

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.

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 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,

HB 799

2024

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,  
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.