

FLORIDA BULLETIN 00-05

TO: ALL AGENTS AND TITLE PLANT OPERATIONS
FROM: UNDERWRITING DEPARTMENT
DATE: SEPTEMBER 27, 2000
RE: BISECTING EASEMENT

Recently a matter came to our attention involving a bisecting or perimeter easement in Collier County, Florida. As a reminder, our legislature in 1997 adopted an Act that would eliminate many of these easements. That Act, as set forth in our original Bulletin 00-02, “applies to all perimeter easements and to all bisecting easements, except those necessary to retain legal access to the nearest public road right-of-way....”

In addition to the requirements set forth in that bulletin, you must determine that the easement in question is not necessary for another parcel to obtain access to a public right-of-way. For this determination, an affidavit, by itself will not be sufficient. You should review tax maps or other similar information to assess the necessity of the easement for another parcel's access. Should the easement be required for such access or if there is doubt, an exception must be made. The exception should state that **“the easement is necessary to provide access to another parcel within the subdivision, which parcel would otherwise have no access to a public road.”**

Should you have any questions, please contact the Florida Underwriting Office.