

1977

Session Law 77-138

Florida Senate & House of Representatives

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LEGISLATIVE SUPPLEMENT "B" - SESSION LAW ABSTRACT

Sess. Law # 77-138	Sec. # 1	LOF cite T: 464-465
Prime Bill # SB. 309	Comp./Sim. Bills HB. 1875	
JLHC Hist. Cites	Senate SB. 309 SB. 11-112	Comms. of Ref.
	House 450	
		House Judiciary (both H + S)

COMMITTEE RECORDS

H/S	Committee	Record Series: Folder title, etc.	Location Cite	✓
H	Judic	Bill files, 1977: SB. 309 (bill only)	19/211	Ø
"	"	" " " : HB. 1875	19/214	
"	"	Meeting files, 1977 (top folder ^{at 11} box 385)		
S	Judi-Civ	Bill files, 1977: SB. 309	18/1284	
"	"	Meeting files, 1977	18/1286	NC
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Senate/House Journals

Page #	?	Date	Page #	?	Date

Committee/Floor Tapes

H/S	c/f	Committee/subcommittee name	Date	#	Location Cite

Other Documentation

Record Series Title, folder title, etc.	Location Cite

By Representative Kiser

A bill to be entitled

An act relating to tax deeds; amending s. 197.276, Florida Statutes; providing that a tax deed is subject to an easement for the purpose of ingress and egress to and from other land; providing that the easement must be recorded or evidenced by a road or other visible occupation; providing an effective date.

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

Section 1. Section 197.276, Florida Statutes, is amended to read:

197.276 Easements for public service purposes or for ingress and egress survive tax sales and deeds.--When any lands are sold for the nonpayment of taxes, or any tax certificate is issued thereon by a governmental unit or agency or pursuant to any tax lien foreclosure proceeding, the title to the lands shall continue to be subject to any easement for telephone, telegraph, pipeline, power transmission, or other public service purpose and shall continue to be subject to any easement for the purpose of ingress and egress to and from other land. The easement and the rights of the owner of it shall survive and be enforceable after the execution, delivery, and recording of a tax deed, master's deed, or a clerk's certificate of title pursuant to foreclosure of a tax deed, tax certificate, or tax lien, to the same extent as though the land had been conveyed by voluntary deed. The easement must be evidenced by written instrument recorded in the office of the Clerk of the Circuit Court in the county where such land is located before the recording of such tax

This public document was promulgated at a cost of \$7.66 per page for 900 copies and \$.83 per page for distribution for the information of members of the Legislature and the public.

CODING: Words in ~~struck through~~ type are deletions from existing law; words underlined are additions.

1 deed or master's deed, or, if not recorded, an ~~the~~ easement
2 for a public service purpose must be evidenced by wires,
3 poles, or other visible occupation and an easement for the
4 purpose of ingress and egress must be evidenced by a road or
5 other visible occupation to be entitled to the benefit of this
6 section.

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

9
10 *****

11 SENATE SUMMARY

12 Provides that a tax deed is subject to an easement for
13 the purpose of ingress and egress to and from other land,
14 if the easement is recorded or is evidenced by a road or
15 other visible occupation.
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JUDICIARY COMMITTEE

HB: 1875

STAFF SUMMARY

SPONSOR: Kiser

SUBJECT: Tax deeds

DATE: 5-4-77 STN

I. STATEMENT OF THE PROBLEM:

Currently, s. 197.276, F.S., provides that when any lands are sold for the nonpayment of taxes, or any tax certificate is issued thereon by a governmental unit pursuant to any tax lien foreclosure proceeding, the title to the lands remain subject to any easement for telephone, telegraph, pipeline, power transmission or other public purpose.

The statute makes no reference to easements for ingress and egress to and from other land. Thus, one who enjoys such an easement may lose it if the servient estate is sold for tax purposes.

II. FACTS BEARING ON THE PROBLEM:

A. Statutes affected: s. 197.276, F.S., amended

B. Legislative intent: To provide that when land is sold or levied upon for tax purposes, the title remains subject to easements for ingress and egress to and from other land, as well as for public purpose easements.

C. Other:
Identical to SB 309, which has been approved by the Senate.

III. DISCUSSION:

This bill is technically correct in form and substance.

IV. PROBABLE CONSEQUENCES OF BILL:

A tax deed will be subject to an easement for ingress and egress to and from other land if it is recorded with the Clerk of the Circuit Court, or, if not recorded, it must be evidenced by a road or other visible occupation.

V. FISCAL IMPACT:

None.

VI. ECONOMIC IMPACT:

None.

SENATE
STAFF ANALYSIS AND ECONOMIC STATEMENT
Judiciary-Civil Comm. (Greg Krasovsky)

2. _____

3. _____

Amend. or CS Attached _____

Bill No. and Sponsor:
SB 309
Senator Scott

Subject:
Tax Deeds

REFERENCES: 1. Judiciary-Civil

I. BILL SUMMARY:

This bill amends s. 197.276, F. S., relating to tax deeds, by providing that the property acquired by tax deed remains subject to an easement for ingress and egress. Such easement, if not recorded, must be evidenced by a road or other visible use or control.

II. PURPOSE:

A. Present Situation:

The current statute states that easements for public service purposes survive tax sales and deeds. No provisions for easements for the purposes of ingress or egress are provided.

B. Effect on Present Situation:

This bill would provide title to property acquired by tax deed to remain subject to easements for the purpose of ingress and egress to and from other land.

III. ECONOMIC CONSIDERATIONS:

Significant Economic Impact: YES. _____ NO X

IV. COMMENTS:

None.

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 19 to the lands shall continue to be subject to any easement for
 20 telephone, telegraph, pipeline, power transmission, or other
 21 public service purpose and shall continue to be subject to any
 22 easement for the purpose of ingress and egress to and from
 23 other land. The easement and the rights of the owner of it
 24 shall survive and be enforceable after the execution,
 25 delivery, and recording of a tax deed, master's deed, or a
 26 clerk's certificate of title pursuant to foreclosure of a tax
 27 deed, tax certificate, or tax lien, to the same extent as
 28 though the land had been conveyed by voluntary deed. The
 29 easement must be evidenced by written instrument recorded in
 30 the office of the Clerk of the Circuit Court in the county
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