

CHAMBER ACTION

1 The Committee on Local Government & Veterans' Affairs recommends
2 the following:

3
4 **Committee Substitute**

5 Remove the entire bill and insert:

6 A bill to be entitled

7 An act relating to regulating the consolidation and
8 recordation of lands; providing for assembly and
9 readjustment of certain land plats; revising provisions
10 relating to recording land plats; amending ss. 95.191 and
11 95.192, F.S.; limiting actions to recover certain property
12 after a tax deed has been issued; amending s. 125.01,
13 F.S.; revising certain powers of county governments to
14 regulate lands; amending s. 127.01, F.S.; specifying
15 consolidation of certain property for certain purposes as
16 a public purpose; amending s. 163.3164, F.S.; revising the
17 definition of the term "land development regulations" and
18 defining the term "land assembly or adjustment"; amending
19 s. 163.3177, F.S.; revising requirements of future land
20 use plan elements of a required comprehensive plan to
21 address antiquated subdivisions and consolidation of
22 certain properties for certain purposes; amending s.
23 163.3202, F.S.; revising certain land development

24 regulation requirements to address consolidation of
25 certain properties for certain purposes; amending s.
26 163.340, F.S.; revising certain definitions to include
27 consolidation of certain properties and antiquated
28 subdivisions; amending s. 163.360, F.S.; including
29 antiquated subdivisions under certain community
30 redevelopment plan requirements; amending s. 166.411,
31 F.S.; including consolidation of certain properties for
32 certain purposes under municipal powers of eminent domain;
33 amending s. 177.011, F.S.; providing additional purposes
34 and scope relating to platting, replatting, and reassembly
35 of lands; providing intent relating to regulation of land
36 platting and land assembly or adjustment; amending s.
37 177.031, F.S.; revising the definition of the term
38 "subdivision" and defining the term "land assembly or
39 adjustment"; amending s. 177.091, F.S.; requiring
40 recordation of approved subdivision plats in certain
41 public records; amending s. 177.101, F.S.; authorizing
42 local governing bodies to order the assembly or adjustment
43 of all or portions of subdivisions for certain purposes;
44 providing an exception; providing criteria and
45 requirements; amending s. 177.111, F.S.; requiring
46 submittal of certain approved plats to certain entities;
47 amending s. 290.003, F.S.; declaring the revitalization of
48 antiquated subdivisions to be a public purpose; amending
49 s. 290.0058, F.S.; revising provisions for determining
50 general distress of certain areas to include antiquated
51 subdivisions and other criteria; amending s. 380.031,

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52 F.S.; revising the definition of the term "land
53 development regulations" and defining the terms
54 "antiquated subdivisions" and "land assembly or
55 adjustment"; amending ss. 695.01 and 696.01, F.S.;
56 requiring recordation in certain public records of actions
57 relating to real property or interests in real property;
58 requiring attachment of certain plats or surveys to
59 certain instruments; amending s. 697.01, F.S.; including
60 contracts or agreements for deed in a provision relating
61 to deeming certain instruments as mortgages; specifying
62 application of certain recordation requirements; providing
63 an effective date.

64
65 WHEREAS, antiquated subdivisions or large volumes of vacant
66 lots within platted and unplatted subdivisions are detrimental
67 to the local and regional economies and environment, hinder
68 appropriate planning, and lead to inefficient development
69 patterns, and

70 WHEREAS, large-scale land reassembly of subdivided lots is
71 expensive to both the property owner and the local governing
72 body and is administratively complicated and time consuming, and

73 WHEREAS, local governments could foster the reassembly of
74 subdivided lots into parcels that would incorporate current
75 planning practices for efficient development, NOW, THEREFORE,

76
77 Be It Enacted by the Legislature of the State of Florida:

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79 Section 1. Section 95.191, Florida Statutes, is amended to
80 read:

81 95.191 Limitations when tax deed holder in possession.--

82 (1) When the holder of a tax deed, other than a county,
83 goes into actual possession of the real property described in
84 the tax deed, no action to recover possession of the property
85 ~~may shall~~ be maintained by a former owner or other adverse
86 claimant unless the action commenced is begun within 4 years
87 after the holder of the tax deed has gone into actual
88 possession. When the real property is adversely possessed by any
89 person, no action ~~may shall~~ be brought by the tax deed holder
90 unless the action is begun within 4 years after ~~from~~ the date of
91 the deed.

92 (2) No action may be brought by the former owner of the
93 property or any claimant under the former owner after a tax deed
94 has been issued for such property to:

95 (a) Any person, other than a county, in accordance with s.
96 197.552 for a period of 4 years or more; or

97 (b) The county in accordance with s. 197.502(8) or s.
98 197.552 for a period of 1 year or more.

99 Section 2. Subsection (1) of section 95.192, Florida
100 Statutes, is amended to read:

101 95.192 Limitation upon acting against tax deeds.--

102 (1) When a tax deed has been issued to any person, other
103 than a county, under s. 197.552 for 4 years or more, no action
104 ~~may shall~~ be brought by the former owner of the property or any
105 claimant under the former owner. No action may be brought by the
106 former owner of the property or any claimant under the former

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107 | owner after a tax deed for such property has been issued to the
 108 | county under s. 197.502(8) or s. 197.552 for a period of 1 year
 109 | or more.

110 | Section 3. Paragraphs (g), (h), and (j) of subsection (1)
 111 | of section 125.01, Florida Statutes, are amended to read:

112 | 125.01 Powers and duties.--

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

117 | (g) Prepare and enforce comprehensive plans for the
 118 | development of the county and the regulation of platted lands
 119 | development, including platting, deplatting, and reassembly.

120 | (h) Establish, coordinate, and enforce zoning and such
 121 | business regulations as are necessary for the protection of the
 122 | community and environmental welfare ~~public~~.

123 | (j) Establish and administer programs of housing, slum
 124 | clearance, community redevelopment, conservation, flood and
 125 | beach erosion control, air pollution control, platted lands
 126 | assembly or adjustment, and navigation and drainage and
 127 | cooperate with governmental agencies and private enterprises in
 128 | the development and operation of such programs.

129 | Section 4. Subsection (3) is added to section 127.01,
 130 | Florida Statutes, to read:

131 | 127.01 Counties delegated power of eminent domain;
 132 | recreational purposes, issue of necessity of taking.--

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133 (3) The consolidation of platted or subdivided lots to
 134 allow replatting for more appropriate development or use shall
 135 be considered a public purpose.

136 Section 5. Subsection (23) of section 163.3164, Florida
 137 Statutes, is amended, and subsection (32) is added to said
 138 section, to read:

139 163.3164 Local Government Comprehensive Planning and Land
 140 Development Regulation Act; definitions.--As used in this act:

141 (23) "Land development regulations" means ordinances
 142 enacted by governing bodies for the regulation of any aspect of
 143 development and includes any local government zoning, rezoning,
 144 subdivision, land assembly or adjustment of platted or
 145 subdivided lands, building construction, or sign regulations or
 146 any other regulations controlling the development of land,
 147 except that this definition shall not apply in s. 163.3213.

148 (32) "Land assembly or adjustment" means the consolidation
 149 of contiguous and noncontiguous platted or subdivided lots and
 150 the vacation or deplatting of all or a portion of such lots to
 151 allow replatting and reassembly for more appropriate development
 152 or use.

153 Section 6. Paragraph (a) of subsection (6) of section
 154 163.3177, Florida Statutes, is amended to read:

155 163.3177 Required and optional elements of comprehensive
 156 plan; studies and surveys.--

157 (6) In addition to the requirements of subsections (1)-
 158 (5), the comprehensive plan shall include the following
 159 elements:

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160 (a) A future land use plan element designating proposed
161 future general distribution, location, and extent of the uses of
162 land for residential uses, commercial uses, industry,
163 agriculture, recreation, conservation, education, public
164 buildings and grounds, other public facilities, and other
165 categories of the public and private uses of land. Each future
166 land use category must be defined in terms of uses included, and
167 must include standards to be followed in the control and
168 distribution of population densities and building and structure
169 intensities. The proposed distribution, location, and extent of
170 the various categories of land use shall be shown on a land use
171 map or map series which shall be supplemented by goals,
172 policies, and measurable objectives. The future land use plan
173 shall be based upon surveys, studies, and data regarding the
174 area, including the amount of land required to accommodate
175 anticipated growth; the projected population of the area; the
176 character of undeveloped land, including an analysis of
177 antiquated subdivisions; the availability of public services;
178 the need for redevelopment and land reassembly, including the
179 renewal of blighted areas and the elimination of nonconforming
180 uses which are inconsistent with the character of the community;
181 and, in rural communities, the need for job creation, capital
182 investment, and economic development that will strengthen and
183 diversify the community's economy. The future land use plan may
184 designate areas for future planned development use involving
185 combinations of types of uses for which special regulations may
186 be necessary to ensure development in accord with the principles
187 and standards of the comprehensive plan and this act. The future

188 | land use plan shall contain provisions to address antiquated
 189 | subdivisions that are underused to minimize the imbalance of
 190 | single land use buildout, lack of public services, and
 191 | environmental and water quality impacts. In addition, for rural
 192 | communities, the amount of land designated for future planned
 193 | industrial use shall be based upon surveys and studies that
 194 | reflect the need for job creation, capital investment, and the
 195 | necessity to strengthen and diversify the local economies, and
 196 | shall not be limited solely by the projected population of the
 197 | rural community. The future land use plan of a county may also
 198 | designate areas for possible future municipal incorporation. The
 199 | future land use plan element shall identify any area where the
 200 | local government seeks to consolidate platted or subdivided lots
 201 | and the vacation of all or a portion of such lots to allow
 202 | appropriate development, redevelopment, reassembly, or any other
 203 | use. The land use maps or map series shall generally identify
 204 | and depict historic district boundaries and shall designate
 205 | historically significant properties meriting protection. The
 206 | future land use element must clearly identify the land use
 207 | categories in which public schools are an allowable use. When
 208 | delineating the land use categories in which public schools are
 209 | an allowable use, a local government shall include in the
 210 | categories sufficient land proximate to residential development
 211 | to meet the projected needs for schools in coordination with
 212 | public school boards and may establish differing criteria for
 213 | schools of different type or size. Each local government shall
 214 | include lands contiguous to existing school sites, to the
 215 | maximum extent possible, within the land use categories in which

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216 public schools are an allowable use. All comprehensive plans
 217 must comply with the school siting requirements of this
 218 paragraph no later than October 1, 1999. The failure by a local
 219 government to comply with these school siting requirements by
 220 October 1, 1999, will result in the prohibition of the local
 221 government's ability to amend the local comprehensive plan,
 222 except for plan amendments described in s. 163.3187(1)(b), until
 223 the school siting requirements are met. Amendments proposed by a
 224 local government for purposes of identifying the land use
 225 categories in which public schools are an allowable use or for
 226 adopting or amending the school-siting maps pursuant to s.
 227 163.31776(3) are exempt from the limitation on the frequency of
 228 plan amendments contained in s. 163.3187. The future land use
 229 element shall include criteria that encourage the location of
 230 schools proximate to urban residential areas to the extent
 231 possible and shall require that the local government seek to
 232 collocate public facilities, such as parks, libraries, and
 233 community centers, with schools to the extent possible and to
 234 encourage the use of elementary schools as focal points for
 235 neighborhoods. For schools serving predominantly rural counties,
 236 defined as a county with a population of 100,000 or fewer, an
 237 agricultural land use category shall be eligible for the
 238 location of public school facilities if the local comprehensive
 239 plan contains school siting criteria and the location is
 240 consistent with such criteria.

241 Section 7. Paragraph (a) of subsection (2) and subsection
 242 (3) of section 163.3202, Florida Statutes, are amended to read:
 243 163.3202 Land development regulations.--

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244 (2) Local land development regulations shall contain
 245 specific and detailed provisions necessary or desirable to
 246 implement the adopted comprehensive plan and shall as a minimum:

247 (a) Regulate the subdivision, assembly, reassembly, or
 248 adjustment of land, as defined in ss. 163.3164(32) and 177.101;

249 (3) This section shall be construed to encourage the use
 250 of innovative land development regulations which include
 251 provisions such as transfer of development rights, incentive and
 252 inclusionary zoning, planned-unit development, impact fees, ~~and~~
 253 performance zoning, and land assembly, reassembly, or
 254 adjustment, as described in chapter 177. These and all other
 255 such regulations shall be combined and compiled into a single
 256 land development code for the jurisdiction. A general zoning
 257 code shall not be required if a local government's adopted land
 258 development regulations meet the requirements of this section.

259 Section 8. Subsections (9) and (10) of section 163.340,
 260 Florida Statutes, are amended to read:

261 163.340 Definitions.--The following terms, wherever used
 262 or referred to in this part, have the following meanings:

263 (9) "Community redevelopment" or "redevelopment" means
 264 undertakings, activities, or projects of a county, municipality,
 265 or community redevelopment agency in a community redevelopment
 266 area for the elimination and prevention of the development or
 267 spread of slums and blight, or for the reduction or prevention
 268 of crime, or for the provision of affordable housing, whether
 269 for rent or for sale, to residents of low or moderate income,
 270 including the elderly, and may include slum clearance and
 271 redevelopment in a community redevelopment area or

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272 rehabilitation and revitalization of coastal resort and tourist
 273 areas that are deteriorating and economically distressed, ~~or~~
 274 rehabilitation or conservation in a community redevelopment
 275 area, or the reassembly, platting, or replatting of lands, or
 276 any combination or part thereof, in accordance with a community
 277 redevelopment plan and may include the preparation of such a
 278 plan.

279 (10) "Community redevelopment area" means a slum area, a
 280 blighted area, or an area in which there is a shortage of
 281 housing that is affordable to residents of low or moderate
 282 income, including the elderly, an antiquated subdivision, or a
 283 coastal and tourist area that is deteriorating and economically
 284 distressed due to outdated building density patterns, inadequate
 285 transportation and parking facilities, faulty lot layout or
 286 inadequate street layout, or a pattern of platted or subdivided
 287 lots in an area that makes the area unsuitable for economically
 288 viable development or use, or a combination thereof, which the
 289 governing body designates as appropriate for community
 290 redevelopment.

291 Section 9. Paragraph (b) of subsection (8) of section
 292 163.360, Florida Statutes, is amended to read:

293 163.360 Community redevelopment plans.--

294 (8) If the community redevelopment area consists of an
 295 area of open land to be acquired by the county or the
 296 municipality, such area may not be so acquired unless:

297 (b) In the event the area is to be developed in whole or
 298 in part for nonresidential uses, the governing body determines
 299 that:

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300 1. Such nonresidential uses are necessary and appropriate
301 to facilitate the proper growth and development of the community
302 in accordance with sound planning standards and local community
303 objectives.

304 2. Acquisition may require the exercise of governmental
305 action, as provided in this part, because of:

306 a. Defective, or unusual conditions of, title or diversity
307 of ownership which prevents the free alienability of such land;

308 b. Tax delinquency;

309 c. Improper or antiquated subdivisions;

310 d. Outmoded street patterns;

311 e. Deterioration of site;

312 f. Economic disuse;

313 g. Unsuitable topography or faulty lot layouts;

314 h. Lack of correlation of the area with other areas of a
315 county or municipality by streets and modern traffic
316 requirements; or

317 i. Any combination of such factors or other conditions
318 which retard development of the area.

319 3. Conditions of blight in the area contribute to an
320 increase in and spread of disease and crime or constitute a
321 menace to public health, safety, morals, or welfare.

322 Section 10. Subsection (12) is added to section 166.411,
323 Florida Statutes, to read:

324 166.411 Eminent domain; uses or purposes.--Municipalities
325 are authorized to exercise the power of eminent domain for the
326 following uses or purposes:

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327 (12) The consolidation of platted or subdivided lots to
 328 allow replatting and reassembly for more appropriate development
 329 or use.

330 Section 11. Section 177.011, Florida Statutes, is amended
 331 to read:

332 177.011 Purpose and scope of part I.--This part shall be
 333 deemed to establish consistent minimum requirements, and to
 334 create such additional powers in local governing bodies, as
 335 herein provided to regulate and control the platting,
 336 replatting, and reassembly of lands. The public health, safety,
 337 comfort, economy, order, appearance, convenience, morals, and
 338 general welfare require the harmonious, orderly, and progressive
 339 development of land within this state and its counties and
 340 incorporated municipalities. In furtherance of this general
 341 purpose, counties and incorporated municipalities, individually
 342 or in combination, may adopt, amend, or revise and enforce
 343 measures relating to platting and land assembly or adjustment.

344 (1) The regulation of platting and land assembly or
 345 adjustment is intended to:

346 (a) Aid in the coordination of land development in
 347 counties and municipalities in accordance with orderly physical
 348 patterns.

349 (b) Discourage haphazard, premature, uneconomic, or
 350 scattered land development.

351 (c) Encourage development of economically stable and
 352 healthful communities.

353 (d) Ensure adequate utilities provision to all lands being
 354 developed.

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355 (e) Serve as one of the several instruments of the local
356 comprehensive plan authorized by s. 163.3161.

357 (2) This part establishes minimum requirements and does
358 not exclude additional provisions or regulations by local
359 ordinance, laws, or regulations.

360 Section 12. Subsection (18) of section 177.031, Florida
361 Statutes, is amended, and subsection (23) is added to said
362 section, to read:

363 177.031 Definitions.--As used in this part:

364 (18) "Subdivision" means the division of land into two
365 ~~three~~ or more lots, parcels, tracts, tiers, blocks, sites,
366 units, or any other division of land; and includes establishment
367 of new streets and alleys, additions, and resubdivisions; and,
368 when appropriate to the context, relates to the process of
369 subdividing or to the lands or area subdivided.

370 (23) "Land assembly or adjustment" means the consolidation
371 of contiguous and noncontiguous platted or subdivided lots and
372 the vacation or deplatting of all or a portion of such lots to
373 allow replatting and reassembly for more appropriate development
374 or use.

375 Section 13. Section 177.091, Florida Statutes, is amended
376 to read:

377 177.091 Plats made for recording.--Every approved plat of
378 a subdivision shall be recorded in the public records of each
379 county in which the property is situated and ~~offered for~~
380 ~~recording~~ shall conform to the following:

381 (1) It must be:

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382 (a) An original drawing made with black permanent drawing
383 ink; or

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

387
388 Marginal lines, standard certificates and approval forms shall
389 be printed on the plat with a permanent black drawing ink. A
390 print or photographic copy of the original drawing must be
391 submitted with the original drawing.

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

398 (3) When more than one sheet must be used to accurately
399 portray the lands subdivided, an index or key map must be
400 included and each sheet must show the particular number of that
401 sheet and the total number of sheets included, as well as
402 clearly labeled matchlines to show where other sheets match or
403 adjoin.

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

408 (5) The name of the plat shall be shown in bold legible
409 letters, as stated in s. 177.051. The name of the subdivision

410 shall be shown on each sheet included. The name of the
 411 professional surveyor and mapper or legal entity, along with the
 412 street and mailing address, must be shown on each sheet
 413 included.

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

420 (7) Permanent reference monuments must be placed at each
 421 corner or change in direction on the boundary of the lands being
 422 platted and may not be more than 1,400 feet apart. Where such
 423 corners are in an inaccessible place, "P.R.M.s" shall be set on
 424 a nearby offset within the boundary of the plat and such offset
 425 shall be so noted on the plat. Where corners are found to
 426 coincide with a previously set "P.R.M.," the Florida
 427 registration number of the professional surveyor and mapper in
 428 responsible charge or the certificate of authorization number of
 429 the legal entity on the previously set "P.R.M." shall be shown
 430 on the new plat or, if unnumbered, shall so state. Permanent
 431 reference monuments shall be set before the recording of the
 432 plat. The "P.R.M.s" shall be shown on the plat by an appropriate
 433 symbol or designation.

434 (8) Permanent control points shall be set on the
 435 centerline of the right-of-way at the intersection and terminus
 436 of all streets, at each change of direction, and no more than
 437 1,000 feet apart. Such "P.C.P.s" shall be shown on the plat by

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438 an appropriate symbol or designation. In those counties or
439 municipalities that do not require subdivision improvements and
440 do not accept bonds or escrow accounts to construct
441 improvements, "P.C.P.s" may be set prior to the recording of the
442 plat and must be set within 1 year of the date the plat was
443 recorded. In the counties or municipalities that require
444 subdivision improvements and have the means of insuring the
445 construction of said improvements, such as bonding requirements,
446 "P.C.P.s" must be set prior to the expiration of the bond or
447 other surety. If the professional surveyor and mapper or legal
448 entity of record is no longer in practice or is not available
449 due to relocation, or when the contractual relationship between
450 the subdivider and professional surveyor and mapper or legal
451 entity has been terminated, the subdivider shall contract with a
452 professional surveyor and mapper or legal entity in good
453 standing to place the "P.C.P.s" within the time allotted.

454 (9) Monuments shall be set at all lot corners, points of
455 intersection, and changes of direction of lines within the
456 subdivision which do not require a "P.R.M." or a "P.C.P.";
457 however, a monument need not be set if a monument already exists
458 at such corner, point, or change of direction or when a monument
459 cannot be set due to a physical obstruction. In those counties
460 or municipalities that do not require subdivision improvements
461 and do not accept bonds or escrow accounts to construct
462 improvements, monuments may be set prior to the recording of the
463 plat and must be set at the lot corners before the transfer of
464 the lot. In those counties or municipalities that require
465 subdivision improvements and have the means of ensuring the

466 construction of those improvements, such as bonding
 467 requirements, monuments shall be set prior to the expiration of
 468 the bond or other surety. If the professional surveyor and
 469 mapper or legal entity of record is no longer in practice or is
 470 not available due to relocation, or when the contractual
 471 relationship between the subdivider and professional surveyor
 472 and mapper or legal entity has been terminated, the subdivider
 473 shall contract with a professional surveyor and mapper or legal
 474 entity in good standing who shall be allowed to place the
 475 monuments within the time allotted.

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

480 (11) Each plat shall show a description of the lands
 481 subdivided, and the description shall be the same in the title
 482 certification. The description must be so complete that from it,
 483 without reference to the plat, the starting point and boundary
 484 can be determined.

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

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

490 (14) All section lines and quarter section lines occurring
 491 within the subdivision shall be indicated by lines drawn upon
 492 the map or plat, with appropriate words and figures. If the
 493 description is by metes and bounds, all information called for,

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494 such as the point of commencement, course bearings and
495 distances, and the point of beginning, shall be indicated. If
496 the platted lands are in a land grant or are not included in the
497 subdivision of government surveys, then the boundaries are to be
498 defined by metes and bounds and courses.

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

501 (16) Location and width of proposed easements and existing
502 easements identified in the title opinion or certification
503 required by s. 177.041(2) shall be shown on the plat or in the
504 notes or legend, and their intended use shall be clearly stated.
505 Where easements are not coincident with property lines, they
506 must be labeled with bearings and distances and tied to the
507 principal lot, tract, or right-of-way.

508 (17) All contiguous properties shall be identified by
509 subdivision title, plat book, and page, or, if unplatted, land
510 shall be so designated. If the subdivision platted is a part or
511 the whole of a previously recorded subdivision, sufficient ties
512 shall be shown to controlling lines appearing on the earlier
513 plat to permit an overlay to be made; the fact of its being a
514 replat shall be stated as a subtitle under the name of the plat
515 on each sheet included. The subtitle must state the name of the
516 subdivision being replatted and the appropriate recording
517 reference.

518 (18) All lots shall be numbered either by progressive
519 numbers or, if in blocks, progressively numbered in each block,
520 and the blocks progressively numbered or lettered, except that

521 blocks in numbered additions bearing the same name may be
522 numbered consecutively throughout the several additions.

523 (19) Sufficient survey data shall be shown to positively
524 describe the bounds of every lot, block, street easement, and
525 all other areas shown on the plat. When any lot or portion of
526 the subdivision is bounded by an irregular line, the major
527 portion of that lot or subdivision shall be enclosed by a
528 witness line showing complete data, with distances along all
529 lines extended beyond the enclosure to the irregular boundary
530 shown with as much certainty as can be determined or as "more or
531 less," if variable. Lot, block, street, and all other dimensions
532 except to irregular boundaries, shall be shown to a minimum of
533 hundredths of feet. All measurements shall refer to horizontal
534 plane and in accordance with the definition of the U.S. Survey
535 foot or meter adopted by the National Institute of Standards and
536 Technology. All measurements shall use the $^{39.37}/_{12}=3.28083333333$
537 equation for conversion from a U.S. foot to meters.

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

541 (21) Sufficient angles, bearings, or azimuth to show
542 direction of all lines shall be shown, and all bearings, angles,
543 or azimuth shall be shown to the nearest second of arc.

544 (22) The centerlines of all streets shall be shown as
545 follows: noncurved lines: distances together with either angles,
546 bearings, or azimuths; curved lines: arc distances, central
547 angles, and radii, together with chord and chord bearing or
548 azimuths.

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549 (23) Park and recreation parcels as applicable shall be so
550 designated.

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

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

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

559 (27) The plat shall include in a prominent place the
560 following statements: "NOTICE: This plat, as recorded in its
561 graphic form, is the official depiction of the subdivided lands
562 described herein and will in no circumstances be supplanted in
563 authority by any other graphic or digital form of the plat.
564 There may be additional restrictions that are not recorded on
565 this plat that may be found in the public records of this
566 county."

567 (28) All platted utility easements shall provide that such
568 easements shall also be easements for the construction,
569 installation, maintenance, and operation of cable television
570 services; provided, however, no such construction, installation,
571 maintenance, and operation of cable television services shall
572 interfere with the facilities and services of an electric,
573 telephone, gas, or other public utility. In the event a cable
574 television company damages the facilities of a public utility,
575 it shall be solely responsible for the damages. This section
576 shall not apply to those private easements granted to or

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577 | obtained by a particular electric, telephone, gas, or other
 578 | public utility. Such construction, installation, maintenance,
 579 | and operation shall comply with the National Electrical Safety
 580 | Code as adopted by the Florida Public Service Commission.

581 | (29) A legend of all symbols and abbreviations shall be
 582 | shown.

583 | Section 14. Section 177.101, Florida Statutes, is amended
 584 | to read:

585 | 177.101 Assembly, replat, vacation, and annulment of plats
 586 | subdividing land.--

587 | (1) Whenever it is discovered, after the plat has been
 588 | recorded in the public records, that the developer has
 589 | previously caused the lands embraced in the second plat to be
 590 | differently subdivided under and by virtue of another plat of
 591 | the same identical lands, and the first plat was also filed of
 592 | public record at an earlier date, and no conveyances of lots by
 593 | reference to the first plat so filed appears of record in such
 594 | county, the governing body of the county is authorized and
 595 | directed to and shall, by resolution, vacate and annul the first
 596 | plat of such lands appearing of record upon the application of
 597 | the developer of such lands under the first plat or upon
 598 | application of the owners of all the lots shown and designated
 599 | upon the second and subsequent plat of such lands, and the
 600 | circuit court clerk of the county shall thereupon make proper
 601 | notation of the annulment of such plat upon the face of such
 602 | annulled plat.

603 | (2) Whenever it is discovered that after the filing of a
 604 | plat subdividing a parcel of land located in the county, the

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605 developer of the lands therein and thereby subdivided did cause
606 such lands embraced in said plat, or a part thereof, to be again
607 and subsequently differently subdivided under another plat of
608 the same and identical lands or a part thereof, which said
609 second plat was also filed at a later date; and it is further
610 made to appear to the governing body of the county that the
611 filing and recording of the second plat would not materially
612 affect the right of convenient access to lots previously
613 conveyed under the first plat, the governing body of the county
614 is authorized by resolution to vacate and annul so much of the
615 first plat of such lands appearing of record as are included in
616 the second plat, upon application of the owners and developer of
617 such lands under the first plat or their successors, grantees,
618 or assignees, and the circuit court clerk of the county shall
619 thereupon make proper notation of the action of the governing
620 body upon the face of the first plat. The approval of a replat
621 by the governing body of a local government, which encompasses
622 lands embraced in all or part of a prior plat filed of public
623 record shall, upon recordation of the replat, automatically and
624 simultaneously vacate and annul all of the prior plat
625 encompassed by the replat.

626 (3) The governing bodies of the counties of the state may
627 adopt resolutions vacating plats in whole or in part of
628 subdivisions in said counties, returning the property covered by
629 such plats either in whole or in part into acreage. Before such
630 resolution of vacating any plat either in whole or in part shall
631 be entered by the governing body of a county, it must be shown
632 that the persons making application for said vacation own the

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633 fee simple title to the whole or that part of the tract covered
 634 by the plat sought to be vacated, and it must be further shown
 635 that the vacation by the governing body of the county will not
 636 affect the ownership or right of convenient access of persons
 637 owning other parts of the subdivision.

638 (4) Persons making application for vacations of plats
 639 either in whole or in part shall give notice of their intention
 640 to apply to the governing body of the county to vacate said plat
 641 by publishing legal notice in a newspaper of general circulation
 642 in the county in which the tract or parcel of land is located,
 643 in not less than two weekly issues of said paper, and must
 644 attach to the petition for vacation the proof of such
 645 publication, together with certificates showing that all state
 646 and county taxes have been paid. For the purpose of the tax
 647 collector's certification that state, county, and municipal
 648 taxes have been paid, the taxes shall be deemed to have been
 649 paid if, in addition to any partial payment under s. 194.171,
 650 the owner of the platted lands sought to be vacated shall post a
 651 cash bond, approved by the tax collector of the county where the
 652 land is located and by the Department of Revenue, conditioned to
 653 pay the full amount of any judgment entered pursuant to s.
 654 194.192 adverse to the person making partial payment, including
 655 all costs, interest, and penalties. The circuit court shall fix
 656 the amount of said bond by order, after considering the
 657 reasonable timeframe for such litigation and all other relevant
 658 factors; and a certified copy of such approval, order, and cash
 659 bond shall be attached to the application. If such tract or
 660 parcel of land is within the corporate limits of any

661 incorporated city or town, the governing body of the county
 662 shall be furnished with a certified copy of a resolution of the
 663 town council or city commission, as the case may be, showing
 664 that it has already by suitable resolution vacated such plat or
 665 subdivision or such part thereof sought to be vacated.

666 (5) Every such resolution by the governing body shall have
 667 the effect of vacating all streets and alleys which have not
 668 become highways necessary for use by the traveling public. Such
 669 vacation shall not become effective until a certified copy of
 670 such resolution has been filed in the offices of the circuit
 671 court clerk and duly recorded in the public records of said
 672 county.

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

677 (7)(a) The governing body of a county may order the
 678 assembly or adjustment of all or part of a subdivision within
 679 its jurisdiction to the provisions and objectives of the revised
 680 local comprehensive plan. It may order the assembly, replatting,
 681 or vacation of the acreage of the existing plat on any portion
 682 of the subdivision, including the vacation of streets, except
 683 any roads on the State Highway System, or other parcels of land
 684 dedicated for public purposes or any of such streets or other
 685 parcels, when:

686 1. The plat of the subdivision was recorded as provided by
 687 law, or approved pursuant to law but not recorded, not less than
 688 25 years before the date of such action.

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689 2. In the subdivision or a portion of the subdivision, not
 690 more than 20 percent of the total subdivision area has been
 691 built into the uses of the subdivision's zoned or land use
 692 purposes.

693 (b) Any persons or entities, other than the local
 694 governing body, pursuing reassembly of a parcel pursuant to this
 695 section must demonstrate that the persons or entities making
 696 application for such vacation own the fee simple title to at
 697 least 60 percent of the subdivision or portion of the tract
 698 covered by the plat sought to be vacated and must demonstrate
 699 that the vacation will not affect the ownership or right of
 700 convenient access of persons owning other parts of the
 701 subdivision.

702 (c) Such action shall be based on a finding by the
 703 governing body that the proposed assembly or adjustment, or
 704 vacation and reversion to acreage of subdivided land, conforms
 705 to the comprehensive plan of the area and that the public
 706 health, safety, economy, comfort, order, convenience, and
 707 welfare will be promoted.

708 (d) A county governing authority shall establish
 709 provisions for the fair and just compensation of any fee simple
 710 owner of platted lands within the tract covered by the
 711 application for vacation and reversion to acreage who, for
 712 whatever reason, has refused to participate in the application.

713 Section 15. Section 177.111, Florida Statutes, is amended
 714 to read:

715 177.111 Instructions for filing plat.--After the approval
 716 by the appropriate governing body required by s. 177.071, the

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717 plat shall be submitted to ~~recorded by~~ the circuit court clerk
 718 or other recording officer for recording in the public records
 719 of the county ~~upon submission thereto of such approved plat~~. The
 720 circuit court clerk or other recording officer shall maintain in
 721 his or her office a book of the proper size for such papers so
 722 that they shall not be folded, to be kept in the vault. A print
 723 or photographic copy must be filed in a similar book and kept in
 724 his or her office for the use of the public. The clerk shall
 725 make available to the public a full size copy of the record plat
 726 at a reasonable fee.

727 Section 16. Section 290.003, Florida Statutes, is amended
 728 to read:

729 290.003 Policy and purpose.--It is the policy of this
 730 state to provide the necessary means to assist local
 731 communities, their residents, and the private sector in creating
 732 the proper economic and social environment to induce the
 733 investment of private resources in productive business
 734 enterprises located in severely distressed areas and to provide
 735 jobs for residents of such areas. In achieving this objective,
 736 the state will seek to provide appropriate investments, tax
 737 benefits, and regulatory relief of sufficient importance to
 738 encourage the business community to commit its financial
 739 participation. The purpose of ss. 290.001-290.016 is to
 740 establish a process that clearly identifies such severely
 741 distressed areas and provides incentives by both the state and
 742 local government to induce private investment in such areas. The
 743 Legislature, therefore, declares the revitalization of
 744 enterprise zones and antiquated subdivisions, through the

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745 concerted efforts of government and the private sector, to be a
746 public purpose.

747 Section 17. Subsection (4) of section 290.0058, Florida
748 Statutes, is amended to read:

749 290.0058 Determination of pervasive poverty, unemployment,
750 and general distress.--

751 (4) General distress shall be evidenced by describing
752 adverse conditions within the nominated area, including
753 antiquated subdivisions, other than those of pervasive poverty
754 and unemployment. A high incidence of crime, abandoned
755 structures, and deteriorated infrastructure; ~~or~~ substantial
756 population change; a high percentage of tax delinquent parcels;
757 or inappropriate lot sizes to ensure a balance of land uses
758 ~~decline~~ are examples of appropriate indicators of general
759 distress.

760 Section 18. Subsection (8) of section 380.031, Florida
761 Statutes, is amended, and subsections (21) and (22) are added to
762 said section, to read:

763 380.031 Definitions.--As used in this chapter:

764 (8) "Land development regulations" include local zoning,
765 subdivision, assembly, reassembly, or adjustment of platted or
766 subdivided lands, building, and other regulations controlling
767 the development of land.

768 (21) "Land assembly or adjustment" means the consolidation
769 of contiguous and noncontiguous platted or subdivided lots and
770 the vacation or deplatting of all or a portion of these lots to
771 allow replatting and reassembly for more appropriate development
772 or use.

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773 (22) "Antiquated subdivisions" means subdivisions or large
 774 numbers of lots within platted and unplatted subdivisions that
 775 were recorded prior to 1980 in which the continued buildout of
 776 the subdivision would provide an imbalance of land uses and
 777 would be detrimental to the local and regional economies and
 778 environment, hinder current planning practices, and lead to
 779 inefficient development patterns.

780 Section 19. Subsection (1) of section 695.01, Florida
 781 Statutes, is amended to read:

782 695.01 Conveyances to be recorded.--

783 (1) Every conveyance, transfer, agreement or contract for
 784 deed, and transfer of, or mortgage of, real property, or any
 785 interest therein, shall be recorded in the public records of the
 786 county in which the real property is situated. A copy of the
 787 approved, recorded plat or survey, if the plat is unrecorded or
 788 the legal description is not attached, shall be attached to each
 789 instrument and submitted to the clerk of the circuit court for
 790 recording. No conveyance, transfer, or mortgage of real
 791 property, or of any interest therein, nor any lease for a term
 792 of 1 year or longer, shall be good and effectual in law or
 793 equity against creditors or subsequent purchasers for a valuable
 794 consideration and without notice, unless the same be recorded
 795 according to law; nor shall any such instrument made or executed
 796 by virtue of any power of attorney be good or effectual in law
 797 or in equity against creditors or subsequent purchasers for a
 798 valuable consideration and without notice unless the power of
 799 attorney be recorded before the accruing of the right of such
 800 creditor or subsequent purchaser.

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801 Section 20. Section 696.01, Florida Statutes, is amended
802 to read:

803 696.01 Contracts for sale of realty must be acknowledged
804 in order to be recorded.--All contracts for deed or other
805 instruments for the purchase or sale of real estate must be
806 recorded in the public records of the county where the real
807 property is situated. A copy of the approved recorded plat or
808 survey must be attached to each instrument at the time of
809 recording. No contract, agreement, or other instrument
810 purporting to contain an agreement to purchase or sell real
811 estate shall be recorded in the public records of any county in
812 the state, unless such contract, agreement or other instrument
813 is acknowledged by the vendor in the manner provided by law for
814 the acknowledgment of deeds; and where there is no
815 acknowledgment on the part of the vendor, the recording officers
816 in the various counties of this state shall refuse to accept
817 such instrument for record.

818 Section 21. Subsection (1) of section 697.01, Florida
819 Statutes, is amended to read:

820 697.01 Instruments deemed mortgages.--

821 (1) All conveyances, obligations conditioned or
822 defeasible, bills of sale, contracts or agreements for deed, or
823 other instruments of writing conveying or selling property,
824 either real or personal, for the purpose or with the intention
825 of securing the payment of money, whether such instrument be
826 from the debtor to the creditor or from the debtor to some third
827 person in trust for the creditor, shall be deemed and held
828 mortgages, and shall be subject to the same rules of foreclosure

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829 | and to the same regulations, restraints, recordation
830 | requirements, and forms as are prescribed in relation to
831 | mortgages.

832 | Section 22. This act shall take effect upon becoming a
833 | law.