



How to Address Sovereignty Lands Issues in Florida

Presented by
LEGAL EDUCATION DEPARTMENT
of
Attorneys' Title Fund Services, LLC

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How To Address Sovereignty Lands Issues In Florida

Linda Monaco, B.C.S.
Legal Education Attorney

Overview

- History
- General Sovereignty Lands Exception (GSL)
- Example 1 – locating water
- Example 2 – addressing water issues
- Commitment
- Resources



History – Equal Footing Doctrine

- On March 3, 1845, Florida became a state
 - Lands under navigable water became property of Florida
- Lands under navigable water intended to be retained by the state, but could be transferred to private ownership
- United States retained right to regulate use of navigable waters



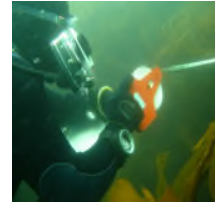
History – Swamp & Overflow Lands



- 1850 Swamp and Overflow Lands Act passed
 - This land was unfit for cultivation
- Title to swamp and overflow land in Florida was transferred to the state
- This transfer was 20 million acres
 - Florida consists of 36 million acres
 - Almost 2/3 of entire state
- These lands were intended to be transferred to private ownership

History – Title from Florida

- By act of the legislature, trustees were appointed to the Internal Improvement Trust Fund (TIIF)
- Land was sold to encourage people to settle in Florida
 - To dredge and fill uninhabitable swamps
 - Proceeds to the Internal Improvement Trust Fund
- Submerged lands must be specifically conveyed
 - *Coastal Petroleum Co. v. Am. Cyanamid Co.*, 492 So. 2d 342 (Fla. 1986)



Coastal Petroleum

- Conveyance of “swamp and overflow land” by TIIF did not include any lands under navigable waters, such as a river, because TIIF had no legal authority to convey such lands in 1883
- Marketable Record Title Act (MRTA) did not apply
- If river (or water body) is navigable, then subsurface is sovereignty land
- Note: a valid TIIF deed must expressly refer to the land as “submerged” or otherwise

Effect on Title Insurance

- *Coastal Petroleum* reinforced the need to consider water issues when issuing title policies
- Failure to check for water issues has led to paying policy limits
- Land that is now dry could still be sovereignty land
 - Kissimmee River was “straightened out”
 - Old riverbeds belong to the state unless specifically deeded as submerged land
 - Now largest river restoration in the world



⁷
The Fund

Kissimmee River



⁸
The Fund

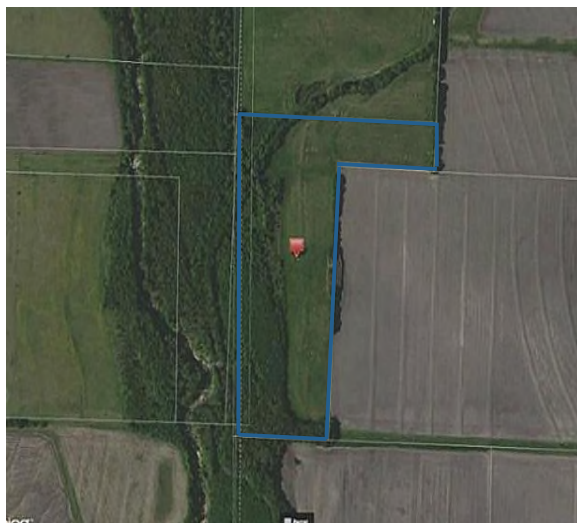
Title Insurance

- Need to review the status of the land at statehood (March 3, 1845)
- Spoil islands
 - Created by dredging (i.e., Intracoastal Waterway)
 - State owned until specifically deeded as submerged land
- United States and Florida always have right to regulate use of navigable waters

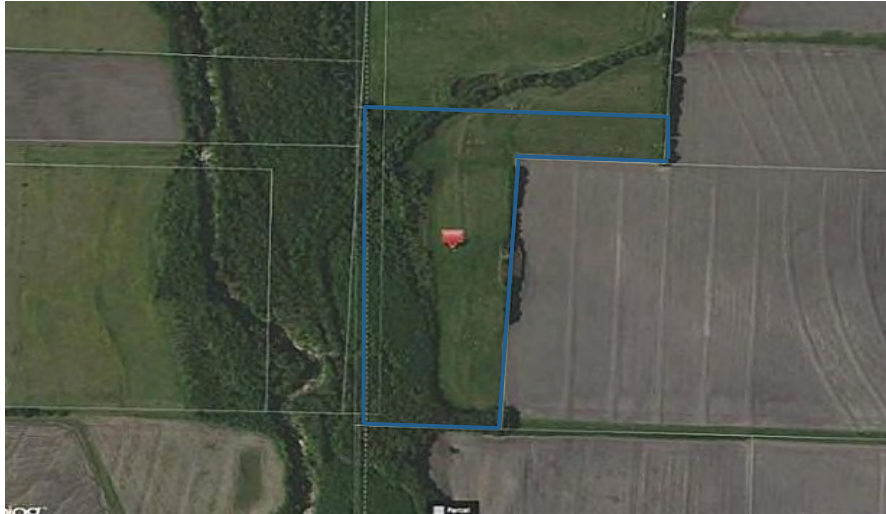


Title Search

- ALWAYS check
 - Legal access to public road
 - Water issues
- Pictured right
 - No access to public road
 - Note possible water issues

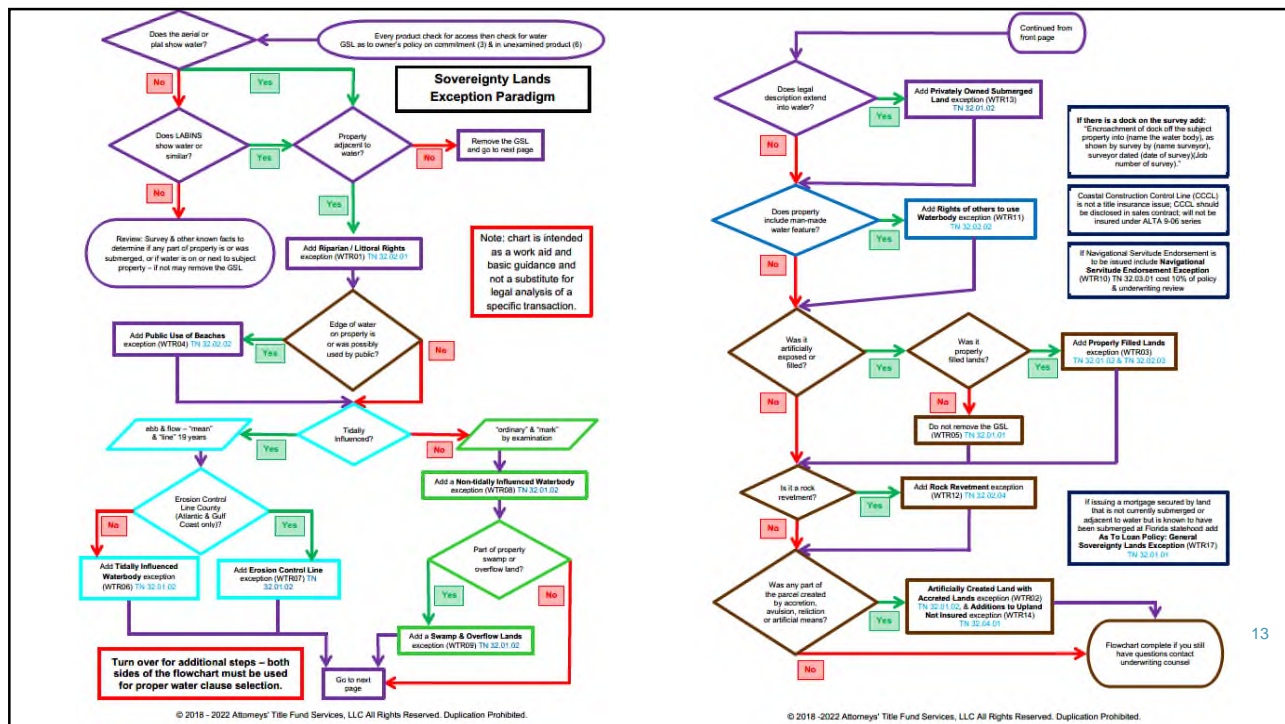


Title Search

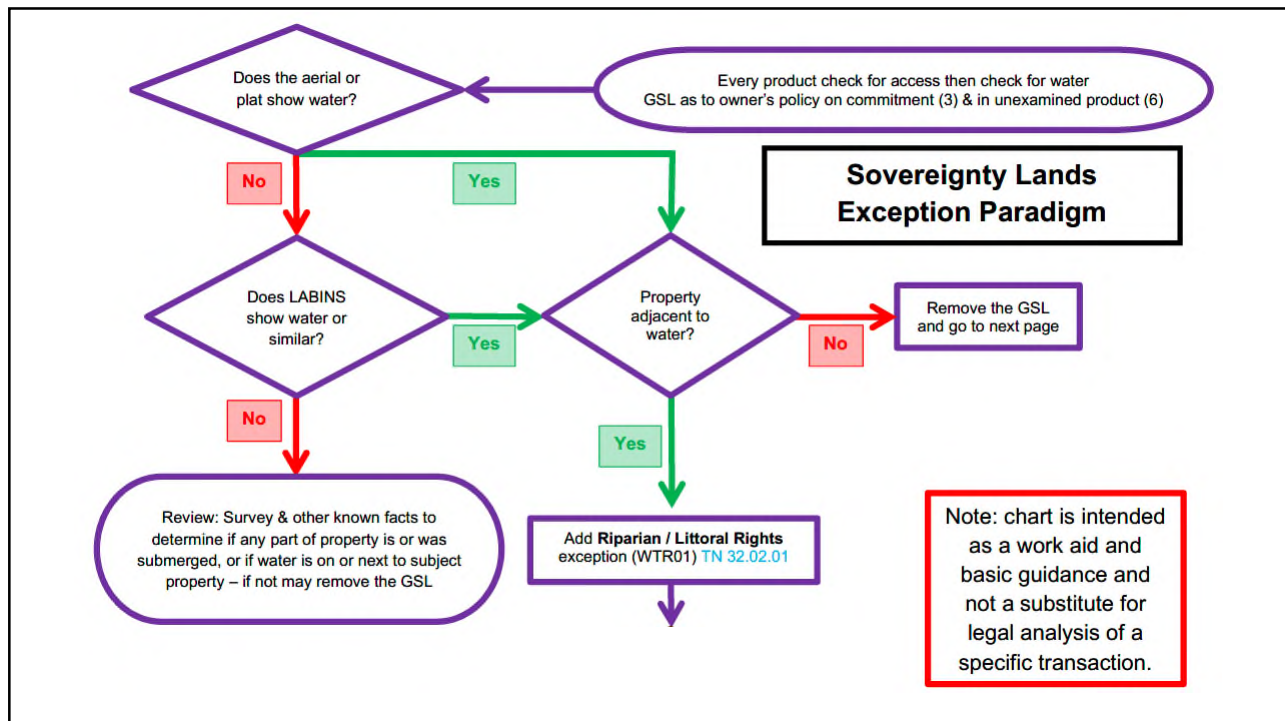


General Sovereignty Lands Exception (GSL)

- “Any Owner’s Policy issued pursuant hereto will contain under Schedule B the following exception: *‘Any adverse ownership claim by the State of Florida by right of sovereignty to any portion of the Land insured hereunder, including submerged, filled and artificially exposed lands and lands accreted to such lands.’* ”
 - As a reminder to check for water issues
 - Preprinted on commitment and included on unexamined Fund products
 - Determine if GSL may be eliminated or replaced by specific exceptions



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Looking for Water: Check

- Aerial photographs
 - County property appraiser or
 - Other aerial photographs
- Plat
- Land Boundary Information Systems - LABINS
 - Early survey records
 - Historical aerial photographs
- Example 1
 - 860 Camellia Court, Plantation



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860 Camellia Court Plantation Broward County Property Appraiser

[PREVIOUS](#) [NEXT](#) [VIEW MAP](#) [PRINT](#) [NEW SEARCH](#) [PHOTOGRAPHS](#) [BCPA HOME](#)

[Click here to display your 2015 Tax Bill.](#)

Site Address	860 CAMELLIA COURT, PLANTATION	ID #	5041 02 07 1200
Property Owner	VICARIA O.M.	Mileage	2212
Mailing Address	860 CAMELLIA CT PLANTATION FL 33317-1305	Use	01

Abbreviated Legal Description: PLANTATION GARDENS 3RD SEC 41-31 B LOT 6 BLK 19

The just values displayed below were set in compliance with Sec. 193.011, Fla. Stat., and include a reduction for costs of sale and other adjustments required by Sec. 193.011(8).

Property Assessment Values					
Click here to see 2015 Exemptions and Taxable Values as reflected on the Nov. 1, 2015 tax bill.					
Year	Land	Building	Just / Market Value	Assessed / SOH Value	Tax
2016	\$97,470	\$172,070	\$269,540	\$168,450	
2015	\$97,470	\$172,070	\$269,540	\$167,280	\$2,744.78
2014	\$97,470	\$153,530	\$251,000	\$165,960	\$2,743.72

IMPORTANT: The 2016 values currently shown are "roll over" values from 2015. These numbers will change frequently online as we make various adjustments until they are finalized on June 1. Please check back here AFTER June 1, 2016, to see the actual proposed 2016 assessments and portability values.

2016 Exemptions and Taxable Values by Taxing Authority				
	County	School Board	Municipal	Independent
Just Value	\$269,540	\$269,540	\$269,540	\$269,540
Portability	0	0	0	0
Assessed/SOH 98	\$168,450	\$168,450	\$168,450	\$168,450
Homestead 100%	\$25,000	\$25,000	\$25,000	\$25,000
Add. Homestead	\$25,000	0	\$25,000	\$25,000
Wid/Vet/Dis	0	0	0	0
Senior	0	0	0	0
Exempt Type	0	0	0	0
Taxable	\$118,450	\$143,450	\$118,450	\$118,450

Sales History -- Search Subdivision Sales				Land Calculations		
Date	Type	Price	Book/Page or CIN	Price	Factor	Type

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Broward County Property Appraiser

[PREVIOUS](#) [NEXT](#) [VIEW MAP](#) [PRINT](#) [NEW SEARCH](#) [PHOTOGRAPHS](#) [BCPA HOME](#)

Site Address	860 CAMELLIA COURT, PLANTATION	ID #	5041 02 07 1200
Property Owner	VICARIA, O.M.	Millage	2212
Mailing Address	860 CAMELLIA CT PLANTATION FL 33317-1305	Use	01
Abbreviated	PLANTATION GARDENS 3RD SEC 44 34 PLOTS BLK 40		

Aerial - Property Appraiser



Aerial - Google



97-486614 T8881
09-16-97 10:13AM
\$ 1001.00
DOCU. STAMPS-DEED
RECVD. BROWARD CNTY
B. JACK USTERHOLT
COUNTY ADMIN.

THIS INSTRUMENT PREPARED BY AND RETURN TO:
YSA MARTINEZ
TITLE WORKS OF Miami
60 WEST 8TH ST. L. 10
MIAMI, FLORIDA 33133

Notary Approaches Pt
80-41-02-07-1200
Graham, SD Pt.

THIS WARRANTY DEED, made the 28th day of July, A.D. 1997 by THOMAS M. NORMAN and VIRGINIA B. NORMAN, HIS WIFE, known called the grantors, in ORLANDO A. ROJAS, A SINGLE MAN, and [REDACTED] A SINGLE WOMAN whose past office address is [REDACTED] hereafter called the grantees.

WITNESSETH: That the grantors, for and in consideration of the sum of TEN AND 00/100'S (\$10.00) Dollars and other valuable considerations, except whereof is hereby acknowledged, hereby grants, bargains, sells, alien, releases, conveys and confirms unto the grantees all that certain land situated in DADE County, State of Florida, viz:

LOT 6, BLOCK 19, OF PLANTATION GARDENS THIRD SECTION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 41, PAGE 31, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA.

SUBJECT TO EASEMENTS, RESTRICTIONS AND RESERVATIONS IN RECORDS which are referred to in this year 1997 and thereafter.

TOGETHER, with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appearing.

TO HAVE AND TO HOLD, the same to the grantees forever.

AND, the grantors hereby covenant with said grantees that the grantees are lawfully seized of said land in fee simple; that the grantees have good right and lawful authority to sell and convey said land, and hereby warrant the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 1997.

IN WITNESS WHEREOF, the said grantors have signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of

Thomas M. Norman
Virginia B. Norman

Orlando A. Rojas
[REDACTED]

STATE OF FLORIDA
COUNTY OF DADE

The foregoing instrument was acknowledged before me the 28th day of July, 1997 by THOMAS M. NORMAN and VIRGINIA B. NORMAN who are personally known to me, or have produced [REDACTED] as being [REDACTED]

SEAL
Notary Public
My Commission Expires
Aug 7, 2000

Patricia Koehler
Notary Public
Broward County, Florida
1000122-001

Patricia Koehler
Notary Public
Broward County, Florida
1000122-001

RECORDED IN THE OFFICIAL RECORD BOOK
OF BROWARD COUNTY, FLORIDA
COUNTY ADMINISTRATION

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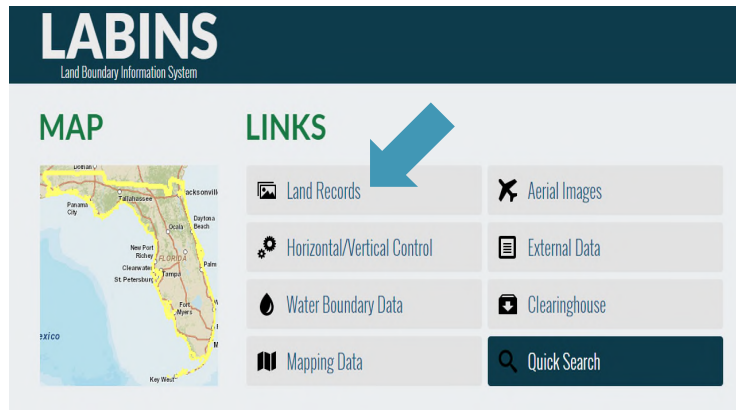
[illegible]

The Fund

[illegible]

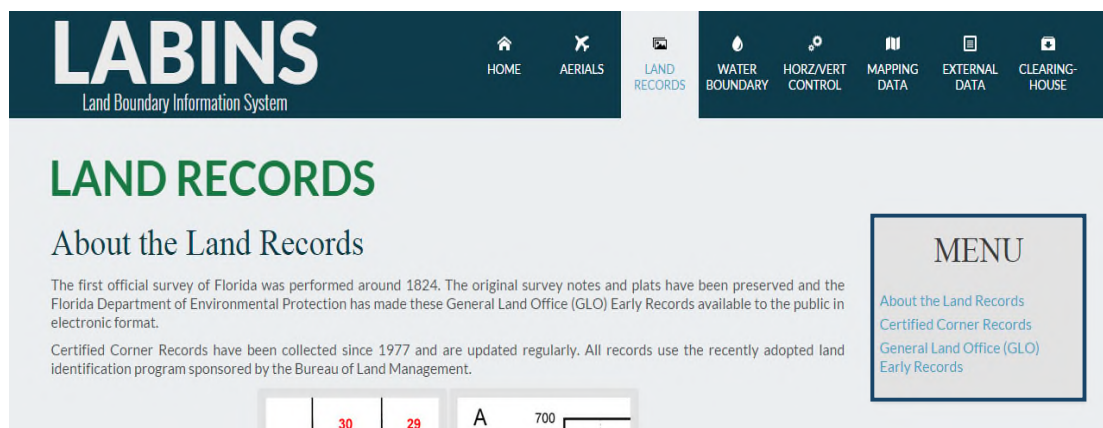
Historical Check

- Check Land Boundary Information System – LABINS
 - www.labins.org
 - Original government surveys



LABINS – Menu

- General Land Office (GLO) Early Records

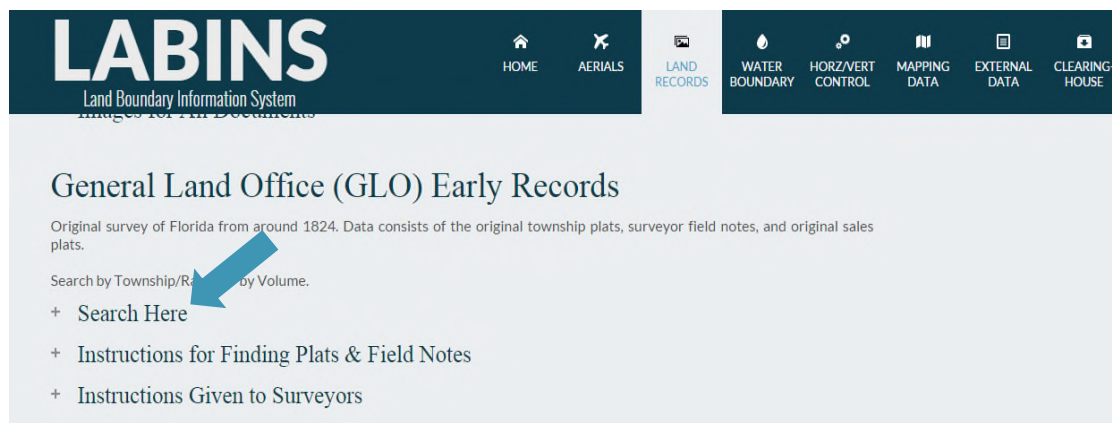


LABINS

- General Land Office (GLO) Early Records



LABINS – Search



LABINS – Search

- Enter Township and Range and directions

- Search Here

This search returns original survey plats, original field notes, and original sales plats for a selected Township/Range. This search includes half townships.

Township: 50 ☐ S ☐ N
Range: 41 ☐ E ☐ W

Search by Township/Range

Scroll down to view results.

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LABINS – Results

Query Results - Township/Range: 50 S / 41 E

Original Survey Plats

The Color images are from the ORIGINAL survey of Florida.

The Black and White images are either a copy of the color OR are additional surveys performed after the ORIGINALs were completed.

The U.S Bureau of Land Management's [Guide to Federal Records](#) may have more information on locating Florida land records.

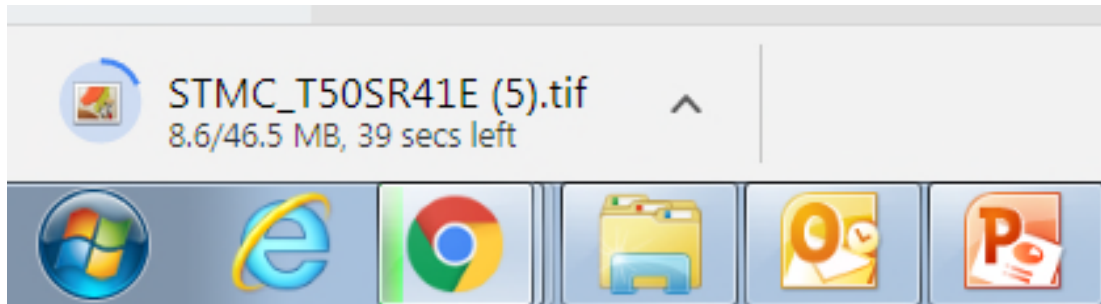
Original Color Black & White

Plat 1 - tif	
Plat 1 - pdf	
	Plat 2 - tif
	Plat 2 - pdf
	Plat 3 - tif
	Plat 3 - pdf
	Plat 4 - tif
	Plat 4 - pdf
	Plat 5 - tif
	Plat 5 - pdf

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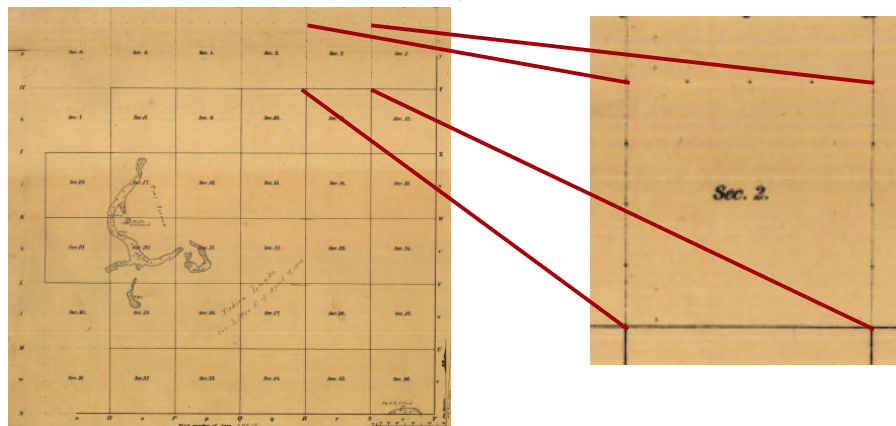
LABINS – Download – “tif”



- PDF is faster

LABINS – Results

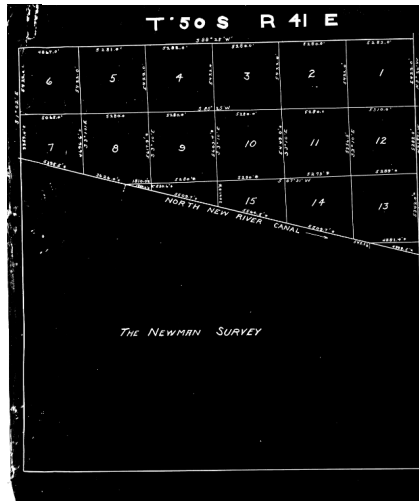
A SUBDIVISION IN THE N. 1/2 OF SECTION 2, TOWNSHIP 50 SOUTH, RANGE 41 EAST
BROWARD COUNTY, FLORIDA



LABINS – Results

A SUBDIVISION IN THE N. 1/2 OF SECTION 2, TOWNSHIP 50 SOUTH, RANGE 41 EAST

BROWARD COUNTY, FLORIDA



Sec	Area
1	1.473.21
2	1.473.21
3	1.473.21
4	1.473.21
5	1.473.21
6	1.473.21
7	1.473.21
8	1.473.21
9	1.473.21
10	1.473.21
11	1.473.21
12	1.473.21
13	1.473.21
14	1.473.21
15	1.473.21

The North, South and West Boundaries were Surveyed by R.F. Ensey in the summer and fall of 1911 Variation 1°24' East

That portion of East Boundary and Section Lines lying North of North New River Canal was surveyed under Supervision of R.F. Ensey, Feb. 1912 Variation 1°28' East

The North Boundary, the East and West Boundaries of Secs. 1 and 12, the South and West Boundaries of Secs. 1, 2, 3, 4, 5 and 6, and the South and West Boundaries of Secs. 11 and 12 were surveyed under supervision of J.F. Charlton, County Surveyor, March and April 1926. Scale 2" = 1/4 Mile

NOTE: Bearings and distances marked in were taken from original plat of Township.

The North, South and West Boundaries were Surveyed by R.F. Ensey in the summer and fall of 1911 Variation 1°24' East

That portion of East Boundary and Section Lines lying North of North New River Canal was surveyed under Supervision of R.F. Ensey, Feb. 1912 Variation 1°28' East

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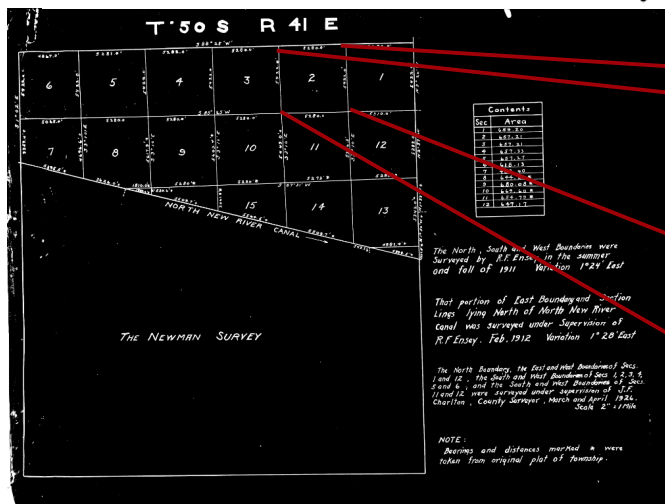
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LABINS – Results

A SUBDIVISION IN THE N. 1/2 OF SECTION 2, TOWNSHIP 50 SOUTH, RANGE 41 EAST

BROWARD COUNTY, FLORIDA



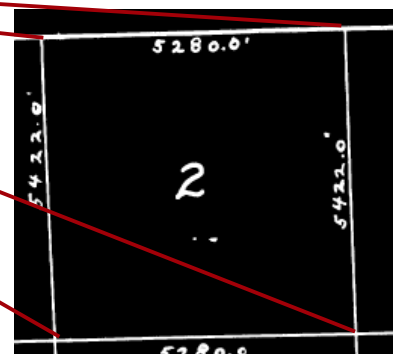
Sec	Area
1	1.473.21
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4	1.473.21
5	1.473.21
6	1.473.21
7	1.473.21
8	1.473.21
9	1.473.21
10	1.473.21
11	1.473.21
12	1.473.21
13	1.473.21
14	1.473.21
15	1.473.21

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NOTE: Bearings and distances marked in were taken from original plat of Township.



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LABINS – Results

A SUBDIVISION IN THE N. 1/2 OF SECTION 2, TOWNSHIP 50 SOUTH, RANGE 41 EAST
BROWARD COUNTY, FLORIDA

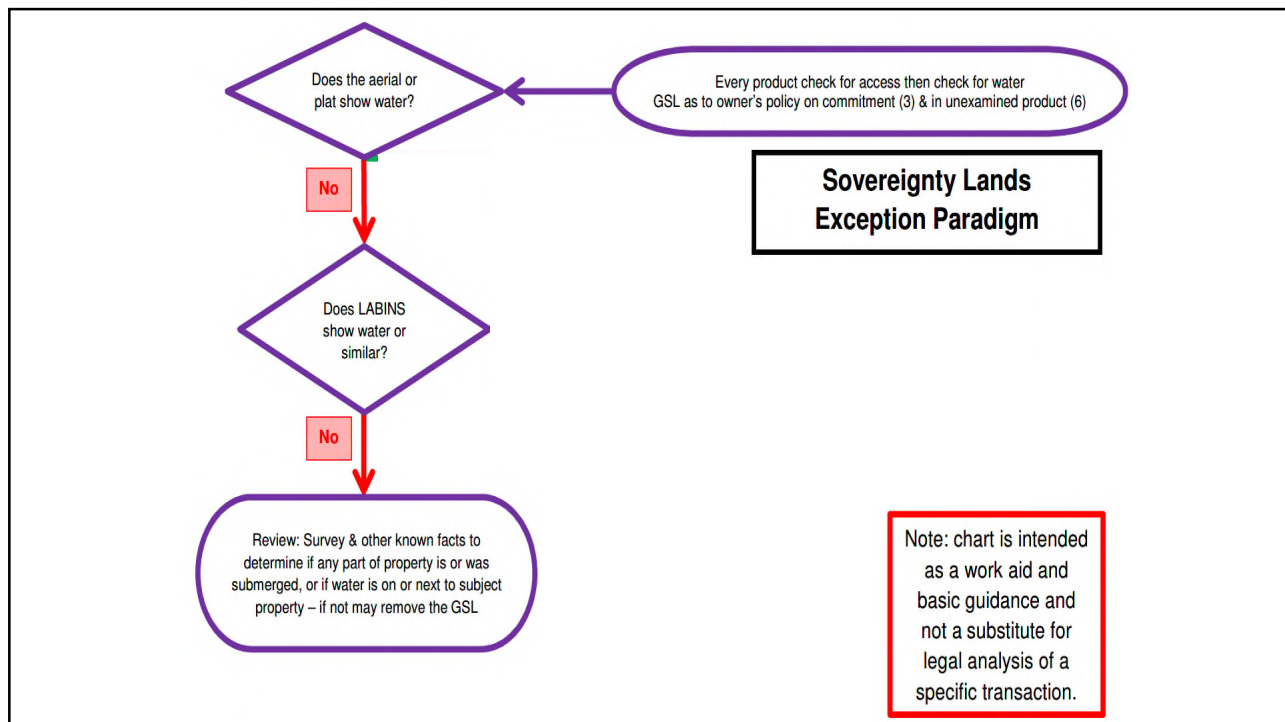


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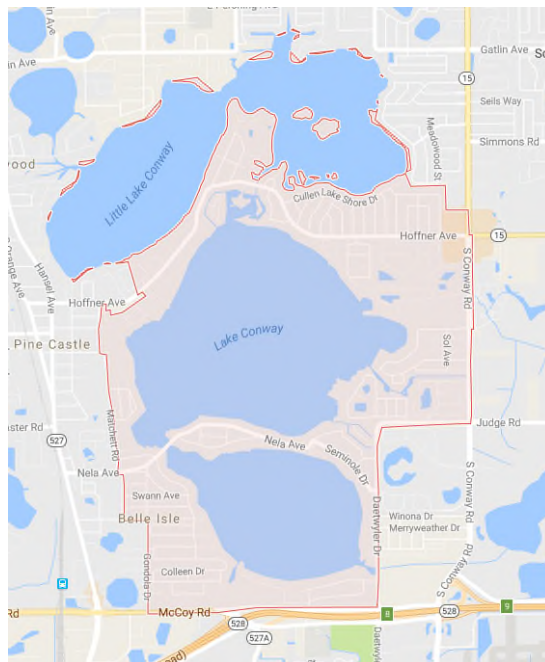
Deleting GSL

- First step
 - Aerial views – for current evidence of water body
 - Plat
 - Water bodies
 - Section, Township and Range information
 - LABINS
 - Historical information
- Second step
 - Review survey
 - Apply known facts
 - If no part of subject property
 - Is or was at any time submerged or
 - Adjacent to water
- Then may delete GSL

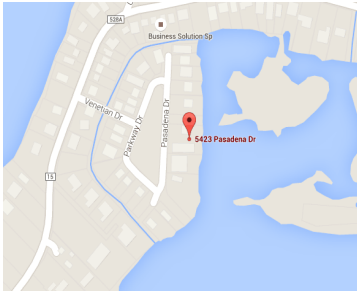
36
The Fund



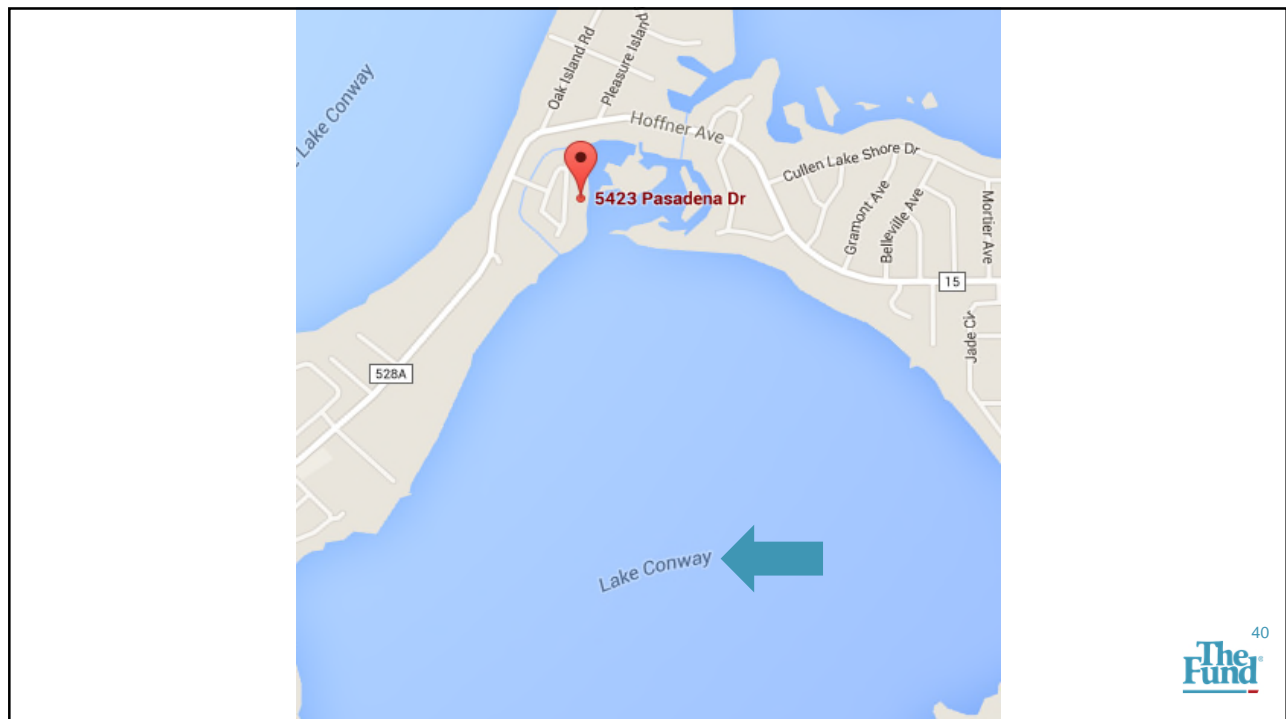
Example 2 Belle Isle, Orange County



Example 2 – 5423 Pasadena Drive, Belle Isle



- Check aerial (Google, Zillow, etc.)



The Policy will not insure against loss or damage resulting from the terms and provisions of any lease or easement identified in Schedule A and will include the following Exceptions unless cleared to the satisfaction of the Company:

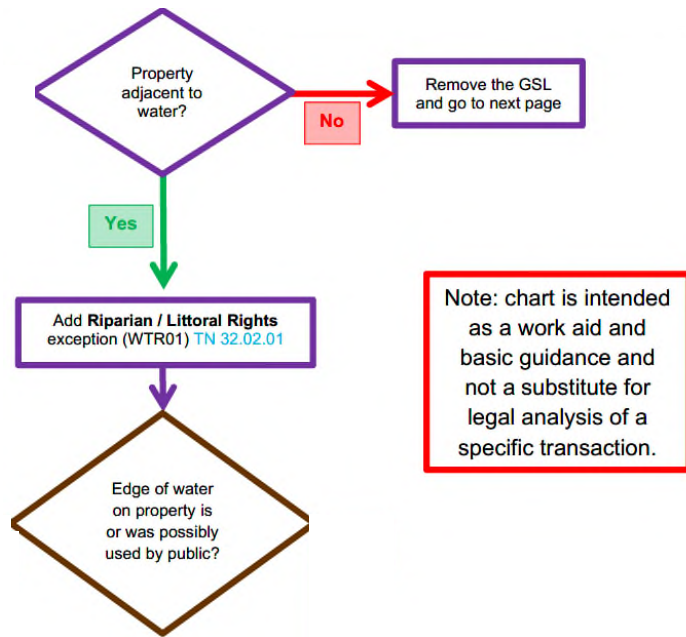
1. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the Public Records or attaching subsequent to the Effective Date hereof but prior to the date the Proposed Insured acquires for value of record the estate or interest or Mortgage thereon covered by this Commitment.
2.
 - a. The lien of all taxes or special assessments for the year ____ and thereafter, which are not yet due and payable.
 - b. Rights or claims of parties in possession not recorded in the Public Records.
 - c. Any encroachment, encumbrance, violation, variation, or adverse circumstance that would be disclosed by an inspection or an accurate and complete land survey of the Land and inspection of the Land.
 - d. Easements, or claims of easements, not recorded in the Public Records.
 - e. Any lien, or right to a lien, for services, labor, or material furnished, imposed by law and not recorded in the Public Records.
3. Any Owner's Policy issued pursuant hereto will contain under Schedule B the following exception: *Any adverse ownership claim by the State of Florida by right of sovereignty to any portion of the Land insured hereunder, including submerged, filled and artificially exposed lands, and lands accreted to such lands.*

The Policy will not insure against loss or damage resulting from the terms and provisions of any lease or easement identified in Schedule A and will include the following Exceptions unless cleared to the satisfaction of the Company:

1. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the Public Records or attaching subsequent to the Effective Date hereof but prior to the date the Proposed Insured acquires for value of record the estate or interest or Mortgage thereon covered by this Commitment.
2.
 - a. The lien of all taxes or special assessments for the year ____ and thereafter, which are not yet due and payable.
 - b. Rights or claims of parties in possession not recorded in the Public Records.
 - c. Any encroachment, encumbrance, violation, variation, or adverse circumstance that would be disclosed by an inspection or an accurate and complete land survey of the Land and inspection of the Land.
 - d. Easements, or claims of easements, not recorded in the Public Records.
 - e. Any lien, or right to a lien, for services, labor, or material furnished, imposed by law and not recorded in the Public Records.

3. INTENTIONALLY DELETED

Flowchart Land Adjacent to Water



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Flowchart Land Adjacent to Water



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Land Adjacent to Water Landowner's Rights

- Exception for riparian/littoral rights
 - Littoral rights – rights which run with the land adjacent to ocean, gulf or lakes
 - Swimming, irrigation, boating, fishing, etc.
 - Riparian rights – rights which run with the land adjacent to rivers or streams
 - Swimming, irrigation, boating, fishing, etc.
- Add “Riparian/Littoral Rights” exception
 - (WTR01) – TN 32.02.01

The Policy will not insure against loss or damage resulting from the terms and provisions of any lease or easement identified in Schedule A and will include the following Exceptions unless cleared to the satisfaction of the Company:

1. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the Public Records or attaching subsequent to the Effective Date hereof but prior to the date the Proposed Insured acquires for value of record the estate or interest or Mortgage thereon covered by this Commitment.
2.
 - a. The lien of all taxes or special assessments for the year ____ and thereafter, which are not yet due and payable.
 - b. Rights or claims of parties in possession not recorded in the Public Records.
 - c. Any encroachment, encumbrance, violation, variation, or adverse circumstance that would be disclosed by an inspection or an accurate and complete land survey of the Land and inspection of the Land.
 - d. Easements, or claims of easements, not recorded in the Public Records.
 - e. Any lien, or right to a lien, for services, labor, or material furnished, imposed by law and not recorded in the Public Records.
3. INTENTIONALLY DELETED
4. Riparian and littoral rights are not insured.

Land Adjacent to Water Public Rights

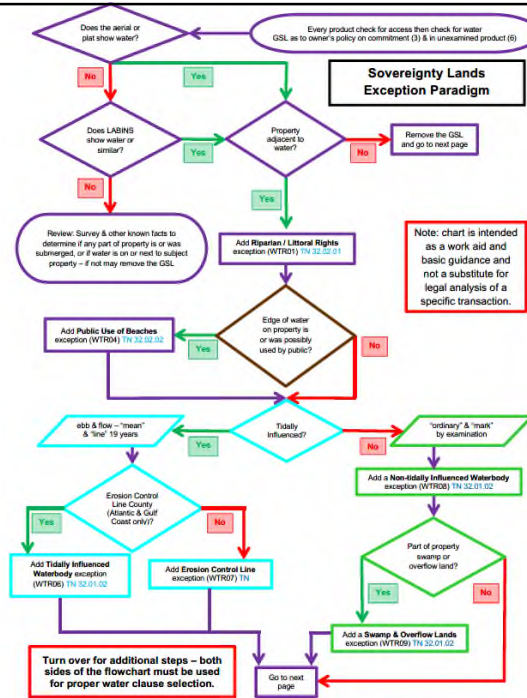
- Recreational public rights
 - Exception applies if water is
 - Ocean
 - Gulf
 - Bay
 - Lake
 - River, etc.
 - Add proper exception
 - “Public Use of Beaches” (WTR04)
 - TN 32.02.02



The Policy will not insure against loss or damage resulting from the terms and provisions of any lease or easement identified in Schedule A and will include the following Exceptions unless cleared to the satisfaction of the Company:

1. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the Public Records or attaching subsequent to the Effective Date hereof but prior to the date the Proposed Insured acquires for value of record the estate or interest or Mortgage thereon covered by this Commitment.
2.
 - a. The lien of all taxes or special assessments for the year ____ and thereafter, which are not yet due and payable.
 - b. Rights or claims of parties in possession not recorded in the Public Records.
 - c. Any encroachment, encumbrance, violation, variation, or adverse circumstance that would be disclosed by an inspection or an accurate and complete land survey of the Land and inspection of the Land.
 - d. Easements, or claims of easements, not recorded in the Public Records.
 - e. Any lien, or right to a lien, for services, labor, or material furnished, imposed by law and not recorded in the Public Records.
3. INTENTIONALLY DELETED
4. Riparian and littoral rights are not insured.
5. Possible right of the public to use that part of the Land adjacent to the water's edge that is now, or was formerly, regularly used by the public for recreational purposes.

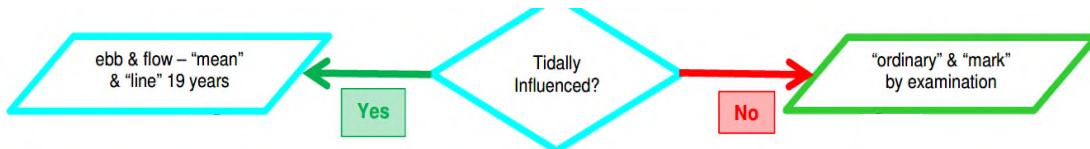
Flowchart Front Page



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Flowchart Tidally Influenced



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Tidally Influenced

- Affected by the ebb and flow of tides
 - Typically saltwater
 - Examples
 - Ocean
 - Gulf
 - Bay
 - Intracoastal
 - Brackish water
 - Swamp (sometimes)
 - River (sometimes)
 - Usually larger bodies of water
 - Land beneath mostly acquired at statehood
- Exception to include: **“mean-high water line”**



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Non-Tidally Influenced

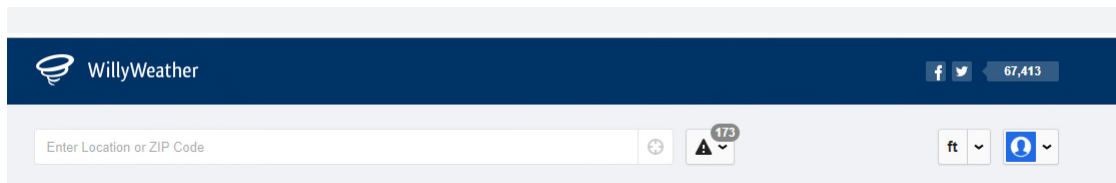
- Not effected by ebb and flow
 - Typically freshwater
 - Examples
 - Lake (Statehood)
 - River (Statehood) (usually)
 - Stream (Statehood) (usually)
 - Pond (Statehood) (usually)
 - Swamp (1850) (usually)
 - Land beneath acquired at navigable
- Exception to include: **“ordinary high water mark”**



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Tidally Influenced or Not?

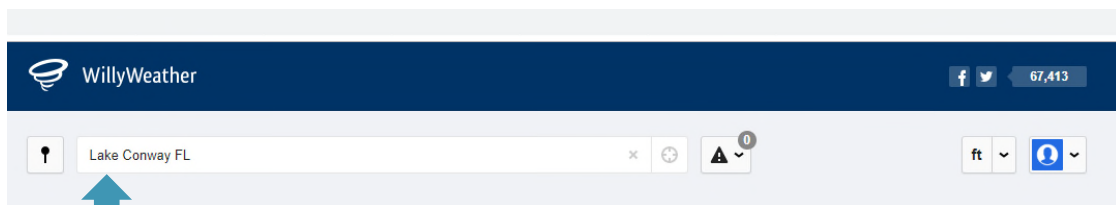
- Tide charts – tides.willyweather.com (no www at the front)



The screenshot shows the WillyWeather website interface. At the top, there is a dark blue header with the WillyWeather logo on the left and social media icons (Facebook, Twitter) and a follower count of 67,413 on the right. Below the header is a light gray search bar with the placeholder text "Enter Location or ZIP Code". To the right of the search bar are several icons: a gear icon, a warning icon with a "173" notification bubble, and a "ft" unit selector. Further right are two dropdown menus, one for the unit and one for the location.

Tidally Influenced or Not?

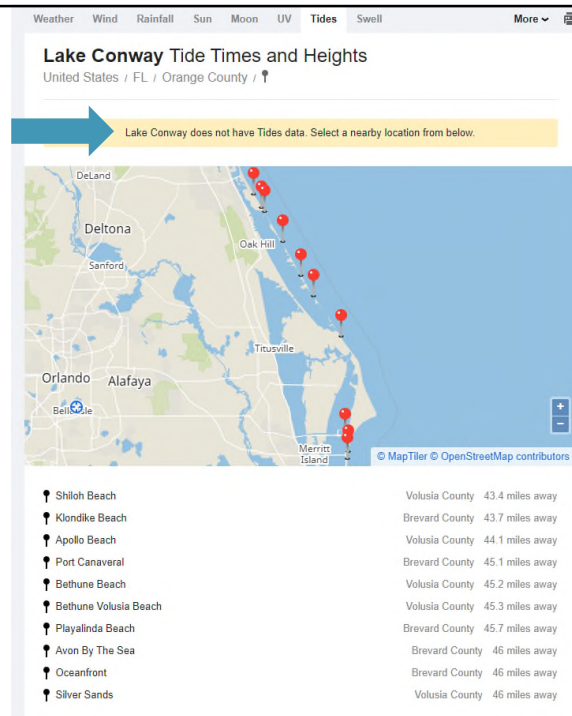
- Tide charts – tides.willyweather.com (no www at the front)



This screenshot is similar to the one above, but the search bar now contains the text "Lake Conway FL". A large blue arrow points upwards from the bottom left towards the search bar. The rest of the interface, including the header and navigation links, remains the same.

Tidally Influenced or Not?

- Results



55

Tidally Influenced or Not?

- Lake Conway is not tidally influenced



56

The Fund

Ordinary High Water Mark - Defined by Case Law

- “A high water mark, as a line between the riparian owner and the public, is to be determined by examining the bed and banks, and ascertaining where the presence and action of the water are so common and usual, and so long continued in all ordinary years, as to mark upon the soil of the bed a character distinct from that of the banks, in respect to vegetation as well as respects the nature of the soil itself.” *Tilden v. Smith*, 113 So. 708, 712 (Fla. 1927)

- ADDITIONALLY . . .



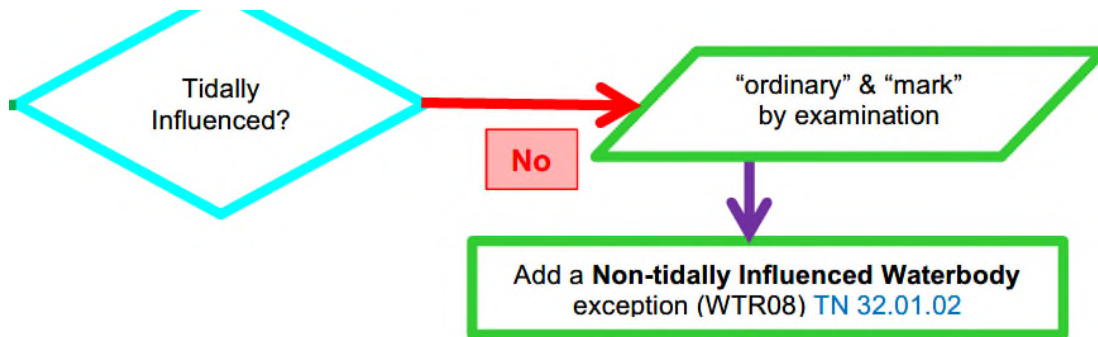
Ordinary High Water Mark - Determination

- Surveyors can not define the ordinary high water mark by rule
- Only courts may determine upon facts and circumstances
- If the subject land abuts freshwater use the proper exception
- If the lake or pond is very small, underwriting counsel may be able to delete the exception



Flowchart – Non-Tidally Influenced

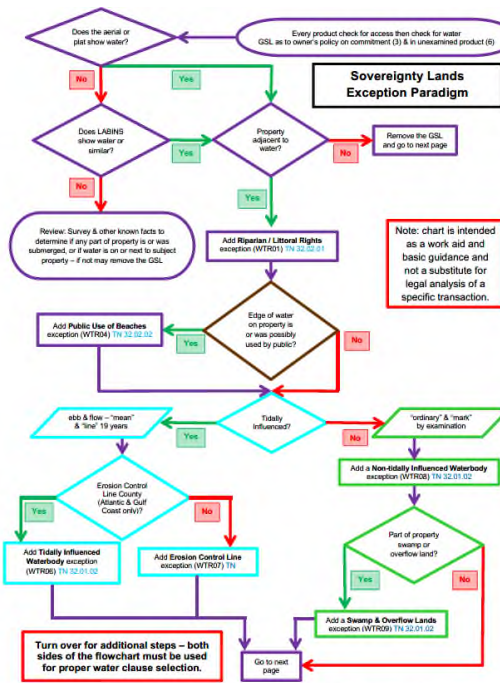
- Add water exception clause for lake



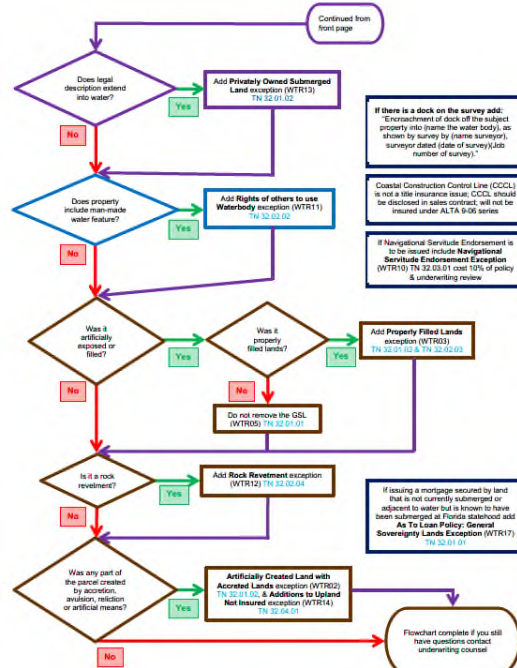
The Policy will not insure against loss or damage resulting from the terms and provisions of any lease or easement identified in Schedule A and will include the following Exceptions unless cleared to the satisfaction of the Company:

1. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the Public Records or attaching subsequent to the Effective Date hereof but prior to the date the Proposed Insured acquires for value of record the estate or interest or Mortgage thereon covered by this Commitment.
2.
 - a. The lien of all taxes or special assessments for the year ____ and thereafter, which are not yet due and payable.
 - b. Rights or claims of parties in possession not recorded in the Public Records.
 - c. Any encroachment, encumbrance, violation, variation, or adverse circumstance that would be disclosed by an inspection or an accurate and complete land survey of the Land and inspection of the Land.
 - d. Easements, or claims of easements, not recorded in the Public Records.
 - e. Any lien, or right to a lien, for services, labor, or material furnished, imposed by law and not recorded in the Public Records.
3. INTENTIONALLY DELETED
4. Riparian and littoral rights are not insured.
5. Possible right of the public to use that part of the Land adjacent to the water's edge that is now, or was formerly, regularly used by the public for recreational purposes.
6. Any portion of the Land lying waterward of the ordinary high water mark of Lake Conway, and lands accreted thereto.

Flowchart Front Page



Flowchart Back Page



Flowchart – Filled Lands



Filled Lands

- Lands filled during the time permitted by law can be properly filled lands
 - Deemed owned by upland owner
- Lands filled outside the time permitted by law remain the property of the State of Florida
- Butler Act of 1921 (repealed by "Bulkhead Act" of 1957)
 - Allowed upland riparian owner to obtain title to filled lands
 - Only applied to
 - Bulkheaded lands
 - Filled-in lands
 - Permanently improved lands



Properly Filled Lands Criteria - Tidally Influenced

- Filling complete by July 1, 1975
 - Check historical aerial photographs on LABINS
- Owner who filled not owner on January 1, 1993
- Cannot be
 - “Spoil island” – island created by dredging
 - Land on the state’s official acquisition list as of July 1, 1993
 - Land maintained as a state or local recreation area
 - Shore protection structure
- Fla. Stat. §253.12 (9)
- TN 32.01.02 A. 2.



65
The Fund

Properly Filled Lands Criteria – Non-Tidally Influenced

- No special grandfathering
- Owner would have to receive title in the form of TIIF deed



66
The Fund

Transfer of Properly Filled Lands - Via Deed

- Conveyance from sovereign submerged lands
 - Clear intent
 - Authority
 - Specifically mentions submerged lands
 - Will be closely scrutinized by courts
 - Doubt or ambiguity will be found in favor of the state
 - Pre-1919, TIF could not convey sovereignty lands, only the legislature could convey
- Public still has right to use water if land is still submerged

TIF Deed Search Deed

2156070 ORANGE
WARRANTY DEED
INDIVID. TO INDIVID

JUL 11 9 25 AM '84
O.C. 3528 # 906
RAMCO FORM C1

This Warranty Deed Made the 10th day of July A. D. 1984 by
JAMES C. REDIFER and JANE C. REDIFER, his wife,
hereinafter called the grantor, to
HARRISS M. GANEY and JAN C. GANEY, his wife,
whose postoffice address is 5423 Pasadena Dr., Orlando, FL 32809
hereinafter called the grantee:

(Wherever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

Witnesseth: That the grantor, for and in consideration of the sum of \$ 10.00 and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, re-mises, releases, conveys and confirms unto the grantee, all that certain land situate in Orange County, Florida, viz:

495⁰²
24th Home State Co.

Lots 20, 21, and 22, Block "A" VENETIAN GARDENS, Plat Book "L", Page 25, records of Orange County, Florida, and land lakeward to high water mark as such mark is shown on the Plat aforesaid.

Subject to restrictions and easements of record, if any, but this clause shall not operate to reimpose the same.

This deed shall operate as a quit-claim deed as to lands lakeward of the above-described lots and as a warranty deed only as to the above-described lots.

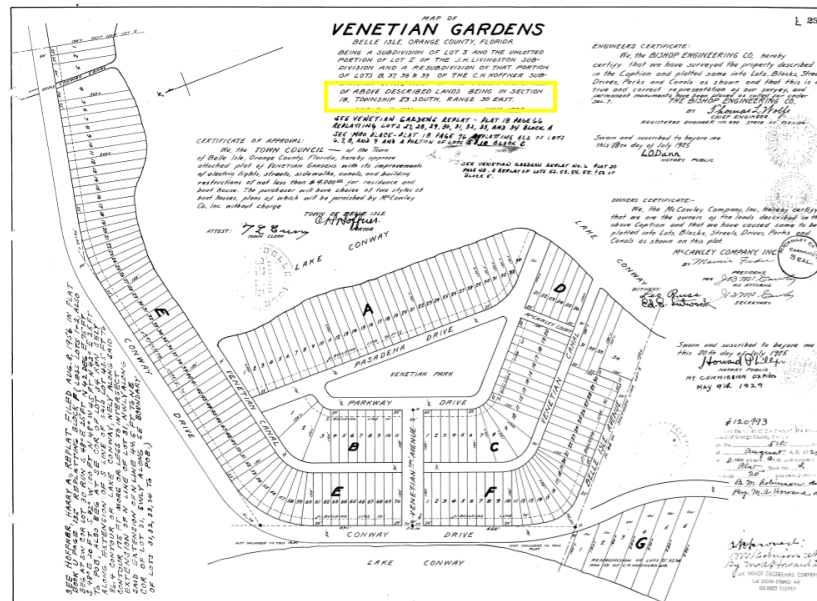
TIIF Deed Search Deed

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TIIF Deed Search Plat



TlIF Deed Search Plat


*OF ABOVE DESCRIBED LANDS BEING IN SECTION
18, TOWNSHIP 23 SOUTH, RANGE 30 EAST.*

TlIF Deed Search

- Land document search -
<http://prodenv.dep.state.fl.us/DslBtlds/public/piSearchDocumentLoad>
- TlIF (Trustees of the Internal Improvement Trust Fund) Deed

The screenshot shows the 'Public Document Search' page on the DEP Business Portal. The page has a blue header with the 'DEP BUSINESS PORTAL' logo and the 'Board of Trustees Land Document System' title. Below the header, there is a search form with various fields and dropdown menus. The form includes sections for 'Document Type', 'First Name', 'Last Name', 'Document Number', 'Document Date From', 'Document Date To', 'STL', 'Subdivision', 'MURPHY ACT Certificate Number/Year', 'DISE ID', 'Exact', 'Individual Type', 'Recording Type', 'County', 'Patent Office', 'Grant', 'Permit Application Number', 'Book/Pages', 'Instrument#', 'Volume/Components', 'Page#/Page Modifiers', and 'Facility Name'. There are also buttons for 'Search', 'Export to Excel', and 'Reset'.

TIF Deed Search



DEP BUSINESS PORTAL

Board of Trustees Land Document System
Florida Department of Environmental Protection

Public Home > Public Document Search >

Public Document Search

Searches performed using the Document Number field will search the contents of the Lease Number, Sublease Number, Sub Sublease Number, Document Number, Permit Number, and fields in BTLDS for the string of numbers entered.

Document Type: Please Select

First Name: Harriss

Document Number: Exact

Document Date From: To:

STR: 18 23 S 30 E

Subdivision:

Murphy Act Certificate Number/Year:

DM ID: Exact

Last Name: Gainey

Recording Type: Select options

County: Please Select

Patent Office: Please Select

Grant:

Permit Application Number:

Individual Type: Please Select

Business Name:

Book/Page:

Instrument#:

Volume/Component:


Page#/Page Modifier:

Facility Name:

Search Export to Excel Reset

73

TIF Deed Search



DEP BUSINESS PORTAL

Board of Trustees Land Document System
Florida Department of Environmental Protection

Public Home > Public Document Search >

Public Document Search

Searches performed using the Document Number field will search the contents of the Lease Number, Sublease Number, Sub Sublease Number, Document Number, Permit Number, and fields in BTLDS for the string of numbers entered.

Document Type: Please Select

First Name: Harriss

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Document Date From: To:

STR: 18 23 S 30 E

Subdivision:

Murphy Act Certificate Number/Year:

DM ID: Exact

Last Name: Gainey

Recording Type: Select options

County: Please Select

Patent Office: Please Select

Grant:

Permit Application Number:

Individual Type: Please Select

Business Name:

Book/Page:

Instrument#:

Volume/Component:

Page#/Page Modifier:

Facility Name:

No documents were found for the search criteria. Please refine your search.

Search Export to Excel Reset

74

TIIF Deed Search

2156070 ORANGE **Jul 11 9 25 AM '84** **67.3528** **906** RAMCO FORM C1

WARRANTY DEED
INDIVID. TO INDIVID.

This Warranty Deed Made the 10th day of July A. D. 1984 by

JAMES C. REDIFER and JANE C. REDIFER, his wife,
hereinafter called the grantor, to

HARRISS M. GANEY and JAN C. GANEY, his wife,

whose postoffice address is 5423 Pasadena Dr., Orlando, FL 32809

hereinafter called the grantees:

(Wherever used herein the terms "persons" and "grantees" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

Witnesseth: That the grantor, for and in consideration of the sum of \$ 10.00 and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, alien, releases, conveys and confirms unto the grantees, all that certain land situate in Orange County, Florida, viz:

Lots 20, 21, and 22, Block "A" VENETIAN GARDENS, Plat Book "L", Page 25, records of Orange County, Florida, and land lakeward to high water mark as such mark is shown on the Plat aforesaid.

Subject to restrictions and easements of record, if any, but this clause shall not operate to reimpose the same.

This deed shall operate as a quit-claim deed as to lands lakeward of the above-described lots and as a warranty deed only as to the above-described lots.

733405 RECORDED **DEC 19 8 53 AM 1980** **62.828** **904** Manufactured and for sale by The H. & W. S. Deed Company Jacksonville, Florida

This Warranty Deed Made the 13th day of December A. D. 1960 by

RALPH PRIEP and ALDA W. PRIEP, his wife
hereinafter called the grantor, to **JAMES C. REDIFER and JANE C. REDIFER, his wife**

whose postoffice address is 5423 Pasadena Drive, Orlando, Florida

hereinafter called the grantees:

(Wherever used herein the terms "persons" and "grantees" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

Witnesseth: That the grantor, for and in consideration of the sum of \$10.00 and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, alien, releases, conveys and confirms unto the grantees, all that certain land situate in Orange County, Florida, viz:

Lots 20, 21, and 22, Block "A" of VENETIAN GARDENS and land lakeward to high water mark as such mark is shown in Plat Book "L", page 25, of the Public Records of Orange County, Florida.

Subject to state and county taxes for the taxable year ending December 31, 1960.

STATE OF FLORIDA
DOCUMENTARY STAMP TAX
ORANGE COUNTY
RECEIVED
DEC 19 1980
2680

344. Kline St. Co. 495

75

TIIF Deed Search

JAMES C. REDIFER and JANE C. REDIFER, his wife,
hereinafter called the grantor, to

HARRISS M. GANEY and JAN C. GANEY, his wife,

RALPH PRIEP and ALDA W. PRIEP, his wife
hereinafter called the grantor, to **JAMES C. REDIFER and JANE C. REDIFER, his wife**

76

TIIF Deed Search

77



733405 RECORDED DEC 19 8 55 AM 1960 O.R. 828 604

WARRANTY DEED
DEED'S FORM OF 1961

This Warranty Deed Made the 13th day of December A.D. 1960 by
RALPH PRIEP and ALDA W. PRIEP, his wife

hereinafter called the grantor, to JAMES C. REDIFER and JANE C. REDIFER, his wife

whose postoffice address is 5423 Pasadena Drive, Orlando, Florida
hereinafter called the grantees:

(Wherever used herein the terms "grantor" and "grantee" include all the parties to this instrument and
the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

Witnesseth: That the grantor, for and in consideration of the sum of \$10.00 and other
valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, alien, re-
leases, conveys and confirms unto the grantees, all that certain land situate in
County, Florida, viz:

Lots 20, 21, and 22, Block "A" of
VENETIAN GARDENS and land lakeward
to high water mark as such mark is
shown in Plat Book "L", page 25, of
the Public Records of Orange County,
Florida.

Subject to state and county taxes for
the taxable year ending December 31, 1960.

STATE OF FLORIDA
DOCUMENTARY STAMP TAX
ORANGE COUNTY
DEC 19 1960
2680

Together

TIIF Deed Search

78



733405 RECORDED DEC 19 8 55 AM 1960 O.R. 828 604

WARRANTY DEED
DEED'S FORM OF 1961

This Warranty Deed Made the 13th day of December A.D. 1960 by
RALPH PRIEP and ALDA W. PRIEP, his wife

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the Public Records of Orange County,
Florida.

Subject to state and county taxes for
the taxable year ending December 31, 1960.

STATE OF FLORIDA
DOCUMENTARY STAMP TAX
ORANGE COUNTY
DEC 19 1960
2680

Together

TIIF Deed Search

2156070 ORANGE
WARRANTY DEED
INDIVID. TO INDIVID

Jul 11 9 25 AM '84 C.R. 3526 pg 906

RAMCO FORM C1

This Warranty Deed Made the 10th day of July A. D. 1984 by
JAMES C. REDIFER and JANE C. REDIFER, his wife,
hereinafter called the grantor, to
HARRISS M. GANEY and JAN C. GANEY, his wife,
whose postoffice address is 5423 Pasadena Dr., Orlando, FL 32809
hereinafter called the grantee:
(Wherever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations.)
Witnesseth: That the grantor, for and in consideration of the sum of \$ 10.00 and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, re-mises, releases, conveys and confirms unto the grantee, all that certain land situate in Orange County, Florida, viz:

495⁰⁰
3-L "Kane-Still Co."

Lots 20, 21, and 22, Block "A" VENETIAN GARDENS, Plat Book "L", Page 25, records of Orange County, Florida, and land lakeward to high water mark as such mark is shown on the Plat aforesaid.

Subject to restrictions and easements of record, if any, but this clause shall not operate to reimpose the same.

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79



TIIF Deed Search

2156070 ORANGE
WARRANTY DEED
INDIVID. TO INDIVID

Jul 11 9 25 AM '84 C.R. 3526 pg 906

RAMCO FORM C1

This Warranty Deed Made the 10th day of July A. D. 1984 by
JAN
hereinafter ca
HAI
whose postoff
hereinafter ca
Witness
valuable cons
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495⁰⁰
3-L "Kane-Still Co."

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80



TIIF Deed Search

- Ralph Priep and Alda W. Priep

DEP BUSINESS PORTAL Board of Trustees Land Document System
Florida Department of Environmental Protection

Public Home > Public Document Search >

Public Document Search

Searches performed using the Document Number field will search the contents of the Lease Number, Sublease Number, Sub Sublease Number, Document Number, Permit Number, and fields in BTLDs for the string of numbers entered.

Document Type: Please Select DM ID: Exact Individual Type: Please Select

First Name: Last Name: Business Name:

Document Number: Exact Recording Type: Select options Book/Page:

Document Date From: To: County: Please Select Instrument#:

STR: S E Patent Office: Please Select Volume/Component: Pie

Subdivision: Grant: Page#/Page Modifier:

Murphy Act Certificate Number/Year: Permit Application Number: Facility Name:

Search Export to Excel Reset

81

TIIF Deed Search

- Ralph Priep and Alda W. Priep

← → ↻ ⌂ prodenv.dep.state.fl.us/DslBtlds/public/piSearchDocumentResults

Apps Imported From IE LOG TIIF ReasonCode.org Speedtest The Fund Close With FREC Courses Camtasia How to Tax code US code Old Republic Nations

DEP BUSINESS PORTAL Board of Trustees Land Document System
Florida Department of Environmental Protection

Public Home > Public Document Search > Public Document Search Results >

Results for: First Name: ralph Last Name: priep Section: 18 Township: 23 Range: 30

Your query returned 3 record(s).

Search Results

DM ID	Document Date	Document Type	County	Section	Township	Range	Action
127955	02/09/1953	TFI	Orange	18	23S	30E	
127969	01/08/1953	TFI	Orange	18	23S	30E	
128159	10/29/1952	TFI	Orange	18	23S	30E	

82

TIIF Deed

FORM 6-51

Trustees of the Internal Improvement Fund of the State of Florida

DEED NO. 20292

KNOW ALL MEN BY THESE PRESENTS: That the undersigned, the Trustees of the Internal Improvement Fund of the State of Florida, under authority of law, for and in consideration of the sum of Sixty-nine and 00/100 - - - - - (\$69.00)

DOLLARS, to them in hand paid by Ralph Friep and Aida W. Friep, his wife of the County of Orange, State of Florida, have granted, bargained and sold, and do by these presents grant, bargain, sell and convey, unto the said Ralph Friep and Aida W. Friep and their heirs and assigns, the following described lands, to-wit:

All of Lots 20 and 21, Block "A", VENETIAN GARDENS, a subdivision in Section 18, Township 23 South, Range 30 East, as shown by Plat thereof as recorded in Plat Book "L", page 25 of the Public Records of Orange County, Florida, which lie entirely lakeward of the ordinary high water mark of Lake Conway, containing 0.23 of an acre, more or less, lying and being in Orange County, Florida.

containing 0.23 acres, more or less, and lying and being in the County of Orange, in said State of Florida.

TO HAVE AND TO HOLD the above granted and described premises forever.

SAVING AND RESERVING unto the said Trustees of the Internal Improvement Fund of the State of Florida, and their successors, title to an undivided three-fourths of all phosphate, minerals and metals, and title to an undivided one-half of all petroleum that may be in, on or under the above described land, with the privilege to mine and develop the same.

OTHER RESERVATIONS: (None)

IN TESTIMONY WHEREOF, the said Trustees have hereunto subscribed their names and affixed their seal and have caused the seal of THE DEPARTMENT OF AGRICULTURE OF THE STATE OF FLORIDA to be hereunto affixed, at the Capitol, in the City of Tallahassee, on this the 9th, day of February, A. D. Nineteen Hundred and fifty-three.

Sent to
Central Title & Trust Co.
25 West Central Avenue
Orlando, Florida
February 13th, 1953

(SEAL)
TRUSTEES I. I. FUND

(SEAL)
DEPARTMENT OF AGRICULTURE

Don McCarry (SEAL)
Governor
C. M. Jay (SEAL)
Comptroller
J. Edwin Larson (SEAL)
Treasurer
Richard F. Egan (SEAL)
Attorney General
Hobbes Mayo (SEAL)
Commissioner of Agriculture

As and Comptroller the
TRUSTEES OF THE INTERNAL IMPROVEMENT
FUND OF THE STATE OF FLORIDA

83



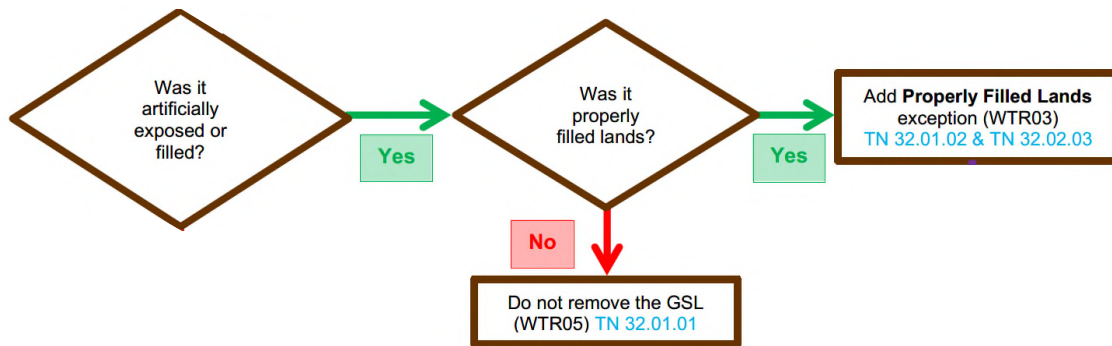
TIIF Deed

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84



Flowchart – Filled Lands



The Policy will not insure against loss or damage resulting from the terms and provisions of any lease or easement identified in Schedule A and will include the following Exceptions unless cleared to the satisfaction of the Company:

1. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the Public Records or attaching subsequent to the Effective Date hereof but prior to the date the Proposed Insured acquires for value of record the estate or interest or Mortgage thereon covered by this Commitment.
2.
 - a. The lien of all taxes or special assessments for the year ____ and thereafter, which are not yet due and payable.
 - b. Rights or claims of parties in possession not recorded in the Public Records.
 - c. Any encroachment, encumbrance, violation, variation, or adverse circumstance that would be disclosed by an inspection or an accurate and complete land survey of the Land and inspection of the Land.
 - d. Easements, or claims of easements, not recorded in the Public Records.
 - e. Any lien, or right to a lien, for services, labor, or material furnished, imposed by law and not recorded in the Public Records.
3. INTENTIONALLY DELETED
4. Riparian and littoral rights are not insured.
5. Possible right of the public to use that part of the Land adjacent to the water's edge that is now, or was formerly, regularly used by the public for recreational purposes.
6. Any portion of the Land lying waterward of the ordinary high water mark of Lake Conway, and lands accreted thereto.
7. The right of the United States Government, in the interest of navigation and commerce, to regulate any portion of the Land that was formerly submerged by navigable waters.

Flowchart Dock



87
The Fund

Dock

- If there is a dock shown on the survey add exception:
 - “Encroachment of dock off the subject property into (name the water body), as shown by survey by (name surveyor), surveyor dated (date of survey)(Job number of survey).”
- TN 8.05.05(C)
- [Insuring Boat Docks and Boat Slips](#), 38 *Fund Concept* 121 (Sept. 2006)



88
The Fund

Flowchart

Flowchart complete if you still
have questions contact
underwriting counsel

Commitment is Complete

- Subject property is near water
- “INTENTIONALLY DELETED” the GSL
- Added specific water exceptions
- Need to review survey
 - For additional exceptions
 - Such as the dock
 - To determine if some exceptions are not necessary

The Policy will not insure against loss or damage resulting from the terms and provisions of any lease or easement identified in Schedule A and will include the following Exceptions unless cleared to the satisfaction of the Company:

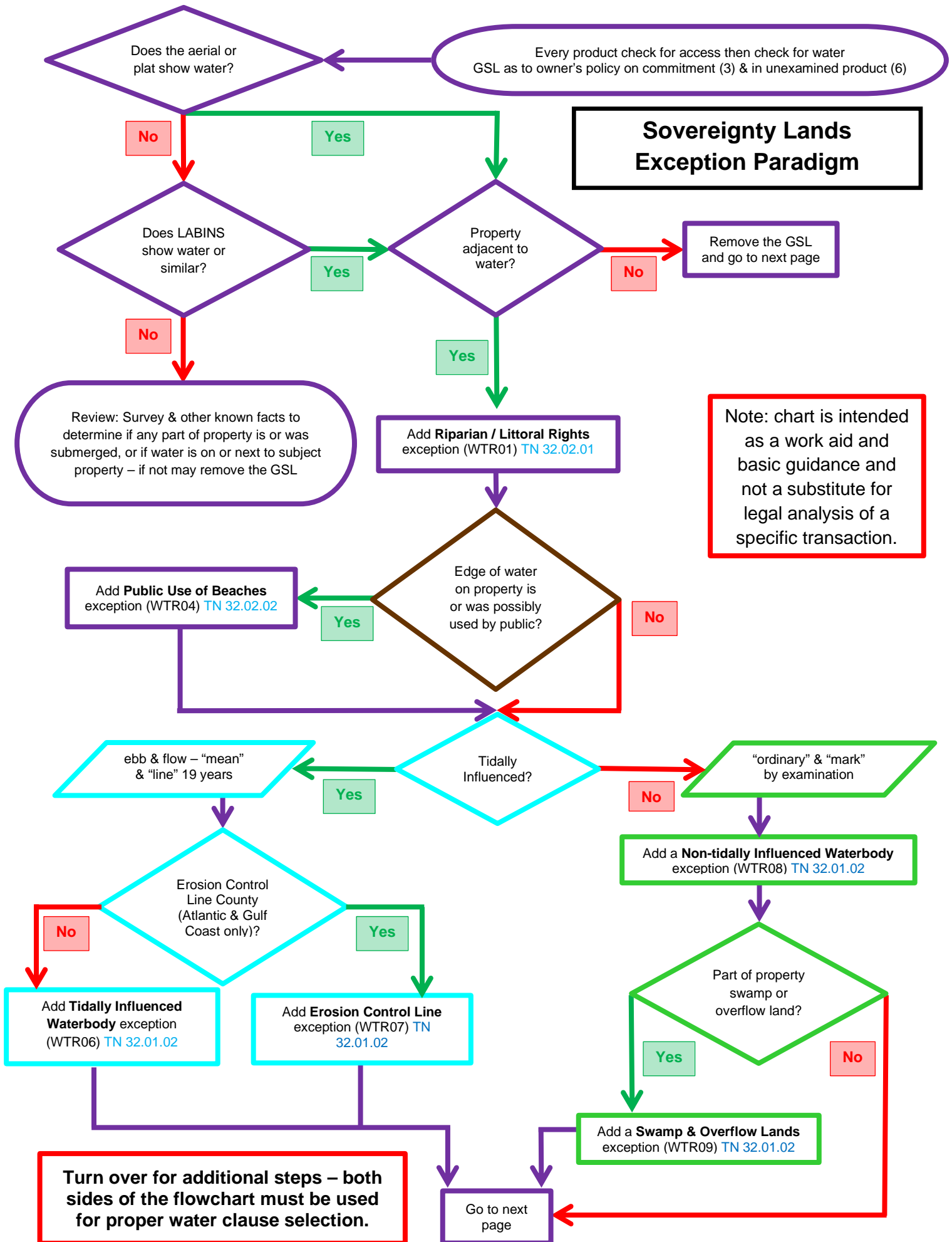
1. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the Public Records or attaching subsequent to the Effective Date hereof but prior to the date the Proposed Insured acquires for value of record the estate or interest or Mortgage thereon covered by this Commitment.
2.
 - a. The lien of all taxes or special assessments for the year ____ and thereafter, which are not yet due and payable.
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 - c. Any encroachment, encumbrance, violation, variation, or adverse circumstance that would be disclosed by an inspection or an accurate and complete land survey of the Land and inspection of the Land.
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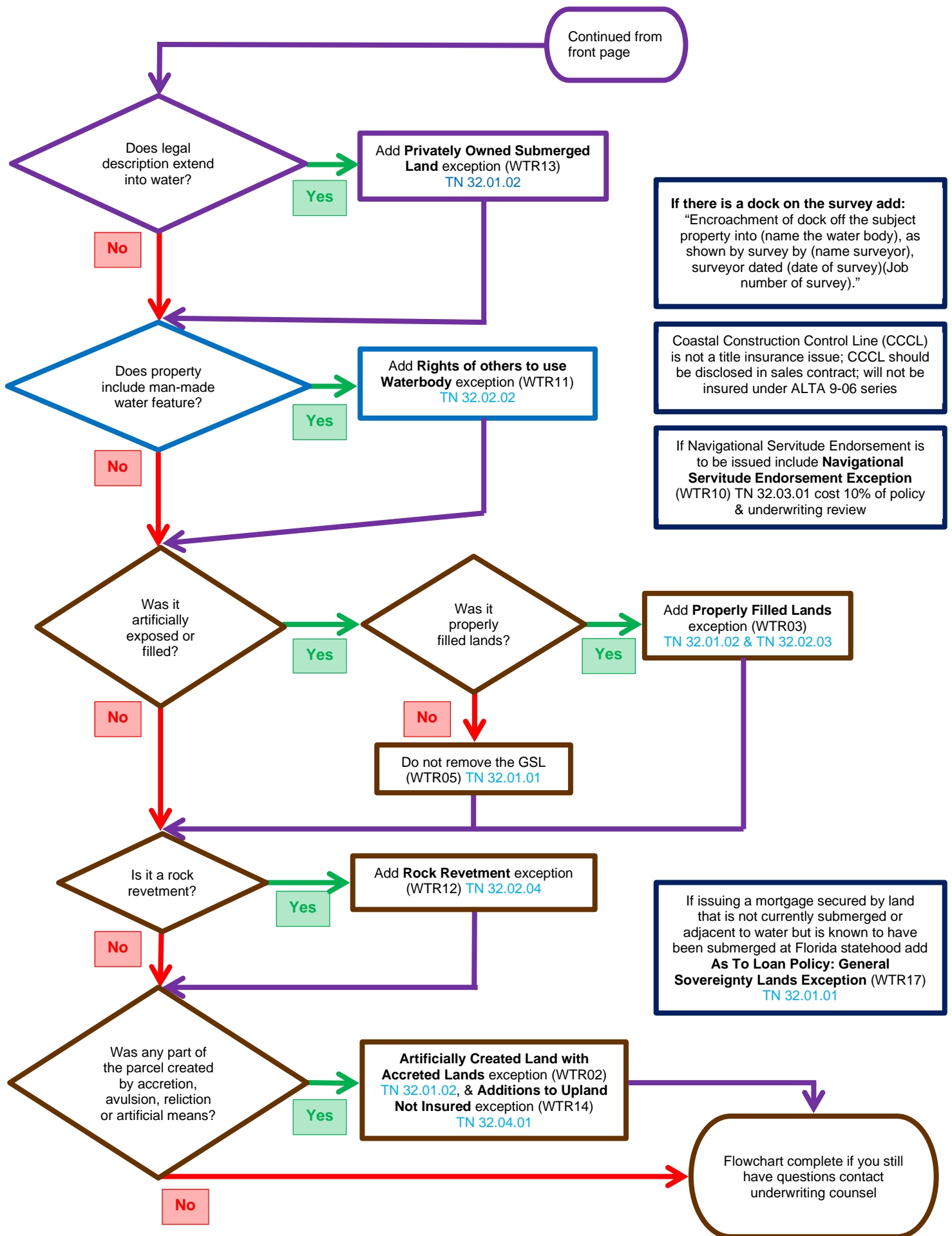


Resources

- List of resources
 - Internet websites
 - Florida Statutes
 - Cases
 - Fund resources
 - Flowchart
 - Sovereignty lands definitions
 - Cross-reference chart
- To obtain a determination whether an existing or proposed structure or activity is located on sovereignty lands, contact DEP Title and Land Records Section at (850) 245-2788







Resources

- I. Historical surveys and aerials Land Boundary Information System (LABINS)
<http://www.labins.org>
- II. Land document search Trustees of the Internal Improvement Trust Fund (TIIF) Deed
<http://prodenv.dep.state.fl.us/DslBtlds/public/piSearchDocumentLoad>
- III. County property appraisers websites in Florida
<http://floridarevenue.com/dor/property/appraisers.html>
- IV. U. S. Army Corps of Engineers
<http://www.usace.army.mil>
- V. Current aerials
 - A. Google
 - B. Zillow
 - C. Trulia
- VI. Statutes, Constitution, & Laws of Florida
 - A. [FLA. CONST. art. X, § 11](#)
 - B. Riparian Rights Act of 1856, ch. 791, Laws of Fla. (1856) (repealed 1921)
 - C. Butler Act, ch. 8537, Laws of Fla. (1921) (repealed 1957)
 - D. [FLA. STAT. ch. 161](#) – Beach and Shore Preservation
 - E. [FLA. STAT. ch. 253](#) – State Lands
 - F. [FLA. STAT. ch. 258](#) – State Parks and Preserves
 - G. [FLA. STAT. ch. 373](#) – Water Resources
 - H. [FLA. STAT. § 26.012](#) – Jurisdiction of Circuit Court
 - I. [FLA. STAT. § 177.25-177.40](#) – Land Boundaries
 - J. [FLA. STAT. § 177.27\(14\)](#) - “Mean high water”
- VII. Cases
 - A. Navigability
 - 1. *The Daniel Ball*, 77 U.S. 557 (1870)
 - 2. *Bucki v. Cone*, 6 So. 160 (Fla. 1889)
 - 3. *Broward v. Mabry*, 50 So. 826 (Fla. 1909)
 - 4. *Clement v. Watson*, 58 So. 25 (Fla. 1912)
 - 5. *Odom v. Deltona Corp.*, 341 So.2d 977 (Fla. 1977)
 - B. Conveyance
 - 1. *Sullivan v. Richardson*, 14 So. 692 (Fla. 1894)
 - 2. *State ex rel. Ellis v. Gerbing*, 47 So. 353 (Fla. 1908)
 - 3. *City of W. Palm Beach v. Bd. of Trs. of Internal Impvmt. Trust Fund*, 714 So. 2d 1060 (Fla. 1998)
 - 4. *Coastal Petroleum Co. v. Am. Cyanamid Co.*, 492 So.2d 339 (Fla. 1986)
 - 5. *Phillips Petroleum Co. v. Mississippi*, 108 S.Ct. 791 (1988)
 - C. Boundary
 - 1. *Martin v. Busch*, 112 So. 274 (Fla. 1927)
 - 2. *Tilden v. Smith*, 113 So. 708 (Fla. 1927)

3. *Bd. of Trs. of Internal Improvement Trust Fund v. Bd. of Prof'l Land Surveyors*, 566 So. 2d 1358 (Fla. 1st DCA 1990)
4. *Mexico Beach Corp. v. St. Joe Paper Co.*, 97 So. 2d 708 (Fla. 1st DCA 1957)
- D. Upland rights
 1. *City of Daytona Beach v. Tona-Rama, Inc.*, 294 So. 2d. 73 (Fla. 1974)
- VIII. Attorneys' Title Fund Services, LLC Publications
 - A. *The Fund Concept* articles
 1. [Claims of State Sovereignty Lands – Pandora's Box Opened?](#), 18 *Fund Concept* 65 (Sept. 1986)
 2. [Sovereignty Lands - Exceptions Required in Fund Policies](#), 22 *Fund Concept* 49 (June 1990)
 3. [Navigational Servitude Endorsement](#), 23 *Fund Concept* 65 (July 1991)
 4. [Insuring Filled Lands](#), 25 *Fund Concept* 73 (June 1993)
 5. [The Effect of Spanish Land Grants on Sovereignty Lands](#), 27 *Fund Concept* 7 (Jan. 1995)
 6. [Improvements Under the Butler Act Defined](#), 28 *Fund Concept* 147 (Oct. 1996)
 7. [Riparian Rights Are Not Insurable](#), 29 *Fund Concept* 179 (Dec. 1997)
 8. [Insuring Boat Docks and Boat Slips](#), 38 *Fund Concept* 121 (Sept. 2006)
 9. [Good Things to Know About Insuring Filled Lands](#), 45 *Fund Concept* 49 (June 2013)
 10. [Demystifying Water Rights: The General Sovereignty Lands Exception](#), 47 *Fund Concept* 179 (Nov. 2015)
 - B. *Fund Title Notes*
 1. Chapter 26 – *Public Lands*
 - a) TN 26.01.02 – *State Lands – Trustees of the Internal Improvement Trust Fund*
 2. Chapter 32 – *Waters and Watercourses*
 - C. Standard Commitment Clauses Handbook
 1. Chapter 3 – Exceptions (E)
 - a) L. Water / Submerged Land Rights
 - (1) E-12.1 through E-12.17
 - D. Flowchart (attached)
 - E. Definitions (attached)
 - F. Cross-reference chart (attached)

Sovereignty Lands Definitions

- a. **Accretion** – extension of land due to natural, gradual and imperceptible addition of material.
- b. **Artificially exposed** – lands which are exposed due to the course of water or water body having been artificially altered (e.g. dam).
- c. **Avulsion** – sudden, perceptible addition of sand or sediment caused by a natural event.
- d. **Erosion control line** – in some counties this line is established and replaces the high water line as the boundary between private and state-owned lands.
- e. **Equal Footing Doctrine** – Constitutional doctrine that states admitted to the United States did so on “equal footing” with the 13 colonies that formed the United States. Since the original colonies retained sovereignty and jurisdiction over the navigable waters and the soil beneath them within their boundaries, newly admitted states retained that same sovereignty and jurisdiction. If this were not the case, there would need to be deeds from the United States as to those lands.
- f. **Filled lands** – lands artificially filled – may be found near tidally influenced water – state may or may not have given up its interest but the United States did not give up their interest as to control of navigation rights.
- g. **General Sovereignty Lands (GSL) exception** – an exception to owner's title policy coverage based upon the difficulty of ascertaining historical facts about the artificial alteration of water features by dredging, filling, draining, pumping, and other means. Also used as a reminder to check for water issues on the subject property.
- h. **Littoral rights** – rights which run with the land adjacent to ocean, gulf or lakes up to the high water mark as established over 19 years (e.g. landowner's right to use the water for swimming, irrigation, boating, fishing, etc.).
- i. **Meandered lakes** – one hundred-ninety lakes which were surveyed all the way around at the shoreline (not the boundary) at time of Florida's statehood, presumed to be navigable. Just because a lake was not meandered does not mean that the lake is not navigable.
- j. **Meandered rivers** – rivers which were surveyed at the banks (not the boundary) at the time of statehood, presumed to be navigable. Just because a river was not meandered does not mean that the river is not navigable.
- k. **Navigable**
 - River, stream or creek – able to float a product to market in 1845.
 - Lakes – fresh water lakes are presumed to have been navigable in 1845.
- l. **Navigable for commercial purposes** – could it have been used for commercial purposes at the time of statehood? If it is dry now – what was it then? If so, it belongs to the state.
- m. **Non-tidally influenced** – waters not influenced by the ebb and flow of the tides.
- n. **Reliction** – lands which were covered by water and are now dry through natural, imperceptible recession of water.
- o. **Riparian rights** – rights which run with the land adjacent to rivers or streams (e.g. landowner's right to use the water for swimming, irrigation, boating, fishing, etc.).
- p. **Rock revetment** – rocks used to protect an embankment (e.g. jetty).

- q. **Seawall or bulkhead** – strong wall of embankment to prevent encroachments of the sea.
- r. **Sovereignty lands** – lands owned by the State of Florida or the United States.
- s. **Spoil islands** – islands created from dredged materials.
- t. **Submerged lands** – lands under water.
- u. **Tidally influenced water** – water subject to the ebb and flow of the tides.
- v. **TIIF** (Trustees of the Internal Improvement Trust Fund) **deed** – a deed from the state to private ownership – needs to specifically transfer submerged lands to so transfer.

Clause Number	Name	Title Note
WTR01	Any Body of Water: Riparian / Littoral Rights	32.02.01
WTR02	Artificially Created Land with Accreted Lands	32.01.02
WTR03	Properly Filled Lands (Navigational Servitude Exception)	32.01.02
WTR04	Public Use of Beaches	32.02.02
WTR05	General Sovereignty Lands Exception se	32.01.01
WTR06	Tidally Influenced Waterbody	32.01.02
WTR07	Erosion Control Line	32.01.02
WTR08	Non-tidally Influenced (generally freshwater) Waterbody	32.01.02
WTR09	Swamp and Overflow Lands	32.01.02
WTR10	Navigational Servitude Endorsement Exception	32.03.01
WTR11	Rights of others to use Waterbody	32.02.02
WTR12	Rock Revetment	32.02.04
WTR13	Privately Owned Submerged Land	32.01.02
WTR14	Additions to Upland Not Insured	32.04.01



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Certified Paralegals are required to record evidence of 50 hours of continuing legal education hours to renew the CP credential every 5 years. CLE hours are recorded in CPs' accounts through the [NALA online portal](https://www.nala.org/certification/certtest2view). Of the 50 hours, 5 hours must be in legal ethics, and no more than 10 hours may be recorded in non-substantive areas. If attending a non-NALA sponsored educational event, this certificate may be used to obtain verification of attendance. Please be sure to obtain the required signatures for verification of attendance. The requirements to maintain the CP credential are available from NALA's web site at <https://www.nala.org/certification/certtest2view>. Please keep this certificate in the event of a CLE audit or further information is needed.

PLEASE COMPLETE THE SPACES BELOW AND ATTACH A PROGRAM

Session Length In Hours	Session Topics (Description and Speakers)	Validation of Attendance
1.0	How to Address Sovereignty Lands Issues in Florida / Linda Monaco	<i>Linda Monaco</i>

Name of CP (Please Print)			NALA Account Number (On Mailing Label)		
			149113		
Signature of CP			Name of Seminar/Program Sponsor		
			How to Address Sovereignty Lands Issues in Fla / ATFS, Inc.		
Address			Authorized Signature of Sponsor Representative		
			<i>Linda Monaco</i>		
			Date of Educational Event:		
City:		State (XX):			
Preferred e-mail address				Location:	
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FL BAR Reference Number: 2408173N

Title: How to Address Sovereignty Lands Issues in Florida

Level: Intermediate

Approval Period: 10/01/2024 – 04/30/2026

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