

STATE BOARD OF EDUCATION
Consent Item
March 18, 2014

SUBJECT: Delegation of Authority to the Commissioner to Release Certain Rights to Construct Roads or Canals

PROPOSED BOARD ACTION

Adopt a resolution delegating to the Commissioner the authority to release certain rights to construct roads and canals on lands previously conveyed by the Florida Board of Education, based upon recommendations by the transportation authority with jurisdiction and the water management district with jurisdiction that there is no further need for the reservations.

AUTHORITY FOR STATE BOARD ACTION

Section 1001.02(1), Florida Statutes

EXECUTIVE SUMMARY

Since statehood, the Board of Education of the State of Florida conveyed land to private parties, but reserved the right of entry to explore for and extract minerals and the right to construct roads and canals on the parcels. The State Board of Education is the successor to the Board of Education. Section 1001.10(6)(f), Fla. Stat., authorizes the Commissioner, "To take action on the release of mineral rights based upon the recommendation of the Board of Trustees of the Internal Improvement Trust Fund." However, no statute authorizes the Commissioner to take similar action on canal and road reservations.

For administrative efficiency this item requests that the State Board of Education delegate the authority to release road reservations based upon the recommendation of the transportation authority with jurisdiction, and canal reservations based upon the recommendation of the water management district with jurisdiction, that the reservations are no longer needed.

Supporting Documentation Included: Resolution

Facilitator: Matthew Carson, General Counsel

STATE OF FLORIDA
STATE BOARD OF EDUCATION

RESOLUTION

WHEREAS, from time to time in the years since statehood the Board of Education of the State of Florida conveyed various parcels of land to private persons and companies, and reserved the right to construct canals and roads on those parcels; and

WHEREAS, the Board of Trustees of the Internal Improvement Trust Fund has adopted a rule which allows state agencies to release a road reservation if the appropriate transportation authority has determined that there is no further need for the road reservation; and

WHEREAS, the rule adopted by the Board of Trustees of the Internal Improvement Trust Fund also allows state agencies to release a canal reservation if the water management district with jurisdiction has determined that there is no further need for the canal reservation; and

WHEREAS, from time to time the State Board of Education receives applications to release road and canal reservations;

NOW THEREFORE, BE IT RESOLVED that the State Board of Education hereby delegates to the Commissioner of Education the authority to release:

The right to construct roads on parcels previously conveyed by the Board of Education of the State of Florida, based upon the recommendation of the transportation authority with jurisdiction that there is no further need for the road reservation; and

The right to construct canals on parcels previously conveyed by the Board of Education of the State of Florida, based upon the recommendation of the water management district with jurisdiction that there is no further need for the canal reservation.

PASSED AND ADOPTED by the State Board of Education of the State of Florida at a public meeting thereof duly called and held this ____ day of _____, 2014.