

## FUNCTIONS OF THE TRUSTEES II FUND

The Trustees of the Internal Improvement Fund is actually Florida's Public Land Management Agency.

The duties and responsibilities of the Trustees are not well understood by the public. Generally speaking, most people are of the opinion that the Trustees principal occupation is the disposition of state-owned submerged land and the management of the funds derived therefrom. Actually, this is but a small part of the functions assigned to the Trustees by law. For example, the Trustees are the repository of all of the original land surveys of Florida. As might be expected, the staff carries on a heavy correspondence with land surveyors, engineers, lawyers and abstractors in connection with various land transactions. In addition, our records include the original Spanish Land Grants, patents out of the U. S. and other documents that pertain to the titles of all Florida lands.

### FUNCTIONS OF STAFF

1. THE MURPHY ACT SECTION has the basic responsibility for all matters pertaining to Murphy Act Lands. Sales, records of deeds, releases of reservations and public inquiries all come under the direction of this organization.
2. THE STATE LAND OFFICE is one of the oldest governmental functions that has survived the test of time. The organization maintains the original title records to all lands in Florida and processes the releases of reservations for oil and minerals.
3. THE FIELD NOTES SECTION was created in 1907 to receive the records of the U. S. Surveyor General of Florida who was then closing his office. These records include the field notes of the U. S. Survey, the plats of the U. S. Surveys, the Spanish Archives for land matters in East Florida, the Land Commissioner's Books of Spanish land matters for East and West Florida, some of the swamp land list, the Surveyor General's letter files for 1824-1907, the U. S. and State Surveys made since 1907.

The duties of this Section consist of keeping these records available to the public, U. S. and State agencies and making photostat copies of the records upon request.

4. THE ENGINEERING SECTION is responsible for record files of bulkhead lines, right of way, spoil easements, Corps of Engineer permits and all other surveys and maps of record. They process all submerged



lands and reclaimed lake bottoms, deed descriptions and other related land matters.

5. THE LAND ACQUISITION SECTION is responsible for selecting, contracting, appraising, surveying, negotiating for purchase and performing all other activities necessary or incident to acquiring, improving, enlarging, maintaining, leasing or disposing of land, water areas and related improvements.
6. THE BULKHEADS & COASTAL STRUCTURES SECTION conducts field investigations of proposed bulkhead lines, docks and piers, fill permits and prepares comprehensive reports and recommendations to the Trustees.
7. THE LEGAL SECTION-The Attorney General acts as legal advisor to the Trustees. He supervises the form and content of all documents emanating from the Trustees' office and through his assistants renders legal advice to the Staff.
8. THE FISCAL & ACCOUNTING SECTION is primarily responsible for the management of all checks and cash received in the office. All matters pertaining to expense accounts, disbursements, purchases, property accountability, internal audit, fiscal control, payroll, lease records, budget and accounting. In addition, it now administers the audit and collection of all executed leases and contracts.
9. THE ADMINISTRATION SECTION prepares the agenda, minutes, correspondence, Indian Affairs, transactions with the Bureau of Land Management, handles office management, janitorial and messenger service, receptionist and miscellaneous office functions.

\* \* \* \* \*

#### THE FUNCTIONS OF THE TRUSTEES OF THE INTERNAL IMPROVEMENT

#### FUND WERE AN IMPORTANT FACTOR IN THE DEVELOPMENT

#### OF FLORIDA

#### HISTORICAL BACKGROUND

When Florida was admitted to the Union in 1845, after twenty-four years as a United States territory, it was still largely an unsettled frontier. For almost three centuries, efforts had been made by Spanish, British and American authorities to encourage settlement and development of the area, but these had met with only limited success. By 1845, no more than 70,000 people were making their home in the



territory, and these were concentrated primarily along the northern border from Pensacola to Jacksonville. Despite its long history of diverse occupancy, Florida at that time had no effective means of internal transportation and communication. The few roads and the two short, local railroads were obviously inadequate for agricultural north Florida, and there were only the navigable water routes to connect this region with the vast and largely unexplored peninsula to the south. From an economic and a military standpoint, Florida was actually a liability to its foster nation, the United States.

Meeting in 1838 to frame a constitution as a prerequisite for admission to statehood, the Florida Constitution Convention recognized the basic problem of underdevelopment and incorporated the following passage into the document that would guide its processes of government:

"A liberal system of internal improvements, being essential to the development of the resources of the country, shall be encouraged by the Government of this State, and it shall be the duty of the General Assembly, as soon as practicable, to ascertain by law, proper objects of improvements in relation to roads, canals and navigable streams, and to provide for a suitable application of such funds as may be appropriated for such improvements."

Less than three years later, the federal government provided a means for the accomplishment of local improvements by enacting a law granting to each new state, upon its admission, a total of 500,000 acres of land from the Public Domain. It was provided that these lands would be sold by the state and the net proceeds be ".... faithfully applied to objects of internal improvement .... namely: roads, railways, bridges, canals, and improvement of water courses, and drainage of swamps..."

With statehood on March 3, 1845, Florida acquired not only the authority to select the 500,000 acres of "internal improvement lands", but also sizeable land grants for educational purposes and the bottoms of all navigable waters within its sovereign limits. The principal "school lands" consisted of section 16 in every township in the state -- a total of almost 1,000,000 acres -- to be disposed of for the benefit of public education in the township. The "sovereignty lands", including the beds of all tidal waters and all navigable fresh water lakes and streams, inured to the new state as a matter of course, vested with an inalienable public trust.

Florida had not had time to organize a suitable program for the handling of these extensive public land assets when, in 1850, the Swamp and Overflowed Lands Act was passed. This act authorized the selection



by the state of all units of land being more than half swamp or overflowed in character. Net proceeds from the disposition of these lands were to be used by the state to secure reclamation and similar improvements in the affected areas. Because of the wet conditions which prevailed throughout so much of the state and because of the fact that a vast majority of the land area remained in the Public Domain under federal ownership, Florida stood to gain immensely from this law.

Thus, within six years of its becoming a state, Florida found itself the owner of potentially the greater part of its entire land and water bottom area. The need to capitalize on this advantageous position, both by securing to the state the maximum of lands possible under the several federal grants and by instituting a program for the proper use of lands so secured, was immediately apparent.

In 1851, the Florida Legislature created the first agency designed to secure, classify and dispose of public lands. This agency, called the Board of Internal Improvement, consisted of the governor, attorney general, treasurer, comptroller and state register of public lands, all acting in an ex officio capacity; and one member each from the judicial districts of the state, elected by the General Assembly. Primary emphasis of this Board's work was directed toward taking full advantage of the Swamp and Overflowed Lands Act of 1850.

Two years later, the General Assembly changed the emphasis to reclamation of sub-marginal lands, and reconstituted the Board of Internal Improvement to include the state engineer as president and two members from each of the four judicial districts, again appointed by the Assembly.

After four years of rather awkward operation by the two Boards of Internal Improvement, the Legislature in 1855 again made sweeping revision in its arrangement for the administration of public lands. Referring to the provision in the 1838 Constitution calling for "a liberal system of internal improvements", the Legislature created a special fund to be used exclusively for promoting this end. Into this "Internal Improvement Fund" were placed all internal improvement lands and all swamp and overflowed lands available to the state, together with all monies accruing from the sale or disposition of such lands. The responsibility for administering the fund was vested in the same five cabinet members formerly sitting on the first Board of Internal Improvement, to be known thenceforth as the Trustees of the Internal Improvement Fund.

In this new capacity, the Trustees had a two-fold task to perform: first to obtain and hold title to state lands, and second to use these lands for the promotion of a system of internal improvements. School lands and school indemnity lands, however, were not placed in the



Internal Improvement Fund, but instead were administered separately, eventually by the State Board of Education.

Since the creation of the Internal Improvement Fund, its operation has been an instrumental factor in Florida's development. Generally speaking, the Trustees have gone through three broad phases during the past hundred years, each phase identified by a change of emphasis in the conduct of affairs.

Railroad development was the first phase, beginning with the very statute that created the Internal Improvement Fund. This law was devoted almost entirely to detailed provisions for the use of the Fund for the encouragement of railroad construction. Under the various incentives provided by this and subsequent laws, some 1,100 miles of railway were built, for which the Trustees granted land premiums totaling slightly more than 9,000,000 acres. In addition, the federal government granted as further encouragement 2,220,000 acres from the Public Domain. These various grants combined amounted to a full third of all the land area in the state, an average of about 10,000 acres for each mile of railroad constructed.

By the 1880's the force of several events caused a shift of interest to the second broad phase of Trustee operations: drainage and land reclamation. Although some waterway improvements had been fostered much earlier, reclamation first became a major enterprise in 1881 when 4,000,000 acres were sold into private ownership for reclamation purposes. This phase continued through the 1920's, embracing the vast state drainage efforts under the Everglades Drainage District, which at that time absorbed the full energies and assets of the Trustees. Incident to this undertaking, the Trustees were named by law as the Board of Drainage Commissioners, a status which they still retain. In addition to the large tracts sold at token prices for reclamation and the considerable acreages eventually dedicated for water storage purposes, the Trustees conveyed some 2,780,000 acres of land to private companies as a premium for various waterway improvements.

About the time of World War I, after the majority of Florida's public land assets had been dissipated, interest was turned to the opportunities for development offered by shallow bay bottoms and other sovereignty lands. Thus the Trustees embarked on their third major phase, the disposition of submerged lands.

Land assets remaining in the Internal Improvement Fund consist primarily of the sovereignty lands, lands underlying all navigable waters. With the exception of a few Spanish grants made prior to 1818 and later confirmed by the United States, and conveyances made by Trustee deed or statute, this includes all tidal lands adjoining Florida's extensive shoreline, extending from the mean high water line

out to the three league limit in the Gulf of Mexico and the three mile limit in the Atlantic Ocean. Sovereignty lands include also the beds of 223 meandered fresh water lakes and other lakes and streams navigable in character.

In addition to sovereignty lands, there still remains under Trustee jurisdiction approximately 623,113 acres of the 21,000,000 acres originally granted to the state under the various federal land acts. Of this remainder, 544,509 acres are Trustee lands, and 78,604 acres are school lands, administered by the State Board of Education. Also under Trustee jurisdiction is an undetermined amount of small tracts and lots which reverted to the state under the Murphy Act because of tax delinquency.

As of March 1, 1967, our records indicate that over 84% of the lands are being used for the following purposes:

<u>Agricultural Leases</u>	<u>Grazing Leases</u>	<u>Wildlife Sanctuaries &amp; Management Areas</u>
11,192 acres	4,174 acres	8,470 acres
<u>Flood Control Use</u>	<u>Public Recreation Areas</u>	
440,619 acres	1,927 acres	
<u>Oil &amp; Gas Leases</u>	<u>FFA &amp; 4H Chapter Use</u>	
24,640 acres	2,828 acres	
<u>Commercial Leases</u>	<u>Other State Agency Use</u>	
23,438 acres	7,880 acres	
TOTAL OWNERSHIP - 623,114 acres		
TOTAL IN USE	525,168 acres (84.2%)	