

Council Substitute for House Bill No. 973

An act relating to the South Indian River Water Control District, Palm Beach County; amending chapter 2001-313, Laws of Florida; providing for the dedication of certain nonpublic roads within the district to the public for district maintenance; providing requirements for such dedication; providing for prima facie evidence of district ownership of a road; exempting certain property of an electric utility; providing a method of claiming interest in affected property; providing an effective date.

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

Section 1. Section 7 of section 3 of chapter 2001-313, Laws of Florida, is amended to read:

Section 7. Road maintenance and public dedication defined.—

(1) The purchase and placement of stable materials within the district shall be deemed to constitute road maintenance and not road construction.

(2) In those instances in which a road within the district has been constructed by a nongovernmental entity, in which the district is currently maintaining or repairing the road, or in which it cannot be determined who constructed the road, and when such road has been regularly maintained or repaired for the previous 7 years by the district, or a majority of the landowners bordering the road consents in writing to district maintenance of the road, such road shall be deemed to be dedicated to the public to the extent of the width that actually has been maintained or repaired for the prescribed period, whether or not the road has been formally established as a public highway. This subsection does not apply to an electric utility as defined in section 366.02(2), Florida Statutes. The dedication shall vest all rights, title, easement, and appurtenances in and to the road in the district, whether or not there is a record of conveyance, dedication, or appropriation to the public use.

(3) The filing of a map in the office of the clerk of the circuit court of the county where the road is located showing the lands and reciting on such map that the road has vested in the district in accordance with this act duly certified by the chair and secretary of the district shall be prima facie evidence of ownership of the road by the district.

(4) Any person, firm, corporation, or entity having or claiming any interest in and to any of the property affected by subsection (2) shall have a period of 1 year after the effective date of this subsection, or a period of 7 years after the initial date of regular maintenance or repair of the road, whichever period is greater, to file a claim in equity or with a court of law against the particular governing authority assuming jurisdiction over such property to cause a cessation of the maintenance and occupation of the property. Such timely filed and adjudicated claim shall prevent the dedication of the road to the public pursuant to subsection (2).

(5) This section does not apply to any facility of an electric utility that is located on property otherwise subject to this section.

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

Approved by the Governor June 30, 2008.

Filed in Office Secretary of State June 30, 2008.