

HB 1337

2014

1 A bill to be entitled

2 An act relating to the Loxahatchee Groves Water
3 Control District, Palm Beach County; amending chapter
4 99-425, Laws of Florida, as amended; providing for the
5 dedication of canal maintenance easements to the
6 district; providing requirements for such dedication;
7 providing for prima facie evidence of such maintenance
8 easements; providing for the use of maintenance
9 easements for recreational trail purposes by the
10 public through district permits issued to the Town of
11 Loxahatchee Groves; providing that any permit issued
12 by the district to the town for perpetual use by the
13 public for recreational trail purposes shall satisfy
14 property control requirements for state grant
15 purposes; providing applicability; providing an
16 effective date.

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

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20 Section 1. Section 9 is added to section 2 of chapter 99-
21 425, Laws of Florida, as amended, to read:

22 Section 9. Maintenance easements and use for public trail
23 purposes.—

24 a. When land adjacent to canals has been used and
25 maintained for district-related purposes by the district to
26 access its canals continuously and uninterruptedly for 7 years,

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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27 a maintenance easement for such land over, under, across, upon,
28 through, and within the underlying real property for maintenance
29 purposes is deemed to be dedicated to the district to the extent
30 of the width that has been actually used, maintained, or
31 repaired for the prescribed period, regardless of whether the
32 land has been formally established as an easement in favor of
33 the district. The dedication shall vest such easement in and to
34 the land to the district, regardless of whether there is a
35 record of conveyance, dedication, or appropriation to the
36 district.

37 b. The filing of a map in the office of the clerk of the
38 circuit court of the county where the maintenance easement is
39 located showing the lands and reciting on it that the land has
40 been dedicated in accordance with subsection a., or by any other
41 means of acquisition, duly certified by the chair and secretary
42 of the district shall be prima facie evidence of the district's
43 easement rights.

44 c. For any maintenance easement established pursuant to
45 this section, the use by the public for recreational trail
46 purposes, including, without limitation, equestrian trails,
47 shall be authorized. The district is authorized to issue permits
48 to the Town of Loxahatchee Groves to construct and maintain such
49 recreational trails within the maintenance easements. Any permit
50 issued by the district for perpetual use by the public for
51 recreational trail purposes is deemed to satisfy any and all

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52 current or future state grant requirements for property control
53 by the town.

54 d. This section does not apply to any facility of an
55 electric utility which is located on property otherwise subject
56 to this section.

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