

ENROLLED
CS/HB 973

2008 Legislature

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 a method of claiming interest
10 in affected property; providing an effective date.

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

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

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

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

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

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

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

44 (4) Any person, firm, corporation, or entity having or
45 claiming any interest in and to any of the property affected by
46 subsection (2) shall have a period of 1 year after the effective
47 date of this subsection, or a period of 7 years after the
48 initial date of regular maintenance or repair of the road,
49 whichever period is greater, to file a claim in equity or with a
50 court of law against the particular governing authority assuming
51 jurisdiction over such property to cause a cessation of the
52 maintenance and occupation of the property. Such timely filed
53 and adjudicated claim shall prevent the dedication of the road
54 to the public pursuant to subsection (2).

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55 | (5) This section does not apply to any facility of an
56 | electric utility that is located on property otherwise subject
57 | to this section.

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