

By Senators Campbell, Grant, Mitchell, Sullivan, Bronson, Webster, Kirkpatrick, Childers, McKay, Horne, Myers and Scott

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A bill to be entitled  
An act relating to land conveyances; creating  
s. 253.1201, F.S.; validating the title to  
previous conveyances of land by the state which  
may have included sovereignty lands; clarifying  
the public use of certain navigable waters;  
providing legislative intent; providing an  
effective date.

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

Section 1. Legislative intent.--The Legislature recognizes that it is in the public interest that the controversy arising from the assertion of state sovereignty ownership claims against private landowners who derive their titles from deeds or grants issued by state agencies or officials which purported to convey swamp and overflowed lands, internal improvement lands, or other nonsovereignty lands, but which may have included sovereignty lands within the legal description, be resolved expeditiously and economically, in a manner that is equitable to the private landowners but that preserves the people's rights to use the navigable waters within the state for the purposes of boating, fishing, or swimming.

Section 2. Section 253.1201, Florida Statutes, is created to read:

253.1201 Certain titles derived from state conveyances that may have included sovereignty lands, ratified, confirmed, and validated.--

(1) Any title to real property that is derived from a deed or grant made before this act takes effect by the Board

1 of Trustees of the Internal Improvement Trust Fund, or by any  
2 other state agency or official, which purported to convey  
3 swamp and overflowed lands, internal improvement lands, other  
4 nonsovereignty public lands is ratified, confirmed, and  
5 validated in all respects, notwithstanding that sovereignty  
6 lands may have been included within the legal description of  
7 the land purportedly conveyed in the deed or grant, if:

8 (a) The title of the present landowner is derived from  
9 a deed or grant issued by the Board of Trustees of the  
10 Internal Improvement Trust Fund, or by any other state agency  
11 or official, which appears on its face to be a valid  
12 conveyance of lands that the issuing agency or official was  
13 then authorized by law to convey, without express reservation  
14 of or deduction for any sovereignty lands;

15 (b) The title to the property has remained in private  
16 possession since the conveyance and has been developed,  
17 improved, or put to a qualified agricultural use by a private  
18 party at its expense; and

19 (c) The acreage conveyed has been classified as  
20 private property for ad valorem tax assessment purposes.

21 (2) This section does not affect the public's right to  
22 use any navigable waters for boating, fishing, and swimming on  
23 lands validated under this section. Notwithstanding subsection  
24 (1), this section may not be construed to affect title to  
25 lands under navigable waters within the meaning of Section 11  
26 of Article X of the State Constitution.

27 Section 3. This act shall take effect upon becoming a  
28 law.

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SENATE SUMMARY

Validates the title to previous conveyances of land by the state which may have included sovereignty lands in the legal description. Clarifies the public use of any navigable waters on those lands.