

CHAPTER 2014-247

Committee Substitute for House Bill No. 1337

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

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

Section 1. Section 10 is added to section 2 of chapter 99-425, Laws of Florida, as amended, to read:

Section 10. Maintenance easements and use for public trail purposes.

a. When land adjacent to canals has been used and maintained for district-related purposes by the district to access its canals continuously and uninterruptedly for 7 years, a maintenance easement for such land over, under, across, upon, through, and within the underlying real property for maintenance purposes is deemed to be dedicated to the district to the extent of the width that has been actually used, maintained, or repaired for the prescribed period, regardless of whether the land has been formally established as an easement in favor of the district. The dedication shall vest such easement in and to the land to the district, regardless of whether there is a record of conveyance, dedication, or appropriation to the district.

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

c. For any maintenance easement established pursuant to this section, the use by the public for recreational trail purposes, including, without limitation, equestrian trails, shall be authorized. The district is authorized to issue permits to the Town of Loxahatchee Groves to construct and maintain such recreational trails within the maintenance easements. Any permit issued by the district for perpetual use by the public for recreational trail purposes is deemed to satisfy any and all current or future state grant requirements for property control by the town.

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

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

Approved by the Governor May 12, 2014.

Filed in Office Secretary of State May 12, 2014.