

By the Committee on Comprehensive Planning; and Senator
Bennett

316-2625-04

1 A bill to be entitled
2 An act relating to regulating the consolidation
3 and recordation of lands; providing for
4 assembly and readjustment of certain land
5 plats; revising provisions relating to
6 recording land plats; amending ss. 95.191 and
7 95.192, F.S.; limiting actions to recover
8 certain property after a tax deed has been
9 issued; amending s. 125.01, F.S.; revising
10 certain powers of county governments to
11 regulate lands; amending s. 127.01, F.S.;
12 specifying consolidation of certain property
13 for certain purposes as a public purpose;
14 amending s. 163.3164, F.S.; revising the
15 definition of the term "land development
16 regulations" and defining the term "land
17 assembly or adjustment"; amending s. 163.3177,
18 F.S.; revising requirements of future land use
19 plan elements of a required comprehensive plan
20 to address antiquated subdivisions and
21 consolidation of certain properties for certain
22 purposes; amending s. 163.3202, F.S.; revising
23 certain land development regulation
24 requirements to address consolidation of
25 certain properties for certain purposes;
26 amending s. 163.340, F.S.; revising certain
27 definitions to include consolidation of certain
28 properties and antiquated subdivisions;
29 amending s. 163.360, F.S.; including antiquated
30 subdivisions under certain community
31 redevelopment plan requirements; amending s.

1 166.411, F.S.; including consolidation of
2 certain properties for certain purposes under
3 municipal powers of eminent domain; amending s.
4 177.011, F.S.; providing additional purposes
5 and scope relating to platting, replatting, and
6 reassembly of lands; providing intent relating
7 to regulation of land platting and land
8 assembly or adjustment; amending s. 177.031,
9 F.S.; revising the definition of the term
10 "subdivision" and defining the term "land
11 assembly or adjustment"; amending s. 177.091,
12 F.S.; requiring recordation of approved
13 subdivision plats in certain public records;
14 amending s. 177.101, F.S.; authorizing local
15 governing bodies to order the assembly or
16 adjustment of all or portions of subdivisions
17 for certain purposes; providing an exception;
18 providing criteria and requirements; amending
19 s. 177.111, F.S.; requiring submittal of
20 certain approved plats to certain entities;
21 amending s. 290.003, F.S.; declaring the
22 revitalization of antiquated subdivisions to be
23 a public purpose; amending s. 290.0058, F.S.;
24 revising provisions for determining general
25 distress of certain areas to include antiquated
26 subdivisions and other criteria; amending s.
27 380.031, F.S.; revising the definition of the
28 term "land development regulations" and
29 defining the terms "antiquated subdivisions"
30 and "land assembly or adjustment"; amending ss.
31 695.01 and 696.01, F.S.; requiring recordation

1 in certain public records of actions relating
2 to real property or interests in real property;
3 requiring attachment of certain plats or
4 surveys to certain instruments; amending s.
5 697.01, F.S.; including contracts or agreements
6 for deed in a provision relating to deeming
7 certain instruments as mortgages; specifying
8 application of certain recordation
9 requirements; providing an effective date.

10
11 WHEREAS, antiquated subdivisions or large volumes of
12 vacant lots within platted and unplatted subdivisions are
13 detrimental to the local and regional economies and
14 environment, hinder appropriate planning, and lead to
15 inefficient development patterns, and

16 WHEREAS, large-scale land reassembly of subdivided lots
17 is expensive to both the property owner and the local
18 governing body and is administratively complicated and time
19 consuming, and

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

23
24 Be It Enacted by the Legislature of the State of Florida:

25
26 Section 1. Section 95.191, Florida Statutes, is
27 amended to read:

28 95.191 Limitations when tax deed holder in
29 possession.--

30 (1) When the holder of a tax deed, other than a
31 county, goes into actual possession of the real property

1 described in the tax deed, no action to recover possession of
2 the property ~~may shall~~ be maintained by a former owner or
3 other adverse claimant unless the action commenced is begun
4 within 4 years after the holder of the tax deed has gone into
5 actual possession. When the real property is adversely
6 possessed by any person, no action ~~may shall~~ be brought by the
7 tax deed holder unless the action is begun within 4 years
8 after from the date of the deed.

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

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

14 (b) The county in accordance with s. 197.502(8) or s.
15 197.552 for a period of 1 year or more.

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

18 95.192 Limitation upon acting against tax deeds.--

19 (1) When a tax deed has been issued to any person,
20 other than a county, under s. 197.552 for 4 years or more, no
21 action ~~may shall~~ be brought by the former owner of the
22 property or any claimant under the former owner. No action may
23 be brought by the former owner of the property or any claimant
24 under the former owner after a tax deed for such property has
25 been issued to the county under s. 197.502(8) or s. 197.552
26 for a period of 1 year or more.

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

29 125.01 Powers and duties.--

30 (1) The legislative and governing body of a county
31 shall have the power to carry on county government. To the

1 extent not inconsistent with general or special law, this
2 power includes, but is not restricted to, the power to:

3 (g) Prepare and enforce comprehensive plans for the
4 development of the county and the regulation of platted lands
5 development, including platting, deplatting, and reassembly.

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

9 (j) Establish and administer programs of housing, slum
10 clearance, community redevelopment, conservation, flood and
11 beach erosion control, air pollution control, platted lands
12 assembly or adjustment, and navigation and drainage and
13 cooperate with governmental agencies and private enterprises
14 in the development and operation of such programs.

15 Section 4. Subsection (3) is added to section 127.01,
16 Florida Statutes, to read:

17 127.01 Counties delegated power of eminent domain;
18 recreational purposes, issue of necessity of taking.--

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

22 Section 5. Subsection (23) of section 163.3164,
23 Florida Statutes, is amended, and subsection (32) is added to
24 that section, to read:

25 163.3164 Local Government Comprehensive Planning and
26 Land Development Regulation Act; definitions.--As used in this
27 act:

28 (23) "Land development regulations" means ordinances
29 enacted by governing bodies for the regulation of any aspect
30 of development and includes any local government zoning,
31 rezoning, subdivision, land assembly or adjustment of platted

1 or subdivided lands, building construction, or sign
2 regulations or any other regulations controlling the
3 development of land, except that this definition shall not
4 apply in s. 163.3213.

5 (32) "Land assembly or adjustment" means the
6 consolidation of contiguous and noncontiguous platted or
7 subdivided lots and the vacation or deplating of all or a
8 portion of such lots to allow replatting and reassembly for
9 more appropriate development or use.

10 Section 6. Paragraph (a) of subsection (6) of section
11 163.3177, Florida Statutes, is amended to read:

12 163.3177 Required and optional elements of
13 comprehensive plan; studies and surveys.--

14 (6) In addition to the requirements of subsections
15 (1)-(5), the comprehensive plan shall include the following
16 elements:

17 (a) A future land use plan element designating
18 proposed future general distribution, location, and extent of
19 the uses of land for residential uses, commercial uses,
20 industry, agriculture, recreation, conservation, education,
21 public buildings and grounds, other public facilities, and
22 other categories of the public and private uses of land. Each
23 future land use category must be defined in terms of uses
24 included, and must include standards to be followed in the
25 control and distribution of population densities and building
26 and structure intensities. The proposed distribution,
27 location, and extent of the various categories of land use
28 shall be shown on a land use map or map series which shall be
29 supplemented by goals, policies, and measurable objectives.
30 The future land use plan shall be based upon surveys, studies,
31 and data regarding the area, including the amount of land

1 required to accommodate anticipated growth; the projected
2 population of the area; the character of undeveloped land,
3 including an analysis of antiquated subdivisions; the
4 availability of public services; the need for redevelopment
5 and land reassembly, including the renewal of blighted areas
6 and the elimination of nonconforming uses which are
7 inconsistent with the character of the community; and, in
8 rural communities, the need for job creation, capital
9 investment, and economic development that will strengthen and
10 diversify the community's economy. The future land use plan
11 may designate areas for future planned development use
12 involving combinations of types of uses for which special
13 regulations may be necessary to ensure development in accord
14 with the principles and standards of the comprehensive plan
15 and this act. The future land use plan shall contain
16 provisions to address antiquated subdivisions that are
17 underused to minimize the imbalance of single land use
18 buildout, lack of public services, and environmental and water
19 quality impacts.In addition, for rural communities, the
20 amount of land designated for future planned industrial use
21 shall be based upon surveys and studies that reflect the need
22 for job creation, capital investment, and the necessity to
23 strengthen and diversify the local economies, and shall not be
24 limited solely by the projected population of the rural
25 community. The future land use plan of a county may also
26 designate areas for possible future municipal incorporation.
27 The future land use plan element shall identify any area where
28 the local government seeks to consolidate platted or
29 subdivided lots and the vacation of all or a portion of such
30 lots to allow appropriate development, redevelopment,
31 reassembly, or any other use.The land use maps or map series

1 shall generally identify and depict historic district
2 boundaries and shall designate historically significant
3 properties meriting protection. The future land use element
4 must clearly identify the land use categories in which public
5 schools are an allowable use. When delineating the land use
6 categories in which public schools are an allowable use, a
7 local government shall include in the categories sufficient
8 land proximate to residential development to meet the
9 projected needs for schools in coordination with public school
10 boards and may establish differing criteria for schools of
11 different type or size. Each local government shall include
12 lands contiguous to existing school sites, to the maximum
13 extent possible, within the land use categories in which
14 public schools are an allowable use. All comprehensive plans
15 must comply with the school siting requirements of this
16 paragraph no later than October 1, 1999. The failure by a
17 local government to comply with these school siting
18 requirements by October 1, 1999, will result in the
19 prohibition of the local government's ability to amend the
20 local comprehensive plan, except for plan amendments described
21 in s. 163.3187(1)(b), until the school siting requirements are
22 met. Amendments proposed by a local government for purposes of
23 identifying the land use categories in which public schools
24 are an allowable use or for adopting or amending the
25 school-siting maps pursuant to s. 163.31776(3) are exempt from
26 the limitation on the frequency of plan amendments contained
27 in s. 163.3187. The future land use element shall include
28 criteria that encourage the location of schools proximate to
29 urban residential areas to the extent possible and shall
30 require that the local government seek to collocate public
31 facilities, such as parks, libraries, and community centers,

1 with schools to the extent possible and to encourage the use
2 of elementary schools as focal points for neighborhoods. For
3 schools serving predominantly rural counties, defined as a
4 county with a population of 100,000 or fewer, an agricultural
5 land use category shall be eligible for the location of public
6 school facilities if the local comprehensive plan contains
7 school siting criteria and the location is consistent with
8 such criteria.

9 Section 7. Subsections (2) and (3) of section
10 163.3202, Florida Statutes, are amended to read:

11 163.3202 Land development regulations.--

12 (2) Local land development regulations shall contain
13 specific and detailed provisions necessary or desirable to
14 implement the adopted comprehensive plan and shall as a
15 minimum:

16 (a) Regulate the subdivision, assembly, reassembly, or
17 adjustment of land, as defined in ss. 163.3164(32) and
18 177.101;

19 (b) Regulate the use of land and water for those land
20 use categories included in the land use element and ensure the
21 compatibility of adjacent uses and provide for open space;

22 (c) Provide for protection of potable water
23 wellfields;

24 (d) Regulate areas subject to seasonal and periodic
25 flooding and provide for drainage and stormwater management;

26 (e) Ensure the protection of environmentally sensitive
27 lands designated in the comprehensive plan;

28 (f) Regulate signage;

29 (g) Provide that public facilities and services meet
30 or exceed the standards established in the capital
31 improvements element required by s. 163.3177 and are available

1 when needed for the development, or that development orders
2 and permits are conditioned on the availability of these
3 public facilities and services necessary to serve the proposed
4 development. Not later than 1 year after its due date
5 established by the state land planning agency's rule for
6 submission of local comprehensive plans pursuant to s.
7 163.3167(2), a local government shall not issue a development
8 order or permit which results in a reduction in the level of
9 services for the affected public facilities below the level of
10 services provided in the comprehensive plan of the local
11 government.

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

14 (3) This section shall be construed to encourage the
15 use of innovative land development regulations which include
16 provisions such as transfer of development rights, incentive
17 and inclusionary zoning, planned-unit development, impact
18 fees, ~~and performance zoning,~~ and land assembly, reassembly,
19 or adjustment, as described in chapter 177. These and all
20 other such regulations shall be combined and compiled into a
21 single land development code for the jurisdiction. A general
22 zoning code shall not be required if a local government's
23 adopted land development regulations meet the requirements of
24 this section.

25 Section 8. Subsections (9) and (10) of section
26 163.340, Florida Statutes, are amended to read:

27 163.340 Definitions.--The following terms, wherever
28 used or referred to in this part, have the following meanings:

29 (9) "Community redevelopment" or "redevelopment" means
30 undertakings, activities, or projects of a county,
31 municipality, or community redevelopment agency in a community

1 redevelopment area for the elimination and prevention of the
2 development or spread of slums and blight, or for the
3 reduction or prevention of crime, or for the provision of
4 affordable housing, whether for rent or for sale, to residents
5 of low or moderate income, including the elderly, and may
6 include slum clearance and redevelopment in a community
7 redevelopment area or rehabilitation and revitalization of
8 coastal resort and tourist areas that are deteriorating and
9 economically distressed, ~~or~~ rehabilitation or conservation in
10 a community redevelopment area, or the reassembly, platting,
11 or replatting of lands, or any combination or part thereof, in
12 accordance with a community redevelopment plan and may include
13 the preparation of such a plan.

14 (10) "Community redevelopment area" means a slum area,
15 a blighted area, or an area in which there is a shortage of
16 housing that is affordable to residents of low or moderate
17 income, including the elderly, an antiquated subdivision, or a
18 coastal and tourist area that is deteriorating and
19 economically distressed due to outdated building density
20 patterns, inadequate transportation and parking facilities,
21 faulty lot layout or inadequate street layout, or a pattern of
22 platted or subdivided lots in an area that makes the area
23 unsuitable for economically viable development or use, or a
24 combination thereof, which the governing body designates as
25 appropriate for community redevelopment.

26 Section 9. Paragraph (b) of subsection (8) of section
27 163.360, Florida Statutes, is amended to read:

28 163.360 Community redevelopment plans.--

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

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

4 1. Such nonresidential uses are necessary and
5 appropriate to facilitate the proper growth and development of
6 the community in accordance with sound planning standards and
7 local community objectives.

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

10 a. Defective, or unusual conditions of, title or
11 diversity of ownership which prevents the free alienability of
12 such land;

13 b. Tax delinquency;

14 c. Improper or antiquated subdivisions;

15 d. Outmoded street patterns;

16 e. Deterioration of site;

17 f. Economic disuse;

18 g. Unsuitable topography or faulty lot layouts;

19 h. Lack of correlation of the area with other areas of
20 a county or municipality by streets and modern traffic
21 requirements; or

22 i. Any combination of such factors or other conditions
23 which retard development of the area.

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

27 Section 10. Subsection (12) is added to section
28 166.411, Florida Statutes, to read:

29 166.411 Eminent domain; uses or
30 purposes.--Municipalities are authorized to exercise the power
31 of eminent domain for the following uses or purposes:

1 (12) The consolidation of platted or subdivided lots
2 to allow replatting and reassembly for more appropriate
3 development or use.

4 Section 11. Section 177.011, Florida Statutes, is
5 amended to read:

6 177.011 Purpose and scope of part I.--This part shall
7 be deemed to establish consistent minimum requirements, and to
8 create such additional powers in local governing bodies, as
9 herein provided to regulate and control the platting,
10 replatting, and reassembly of lands. The public health,
11 safety, comfort, economy, order, appearance, convenience,
12 morals, and general welfare require the harmonious, orderly,
13 and progressive development of land within this state and its
14 counties and incorporated municipalities. In furtherance of
15 this general purpose, counties and incorporated
16 municipalities, individually or in combination, may adopt,
17 amend, or revise and enforce measures relating to platting and
18 land assembly or adjustment.

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

21 (a) Aid in the coordination of land development in
22 counties and municipalities in accordance with orderly
23 physical patterns.

24 (b) Discourage haphazard, premature, uneconomic, or
25 scattered land development.

26 (c) Encourage development of economically stable and
27 healthful communities.

28 (d) Ensure adequate utilities provision to all lands
29 being developed.

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

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

4 Section 12. Subsection (18) of section 177.031,
5 Florida Statutes, is amended, and subsection (23) is added to
6 that section, to read:

7 177.031 Definitions.--As used in this part:

8 (18) "Subdivision" means the division of land into two
9 ~~three~~ or more lots, parcels, tracts, tiers, blocks, sites,
10 units, or any other division of land; and includes
11 establishment of new streets and alleys, additions, and
12 resubdivisions; and, when appropriate to the context, relates
13 to the process of subdividing or to the lands or area
14 subdivided.

15 (23) "Land assembly or adjustment" means the
16 consolidation of contiguous and noncontiguous platted or
17 subdivided lots and the vacation or deplatting of all or a
18 portion of such lots to allow replatting and reassembly for
19 more appropriate development or use.

20 Section 13. Section 177.091, Florida Statutes, is
21 amended to read:

22 177.091 Plats made for recording.--Every approved plat
23 of a subdivision shall be recorded in the public records of
24 each county in which the property is situated and ~~offered for~~
25 ~~recording~~ shall conform to the following:

26 (1) It must be:

27 (a) An original drawing made with black permanent
28 drawing ink; or

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

1
2 Marginal lines, standard certificates and approval forms shall
3 be printed on the plat with a permanent black drawing ink. A
4 print or photographic copy of the original drawing must be
5 submitted with the original drawing.

6 (2) The size of each sheet shall be determined by the
7 local governing body and shall be drawn with a marginal line,
8 or printed when permitted by local ordinance, completely
9 around each sheet and placed so as to leave at least a
10 1/2-inch margin on each of three sides and a 3-inch margin on
11 the left side of the plat for binding purposes.

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

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

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

29 (6) A prominent "north arrow" shall be drawn on every
30 sheet included showing any portion of the lands subdivided.
31 The bearing or azimuth reference shall be clearly stated on

1 the face of the plat in the notes or legend, and, in all
2 cases, the bearings used shall be referenced to some well
3 established and monumented line.

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

18 (8) Permanent control points shall be set on the
19 centerline of the right-of-way at the intersection and
20 terminus of all streets, at each change of direction, and no
21 more than 1,000 feet apart. Such "P.C.P.s" shall be shown on
22 the plat by an appropriate symbol or designation. In those
23 counties or municipalities that do not require subdivision
24 improvements and do not accept bonds or escrow accounts to
25 construct improvements, "P.C.P.s" may be set prior to the
26 recording of the plat and must be set within 1 year of the
27 date the plat was recorded. In the counties or municipalities
28 that require subdivision improvements and have the means of
29 insuring the construction of said improvements, such as
30 bonding requirements, "P.C.P.s" must be set prior to the
31 expiration of the bond or other surety. If the professional

1 surveyor and mapper or legal entity of record is no longer in
2 practice or is not available due to relocation, or when the
3 contractual relationship between the subdivider and
4 professional surveyor and mapper or legal entity has been
5 terminated, the subdivider shall contract with a professional
6 surveyor and mapper or legal entity in good standing to place
7 the "P.C.P.s" within the time allotted.

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

30 (10) The section, township, and range shall appear
31 immediately under the name of the plat on each sheet included,

1 along with the name of the city, town, village, county, and
2 state in which the land being platted is situated.

3 (11) Each plat shall show a description of the lands
4 subdivided, and the description shall be the same in the title
5 certification. The description must be so complete that from
6 it, without reference to the plat, the starting point and
7 boundary can be determined.

8 (12) The dedications and approvals required by ss.
9 177.071 and 177.081 must be shown.

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

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

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

26 (16) Location and width of proposed easements and
27 existing easements identified in the title opinion or
28 certification required by s. 177.041(2) shall be shown on the
29 plat or in the notes or legend, and their intended use shall
30 be clearly stated. Where easements are not coincident with
31 property lines, they must be labeled with bearings and

1 distances and tied to the principal lot, tract, or
2 right-of-way.

3 (17) All contiguous properties shall be identified by
4 subdivision title, plat book, and page, or, if unplatted, land
5 shall be so designated. If the subdivision platted is a part
6 or the whole of a previously recorded subdivision, sufficient
7 ties shall be shown to controlling lines appearing on the
8 earlier plat to permit an overlay to be made; the fact of its
9 being a replat shall be stated as a subtitle under the name of
10 the plat on each sheet included. The subtitle must state the
11 name of the subdivision being replatted and the appropriate
12 recording reference.

13 (18) All lots shall be numbered either by progressive
14 numbers or, if in blocks, progressively numbered in each
15 block, and the blocks progressively numbered or lettered,
16 except that blocks in numbered additions bearing the same name
17 may be numbered consecutively throughout the several
18 additions.

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

1 National Institute of Standards and Technology. All
2 measurements shall use the $39.37/12=3.280833333333$ equation for
3 conversion from a U.S. foot to meters.

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

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

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

16 (23) Park and recreation parcels as applicable shall
17 be so designated.

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

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

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

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

1 recorded on this plat that may be found in the public records
2 of this county."

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

18 (29) A legend of all symbols and abbreviations shall
19 be shown.

20 Section 14. Section 177.101, Florida Statutes, is
21 amended to read:

22 177.101 Assembly, replat, vacation, and annulment of
23 plats subdividing land.--

24 (1) Whenever it is discovered, after the plat has been
25 recorded in the public records, that the developer has
26 previously caused the lands embraced in the second plat to be
27 differently subdivided under and by virtue of another plat of
28 the same identical lands, and the first plat was also filed of
29 public record at an earlier date, and no conveyances of lots
30 by reference to the first plat so filed appears of record in
31 such county, the governing body of the county is authorized

1 and directed to and shall, by resolution, vacate and annul the
2 first plat of such lands appearing of record upon the
3 application of the developer of such lands under the first
4 plat or upon application of the owners of all the lots shown
5 and designated upon the second and subsequent plat of such
6 lands, and the circuit court clerk of the county shall
7 thereupon make proper notation of the annulment of such plat
8 upon the face of such annulled plat.

9 (2) Whenever it is discovered that after the filing of
10 a plat subdividing a parcel of land located in the county, the
11 developer of the lands therein and thereby subdivided did
12 cause such lands embraced in said plat, or a part thereof, to
13 be again and subsequently differently subdivided under another
14 plat of the same and identical lands or a part thereof, which
15 said second plat was also filed at a later date; and it is
16 further made to appear to the governing body of the county
17 that the filing and recording of the second plat would not
18 materially affect the right of convenient access to lots
19 previously conveyed under the first plat, the governing body
20 of the county is authorized by resolution to vacate and annul
21 so much of the first plat of such lands appearing of record as
22 are included in the second plat, upon application of the
23 owners and developer of such lands under the first plat or
24 their successors, grantees, or assignees, and the circuit
25 court clerk of the county shall thereupon make proper notation
26 of the action of the governing body upon the face of the first
27 plat. The approval of a replat by the governing body of a
28 local government, which encompasses lands embraced in all or
29 part of a prior plat filed of public record shall, upon
30 recordation of the replat, automatically and simultaneously

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1 vacate and annul all of the prior plat encompassed by the
2 replat.

3 (3) The governing bodies of the counties of the state
4 may adopt resolutions vacating plats in whole or in part of
5 subdivisions in said counties, returning the property covered
6 by such plats either in whole or in part into acreage. Before
7 such resolution of vacating any plat either in whole or in
8 part shall be entered by the governing body of a county, it
9 must be shown that the persons making application for said
10 vacation own the fee simple title to the whole or that part of
11 the tract covered by the plat sought to be vacated, and it
12 must be further shown that the vacation by the governing body
13 of the county will not affect the ownership or right of
14 convenient access of persons owning other parts of the
15 subdivision.

16 (4) Persons making application for vacations of plats
17 either in whole or in part shall give notice of their
18 intention to apply to the governing body of the county to
19 vacate said plat by publishing legal notice in a newspaper of
20 general circulation in the county in which the tract or parcel
21 of land is located, in not less than two weekly issues of said
22 paper, and must attach to the petition for vacation the proof
23 of such publication, together with certificates showing that
24 all state and county taxes have been paid. For the purpose of
25 the tax collector's certification that state, county, and
26 municipal taxes have been paid, the taxes shall be deemed to
27 have been paid if, in addition to any partial payment under s.
28 194.171, the owner of the platted lands sought to be vacated
29 shall post a cash bond, approved by the tax collector of the
30 county where the land is located and by the Department of
31 Revenue, conditioned to pay the full amount of any judgment

1 entered pursuant to s. 194.192 adverse to the person making
2 partial payment, including all costs, interest, and penalties.
3 The circuit court shall fix the amount of said bond by order,
4 after considering the reasonable timeframe for such litigation
5 and all other relevant factors; and a certified copy of such
6 approval, order, and cash bond shall be attached to the
7 application. If such tract or parcel of land is within the
8 corporate limits of any incorporated city or town, the
9 governing body of the county shall be furnished with a
10 certified copy of a resolution of the town council or city
11 commission, as the case may be, showing that it has already by
12 suitable resolution vacated such plat or subdivision or such
13 part thereof sought to be vacated.

14 (5) Every such resolution by the governing body shall
15 have the effect of vacating all streets and alleys which have
16 not become highways necessary for use by the traveling public.
17 Such vacation shall not become effective until a certified
18 copy of such resolution has been filed in the offices of the
19 circuit court clerk and duly recorded in the public records of
20 said county.

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

26 (7)(a) The governing body of a county may order the
27 assembly or adjustment of all or part of a subdivision within
28 its jurisdiction to the provisions and objectives of the
29 revised local comprehensive plan. It may order the assembly,
30 replatting, or vacation of the acreage of the existing plat on
31 any portion of the subdivision, including the vacation of

1 streets, except any roads on the State Highway System, or
2 other parcels of land dedicated for public purposes or any of
3 such streets or other parcels, when:

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

7 2. In the subdivision or a portion of the subdivision,
8 not more than 20 percent of the total subdivision area has
9 been built into the uses of the subdivision's zoned or land
10 use purposes.

11 (b) Any persons or entities, other than the local
12 governing body, pursuing reassembly of a parcel pursuant to
13 this section must demonstrate that the persons or entities
14 making application for such vacation own the fee simple title
15 to at least 60 percent of the subdivision or portion of the
16 tract covered by the plat sought to be vacated and must
17 demonstrate that the vacation will not affect the ownership or
18 right of convenient access of persons owning other parts of
19 the subdivision.

20 (c) Such action shall be based on a finding by the
21 governing body that the proposed assembly or adjustment, or
22 vacation and reversion to acreage of subdivided land, conforms
23 to the comprehensive plan of the area and that the public
24 health, safety, economy, comfort, order, convenience, and
25 welfare will be promoted.

26 (d) A county governing authority shall establish
27 provisions for the fair and just compensation of any fee
28 simple owner of platted lands within the tract covered by the
29 application for vacation and reversion to acreage who, for
30 whatever reason, has refused to participate in the
31 application.

1 Section 15. Section 177.111, Florida Statutes, is
2 amended to read:

3 177.111 Instructions for filing plat.--After the
4 approval by the appropriate governing body required by s.
5 177.071, the plat shall be submitted to ~~recorded by~~ the
6 circuit court clerk or other recording officer for recording
7 in the public records of the county ~~upon submission thereto of~~
8 ~~such approved plat~~. The circuit court clerk or other recording
9 officer shall maintain in his or her office a book of the
10 proper size for such papers so that they shall not be folded,
11 to be kept in the vault. A print or photographic copy must be
12 filed in a similar book and kept in his or her office for the
13 use of the public. The clerk shall make available to the
14 public a full size copy of the record plat at a reasonable
15 fee.

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

18 290.003 Policy and purpose.--It is the policy of this
19 state to provide the necessary means to assist local
20 communities, their residents, and the private sector in
21 creating the proper economic and social environment to induce
22 the investment of private resources in productive business
23 enterprises located in severely distressed areas and to
24 provide jobs for residents of such areas. In achieving this
25 objective, the state will seek to provide appropriate
26 investments, tax benefits, and regulatory relief of sufficient
27 importance to encourage the business community to commit its
28 financial participation. The purpose of ss. 290.001-290.016 is
29 to establish a process that clearly identifies such severely
30 distressed areas and provides incentives by both the state and
31 local government to induce private investment in such areas.

1 The Legislature, therefore, declares the revitalization of
2 enterprise zones and antiquated subdivisions, through the
3 concerted efforts of government and the private sector, to be
4 a public purpose.

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

7 290.0058 Determination of pervasive poverty,
8 unemployment, and general distress.--

9 (4) General distress shall be evidenced by describing
10 adverse conditions within the nominated area, including
11 antiquated subdivisions, other than those of pervasive poverty
12 and unemployment. A high incidence of crime, abandoned
13 structures, and deteriorated infrastructure; ~~or~~ substantial
14 population change; a high percentage of tax delinquent
15 parcels; or inappropriate lot sizes to ensure a balance of
16 land uses ~~decline~~ are examples of appropriate indicators of
17 general distress.

18 Section 18. Subsection (8) of section 380.031, Florida
19 Statutes, is amended, and subsections (21) and (22) are added
20 to that section, to read:

21 380.031 Definitions.--As used in this chapter:

22 (8) "Land development regulations" include local
23 zoning, subdivision, assembly, reassembly, or adjustment of
24 platted or subdivided lands, building, and other regulations
25 controlling the development of land.

26 (21) "Land assembly or adjustment" means the
27 consolidation of contiguous and noncontiguous platted or
28 subdivided lots and the vacation or deplatting of all or a
29 portion of these lots to allow replatting and reassembly for
30 more appropriate development or use.

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1 (22) "Antiquated subdivisions" means subdivisions or
2 large numbers of lots within platted and unplatted
3 subdivisions that were recorded prior to 1980 in which the
4 continued buildout of the subdivision would provide an
5 imbalance of land uses and would be detrimental to the local
6 and regional economies and environment, hinder current
7 planning practices, and lead to inefficient development
8 patterns.

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

11 695.01 Conveyances to be recorded.--

12 (1) Every conveyance, transfer, agreement or contract
13 for deed, and transfer of, or mortgage of, real property, or
14 any interest therein, shall be recorded in the public records
15 of the county in which the real property is situated. A copy
16 of the approved, recorded plat or survey, if the plat is
17 unrecorded or the legal description is not attached, shall be
18 attached to each instrument and submitted to the clerk of the
19 circuit court for recording.No conveyance, transfer, or
20 mortgage of real property, or of any interest therein, nor any
21 lease for a term of 1 year or longer, shall be good and
22 effectual in law or equity against creditors or subsequent
23 purchasers for a valuable consideration and without notice,
24 unless the same be recorded according to law; nor shall any
25 such instrument made or executed by virtue of any power of
26 attorney be good or effectual in law or in equity against
27 creditors or subsequent purchasers for a valuable
28 consideration and without notice unless the power of attorney
29 be recorded before the accruing of the right of such creditor
30 or subsequent purchaser.

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1 Section 20. Section 696.01, Florida Statutes, is
2 amended to read:

3 696.01 Contracts for sale of realty must be
4 acknowledged in order to be recorded.--All contracts for deed
5 or other instruments for the purchase or sale of real estate
6 must be recorded in the public records of the county where the
7 real property is situated. A copy of the approved recorded
8 plat or survey must be attached to each instrument at the time
9 of recording.No contract, agreement, or other instrument
10 purporting to contain an agreement to purchase or sell real
11 estate shall be recorded in the public records of any county
12 in the state, unless such contract, agreement or other
13 instrument is acknowledged by the vendor in the manner
14 provided by law for the acknowledgment of deeds; and where
15 there is no acknowledgment on the part of the vendor, the
16 recording officers in the various counties of this state shall
17 refuse to accept such instrument for record.

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

20 697.01 Instruments deemed mortgages.--

21 (1) All conveyances, obligations conditioned or
22 defeasible, bills of sale, contracts or agreements for deed,
23 or other instruments of writing conveying or selling property,
24 either real or personal, for the purpose or with the intention
25 of securing the payment of money, whether such instrument be
26 from the debtor to the creditor or from the debtor to some
27 third person in trust for the creditor, shall be deemed and
28 held mortgages, and shall be subject to the same rules of
29 foreclosure and to the same regulations, restraints,
30 recordation requirements,and forms as are prescribed in
31 relation to mortgages.

1 Section 22. This act shall take effect upon becoming a
2 law.

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4 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
5 COMMITTEE SUBSTITUTE FOR
6 Senate Bill 2548

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7 The committee substitute excludes any roads on the State
8 Highway system from those streets which may be included in the
9 vacation of the acreage of an existing plat on any portion of
an antiquated subdivision by order of the governing body of a
county under certain circumstances.

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