

By the Committee on Judiciary and 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 stability of land titles and real property boundaries is essential to a civil society. The Legislature also recognizes that it is in the public interest that the controversy arising from the assertion of private-ownership claims to sovereignty submerged lands by private land owners who derive their titles from deeds or grants issued by state agencies or officials which conveyed swamp and overflowed lands, internal improvement lands, or other nonsovereignty lands, but which have legal descriptions that encompass sovereignty submerged lands beneath nontidal waters, be resolved in a manner that preserves all riparian rights of private waterfront land owners and that preserves the public's ownership of and right to use sovereignty submerged lands for all lawful purposes, including, but not limited to, boating, fishing, camping, hunting, fowling, picnicking, and swimming.

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

1 253.1201 Certain titles derived from state conveyances
2 with legal descriptions that encompassed sovereignty land
3 beneath nontidal waters.--

4 (1) This section pertains to any title to real
5 property which is derived from a properly recorded deed or
6 grant made before this act takes effect by the Board of
7 Trustees of the Internal Improvement Trust Fund or by any
8 other state agency or official; which conveyed swamp or
9 overflowed lands, internal improvement lands, or other
10 nonsovereignty lands; and which contains a legal description
11 that encompasses sovereignty submerged lands.

12 (2) This section shall be construed to ratify,
13 confirm, and validate private waterfront landowners' title to
14 swamp and overflowed lands, internal improvement lands, and
15 any other nonsovereignty lands down to the ordinary high-water
16 boundary of navigable waters. The present holders of the deeds
17 or grants to which this section applies shall retain all
18 riparian rights held by private waterfront land owners.

19 (3) This section reaffirms the state's title to
20 sovereignty submerged lands under navigable waters up to the
21 ordinary high-water boundary pursuant to Section 11 of Article
22 X of the State Constitution. The public shall have the right
23 to use sovereignty submerged lands up to the ordinary
24 high-water boundary for all lawful purposes, including, but
25 not limited to, boating, fishing, camping, hunting, fowling,
26 picnicking, and swimming.

27 (4) The "ordinary high-water boundary" is the point up
28 to which the presence and action of the water is so continuous
29 as to destroy the value of the land for agricultural purposes
30 by preventing the growth of vegetation, constituting what may
31 be termed an ordinary agricultural crop. It is an ambulatory

1 line, shifting in response to long-term changes in the water
2 level. The high-water mark on freshwater rivers is not the
3 highest point to which the stream rises in times of freshets,
4 but is the line that the river impresses upon the soil by
5 covering it for periods sufficient to deprive it of vegetation
6 and to destroy its value for agriculture.

7 (5) It is not the intent of the Legislature to
8 supersede any specific grant of submerged lands granted to a
9 governmental entity by special act.

10 Section 3. This act shall take effect upon becoming a
11 law.

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13 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
14 COMMITTEE SUBSTITUTE FOR
15 SB 1824

16 The committee substitute provides legislative intent to
17 provide for stability in land titles and real property
boundaries.

18 The CS ratifies private waterfront landowners' title to swamp
19 and overflowed lands, internal improvement lands, or other
nonsovereignty lands down to the ordinary high water boundary
20 of navigable waters.

21 The bill reaffirms the state's title to sovereignty submerged
22 lands under navigable waters up to the ordinary high-water
boundary. This ownership includes the public's right to use
the lands for all lawful purposes.

23 The bill expresses the intent of the Legislature not to
24 supersede any grant of submerged lands to a governmental
entity.

25 Ordinary high-water boundary is defined.
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