By Senator Yarborough

4-00572-24   2024814__

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
8   construction and applicability; providing that the act
9   does not revive or reinstate a right or interest that
10   has been adjudicated invalid before a certain date;
11   providing an effective date.
12
13   Be It Enacted by the Legislature of the State of Florida:
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15   Section 1. Section 704.09, Florida Statutes, is created to
16   read:
17   704.09 Creation of easements, servitudes, and other
18   interests affecting real property owned by the same owner.—
19   (1) An owner of real property may create an easement,
20   servitude, or other interest in the owner's real property, and
21   such easement, servitude, or other interest is valid
22   notwithstanding that the owner owns all of the affected real
23   property.
24   (2) Subsection (1) clarifies existing law and applies to,
25   without limitation, any easement, including, but not limited to,
26   utility easements, access easements, parking easements, negative
27   easements, environmental easements, and solar easements; surface
28   water management agreements; or any other rights in the nature
29   of an easement, servitude, profit, use right, restriction,

CODING: Words ~~stricken~~ are deletions; words <u>underlined</u> are additions.

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30 obligation, condition, reservation, or other covenant, contained

31 in a written instrument, whether denominated as an easement,

32 deed, plat, declaration, covenant, condition, restriction,

33 servitude, or otherwise.

34 (3) This section does not revive or reinstate any right or

35 interest that has been fully and finally adjudicated as invalid

36 before the effective date of this act.

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