



MADISON OP-ED SERIES

The James Madison Institute

P.O. Box 37460 • Tallahassee, FL 32315 • (850) 386-3131

<http://JamesMadison.org>

FOR IMMEDIATE RELEASE

April 19, 2000

EDITOR: Please consider this Madison Op-Ed for the Commentary page or for broadcast as a guest editorial. Reprint permission is granted.

Calm Down, Mr. Lee. Everything is Alright

By Peter Doherty

Any Floridian giving an uncritical reading to Charles Lee's recent column in the Tallahassee Democrat, "Pending bills put Florida's lakes and rivers at risk," would be alarmed. Lee is senior vice president of Audubon of Florida and a big-time lobbyist. He is committed and thoughtful, and though you might disagree with him, you know he has principled motivations and that he usually backs his positions with facts.

Unfortunately, sometimes, he just gets carried away. Like now.

In his column, Lee offered a horrific description of the consequences of HB1807/SB1824. Pass these bills, he says, and men in cowboy hats, wildly waving guns, will forcibly assert ownership of "hundreds of thousands of acres" bordering lakes and creeks that are now public lands. The men will threaten children and keep us from our favorite fishing holes.

Trembling in indignant ecstasy, he writes that all this is being driven by an unholy alliance of mining companies, cattle ranchers, agricultural interests, and developers led by a villain named David Smith. They have, he shrieks, dispatched a "horde of high-paid lobbyists" to insure the evil bills become law.

Pretty scary stuff—if it were true. But, as Lee well knows, it is not true.

HB1807 and SB1824 are simple quiet title bills. They specify in law what are and what are not state sovereignty lands. For many years, there has been an ongoing dispute over what the term "ordinary high water mark" means. A statutory definition of this term is vital to those whose property borders navigable non-tidal waters and whose deeds include this phrase.

Both bills place in statute a precise definition crafted by the courts. Both provide that the boundary between the state and the private individual will be "ambulatory," meaning that it may change over time as the ordinary high water mark changes, since bodies of water are never static. Both also specifically provide that the public shall have use of all navigable waters. Finally, neither bill weakens any environmental law.

If the bills pass, the state will know what belongs to the state and property owners will know what belongs to property owners. And that, though not as gripping as Lee's fiction, is the simple truth.

CONTACT:

Vel Johnson

"In his column, Lee offered a horrific description of the consequences of HB1807/SB1824."

-more-

Sorry, Charlie.

###

Peter Doherty is a senior policy analyst with The James Madison Institute in Tallahassee. He may be contacted via e-mail at Peterd@jamesmadison.org.

Published by The James Madison Institute - A Foundation For Florida's Future as one of a series of short articles on issues important to Florida and the nation. Nothing in The Madison Op-Ed Series should be construed as necessarily reflecting the views of The James Madison Institute or as an attempt to aid or hinder the passage of any legislation.

Copyright 1999. Permission is hereby granted to reprint or broadcast this article, with appropriate credit given to the author and The James Madison Institute. Please send tearsheets to The James Madison Institute, P.O. Box 37460, Tallahassee, Florida 32315-7460.