

ENROLLED

HB 799, Engrossed 1

2024 Legislature

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An act relating to easements affecting real property owned by the same owner; creating s. 704.09, F.S.; authorizing an owner of real property to create an easement, servitude, or other interest in the owner's real property and providing that such easement, servitude, or other interest is valid; providing an exception; providing legislative intent; providing a directive to the Division of Law Revision; providing an effective date.

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

Section 1. Section 704.09, Florida Statutes, is created to read:

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

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

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

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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.