

An underwater photograph showing a large school of small, silvery fish swimming around a rusty, vertical metal structure on the seabed. The water is clear and blue, and the seabed is sandy with some rocks and debris.

# Permitting and Development in the Coastal Marine Environment

## Part I



## Moderator

**Andy Baumann, Lewis, Longman & Walker, P.A.**



## Your Panel

**Matt Butler, P.E., Isiminger & Stubbs, Engineering, Inc.**

**Andrew J. Baumann, Lewis, Longman & Walker, P.A.**

**Tim Rach, Department of Environmental Protection**

**Amelia Savage, Hopping Green Sams, P.A.**





# Sovereign Submerged Lands Considerations

## ARTICLE X THE FLORIDA CONSTITUTION

**SECTION 11. Sovereignty lands.**--The title to lands under navigable waters, within the boundaries of the state, which have not been alienated, including beaches below mean high water lines, is held by the state, by virtue of its sovereignty, in trust for all the people. Sale of such lands may be authorized by law, but only when in the public interest. Private use of portions of such lands may be authorized by law, but only when not contrary to the public interest.

**History.**--Am. H.J.R. 792, 1970; adopted 1970.





# SOVEREIGNTY LAND CONSIDERATIONS

**Navigable at Statehood – was it?**

**Tidal or Non-Tidal – is it?**

**Has it been conveyed by the State of Florida?**

Fee vs. Less than Fee

Use Limitations (Deed Restrictions)

Reverter Clauses



An underwater photograph showing a rusty, vertical metal piling or pier structure. Numerous small, silvery fish are swimming in the clear blue water around the piling. The scene is set in a shallow, clear body of water with a sandy or rocky bottom visible at the base of the piling.

# NOT SOVEREIGNTY LAND

- DREDGED FROM UPLANDS
- LEGISLATIVE ACTS
- SUBMERGED LAND CONVEYANCES
- NON-TIDAL/NON-NAVIGABLE
- AVULSION AND ACCRETION
- STATUTES THAT CLEAR TITLE TO FILLED OR IMPROVED LANDS

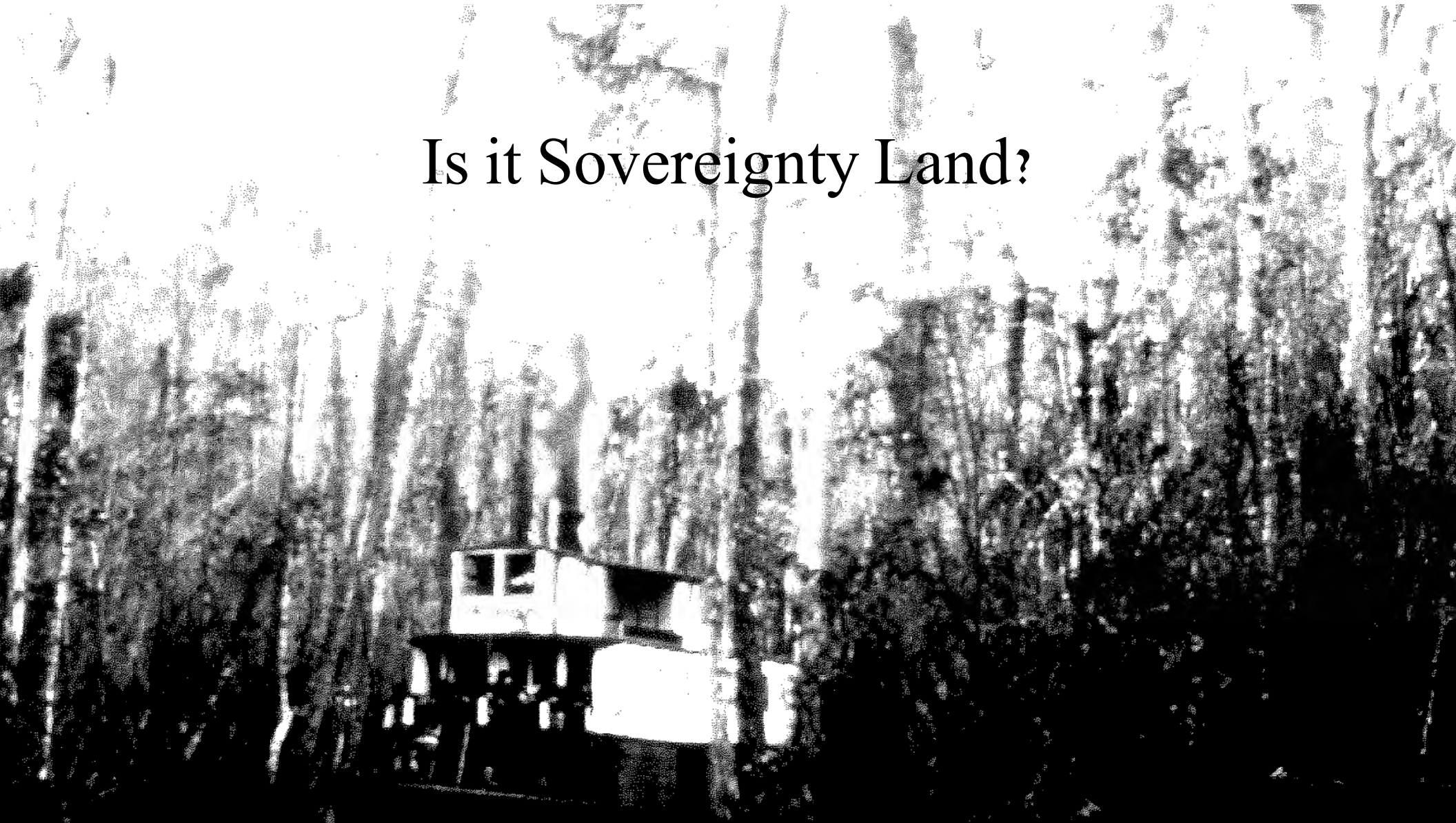


# STILL SOVEREIGNTY LAND

- SOVEREIGNTY LANDS DESCRIBED IN PRIVATE DEEDS
- TAX DEEDS
- SPANISH LAND GRANTS
- SWAMP AND OVERFLOW DEEDS
- U.S. LAND PATENTS AND SWAMP AND OVERFLOWED LANDS DEEDS
- DREDGED FROM LANDS BELOW MHW/OHW
- WAS NOT MEANDERED
- FILLED LANDS



Is it Sovereignty Land?

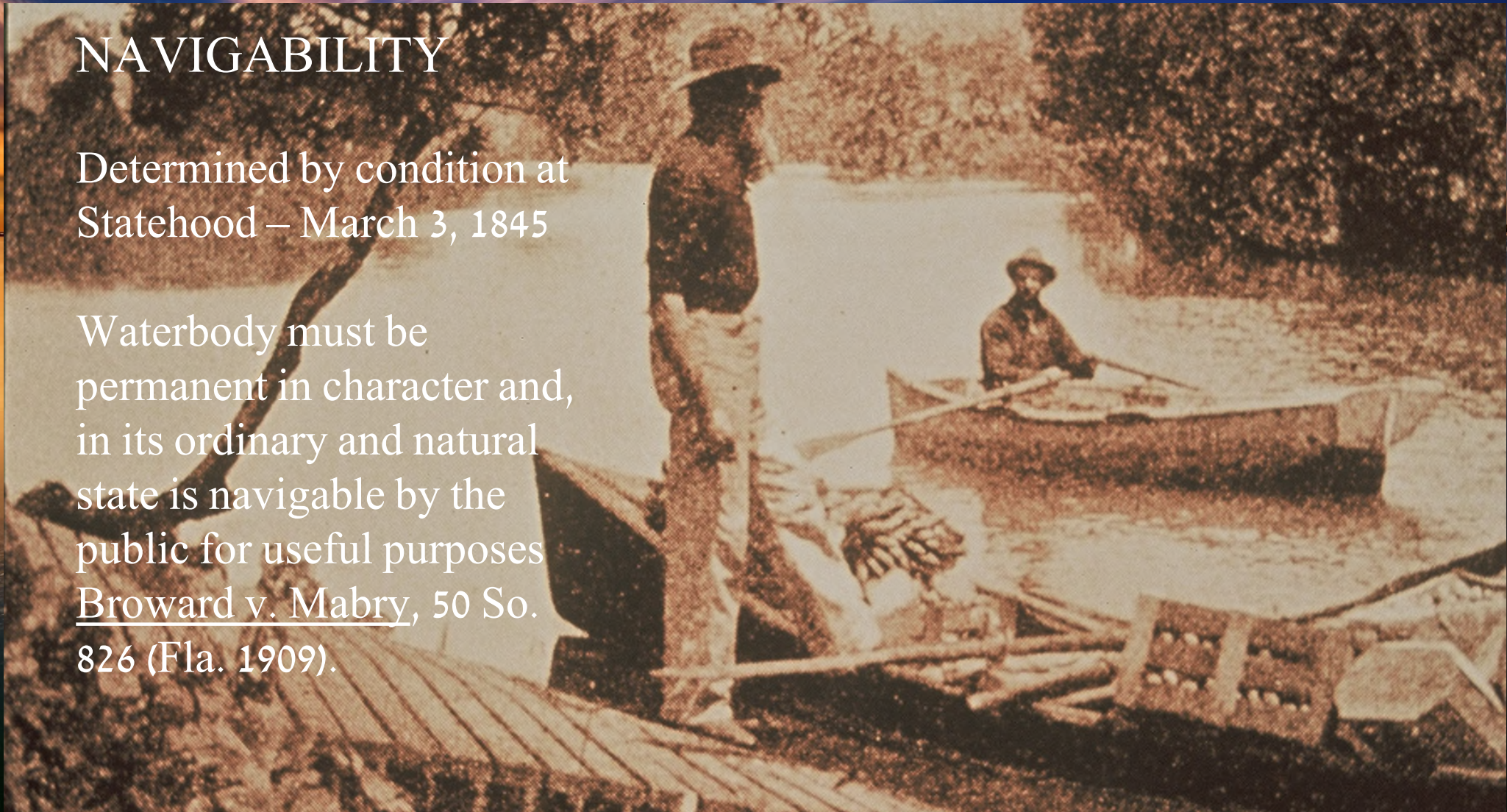




# NAVIGABILITY

Determined by condition at  
Statehood – March 3, 1845

Waterbody must be  
permanent in character and,  
in its ordinary and natural  
state is navigable by the  
public for useful purposes  
Broward v. Mabry, 50 So.  
826 (Fla. 1909).

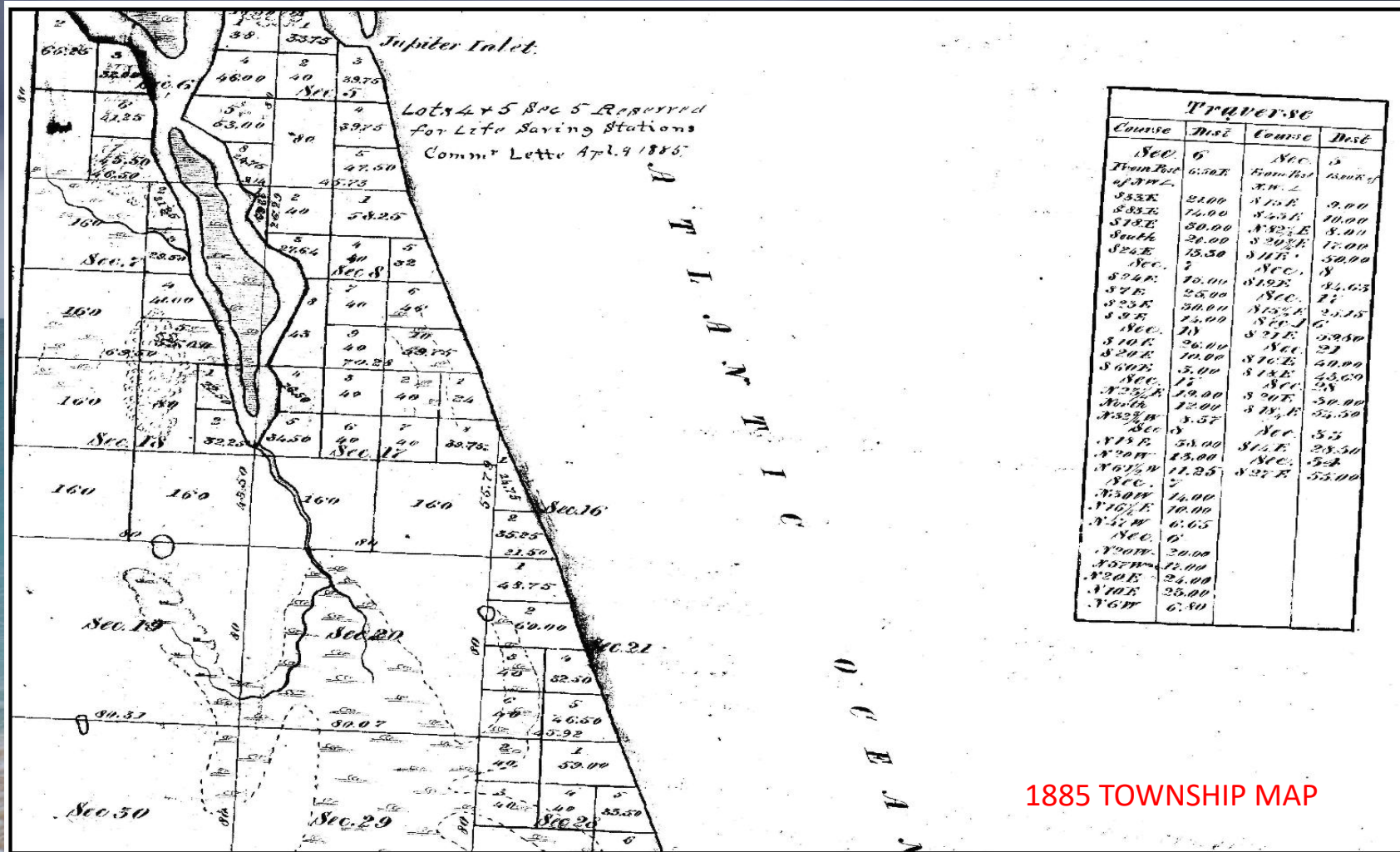




# SSL DETERMINATION – IMPORTANT REFERENCES

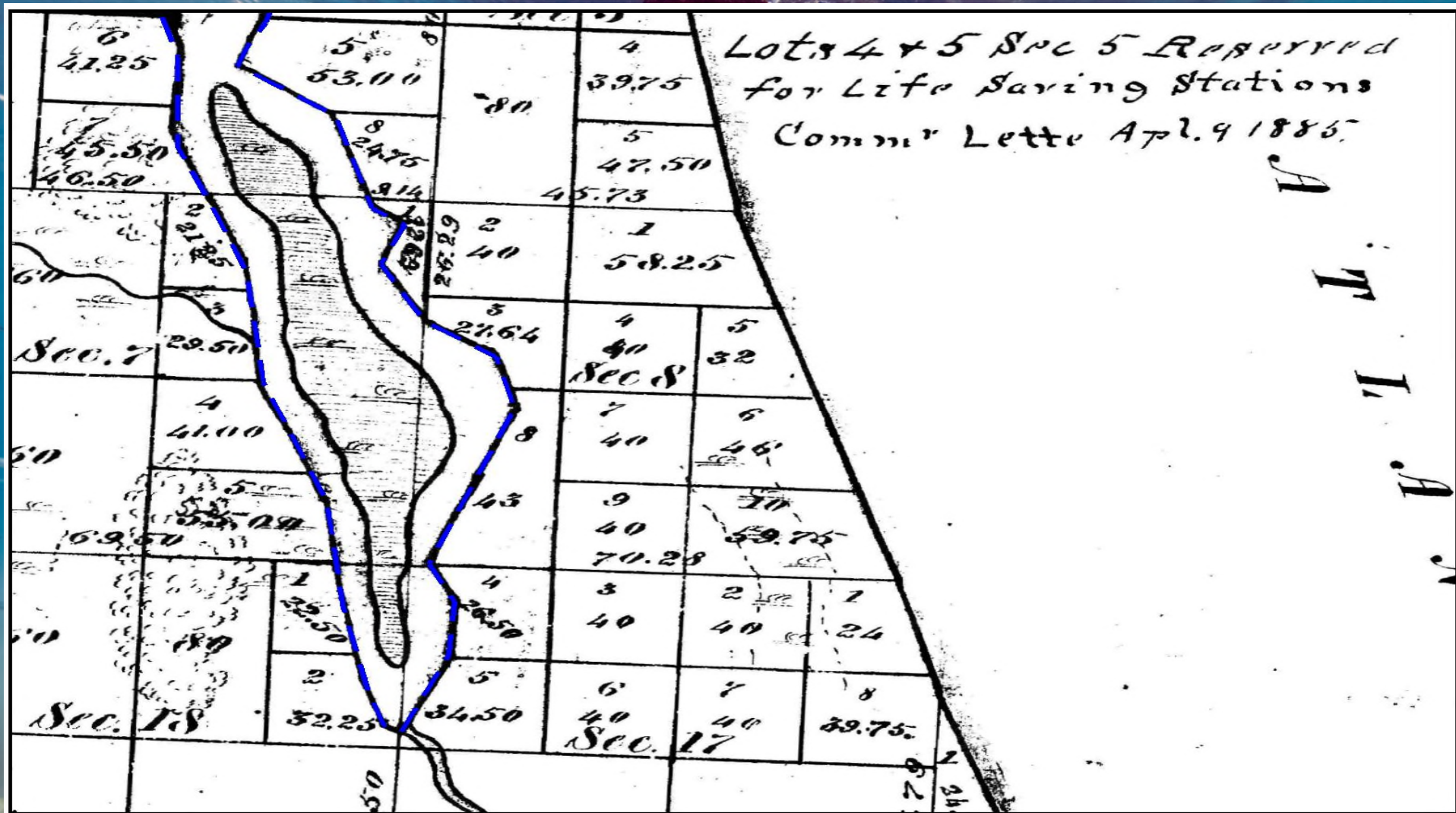
- BOT LAND DOCUMENT SEARCH – TWP MAPS
- DEP'S MAP DIRECT – [CA.DEP.STATE.FL.US/MAPDIRECT/](http://CA.DEP.STATE.FL.US/MAPDIRECT/)
- HISTORICAL AERIALS – COUNTY, UF AERIALS –  
[UFDC.UFL.EDU/AERIALS/MAP](http://UFDC.UFL.EDU/AERIALS/MAP)
- SURVEYS
- DEP'S LABINS – [LABINS.ORG](http://LABINS.ORG)



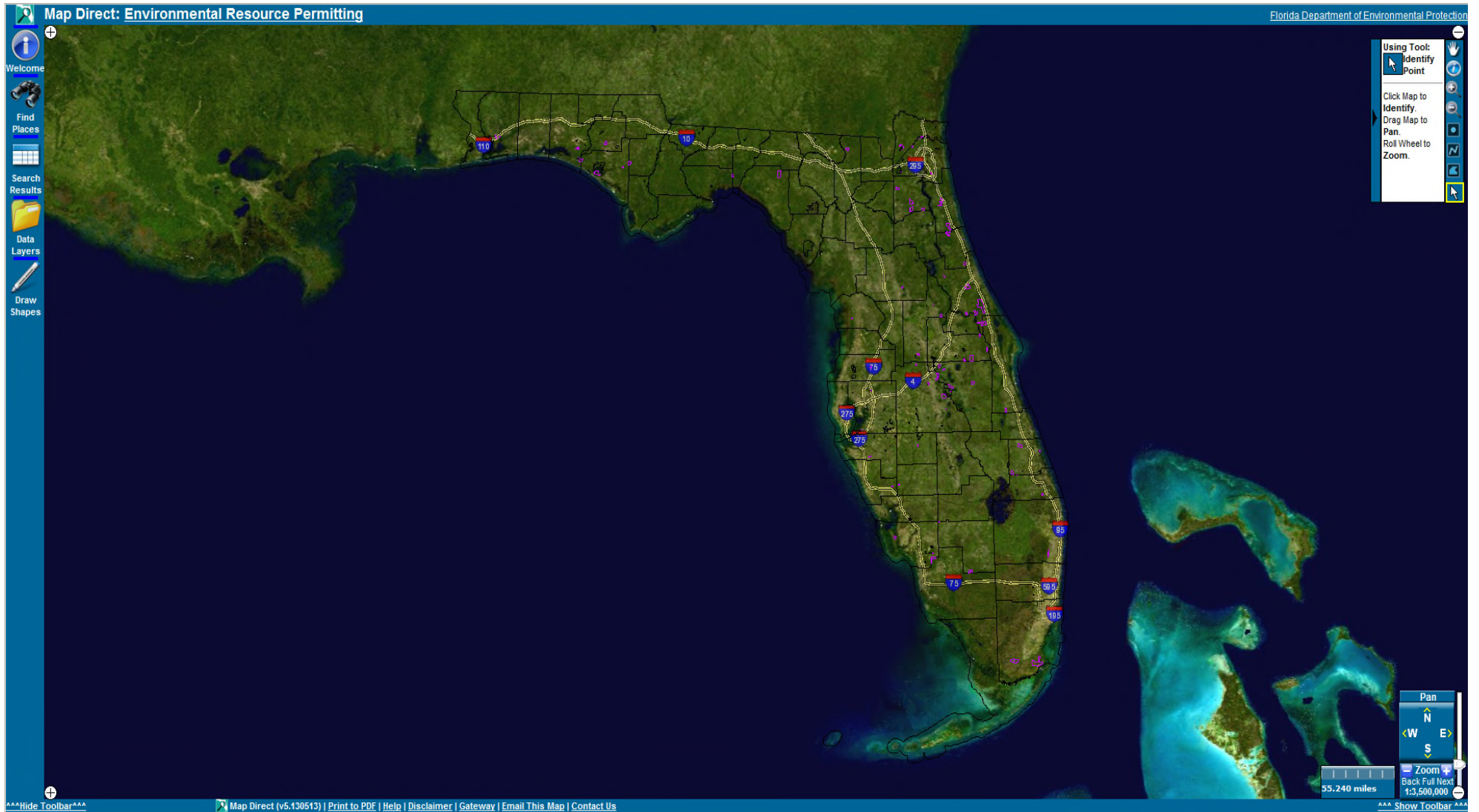


1885 TOWNSHIP MAP







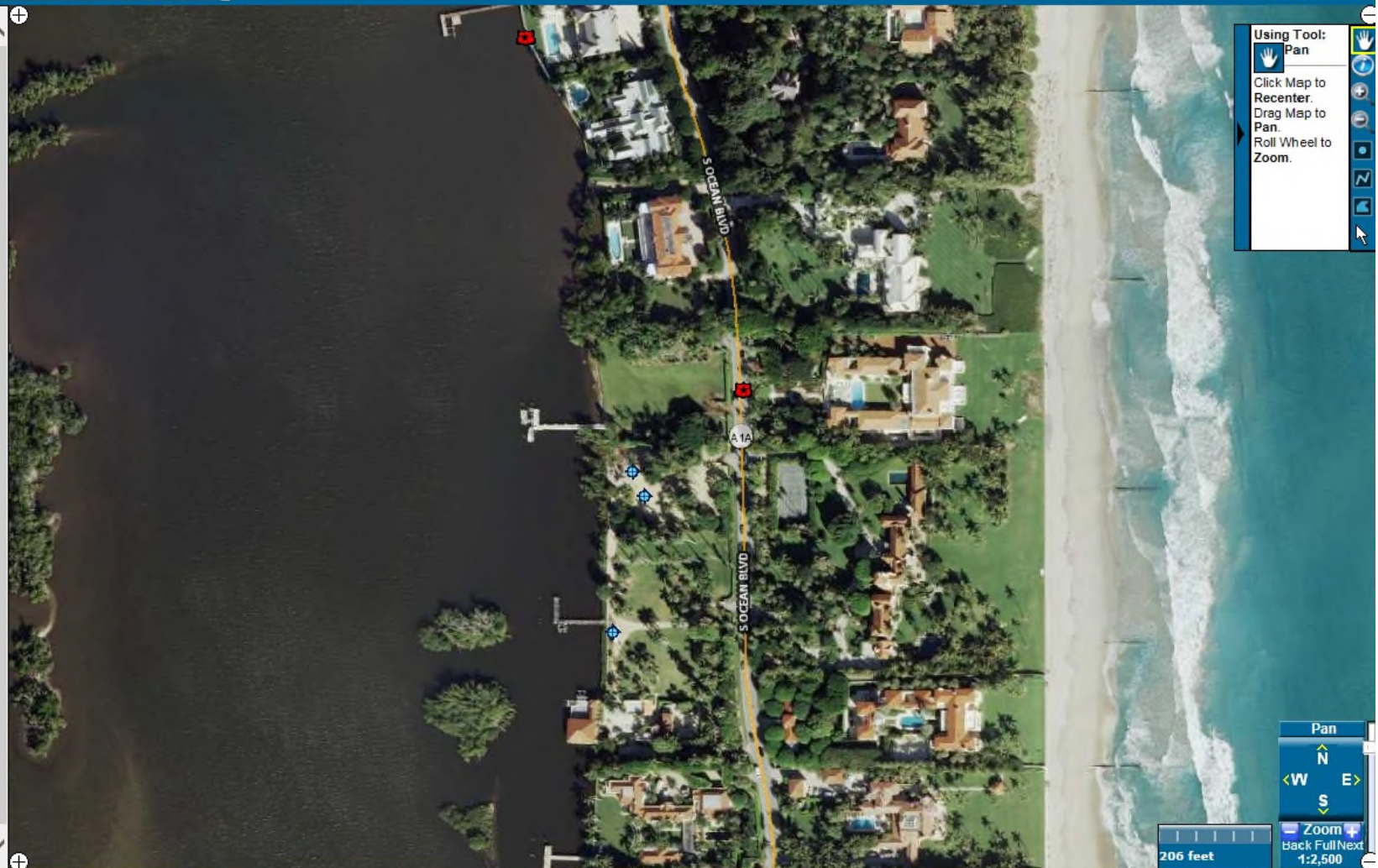


<http://ca.dep.state.fl.us/mapdirect/>



Choose a different Find Tool:

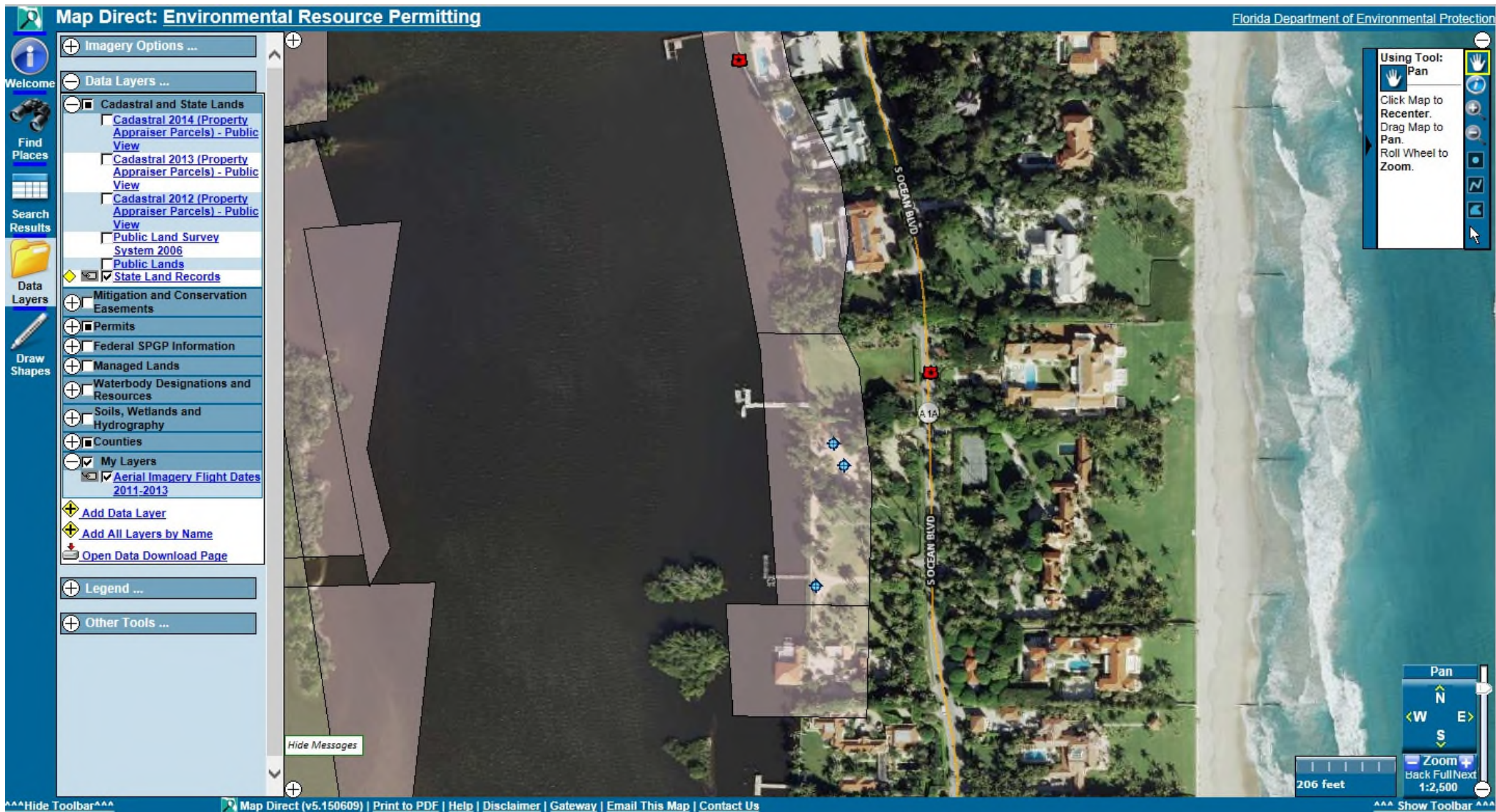
-  Find Address, County ...
-  Find Facility, Site ...
-  Find ERP Compliance & Enforcement (ERPce)
-  Find ERP Permitting Application (ERPpa)
-  Find State Land Parcel by Lease Number
-  Find Map Coordinate ...
-  Find Something Else ...



**Using Tool:**  
 **Pan**  
Click Map to  
Recenter.  
Drag Map to  
Pan.  
Roll Wheel to  
Zoom.

Pan  
N  
W E  
S  
Zoom  
Back Full Next  
1:2,500







**Using Tool:**  
Selection Box

Click Map or Drag Box to Identify Selected Area. Roll Wheel to Zoom.









# SSL Determination Example





# SSL Determination Example



1940 AERIAL



# SSL Determination Example



Quad map from LABINS



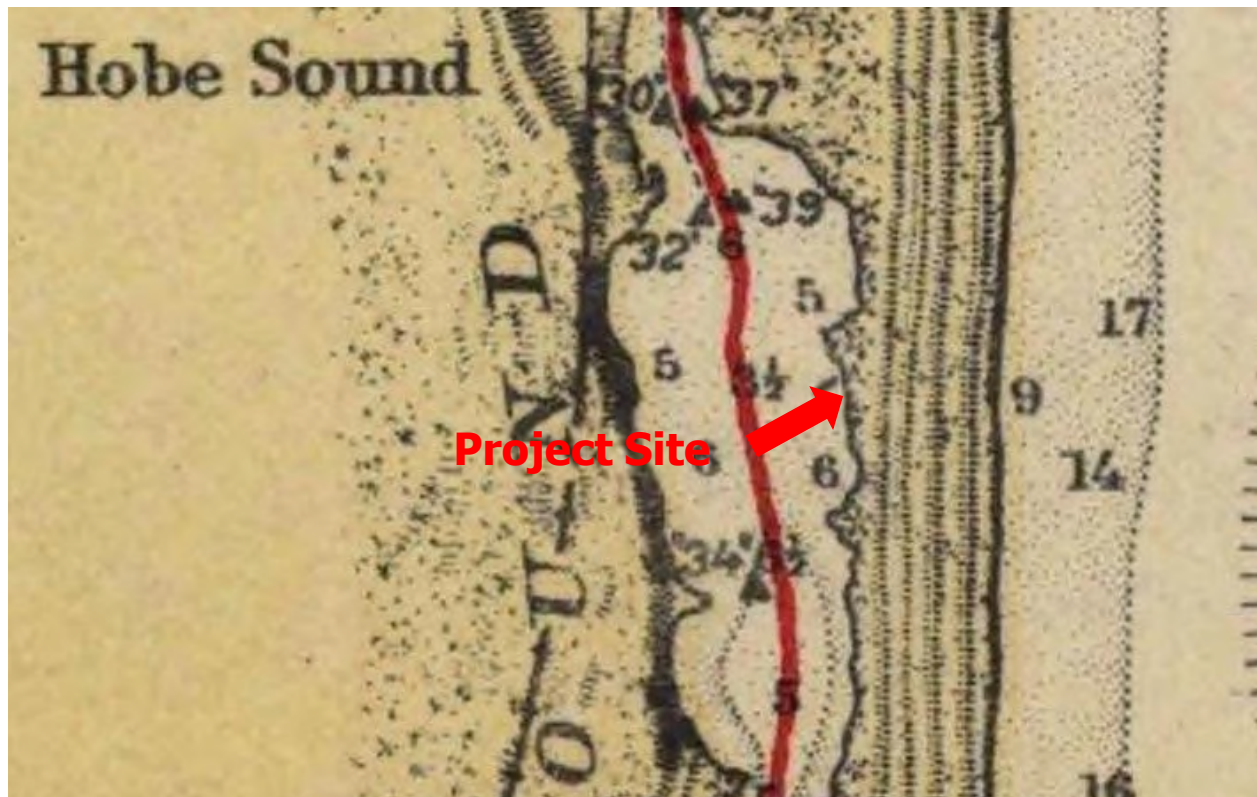
# SSL Determination Example



1932 United States Coast and Geodetic Survey Map

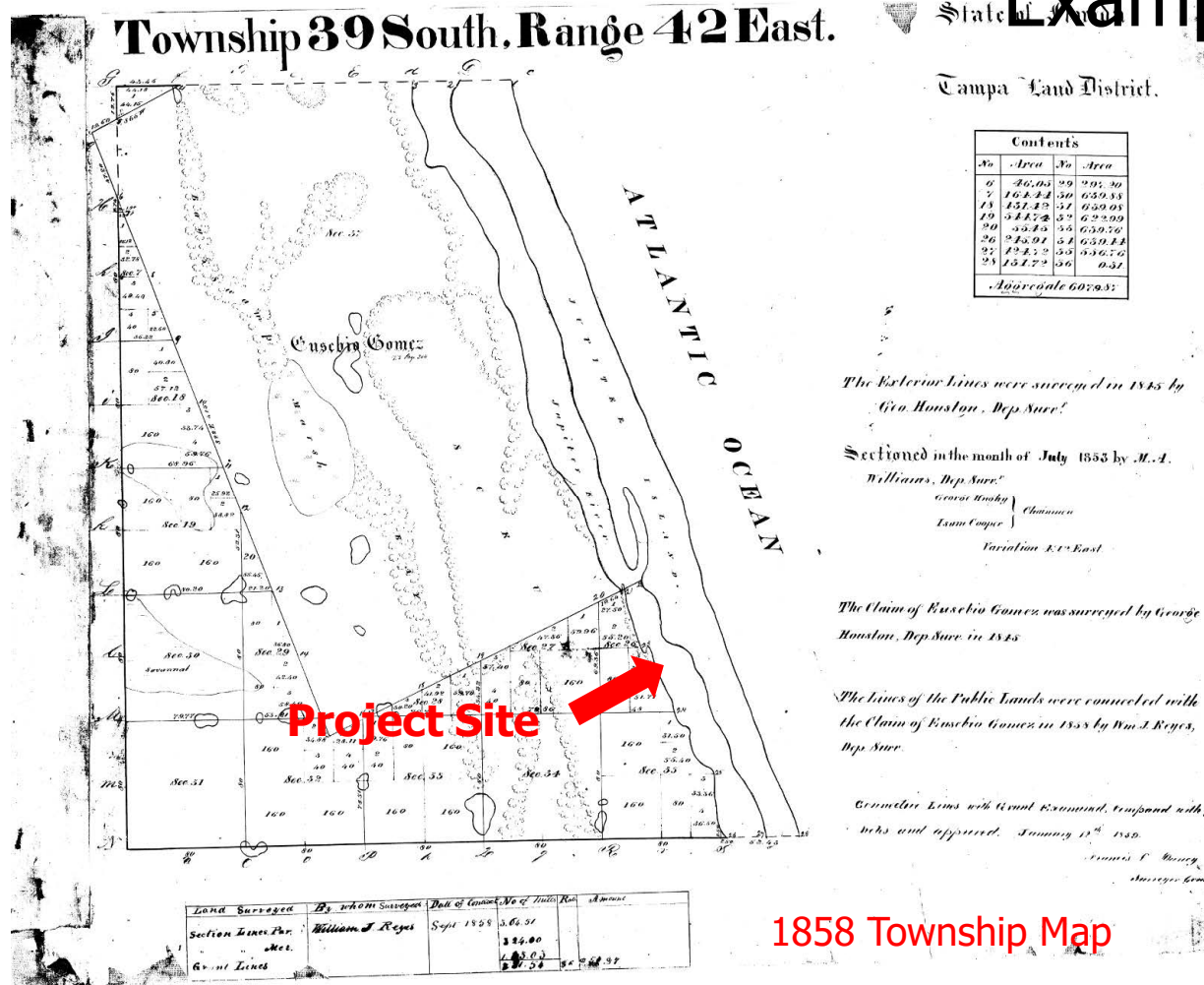


# SSL Determination Example



1929 United States Coast and Geodetic Survey Map

# SSL Determination Example



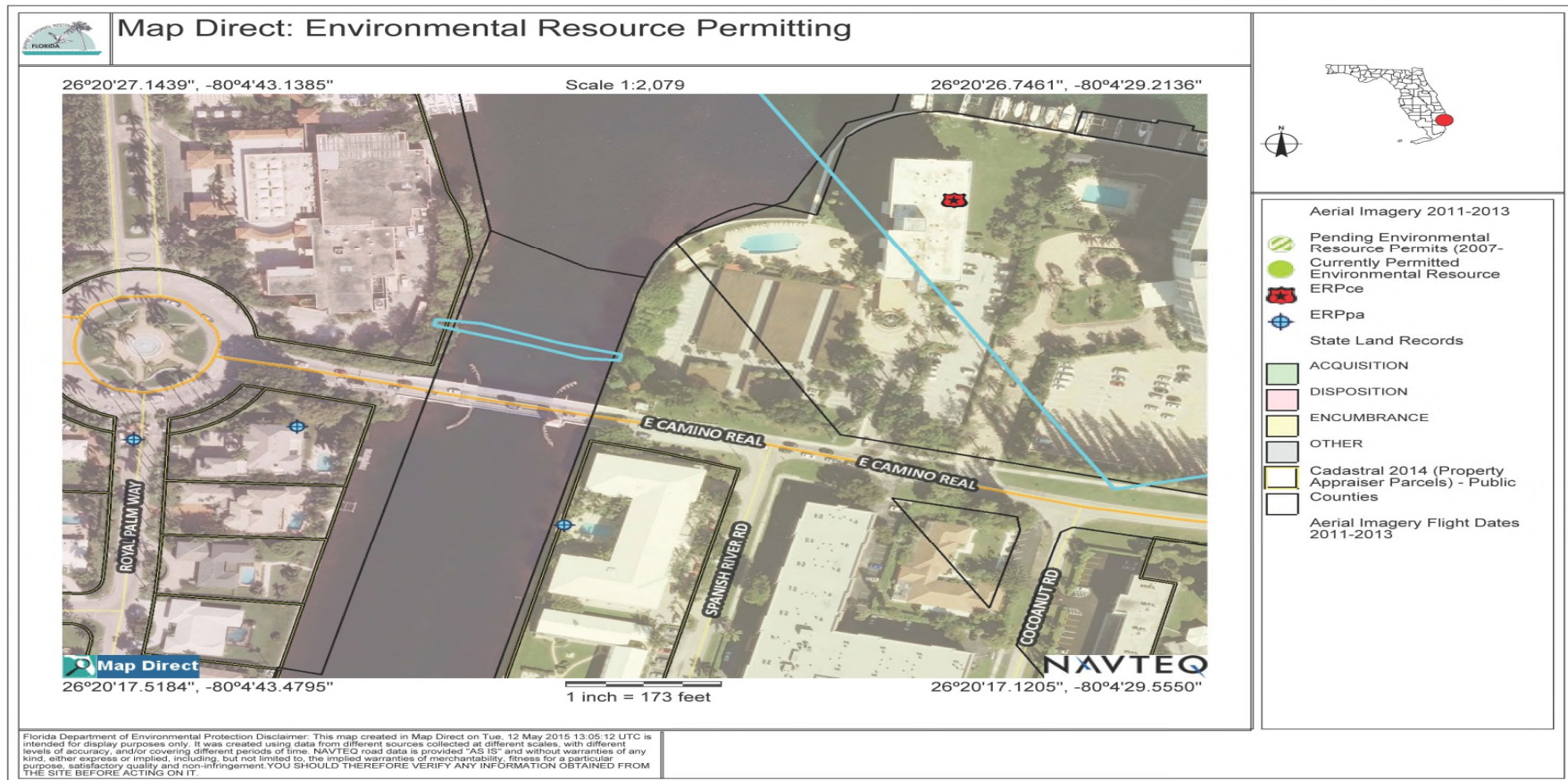


# SSL Determination Example



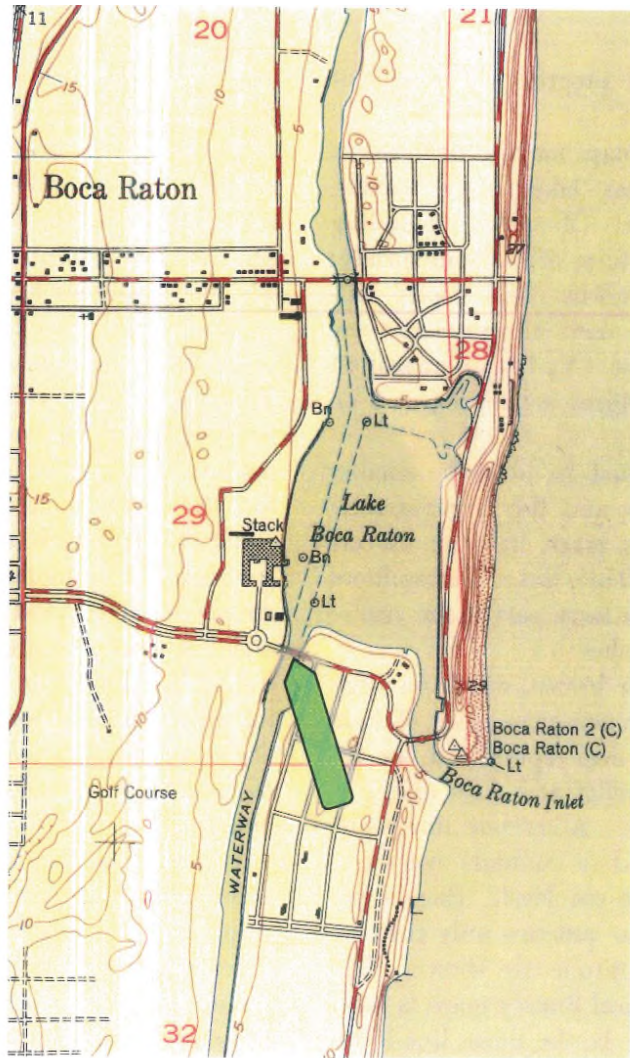
2014 Aerial

# SSL Determination Example





# SSL Determination Example



1950 Boca Raton #250 D

1950 Quad Map