

1 A bill to be entitled
 2 An act relating to the South Indian River Water Control
 3 District, Palm Beach County; amending chapter 2001-313,
 4 Laws of Florida; providing for the dedication of certain
 5 nonpublic roads within the district to the public for
 6 district maintenance; providing requirements for such
 7 dedication; providing for prima facie evidence of district
 8 ownership of a road; exempting certain property of an
 9 electric utility; providing an effective date.

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

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13 Section 1. Section 7 of section 3 of chapter 2001-313,
 14 Laws of Florida, is amended to read:

15 Section 7. Road maintenance and public dedication
 16 ~~defined.~~--

17 (1) The purchase and placement of stable materials within
 18 the district shall be deemed to constitute road maintenance and
 19 not road construction.

20 (2) In those instances in which a road within the district
 21 has been constructed by a nongovernmental entity, in which the
 22 district is currently maintaining or repairing the road, or in
 23 which it cannot be determined who constructed the road, and when
 24 such road has been regularly maintained or repaired for the
 25 previous 7 years by the district, or a majority of the
 26 landowners bordering the road consents in writing to district
 27 maintenance of the road, such road shall be deemed to be
 28 dedicated to the public to the extent of the width that actually

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29 has been maintained or repaired for the prescribed period,
30 whether or not the road has been formally established as a
31 public highway. This subsection does not apply to an electric
32 utility as defined in section 366.02(2), Florida Statutes. The
33 dedication shall vest all rights, title, easement, and
34 appurtenances in and to the road in the district, whether or not
35 there is a record of conveyance, dedication, or appropriation to
36 the public use.

37 (3) The filing of a map in the office of the clerk of the
38 circuit court of the county where the road is located showing
39 the lands and reciting on such map that the road has vested in
40 the district in accordance with this act duly certified by the
41 chair and secretary of the district shall be prima facie
42 evidence of ownership of the road by the district.

43 (4) This section does not apply to any facility of an
44 electric utility that is located on property otherwise subject
45 to this section.

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