 such ~~said~~ county.

1 (6) The appropriate governing body may, on its own
2 motion, order the assembly or adjustment of all or a part of a
3 subdivision within its jurisdiction to conform to the
4 provisions and objectives of the revised local comprehensive
5 plan. It may order the assembly, replat, or vacation of the
6 acreage of the existing plat on all or a portion of the
7 subdivision, including the vacation of streets or other
8 parcels of land dedicated for public purposes or any of such
9 streets or other parcels, when:

10 (a) The plat of the subdivision was recorded as
11 provided by law, or approved pursuant to this act but not
12 recorded, not less than 10 years before the date of such
13 order.

14 (b) In the subdivision or part thereof not more than
15 10 percent of the total subdivision area has been built into
16 the uses of the subdivision's zoned or land-use purposes.

17 (c) For entities pursuing reassembly of a parcel under
18 this section, it is shown that:

19 1. The persons making application for such vacation
20 own the fee simple title to at least 60 percent of the whole
21 or part of the tract covered by the plat sought to be vacated,
22 and

23 2. The vacation by the governing body will not affect
24 the ownership or right of convenient access of persons owning
25 other parts of the subdivision.

26 (d) Such action is based on a finding by the governing
27 body that the proposed assembly or adjustment, or vacation and
28 reversion to acreage of subdivided land, conforms to the
29 comprehensive plan of the area and that the public health,
30 safety, economy, comfort, order, convenience, and welfare will
31 be promoted thereby.

1 (e) Provisions have been established for the fair and
2 adequate compensation of any fee simple owner of platted lands
3 within the tract covered by the application for vacation and
4 reversion to acreage who, for whatever reason, has refused to
5 participate in the application.

6 ~~(7)(6)~~ All resolutions vacating plats by the governing
7 body of a county prior to September 1, 1971, are hereby
8 validated, ratified, and confirmed. Such resolutions shall
9 have the same effect as if the plat had been vacated after
10 September 1, 1971.

11 Section 7. Subsection (8) of section 380.031, Florida
12 Statutes, is amended, and subsection (21) is added to that
13 section, to read:

14 380.031 Definitions.--As used in this chapter:

15 (8) "Land development regulations" include local
16 zoning, subdivision, assembly or adjustment of platted or
17 subdivided lands, building, and other regulations controlling
18 the development of land.

19 (21) "Land assembly or adjustment" means the
20 consolidation of contiguous or noncontiguous undeveloped
21 platted or subdivided lots and the vacation or replat of all
22 or a portion of these lots to allow their replat for more
23 appropriate development or use.

24 Section 8. Paragraph (a) of subsection (3) and
25 subsection (5) of section 28.222, Florida Statutes, are
26 amended to read:

27 28.222 Clerk to be county recorder.--

28 (3) The clerk of the circuit court shall record the
29 following kinds of instruments presented to him or her for
30 recording, upon payment of the service charges prescribed by
31 law:

1 (a) Deeds, leases, bills of sale, agreements,
2 contracts for deed or installment land contracts, mortgages,
3 notices or claims of lien, notices of levy, tax warrants, tax
4 executions, and other instruments relating to the ownership,
5 transfer, or encumbrance of or claims against real or personal
6 property or any interest in it; extensions, assignments,
7 releases, cancellations, or satisfactions of mortgages and
8 liens; and powers of attorney relating to any of the
9 instruments.

10 (5) The clerk of the circuit court shall record all
11 approved plats of subdivided lands and may maintain a separate
12 book for maps, plats, and drawings recorded pursuant to
13 chapters 177, 253, and 337.

14 Section 9. Section 177.091, Florida Statutes, is
15 amended to read:

16 177.091 Plats made for recording.--Every approved plat
17 of a subdivision shall be recorded in the public records of
18 each county wherein the property is situated and when offered
19 for recording must ~~shall~~ conform to the following:

20 (1) It must be:

21 (a) An original drawing made with black permanent
22 drawing ink; or

23 (b) A nonadhered scaled print on a stable base film
24 made by photographic processes from a film scribing tested for
25 residual hypo testing solution to assure permanency.

26
27 Marginal lines, standard certificates and approval forms shall
28 be printed on the plat with a permanent black drawing ink. A
29 print or photographic copy of the original drawing must be
30 submitted with the original drawing.

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1 (2) The size of each sheet shall be determined by the
2 local governing body and shall be drawn with a marginal line,
3 or printed when permitted by local ordinance, completely
4 around each sheet and placed so as to leave at least a 1/2
5 -inch margin on each of three sides and a 3-inch margin on the
6 left side of the plat for binding purposes.

7 (3) When more than one sheet must be used to
8 accurately portray the lands subdivided, an index or key map
9 must be included and each sheet must show the particular
10 number of that sheet and the total number of sheets included,
11 as well as clearly labeled matchlines to show where other
12 sheets match or adjoin.

13 (4) In all cases, the letter size and scale used shall
14 be of sufficient size to show all detail. The scale shall be
15 both stated and graphically illustrated by a graphic scale
16 drawn on every sheet showing any portion of the lands
17 subdivided.

18 (5) The name of the plat shall be shown in bold
19 legible letters, as stated in s. 177.051. The name of the
20 subdivision shall be shown on each sheet included. The name of
21 the professional surveyor and mapper or legal entity, along
22 with the street and mailing address, must be shown on each
23 sheet included.

24 (6) A prominent "north arrow" shall be drawn on every
25 sheet included showing any portion of the lands subdivided.
26 The bearing or azimuth reference shall be clearly stated on
27 the face of the plat in the notes or legend, and, in all
28 cases, the bearings used shall be referenced to some well
29 established and monumented line.

30 (7) Permanent reference monuments must be placed at
31 each corner or change in direction on the boundary of the

1 lands being platted and may not be more than 1,400 feet apart.
2 Where such corners are in an inaccessible place, "P.R.M.s"
3 shall be set on a nearby offset within the boundary of the
4 plat and such offset shall be so noted on the plat. Where
5 corners are found to coincide with a previously set "P.R.M.,"
6 the Florida registration number of the professional surveyor
7 and mapper in responsible charge or the certificate of
8 authorization number of the legal entity on the previously set
9 "P.R.M." shall be shown on the new plat or, if unnumbered,
10 shall so state. Permanent reference monuments shall be set
11 before the recording of the plat. The "P.R.M.s" shall be shown
12 on the plat by an appropriate symbol or designation.

13 (8) Permanent control points shall be set on the
14 centerline of the right-of-way at the intersection and
15 terminus of all streets, at each change of direction, and no
16 more than 1,000 feet apart. Such "P.C.P.s" shall be shown on
17 the plat by an appropriate symbol or designation. In those
18 counties or municipalities that do not require subdivision
19 improvements and do not accept bonds or escrow accounts to
20 construct improvements, "P.C.P.s" may be set prior to the
21 recording of the plat and must be set within 1 year of the
22 date the plat was recorded. In the counties or municipalities
23 that require subdivision improvements and have the means of
24 insuring the construction of said improvements, such as
25 bonding requirements, "P.C.P.s" must be set prior to the
26 expiration of the bond or other surety. If the professional
27 surveyor and mapper or legal entity of record is no longer in
28 practice or is not available due to relocation, or when the
29 contractual relationship between the subdivider and
30 professional surveyor and mapper or legal entity has been
31 terminated, the subdivider shall contract with a professional

1 surveyor and mapper or legal entity in good standing to place
2 the "P.C.P.s" within the time allotted.

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

25 (10) The section, township, and range shall appear
26 immediately under the name of the plat on each sheet included,
27 along with the name of the city, town, village, county, and
28 state in which the land being platted is situated.

29 (11) Each plat shall show a description of the lands
30 subdivided, and the description shall be the same in the title
31 certification. The description must be so complete that from

1 it, without reference to the plat, the starting point and
2 boundary can be determined.

3 (12) The dedications and approvals required by ss.
4 177.071 and 177.081 must be shown.

5 (13) The circuit court clerk's certificate and the
6 professional surveyor and mapper's seal and statement required
7 by s. 177.061 shall be shown.

8 (14) All section lines and quarter section lines
9 occurring within the subdivision shall be indicated by lines
10 drawn upon the map or plat, with appropriate words and
11 figures. If the description is by metes and bounds, all
12 information called for, such as the point of commencement,
13 course bearings and distances, and the point of beginning,
14 shall be indicated. If the platted lands are in a land grant
15 or are not included in the subdivision of government surveys,
16 then the boundaries are to be defined by metes and bounds and
17 courses.

18 (15) Location, width, and names of all streets,
19 waterways, or other rights-of-way shall be shown, as
20 applicable.

21 (16) Location and width of proposed easements and
22 existing easements identified in the title opinion or
23 certification required by s. 177.041(2) shall be shown on the
24 plat or in the notes or legend, and their intended use shall
25 be clearly stated. Where easements are not coincident with
26 property lines, they must be labeled with bearings and
27 distances and tied to the principal lot, tract, or
28 right-of-way.

29 (17) All contiguous properties shall be identified by
30 subdivision title, plat book, and page, or, if unplatted, land
31 shall be so designated. If the subdivision platted is a part

1 or the whole of a previously recorded subdivision, sufficient
2 ties shall be shown to controlling lines appearing on the
3 earlier plat to permit an overlay to be made; the fact of its
4 being a replat shall be stated as a subtitle under the name of
5 the plat on each sheet included. The subtitle must state the
6 name of the subdivision being replatted and the appropriate
7 recording reference.

8 (18) All lots shall be numbered either by progressive
9 numbers or, if in blocks, progressively numbered in each
10 block, and the blocks progressively numbered or lettered,
11 except that blocks in numbered additions bearing the same name
12 may be numbered consecutively throughout the several
13 additions.

14 (19) Sufficient survey data shall be shown to
15 positively describe the bounds of every lot, block, street
16 easement, and all other areas shown on the plat. When any lot
17 or portion of the subdivision is bounded by an irregular line,
18 the major portion of that lot or subdivision shall be enclosed
19 by a witness line showing complete data, with distances along
20 all lines extended beyond the enclosure to the irregular
21 boundary shown with as much certainty as can be determined or
22 as "more or less," if variable. Lot, block, street, and all
23 other dimensions except to irregular boundaries, shall be
24 shown to a minimum of hundredths of feet. All measurements
25 shall refer to horizontal plane and in accordance with the
26 definition of the U.S. Survey foot or meter adopted by the
27 National Institute of Standards and Technology. All
28 measurements shall use the $39.37/12 = 3.280833333333$ equation
29 for conversion from a U.S. foot to meters.

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1 (20) Curvilinear lot lines shall show the radii, arc
2 distances, and central angles. Radial lines will be so
3 designated. Direction of nonradial lines shall be indicated.

4 (21) Sufficient angles, bearings, or azimuth to show
5 direction of all lines shall be shown, and all bearings,
6 angles, or azimuth shall be shown to the nearest second of
7 arc.

8 (22) The centerlines of all streets shall be shown as
9 follows: noncurved lines: distances together with either
10 angles, bearings, or azimuths; curved lines: arc distances,
11 central angles, and radii, together with chord and chord
12 bearing or azimuths.

13 (23) Park and recreation parcels as applicable shall
14 be so designated.

15 (24) All interior excepted parcels as described in the
16 description of the lands being subdivided shall be clearly
17 indicated and labeled "Not a part of this plat."

18 (25) The purpose of all areas dedicated must be
19 clearly indicated or stated on the plat.

20 (26) When it is not possible to show line or curve
21 data information on the map, a tabular form may be used. The
22 tabular data must appear on the sheet to which it applies.

23 (27) The plat shall include in a prominent place the
24 following statements: "NOTICE: This plat, as recorded in its
25 graphic form, is the official depiction of the subdivided
26 lands described herein and will in no circumstances be
27 supplanted in authority by any other graphic or digital form
28 of the plat. There may be additional restrictions that are not
29 recorded on this plat that may be found in the public records
30 of this county."

31

1 (28) All platted utility easements shall provide that
2 such easements shall also be easements for the construction,
3 installation, maintenance, and operation of cable television
4 services; provided, however, no such construction,
5 installation, maintenance, and operation of cable television
6 services shall interfere with the facilities and services of
7 an electric, telephone, gas, or other public utility. In the
8 event a cable television company damages the facilities of a
9 public utility, it shall be solely responsible for the
10 damages. This section shall not apply to those private
11 easements granted to or obtained by a particular electric,
12 telephone, gas, or other public utility. Such construction,
13 installation, maintenance, and operation shall comply with the
14 National Electrical Safety Code as adopted by the Florida
15 Public Service Commission.

16 (29) A legend of all symbols and abbreviations shall
17 be shown.

18 Section 10. Section 177.111, Florida Statutes, is
19 amended to read:

20 177.111 Instructions for filing plat.--After the
21 approval by the appropriate governing body required by s.
22 177.071, the plat shall be submitted to ~~recorded by~~ the
23 circuit court clerk or other recording officer for recording
24 in the public records of the county ~~upon submission thereto of~~
25 ~~such approved plat~~. The circuit court clerk or other
26 recording officer shall maintain in his or her office a book
27 of the proper size for such papers so that they shall not be
28 folded, to be kept in the vault. A print or photographic copy
29 must be filed in a similar book and kept in his or her office
30 for the use of the public. The clerk shall make available to
31

1 the public a full size copy of the record plat at a reasonable
2 fee.

3 Section 11. Subsection (3) of section 498.033, Florida
4 Statutes, is amended to read:

5 498.033 Registration of subdivided lands.--

6 (3) The subdivider shall furnish the purchaser an
7 agreement for deed in recordable form ~~which may be recorded by~~
8 ~~the subdivider or purchaser when the refund provision of the~~
9 ~~contract expires.~~ If the subdivided lands or any portion
10 thereof is subject to an agreement for deed, the subdivider or
11 purchaser shall record this agreement for deed upon expiration
12 of the refund provisions contained in the contract agreement.

13 Section 12. Subsection (1) of section 695.01, Florida
14 Statutes, is amended to read:

15 695.01 Conveyances to be recorded.--

16 (1) Every conveyance, transfer, agreement or contract
17 for deed, and transfer of, or mortgage of, real property, or
18 any interest therein, shall be recorded in the public records
19 of the county in which the real property is situated. A copy
20 of the approved recorded plat, or a survey if the plat is
21 unavailable, shall be attached to each instrument submitted to
22 the clerk of the circuit court for recording. No conveyance,
23 transfer, or mortgage of real property, or of any interest
24 therein, nor any lease for a term of 1 year or longer, shall
25 be good and effectual in law or equity against creditors or
26 subsequent purchasers for a valuable consideration and without
27 notice, unless the same be recorded according to law; nor
28 shall any such instrument made or executed by virtue of any
29 power of attorney be good or effectual in law or in equity
30 against creditors or subsequent purchasers for a valuable
31 consideration and without notice unless the power of attorney

1 be recorded before the accruing of the right of such creditor
2 or subsequent purchaser.

3 Section 13. Section 695.22, Florida Statutes, is
4 amended to read:

5 695.22 Daily schedule of deeds and conveyances filed
6 for record to be furnished property appraiser and planning
7 department.--After October 1, 1945, the several clerks of the
8 circuit courts shall keep and furnish to the respective county
9 property appraisers and county and municipal planning
10 departments in the counties where such instruments are
11 recorded a daily schedule of the aforesaid deeds and
12 conveyances so filed for recordation, in which schedule shall
13 be set forth the name of the grantor or grantors, the names
14 and addresses of each grantee and a description of the land as
15 specified in each instrument so filed.

16 Section 14. Section 696.01, Florida Statutes, is
17 amended to read:

18 696.01 Contracts for sale of realty must be
19 acknowledged in order to be recorded.--All contracts for deed
20 or other instruments for the purchase or sale of real estate
21 must be recorded in the public records of the county in which
22 the real estate is situated. A copy of the approved recorded
23 plat or survey must be attached to each instrument at the time
24 of recording.No contract, agreement, or other instrument
25 purporting to contain an agreement to purchase or sell real
26 estate shall be recorded in the public records of any county
27 in the state, unless such contract, agreement or other
28 instrument is acknowledged by the vendor in the manner
29 provided by law for the acknowledgment of deeds; and where
30 there is no acknowledgment on the part of the vendor, the

31

1 recording officers in the various counties of this state shall
2 refuse to accept such instrument for record.

3 Section 15. Subsection (1) of section 697.01, Florida
4 Statutes, is amended to read:

5 697.01 Instruments deemed mortgages.--

6 (1) All conveyances, obligations conditioned or
7 defeasible, bills of sale, contracts or agreements for deed,
8 or other instruments of writing conveying or selling property,
9 either real or personal, for the purpose or with the intention
10 of securing the payment of money, whether such instrument be
11 from the debtor to the creditor or from the debtor to some
12 third person in trust for the creditor, shall be deemed and
13 held mortgages, and shall be subject to the same rules of
14 foreclosure and to the same regulations, restraints, ~~and~~
15 forms, and recordation requirements as are prescribed in
16 relation to mortgages.

17 Section 16. This act shall take effect July 1, 2003.

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20 SENATE SUMMARY

21 Addresses a variety of issues dealing with land
22 development. Defines the term "land assembly or
23 adjustment" and provides intent with respect to using
24 that technique to modify previous subdivisions and plats
25 for more appropriate development. Requires recordation of
26 documents and conveyances relating to the transfer of
27 real property and further requires that a copy of the
28 approved plat be attached to certain of such documents
29 and conveyances when presented for recording. Requires
30 that the county or municipal planning department be
31 furnished a daily schedule of conveyances and deeds filed
for recording. (See bill for details.)