

CHAPTER 2024-268

House Bill No. 799

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.

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

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

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

Approved by the Governor June 26, 2024.

Filed in Office Secretary of State June 26, 2024.