

Insights

New Law HB 799: Easements Affecting Real Property Owned by the Same Owner

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Governor DeSantis signed HB 799 into law on June 27, 2024, impacting all developments subject to covenants or restrictions of any flavor, whether residential or commercial.

Background

Previous Issue: Recent Florida case law questioned the validity of easements and other servitudes created when all affected property was under common ownership. Virtually all developments are initially under single ownership, typically that of the developer. This legal uncertainty threatened to disrupt decades of land planning and property use arrangements, undermining the expectations of property owners who relied on these servitudes.

How does this law address this issue?

Key Bill Highlights

Creation of Easements: Property owners can now create easements, servitudes, or other interests in their own real property, even if they own all the affected property.

Validation: Easements and servitudes created before the bill's effective date are valid unless invalidated by a court on grounds other than unity of title.

Legislative Intent: Reinforces stability and long-term property use arrangements.

This law, now Chapter No. 2024-268, secures property rights and maintains the integrity of land use planning, ensuring that established servitudes remain effective. Effective immediately.

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