

ENROLLED

CS/HB 1337

2014 Legislature

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 2 An act relating to the Loxahatchee Groves Water  
 3 Control District, Palm Beach County; amending chapter  
 4 99-425, Laws of Florida, as amended; providing for the  
 5 dedication of canal maintenance easements to the  
 6 district; providing requirements for such dedication;  
 7 providing for prima facie evidence of such maintenance  
 8 easements; providing for the use of maintenance  
 9 easements for recreational trail purposes by the  
 10 public through district permits issued to the Town of  
 11 Loxahatchee Groves; providing that any permit issued  
 12 by the district to the town for perpetual use by the  
 13 public for recreational trail purposes shall satisfy  
 14 property control requirements for state grant  
 15 purposes; providing applicability; providing an  
 16 effective date.

17  
 18 Be It Enacted by the Legislature of the State of Florida:

19  
 20 Section 1. Section 10 is added to section 2 of chapter 99-  
 21 425, Laws of Florida, as amended, to read:

22 Section 10. Maintenance easements and use for public trail  
 23 purposes.—

24 a. When land adjacent to canals has been used and  
 25 maintained for district-related purposes by the district to  
 26 access its canals continuously and uninterruptedly for 7 years,

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27 a maintenance easement for such land over, under, across, upon,  
28 through, and within the underlying real property for maintenance  
29 purposes is deemed to be dedicated to the district to the extent  
30 of the width that has been actually used, maintained, or  
31 repaired for the prescribed period, regardless of whether the  
32 land has been formally established as an easement in favor of  
33 the district. The dedication shall vest such easement in and to  
34 the land to the district, regardless of whether there is a  
35 record of conveyance, dedication, or appropriation to the  
36 district.

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

44 c. For any maintenance easement established pursuant to  
45 this section, the use by the public for recreational trail  
46 purposes, including, without limitation, equestrian trails,  
47 shall be authorized. The district is authorized to issue permits  
48 to the Town of Loxahatchee Groves to construct and maintain such  
49 recreational trails within the maintenance easements. Any permit  
50 issued by the district for perpetual use by the public for  
51 recreational trail purposes is deemed to satisfy any and all

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52 | current or future state grant requirements for property control  
53 | by the town.

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

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