



HB 0879

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A bill to be entitled
 An act relating to utility easements; creating s. 704.09,
 F.S.; providing for the creation of electric utility
 easements; providing for the extent of such easements;
 providing exceptions; 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(2),
 has heretofore or hereafter constructed, operated, and
 maintained electric facilities over, under, upon, or across the
 owner's lands for a period of 2 years without landowner
 objection, an easement for such facilities shall be conclusively
 deemed to have been granted by the landowner to the electric
 utility. The extent of the easement shall be 10 feet on both
 sides of the center line of the facilities or the minimum
 clearance distance 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 the greater distance.

(2) This section shall not apply to the construction,
 operation, and maintenance of electric facilities on lands where
 the owner of said lands has contested the easement by suit
 commenced within 2 years after the effective date of this
 section, nor shall it apply to lands owned by governmental
 entities.



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31 (3) This section shall not diminish claims or rights to
32 easements already acquired or in existence by prescription on
33 the effective date of this section, and subsection (2) shall not
34 apply to owners of interests in land already subject to claims
35 or rights to easements acquired or in existence by prescription.

36 (4) Utility easements established by this section shall
37 include the rights to operate, maintain, repair, and upgrade the
38 electric facilities and to keep the easement area free of uses,
39 obstructions, structures, trees, and other vegetation that would
40 interfere with the utility's use and occupation of the easement
41 area.

42 Section 2. This act shall take effect upon becoming a law.