

## STATE LANDS HISTORY

The Trustees of the Internal Improvement Trust Fund, as an agency of Florida Government, was created in 1855. This followed the short-lived attempt to administer State Lands through the Internal Improvement Board (created in 1851).

Through the auspices of the Great Pre-Emption Act of 1841, each new state admitted to the Union after that date was given 500,000 acres for the benefit of internal improvements. Together with the lands granted under the Swamp and Overflowed Lands Act of 1850, the State had at its disposal, over 21,000,000 acres of land under its direct control. (Neither of these totals include sovereign submerged lands.) With the creation of the Board of Trustees, the legislature named the internal improvements that were to be benefited, namely the St. Johns-Indian River Canal, the Florida Railroad and the Pensacola Atlantic Railroad, and few others. The Trustees also had say in the governing and sale of Seminary Lands, School Lands and other lands granted for specific purposes.

At the beginning of the Internal Improvement Fund, the surveys of land were conducted by Federal agents under the control of the U. S. Surveyor General of Florida. Lands chosen under the 1841 Act, for instance, were selected by agents, who also happened to be U. S. Deputy Surveyors. With the passage of the Swamp and Overflowed Lands Act, the State selected agents of its own (Henry Wells and A. M. Randolph) to choose the lands to which it was entitled. This created some conflict with the Surveyor General's office, as these men were chosen by the Governor of the State. However, this was overcome with the selection of these two gentlemen, both of whom were also experienced U. S. Deputy Surveyors.

After the War Between the States, the Trust Fund, which had underwritten the building of the internal improvements named above, was forbidden by a Federal Court injunction from selling or donating lands to benefit other improvements until the bonds, which had been issued with lands a collateral, were paid in full. This suit, brought by Francis Vose and others, actually tied up the development of Florida for a number of years. In 1881, Hamilton Disston, a wealthy and powerful Philadelphia saw manufacturer, was offered 4,000,000 acres of Swamp and Overflowed lands in return for enough funds with which to cancel the debt. Disston received title to these lands for the total of the debt, nearly \$1,000,000. The Disston Purchase thus saved the Trustees of the Internal Improvement Trust Fund from facing bankruptcy and international embarrassment. Conflicts with the Surveyor General's office ended with the abolition of the latter post in 1910, at which time the Trustees took over many of its duties. The most significant effort of the Trustees in the area of surveying came with the Everglades Donation, which resulted in the promulgation of the 1912 rules for the surveying of the Everglades under the direction of F. C. Elliot, Chief Engineer for the Trustees. Another important survey conducted under the Trustees was that of John Newman in the Broward County area between the North and South New River canals. The land records of the State of Florida, which were held by the old Surveyor General's office, became the property of the Trustees whose staff, by statute, still has custody of them for the benefit of the people of Florida. [Thus, the Land Records and Title Section's role of custodian and keeper of the records.]

With the passage of time, little changed in the role of the Division of State



Lands, while under the indirect control of the Secretary of Agriculture. Excluding the legislative mandate, known as the Murphy Act, things were very calm and mundane for a number of years. However, in 1969, the Governmental Reorganization Act was passed [Chapter 20.25] and this created a new department, known as the Department of Natural Resources. Under this new agency, created, in part, to eliminate a number of redundant agencies, the Department combined the tasks of the former Outdoor and Recreational Development Council, the Board of Drainage Commissioners, the Florida Board of Conservation, the Canal Authority, the Suwannee River Development Authority, the State Park Service and part of the functions of the old Game and Fresh Water Fish Commission. Under F. S. 20.27, the Trustees remained a separate authority under the indirect control of the new Department of Natural Resources. Also under the original DNR was the old Department of Air and Water Pollution Control. The goal, as noted previously, was to eliminate a number of confusing and redundant agencies. After the reorganization, the number of departments and commissions fell from over 100 to 22.

In 1975, further reorganization occurred when the Department of Environmental Regulation was created. The Board of Trustees staff was remained under the Department of Natural Resources and placed into the new Division of Resource Management [a newer name for the Division of Interior Resources]. Under this new reorganization, the Marine Patrol became the Division of Law Enforcement, separate from the Division of Marine Resources. The new DER took control of the old Air and Water Pollution Control functions and became the oversight agency for the Water Management Districts. It also took under its wing the Department of Health and Rehabilitative Services Division of Sanitary Engineering, thus combining all governmental agencies which dealt with the problems of pollution. Most importantly for today's Division of State Lands was the Grand Jury investigation into the land acquisitions done under Executive Director Harmon Shields and acquisition agent, Charles Smith. The investigation of these men prompted the legislature to conduct its own investigation into the land acquisition problem(s). The legislative initiative resulted in the passage of the 1979 act which created a separate Division of State Lands, within the Department of Natural Resources, "which would be responsible for acquisition, administration, and management of state lands for the Department." Of specific interest was the intense scrutiny of the appraisers which had reported to Smith and Shields. The recommendations from the House Committee on Governmental Operations, which conducted the hearings in early 1979, were to the point: a: only those appraisers from nationally recognized appraisal organizations should be used, b: appraisers should be selected pursuant to established guidelines, c: specific guidelines in performing appraisals should be adhered to, and d: all review appraisers within the Department should be required to conduct their reviews in accordance with generally accepted professional standards. [Committee Report of Land Acquisition Practices of the Department of Natural Resources. April 18, 1979. 29] The grand jury further noted that appraisers should be totally separated from the acquisition agents in conducting their reviews. The legislature, acting upon its own findings and the recommendations of experts, created the Division of State Lands under F. S. 20.25 (f). The Division was under the direct control of the Board of Trustees and its Executive Director appointed by Governor and the concurrence of three other members. The Division was assigned the task of being the staff to the Trustees and was initially divided into three bureaus: State Lands Management, Survey and Mapping (as successor to the old Bureau of Coastal and Land Boundaries) and the Bureau of Acquisitions. The Bureau of Survey and Mapping was charged with the responsibility of "completing a general mapping effort of the state and undertaking a survey to delineate state ownership, particularly boundaries along Florida's extensive coastline and thousands of lakes." [Luddington: Florida Conservation News. April 1980] Because of the Grand Juries findings, which were

released in early 1980, the bureaus of Appraisal and Survey and Mapping were separated from the direct functions of the Bureau of Land Acquisition. Since 1979, the Division has undergone additional changes with the creation of the Bureau of Land Management Services [replacing the old "Uplands Section"] and the Bureau of Submerged Lands and Reserves. The creation of the two deputy directorships also was implemented to add administrative flexibility to the Division's functions and make the Division, as a unit, more responsive to the public's needs. The demands of the Conservation and Recreational Lands [CARL] program's rapid growth has placed added significantly to the duties of the Bureaus, especially when it is recognized that CARL has absorbed the old Save Our Coast program and the Land Acquisition Trust Fund [LATF] responsibilities which were once under and staffed by the Division of Recreation and Parks. The Modernization Program, instituted under pressure from the legislature for a more accurate accounting of State-owned lands, has increased the workforce and upgraded many of the facilities needed to carry out the public's demands. This program, by its very nature, is expensive, large and long-ranged, and will demand that the Division respond more rapidly to requests for information. P-2000 has also placed additional pressures on the Division of State Lands and each of its bureaus. With the continued demands for more public lands, better mapping services and more accurate delineation of boundaries (through GIS, etc.), and fair and professional appraisal services, the division will face many more pressures to assure the public that its trust is well placed.

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Last updated: November 10, 2008