

1                                    A bill to be entitled  
 2                    An act relating to easements affecting real property  
 3                    owned by the same owner; creating s. 704.09, F.S.;  
 4                    authorizing an owner of real property to create an  
 5                    easement, servitude, or other interest in the owner's  
 6                    real property and providing that such easement,  
 7                    servitude, or other interest is valid; providing an  
 8                    exception; providing legislative intent; providing a  
 9                    directive to the Division of Law Revision; providing  
 10                    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 704.09, Florida Statutes, is created to  
 15                    read:

16                    704.09 Creation of easements, servitudes, and other  
 17                    interests affecting real property owned by the same owner.—

18                    (1) An owner of real property may create an easement,  
 19                    servitude, or other interest in the owner's real property,  
 20                    notwithstanding that the owner owns all of the affected real  
 21                    property.

22                    (2) An easement, servitude, or other interest in real  
 23                    property created by an owner in the owner's real property before  
 24                    the effective date of this act is valid unless invalidated by a  
 25                    court on grounds other than unity of title.

26           Section 2. It is the intent of the Legislature to respect  
27 the intent of the parties to real property transactions that  
28 occurred before the effective date of this act and the parties'  
29 reliance on easements, servitudes, or other interests created by  
30 those transactions.

31           Section 3. The Division of Law Revision is directed to  
32 replace the phrase "the effective date of this act" wherever it  
33 occurs in s. 704.09, Florida Statutes, as created by this act,  
34 with the date this act becomes a law.

35           Section 4. This act shall take effect upon becoming a law.