

Amendment No. 01 (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

The Committee on Judiciary offered the following:

Amendment (with title amendment)

Remove from the bill: Everything after the enacting clause
and insert in lieu thereof:

Section 1. Section 253.90, Florida Statutes, is
created to read:

253.90 Ordinary high water mark determination;
legislative intent.--

(1) The Legislature finds it is necessary to define
the "ordinary high water mark" in order to clearly delineate
the property boundary separating private and sovereign
ownership on lands bordering navigable non-tidal waters;
furthermore, all deeds issued by any state board, agency, or
official purporting to convey any land above the ordinary high
water mark are hereby ratified, confirmed, and validated.

(2) The ordinary high water mark on non-tidal waters
is the point up to which the presence and action of the water
is so continuous as to destroy the value of the land for
agricultural purposes by preventing the growth of vegetation,

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1 constituting what may be termed an ordinary agricultural crop.
2 It is an ambulatory line, shifting in response to long term
3 changes in the water level. The ordinary high water mark is
4 not the highest point to which the water rises in times of
5 flooding, but is the line which the water impresses upon the
6 soil by covering it for sufficient periods to deprive it of
7 vegetation and destroy its value for agriculture. Nor is the
8 ordinary high water mark the extreme line which the water
9 reaches in times of high water caused by rains, which are not
10 unusual or extraordinary, but occur annually, or at least
11 frequently, during the wet season. Low lands, elevated only
12 slightly above the ordinary level of the water, which are more
13 or less subject to periodical overflow at certain seasons of
14 the year, during some years in times of high water caused by
15 rains, but are sufficiently dry when the water subsides to be
16 susceptible of valuable use as pastures and meadows, are not
17 sovereignty submerged lands.

18 (3) Any title to real property that is derived from a
19 properly recorded deed or grant made before this act takes
20 effect by the Board of Trustees of the Internal Improvement
21 Trust Fund, or by any other state agency or official, which
22 purported to convey swamp or overflowed lands, internal
23 improvement lands, or other lands, and which has a legal
24 description that may encompass sovereignty lands, is ratified,
25 confirmed, and validated to the extent that such lands are
26 located above the ordinary high water mark of non-tidal
27 navigable waters as defined in this section.

28 Section 2. Section 253.91, Florida Statutes, is
29 created to read:

30 253.91 State title to sovereignty submerged lands;
31 reaffirmed.--This section reaffirms the state's title to

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1 sovereignty submerged lands under navigable waters up to the
2 ordinary high water mark pursuant to Article X, section 11 of
3 the Florida Constitution. The public shall have the right to
4 use navigable waters and sovereignty submerged lands up to the
5 ordinary high water mark as defined in section 253.90.

6 Section 3. This act shall take effect upon becoming
7 law.

8
9
10 ===== T I T L E A M E N D M E N T =====

11 And the title is amended as follows:

12 On page 1,
13 remove from the title of the bill: entire title

14
15 and insert in lieu thereof:

16 An act relating to land conveyances; creating
17 s. 253.90, F.S.; relating to ordinary high
18 water mark determination and legislative
19 intent; creating s. 253.91, relating to state
20 title to sovereignty submerged lands; providing
21 an effective date.