CONCEPTUAL STATE LANDS MANAGEMENT PLAN

Adopted

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By the Board of Trustees of the Internal

Improvement Trust Fund

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PREFACE: A Legal Perspective

Prior to discussing the activities affecting the utilization of lands vested in the Board of Trustees of the Internal Improvement Trust Fund, it is essential to examine the legal concepts surrounding such trust arrangements.

Important concepts warranting definition and discussion include: (l) trust, (2) trustees, (3) cestui que trust, and (4) fiduciary. For the purposes of discussion, Blacks' Law Dictionary has been used for all definitions.

(1) Trust - "A right of property, real or personal, held by one party for the benefit of another." It is also defined as "a fiduciary relation with respect to property subjecting person by whom the property is held to equitable duties to deal with the property for the benefit of another person which arises as the result of a manifestation of an intention to create it."

(2) Trustee - "The person appointed, or required by law, to execute a trust; one in whom an estate, interest, or power is vested, under an express or implied agreement to administer or exercise it for the benefit or the use of another called the cestui que trust."

(3) Cestui que trust -"The person for whose benefit a trust is created or who is to enjoy the income or the avails of it."

(4) Fiduciary - "A person holding the character of a trustee, or a character analogous to that of a trustee, in respect to the trust and confidence involved in it and the scrupulous good faith and candor which it requires. "The "trust", per se, is established pursuant to Chapter 253, Florida Statutes, and generally consists of those state-owned lands in which title is vested in the Board of Trustees of the Internal Improvement Trust Fund. The trust also includes those "fruits" of the trust that have been generated and returned to the trust for administration by the Board. The beneficiary or "cestui que trust" of the trust is the state, which, by extension, is the general citizenry of Florida. "State" has been defined as "a people permanently occupying a fixed territory bound together by common-law habits and custom into one body politic exercising, through the medium of an organized government, independent sovereignty and control over all persons and things within its boundaries... (Emphasis added). Therefore, management of state-owned lands is for the benefit of all the citizens of Florida; and to this end, a fiduciary relationship exists with this general public. The Florida Constitution (Article II, Section 7 and Article IX, Section 11), Chapter 253, Florida Statutes, and certain other statutes provide specific guidance in relation to the trust and fiduciary obligations. Statutory direction such as "The Board of Trustees of the Internal Improvement Trust Fund is hereby authorized and directed to administer all state-owned lands and shall be responsible for the creation of an overall and comprehensive plan of development concerning the acquisition, management and disposition of state-owned lands, so as to insure maximum benefit and use" (Section 253.03(7), Florida Statutes) must, therefore, be executed within the confines of this fiduciary relationship.

In addition to the more commonly recognized obligations imposed upon the Board by its fiduciary relationship with the citizens of Florida, it is also bound by factors delineated by court decisions: To wit: "The relations and duties involved (in a fiduciary relationship) need not be legal, but may be moral, social, domestic, or merely personal" (Trustees of Jesse Parker William Hospital v. Nisbet, 191 Ga. 821, 14 S.E. 2nd 64, 76). The Board of Trustees of the Internal Improvement Trust Fund must necessarily, by virtue of its fiduciary responsibilities, consider a broad array of public interest factors before authorizing activities affecting the trust.

The following narratives, goals, objectives, and policies were drafted with these responsibilities in mind. Professional planning and resource management recommendations have been melded with both the expressed and implied obligations inherent in the management of an active public trust.

I. INTRODUCTION: The Management Concept and Evaluation Process

The Conceptual State Lands Management Plan represents completion of the first phase of the p1anning effort mandated by Section 253.03(7), Florida Statutes. This conceptual plan is intended as a management overview or outline whereby the Board of Trustees of the Internal Improvement Trust Fund establishes, for the first time, a comprehensive set of policies governing the real properties under its ownership and control.

Acceptance of this document by the Board will set the stage for more specific planning and management, such as the development of administrative rules and parcel-specific management evaluations and recommendations. This multi-faceted planning and management process will provide philosophical direction for the Board's staff, while remaining flexible enough to accommodate future legislative, judicial, or Board directives. The total of the Conceptual State Lands Management Plan, administrative rules, supplemental legislation, and parcel specific management procedures, evaluations, data and recommendations will constitute the overall state lands management program.

The management evaluation process is a staff effort whereby the Board is provided a synopsis of projected effects (both positive and negative) that are anticipated to occur should the Board authorize certain activities involving real property under its ownership and control. It is through this process that the philosophical directions embodied in the Conceptual State Lands Management Plan (hereafter referred to as the Plan) and the resultant procedures established as administrative rules are brought together to develop parcel-specific management evaluations and recommendations pursuant to Section 253.034, Florida Statutes.

The Plan provides basic policy guidance for the formulation of management evaluations and recommendations, but the information in the Plan is far from exhaustive. In fact, most management evaluations involve the use of a series of data collection and assessment steps. These evaluation steps generally fall into the following categories: legal, physical, environmental, recreational, socio-cultural, aesthetic, and economic. Most of the assessment data routinely come from existing sources.

A typical management evaluation would begin with an examination of the degree of title interest held by the Board. This title examination would determine the existence of any restrictive convenants, outstanding title reservations or other encumbrances that may affect the management of a given parcel.

Next, staff would consider any constraints that may have been placed on the property by legislative direction, statutory prohibitions, or executive instructions at acquisition. In addition to revealing the more obvious results of these limitations, such analysis would indicate the possibility of multiple use management of the parcel being evaluated, consistent with Section 253.034, Florida Statutes.

The next step would involve the delineation of the physical, environmental, and cultural features characterizing the property. This information is obtained from a number of available sources such as topographic maps, aerial photographs, soil maps, field inspection reports, and similar aids. In cases where an agency has or will have management responsibility, this information may be provided as part of the management plan.

One of the most significant and readily available sources of parcel-specific physical and cultural data is the Department's computer system. This data system (SLAMIS) must be continually updated to reflect current management conditions of Board-owned and controlled real property.

Once the legal, physical, environmental, and cultural profile of the property is established, staff will consult the policies in the Plan and potential managing agencies and prepare a recommendation encompassing both opportunities and constraints to management. This recommendation will frequently contain references to other federal, state, and local plans and programs potentially affecting anticipated management activities. The final staff recommendation will list those general management actions that

can be accommodated without inordinately detracting from the basic public values of that land and identify whether any of a certain parcel may be surplus to public needs. Any specific intended use for the subject property will be compared with the list of preferred management activities, and rated accordingly.

The Plan, like the ongoing management program, must remain flexible enough to accommodate necessary changes. A static plan would soon become an anachronism as new legislative and administrative directions are implemented. To avoid this problem, provisions must be made to establish an orderly process for continuous updating of the adopted Plan.

The preferred update process would involve placing additions, deletions, or modifications on the normal Board Agenda for policy-level direction and guidance. This would provide the most timely Plan modification system, while maximizing public notice and input. Such modifications could be proposed by either the public, departmental staff, or directly by the Board. Affirmative Board action on such Agenda items would effectively accomplish the required modification.

II. GOALS

A. Achieve full proprietary responsibility for the management of those state-owned lands vested in the Board of Trustees of the Internal Improvement Trust Fund.

Chapter 253.03, Florida Statutes, establishes the legal basis for the Board of Trustees to assume an active role in the administration of those state-owned lands vested in the Board of Trustees. Section 253.03(7), Florida Statutes, directs the Board of Trustees "...to administer to all state-owned lands...so as to insure maximum benefit and use." In a legal context the word "Administer" means "to superintend the execution, use, or conduct of; to manage affairs; to take charge of business.

The Board of Trustees, in meeting its obligations as both title holder and administrator of certain state-owned lands, must assert a proprietary role in the acquisition, management, and disposition of those lands. State-owned lands should be managed with recognition that land is a resource and not a commodity. Consistent with this concept, state-owned lands should be treated with equal or greater proprietary respect than that usually afforded privately owned lands.

B. Achieve internal program consistency in the management of state-owned lands.

One of the essential ingredients of a successful land management program is a high degree of internal consistency between the various management functions. This is especially true when the management evaluations and proposed management activities are predicated upon a resource-based methodology.

The present management authorities of the Board of Trustees do not necessarily ensue from the same statutory directives. As a result, leases of submerged lands, for example, were not evaluated and processed in the same manner as the leases of upland property. This situation resulted from a traditional management bias that attached greater importance to upland property than to submerged land. Consequently, implementing consistent management policies for all state-owned lands will require certain statutory and administrative rule amendments.

All activities affecting title to state-owned lands not directly attributable to, or authorized by the Board of Trustees, are potential encumbrances on title. Therefore, for management consistency, the Board should control all activities affecting title on those lands to which they hold title. In the absence of such a comprehensive management system, the Board of Trustees may find its management authorities curtailed on given parcels by unrecognized but legally defensible encumbrances by other entities.

C. Develop a state lands management program that provides for a parcel-specific determination of "maximum benefit and use"

The statutory phrase "…to insure maximum benefit and use" should set the philosophical direction of the Plan. This directive has been interpreted by some as calling for a determination of the "highest and best

use" of each parcel. Care must be taken, however, to insure that this phrase is not defined in an unnecessarily restrictive manner. Such action could deter the development of a truly comprehensive management plan.

The traditional connotation of "highest and best use" has been associated with market place economics. In this context, a given parcel is categorized according to the highest economic return that can be expected from the use of that property. This narrow interpretation of "highest and best use" is not suited for the management of state-owned lands.

For the purposes of managing state-owned lands, it would appear reasonable to interpret "maximum benefit and use" as "balanced public utilization". The term "balanced public utilization" implies that parcel-specific management decisions are predicated upon a broad array of factors, including environmental constraints, economics, recreation, sociological and aesthetics. The form and funding of acquisition, such as the Chapter 259 and 375 programs, will also influence management decisions.

The fully developed state lands management program should contain sufficient implementation procedures to ensure that each parcel of land is managed according to the concept of "balanced public utilization". Conversely, the system should discourage management activities that do not provide "maximum benefit and use", and prohibit incompatible activities, which lack "overriding public value".

III. OBJECTIVES

A. Accommodate Existing State Law

Develop a state land management program that adequately accommodates the scope and directives of existing state law.

Chapter 253, Florida Statutes, requires that the Plan address, at a minimum, "acquisition, management and disposition of state-owned lands so as to insure maximum benefit and use".

This statute also establishes a number of management responsibilities and processes for state-owned lands vested in the Board of Trustees. It is imperative that the state lands management program address fully the statutory constraints and directives outlined in Chapters 197, 270, 258, and 259, Florida Statutes, as well as Chapter 253, Florida Statutes, and other appropriate statutes.

B. Manage Statutory Conflict

Encourage the identification and resolution of statutory conflicts affecting the management of state-owned lands.

Over the years, a number of special-purpose legislative actions affecting state-owned lands have become law and influence the management of those lands. Murphy Act Lands, for instance, have to be treated somewhat different than other state lands because of differing statutory requirements. In the interest of updating and improving the statutory basis for state land management decisions, the statutes should be reviewed periodically and brought into conformity with current public attitudes and professional management criteria.

C. Accommodate Parcel-Specific Data

Formulate a general planning approach that will accommodate a large amount of parcel-specific data.

Although state-owned lands should be managed under a generalized approach, day-to-day management decisions involving the use of state-owned lands should be predicated upon parcel-specific data. Development of a parcel-specific database that includes the physical/cultural profile of the state-owned property is under way. The adequacy of the parcel-specific database is the most important facet of the state lands management program. The database covers past and present land use, physiography,

environmental factors, and current encumbrance information. This information is the basis for an initial recommendation of management practices for parcels of state-owned lands.

The Board must evaluate the proprietary constraints of each parcel as well as the more traditional management factors. These constraints arise from such things as prior leases and/or easements, legislative and/or executive directives, and statutory limitations. These management constraints do not occur in any uniform manner, nor are they predictable.

Development of the parcel-specific database involves the implementation and maintenance of a computerized data storage and retrieval system, including the continuous update of the state-lands inventory. New entries are documented on coding forms in preparation for computer input. Information regarding leases, easements, mineral rights, submerged lands, and uplands is a part of the parcel-specific management data.

D. Structure Planning

Structure the planning process to provide direction for state lands management decisions.

The Plan must reflect a fully integrated management system that encompasses all program areas affecting the use and protection of state lands. The management evaluation process has been ongoing concurrent with the planning program. As part of the overall management process, a procedural and organizational framework is being established to improve the existing procedures.

E. Minimize Potential Management Conflicts

Adopt a planning framework that will accommodate policies contained in the State Comprehensive Plan and other legislatively-mandated plans to minimize potential management conflicts.

One of the most important objectives of the Plan is to avoid duplication. Therefore, it is important that all staff planning activities be conducted with the full knowledge of, and coordinated with, other public agencies planning efforts.

It is desirable to utilize, to the extent practicable, general natural systems data and recommended policies developed by other state programs. The rationale behind this proposal includes a desire to economize on staff expertise and time, and to produce a plan that is philosophically compatible with other legislatively mandated plans.

F. Allow for Input

Use a planning process that allows for input from affected state agencies, local government, and the general public.

The development and implementation of the Plan will have broad implications. To avoid many of the potential problems associated with programs of this type, the Board must be committed to program coordination on several distinct, but interrelated levels. Where compatible and appropriate, state lands management should help to accomplish other statutory objectives of the State.

There are several reasons for including state agencies in a coordination program. First, state agencies such as the Department of Agriculture and Consumer Services, and the Department of General Services originally acquired many of the lands to which the Board presently holds title, or are actively engaged in some type of management arrangement with the Board. Also, many agencies have broad planning and/or management responsibilities that need to be considered during the development of the Plan. These agencies include the Department of Environmental Regulation, the Division of Archives, History and Records Management, and the Executive Office of the Governor/Planning and Budgeting. State agency coordination has been achieved through an inter-agency work group established by the Division of State Lands staff.

On January 22, 1980, the Board authorized staff to submit the draft Plan to the public for review and comment. Staff sent twenty copies of the draft Plan to each of the eleven regional planning councils and requested that these regional planning councils make the Plan available to those local governmental bodies and other local interests that would be affected by the eventual finalization of the Plan. Public workshops were held in Miami, Panama City, Jacksonville, and Orlando, to maximize geographical equality and public input.

Additionally, the staff provided each of the State's 67 County Commissions with review copies of the Plan. These commissions were requested to review the Plan and to provide comments, observations, and recommendations. Other review copies were made available to various special interest such as conservation and development groups.

G. Develop Consistency and Predictability

Develop a plan that will result in consistent management decisions and greater predictability of governmental action.

The Plan will provide the overall program superstructure for the protection and management of state–owned lands.

The state-owned lands management program encourages those activities that will provide a net return to the public while maintaining the basic values and functions of the natural environmental systems.

The Plan establishes clearly discernable management processes that are, to the extent practicable, internally consistent in their approach. The end result is a greater public awareness of the management process conducted in the stewardship of state lands.

IV. RESOURCE AND PROGRAM ELEMENTS

The evaluation of proposed management activities on state-owned land must consider the existing natural conditions and potential program impacts. In keeping with this concept, the following categories have been established. These categories are intended to highlight certain public values associated with the physical situation of many parcels of state-owned land, and applicable program elements. In numerous cases, these public values have been formally recognized by legislative and executive action.

The following categories and policies are intentionally general, and are designed to provide an overall philosophical direction to state lands management. The categories are not exhaustive, nor are they inherently suited to parcel-specific decision making. They are, however, suitable for the establishment of state-wide consistency in the management of state-owned lands, regardless of geographic location, natural conditions, or intended use.

It is envisioned that these broad categories will form the framework into which will be inserted more detailed parcel-specific policies and recommendations. These site-specific evaluations and recommendations will be tailored to meet the individual characteristics of each parcel of land, and will provide the basis for determining the advisability of committing public resources.

V. RESOURCE ELEMENT POLICIES

A. Upland Vegetation

Upland vegetation is, to a great extent, determined by the underlying soils and prior land uses. It represents a changing and often overlooked resource that must be managed to insure its perpetuation in a desirable condition.

Based upon inventory information and projected utilization of specific parcels, a direction should be established to manage vegetation for a variety of benefits (aesthetics, wildlife habitat improvement, watershed management, recreation, forage, and timber management). Where appropriate in single and multiple-use management, agencies will be encouraged to incorporate all of the above disciplines into one management philosophy--management that will be of the greatest benefit, to the largest number of people, over the longest period of time.

Policies

1. Manage state-owned lands in a manner that maintains a desirable vegetation cover while providing multiple-use benefits to the citizens of the State of Florida.
2. Require multiple-use management of all state-owned land where appropriate.
3. Encourage, when appropriate, the use of silvicultural activities, which maintain a healthy, stable vegetative, cover, (prescribed burning, tree planting, removal of diseased trees, etc.).
4. Prohibit the use of off-road vehicles on all state-owned lands, except in such areas specifically designated in approved agency land use plans or by administrative rules adopted by the Board for use by such vehicles.
5. Encourage the harvesting and sale of timber products from appropriate state-owned timber-lands, whenever such harvesting and sale are compatible with program priorities and the provisions of Section 253.034, Florida Statutes.
6. Encourage the use of management practices on state-owned land, which are endorsed as Best Management Practices for minimizing non-profit source pollution.
7. Encourage the establishment or reestablishment and management of plant species that are indigenous to specific sites (i.e., emphasize hardwood management on hardwood sites; manage for pines on areas where fire would normally retard hardwoods; encourage both hardwoods and conifers on suitable sites)
8. Encourage the protection of endangered and threatened plants, and plants and plant communities which serve as important food sources and habitat for endangered and threatened animal species.
9. Encourage the location and removal of noxious exotic plant species.

B. Soils

Soils are a resource having tremendous influence over the active management of state-owned lands. As such, it is important that the parcel-specific database contain as much up-to-date soils information as is available.

Soil types and associations physically and economically affect various types of management activities, ranging from agricultural uses to the construction of public buildings. Therefore, each parcel-specific management evaluation and recommendation should rely heavily upon inherent characteristics, suitabilities, and limitations.

Due to their public significance, soils categorized as "prime” or "unique" agriculture lands should receive special consideration. The state lands management program should discourage those management activities that would preempt future agricultural use of state-owned parcels containing "prime" or "unique" agricultural soils.

Policies

1. Encourage the use of detailed soils surveys and interpretations in determining parcel-specific management recommendations.
2. Encourage management activities that recognize natural topographic features and avoid extreme slope and site modification.
3. Encourage conservation practices in all management activities that will minimize erosion and sedimentation.
4. Maintain water levels as high as feasible on organic soils to reduce oxidation, consistent with balanced management programs.
5. Prohibit off-road vehicular traffic in areas sensitive to damage.
6. Discourage activities that will effectively preclude future agricultural use of "prime" and/or "unique" soils on state-owned lands.

C. Archeological and Historical Resources

Archaeological and historical resources represent tangible links with our past. Florida, due to its environmental amenities and colorful history, contains numerous archaeological and historical sites of public importance. Each of these sites contains unique and irreplaceable information concerning our cultural heritage.

Sites on state-owned lands should be managed as valuable public resources. Adequate protection of these resources can be best achieved through a coordinated effort between the Board and the Department of State, Division of Archives, History and Records Management.

Policies

1. Coordinate all proposals for changes in the character or use of state lands, with the Division of Archives, History and Records Management, in order to mitigate potential damage or disturbance of, or to preserve, archaeological and historical sites and properties.
2. Encourage the systematic location and evaluation of all significant archaeological and historical sites on state-owned lands.
3. Prohibit the disturbance of archaeological and historical sites on state-owned lands, unless prior authorization has been obtained from the Division of Archives, History and Records Management.

D. Water Resources (Quality and Quantity)

In Florida, the availability and quality of water often influence the type and number of management options available for a parcel of land. In recognition of this situation, the state lands management program should fully consider potential impacts upon water resources prior to making a parcel-specific determination of "maximum benefit and use".

The management evaluation process must address water resources from at least two perspectives. The first consideration should delineate those natural systems that require a certain quantity, and/or periodicity of water for their control existence and productivity. (Examples of this type pf natural system would include coastal estuarine and riverine wetlands).

The second consideration is an evaluation of the sustained availability of water for water-consumptive management activities such as agricultural irrigation and certain mining operations. The amount of water available for such activities is difficult to quantify, but it is a valid management criterion that should be considered.

Water quality classifications also must be included in the determination of all management recommendations. These classifications often represent potential constraints for management, especially

when Class I, Class II, and Outstanding Florida Waters are involved. Management activities on state-owned lands should comply with State water quality standards and classifications and their intent.

Policies

1. Coordinate state lands acquisition, planning and management with water management programs to insure the long-range maintenance and improvement of water quantity and quality.
2. Encourage the retention and storage of surface water in naturally occurring storage areas, such as lakes and wetlands, consistent with the maintenance of the area's long-term productivity and stability.
3. Utilize management practices, which prevent the over-drainage of land and soils.
4. Require agricultural and industrial users of state-owned lands to conduct their activities in a manner consistent with sound water management and conservation practices.
5. Encourage the provision of sufficient water and maintenance of natural hydroperiods to insure the long-term productivity and stability of self-maintaining natural ecosystems on state-owned lands.
6. Manage state-owned lands in a manner that provides maximum protection for the waters of the State especially those used for public drinking water supply, shellfish harvesting, public recreation, fish and wildlife propagation and management.
7. Encourage waste water re-use wherever possible to relieve pressure on water resources.
8. Encourage the use of nonstructural water management strategies for flood control and water supply to protect and enhance natural resources and conserve energy.
9. Require, at a minimum, that management activities on state-owned land comply with State water quality standards and classifications and their intent.

E. Fish and Wildlife Resources

Fish and wildlife are important components of Florida's appeal as a tourist state and as a place to live. Fish and wildlife habitat is diminishing in quantity and quality due to the direct and indirect effects of urbanization, and also due to land and water management activities, which do not adequately address this resource. state-owned lands will play an increasingly important role as enclaves of habitat diversity and as public outdoor recreational areas.

Policies

1. Where significant fish and wildlife habitat exists, encourage those management activities, which maintain a natural diversity of habitats and balanced fish and wildlife population.
2. Coordinate proposed management activities potentially affecting significant tracts of fish and wildlife habitat with the Game and Fresh Water Fish Commission.
3. Encourage the public use, either consumptive or non-consumptive, of the fish and wildlife resources on state lands where compatible with management goals.
4. Continue and, where possible, accelerate the inventory of fish and wildlife habitats on state-owned lands.

F. Endangered Species

In the recent past, many of Florida's indigenous plants and animals have seriously diminished in number and in some cases have disappeared completely. In most cases, the elimination of these plants and animals has resulted from the unintentional side-effects of increased urbanization and associated changes in land use and land cover.

As population growth continues in Florida, the availability of natural habitat for many plants and animals is reduced. In light of this situation state-owned lands, especially large acreage tracts, are increasing in importance as enclaves and refuges for endangered species. Consequently, management of state-owned

lands should be conducted in a manner that recognizes the importance of maintaining endangered species habitat.

Policies

1. Provide for the continued protection of threatened and endangered species habitat on state-owned lands.
2. Encourage the location, identification, and protection of presently unknown areas of threatened and endangered species habitat located on state-owned lands.
3. To minimize adverse effects, coordinate proposed management activities involving endangered plants and animals with the Division of Forestry and Plant Industry, Florida Department of Agriculture and Consumer Services and the Game and Fresh Water Fish Commission.
4. Encourage the re-establishment and restoration of endangered species and habitat.

G. Beaches and Dunes

Florida's beaches and dunes are important economic and environmental assets. They serve dual purposes as sources of recreational activity and as protective barriers from storms.

Beaches and dunes play a prominent role in creating and maintaining the "tourism image" Florida enjoys. The tourist industry forms one of the cornerstones of the state's economy and a majority of these tourists visit beaches.

From an environmental perspective, beaches and their associated dune systems are vital to the well-being and integrity of Florida’s coastal areas. These systems, under natural conditions, provide for sand transport, depletion, and accretion, which is essential to the maintenance of these beaches and dunes. In addition to the primary function of shoreline stabilization, beaches and dunes provide a protective buffer against storm tides and winds.

In some areas, the beaches and associated dune systems are experiencing severe erosion. These erosion problems are the result of man-made modifications to the beach and dune system and natural erosion such as hurricanes. The Department of Natural Resources has the statutory responsibility to remove unnecessary structures that adversely affect Florida's beach and dune systems, to control construction of all new structures affecting these systems, and to assist in beach nourishment and coastal protection programs designed to return beach and dune systems to their natural equilibrium. Management of state-owned lands should recognize these statutory responsibilities and ensure the future protection and enhancement of state-owned beaches and dunes.

Policies

1. Encourage management activities that will ensure that continued protection of the physical and environmental integrity of state-owned beaches and dunes.
2. Encourage the non-structural use of state-owned beaches and dunes for purposes such as public recreation (protection structures such as sand, fences and dune walkovers excepted)
3. Support, when justified by comprehensive analysis, dune stabilization and beach protection and restoration projects in areas where significant erosion and damage have occurred.
4. Require placement of all beach compatible dredge materials on beaches, whenever possible.

H. Natural Hazard Areas

Throughout the State of Florida, certain areas contain natural conditions that constrain development. Additionally, these areas, if improperly utilized, may adversely affect human health and welfare.

Examples of natural hazard areas include river flood plains, the 100-year hurricane flood zone, barrier islands, and areas with active sinkhole potential. state-owned lands classified as natural hazard areas

should be managed in a manner that discourages structural development, unless such structures are specifically designed and built to compensate for the hazard factors. It is especially important to discourage permanent or semi-permanent human habitation in such areas, and the use of state lands for such purposes should generally be prohibited. Allowable management activities within natural hazard areas may include, consistent with other natural and institutional factors, agricultural and timber production, outdoor recreation, and other nonstructural uses.

Policies

1. Control the use and construction of public buildings and other structures within state-owned natural hazard areas to insure structural integrity, resource protection, and public safety.
2. Encourage the utilization of natural hazard areas for nonstructural purposes (e.g. timber production, recreation).

I. Submerged Grass Beds

Submerged native grasses are valuable public resources. They occur throughout the state's marine, estuarine, and fresh water bodies.

Submerged grasses perform a number of "free" environmental services of public benefit, including water quality maintenance, natural turbidity control, bottom stability, and they offer habitat for aquatic organisms. Due to their location, they are also one of the most difficult resources to inventory and protect.

Submerged grasses are fairly fragile and are easily adversely impacted by man's activities. Changes in water quality, quantity, and periodicity, increased turbidity, and competition from non-native aquatic vegetation, can significantly affect this resource.

Management of state-owned lands should recognize the natural values associated with submerged grass beds. Proposed activities requiring a commitment of submerged lands and upland development activities on state-owned lands that will potentially impact water bodies containing submerged grasses, should be strongly discouraged. Projects that will adversely impact significant submerged grass beds should be prohibited unless the project is determined to be of overriding public importance with no reasonable alternatives and adequate mitigation measures are included.

Policies

1. Encourage the location and evaluation of submerged grass beds in state ownership.
2. Control the use of submerged lands to maintain essentially natural conditions and protect the values and functions of submerged grass beds.
3. Prohibit development activities that adversely impact significant beds of submerged grasses, unless determined to be of overriding public importance with no reasonable alternatives, and adequate mitigation measures are included.
4. Encourage the continuation of control programs for noxious and non-native species of aquatic vegetation.
5. Encourage, whenever practical, the use of physical and biological removal techniques rather than chemical applications in aquatic weed control programs.

J. Swamps, Marshes, and Other Wetlands

In recent years, environmental researchers have become increasingly aware of the values associated with swamps, marshes, and other wetlands. These wetlands function as natural filtration for upland run-off, natural water storage areas, and natural hydroperiod control devices. They also provide shoreline stability and protection, and are excellent wildlife habitat. The detrital production of these wetlands are a major component of riverine and estuarine food chains.

Historically, wetlands have been viewed as wastelands', useful only for filling, ditching, and draining for development. Such treatment of wetlands is no longer acceptable. Management of state-owned lands must recognize the functions and public values associated with the protection and maintenance of wetlands.

Policies

1. Require management activities on state-owned lands to protect wetlands and to maintain essentially natural conditions.
2. Encourage the re-establishment of previously modified wetlands in state ownership, where practical.
3. Prohibit the draining of wetlands on state-owned lands for agricultural, forestry, and other purposes.
4. Discourage the removal of natural shoreline vegetation.

K. Mineral Resources

The State of Florida contains quite a diversity of mineral resources that make a significant contribution to the state's economy. The most notable resources, insofar as revenue potential is concerned, include oil and gas, phosphate, clays and limestone. Other minerals present include dolomite, sand, gravel, aggregates, and heavy minerals (zircon, ilmenite, rutile, monazite).

Management of state-owned mineral resources should be subject to more careful scrutiny than is normally the case for the other types of natural resources. The stewardship of these nonrenewable resources must insure that their extraction and utilization serves the best long-range public purposes. Additionally, active extraction of many types of minerals often results in drastic changes to the physical integrity of a parcel of land. A decision to mine must be made with the full realization that most future management options available for that parcel of property will be eliminated.

State-owned mineral resources should be treated as public reserves, and should not be necessarily subject to general market considerations. This is especially true for oil, gas, and phosphate, which are essential for the production of food and fiber. Extraction and utilization of the public mineral resources should attempt to insure their availability for essential products such as pharmaceutical supplies, fertilizers, and pesticides.

Policies

1. Encourage detailed inventories and evaluation of state-owned mineral resources.
2. Control management activities on state-owned land that would preclude or seriously impair the ability to extract significant mineral resources.
3. Allow extraction of state-owned mineral resources in environmentally sensitive areas only upon demonstration that the extraction is of overriding public importance, that all reasonable steps will be taken to minimize adverse environmental impacts, and that there are no reasonable alternatives.
4. Discourage all future releases of state-owned mineral reservations, excepting right-of-entry and exploration.
5. Require that all state-owned lands subjected to mining be reclaimed or restored and left in such condition so as to maximize future public uses and values.

L. Unique Natural Features

This is a generalized resource category designed to accommodate certain natural areas and features. The primary public significance of these features is that they are uncommon in Florida.

Unique natural features include such things as coral reefs, natural springs and their associated runs, caverns and large sinkholes, virgin timber stands, scenic vistas, exceptional vegetation and habitat areas, scenic natural rivers and streams, coquina outcrops, and bird rookeries. The management of state-owned

lands should recognize the public values associated with these unique resources and seek to protect their integrity.

Policies

1. Encourage the location and evaluation of unique natural features on state-owned lands.
2. Discourage management activities on state-owned land that will adversely impact unique natural features.
3. Encourage public utilization of unique natural areas consistent with the protection of the natural values and functions.

M. Ecological Reserves

Ecological Reserves are designated as outstanding examples of native Florida landscapes. They contain relatively unaltered flora, fauna, and geologic conditions, and preservation from the adverse influences of human activity will permit the biophysical systems to function and interact naturally. The primary value and present use of ecological reserves is the preservation of the systems and their functions, leaving all options open for future use of resources and research.

The components of ecological reserves are:

Research Natural Areas where natural processes are allowed to dominate, and the only management is to preserve a given ecosystem or feature, or to allow natural succession. Such areas must be protected against activities that directly or indirectly modify ecological processes or alter the ecosystem being preserved. The only activities allowed in these areas would be collection of baseline data and monitoring of ecosystem function.

Experimental Ecological Areas where experiments or management techniques can be carried out on wildland ecosystems to provide new scientific knowledge of those systems. Research and management must be essentially non-disruptive.

During the management evaluation process, state lands would be assessed for potential as ecological reserves, using these criteria:

*Ecological reserves must contain outstanding, or the only remaining, examples of Florida landscapes.

Recognizing that very little of Florida can be considered pristine, ecological reserves must be areas where natural systems predominate or where restoration of the native systems is economically and ecologically feasible.

*Ecological reserves should be of a size and configuration that allow natural processes to be the dominant management tools. Ideally, it should be possible to buffer them from intensive land use areas.

Policies

1. Preserve examples of natural ecosystems on state-owned land.
2. Preserve the full range of genetic diversity in native plant and animal populations.
3. Encourage collection of baseline data on natural ecosystems, which will aid in detecting environmental changes that result from human activity.
4. Provide research and educational opportunities for scientists and advanced students within the framework of a planned research program on applicable state-owned land.

VI. PROGRAM ELEMENT POLICIES

A. State Land Acquisition

Section 253.03(7), Florida Statutes requires that acquisition of state-owned lands be specifically addressed in the plan. Under most circumstances, other state agencies purchase or otherwise obtain lands for various purposes, and title is taken in the name of the Trustees, consistent with the provisions of Section 253.025, Florida Statutes.

Upon completion of acquisition, the original deed and title insurance policy are transmitted to the Bureau of State Lands Management for permanent filing. When this information is received, the new acquisition is entered upon the State-Owned Lands Inventory, and documents are prepared to assign the newly acquired property to the appropriate management agency or agencies.

Effective October 1, 1979, voluntary negotiated acquisitions of land, title to which will vest in the Board of Trustees of the Internal Improvement Trust Fund, became subject to specific acquisition and review procedures established pursuant to Chapter 79-255, Laws of Florida (Section 253.025, Florida Statutes)[1]. This law strengthens the Board's administrative supervision over title acquisition, and provides an opportunity for all interested and affected parties to coordinate their land needs and intended management activities with the Division of State Lands, acting for the Board.

Policies

1. Establish and implement an evaluation process to determine relative assets and liabilities of each parcel of property to be obtained by state agencies prior to acquisition and formal acceptance of title by the Board of Trustees.
2. Require that future state agency acquisition of lands, to which title will be vested in the Board, be for specific public purposes as outlined by Legislative Act, executive directive, and/or formally approved work programs and plans.
3. Require state agencies to coordinate projected land needs with the Board to insure that these needs are adequately considered in the acquisition process.
4. Require state agencies to meet their land needs, whenever practical, through the use of existing state-owned lands where the intended use is compatible with the approved uses and natural characteristics of the land.

B. Dispositions

Public land sales may be initiated by the Board either upon its own initiative or pursuant to application. Sales are accomplished by negotiation between a prospective purchaser and the Board, or by sealed bids to the highest qualified bidder.

Murphy Act land sales may also be initiated either upon the Board's own initiative or pursuant to application. All such sales are to the highest bidder by sealed bids, except the cases where an applicant qualifies as a hardship applicant.

Before a sale is consummated, all state agencies and the appropriate county and municipal bodies are notified to determine if there is a public need for the subject parcel.

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[1] *Florida Statutes have been revised substantively since 1979. See chapters 253 and 259, F.S., for current acquisition, management and administrative procedures for lands titled to the Board of Trustees.*

The sale of sovereignty submerged lands falls into two categories: lands riparian to uplands, and lands not riparian to uplands. Purchase of sovereignty lands riparian to uplands is normally by the upland owner. Sale of non-riparian sovereignty lands, including sovereignty islands, sand bars, and exposed tidal flats, must be by competitive bid. All sales of sovereignty lands must be determined by the Board to be in the public interest, and upon such terms, prices, and conditions, as the Board deems appropriate. In addition, the Board will determine to what extent a sale of sovereignty land will interfere with normal marine activity and the maintenance of essentially natural conditions, and will consider any other factors, immediate or long-range, affecting the public interest.

In all land sales by the Board, excepting those transactions referenced in Section 253.62, Florida Statutes, there shall be reserved for the Board and its successors, an undivided three-fourths interest in, and title to all the phosphate, minerals, and metals that are or may be in, on, or under the said land, and an undivided one-half interest in all the petroleum that is or may be in, or under the said land with the privilege to mine and develop the same (Section 270.11, Florida Statutes).

Exchanges

Exchanges of public land may be initiated by the Board, either upon its own initiative or pursuant to application. The Board is authorized to pay or receive a sum of money in order to equalize an exchange. Exchanges, like other public conveyances, must satisfy the applicable public interest requirements, and the Board must receive, at a minimum, properties and/or other considerations, worth no less than the property relinquished in the exchange.

In all disposition transactions, the Board should assume a positive negotiating posture and exercise its proprietary responsibilities in regard to accepting or setting the terms and conditions of each transaction affecting state land. Since it is counter to present disposition policy to sell state lands for the purpose of generating revenue, it should be demonstrated that all dispositions of state lands are in the public interest.

As a method for disposition, land exchanges are usually preferred and should be the first option explored. The state benefits by such transactions and does not diminish its capital assets because of the equal-terms minimum requirement. Land exchanges also provide a viable management vehicle for the consolidation and enhancement of the state-owned land inventory. For example, many small or otherwise unmanageable parcels can be offered in exchange for tracts adjacent to existing state landholdings.

Sales of state-owned lands should be considered only after all possible land exchange proposals have been exhausted, and the Board is satisfied that the sale as not contrary to the public interest, or in the case of sovereignty lands, that the sale is in the public interest. Historically, the Board, in the interest of internal improvement, has sold millions of acres of state land to private citizens, railroads, and other corporations. This effort to attract new citizens and to develop the State of Florida by the sale of public land is no longer necessary or desirable. Under certain conditions, land sales can prove beneficial by reducing the management liabilities of the Board, while supplementing a county tax roll. Also, situations may occur in which the disposition or leasing of land for institutional, industrial and research and development parks would further such State objectives as creating and building Florida industries and encouraging permanent employment for citizens. When considering a land sale, the Board should regard the appraised value of the parcel as the base bid or negotiable price, and agree only to those transactions that benefit the people of Florida.

Policies

1. Land exchanges shall be the first disposition option considered by the Board so as to consolidate the state-owned land inventory and to protect the public’s proprietary interests.
2. Outright sales of state land should be directed at reducing the management liabilities of the state-owned land inventory, and utilized only after the land exchange option has been exhausted.

3. In all disposition transactions, the appraised value of the subject state land parcel shall constitute the base price of any bidding or negotiating procedure.
4. In all dispositions of state land, the Board shall endeavor to retain 100% interest in, and title in and to, all of the minerals and petroleum products that are or may be in, on, or under said land with right of ingress and egress and the privilege to mine and develop the same.

C. Sale or Release of Reserved Title Interest

(minerals, road rights-of-way, canal rights-of-way)

Reserved title interests are commodities of value. Section 253.02(7), Florida Statutes calls for a management plan for state-owned lands that will "insure maximum benefit and use" of each parcel of land. A shift from the traditional situation of releasing mineral reservations for a set fee to a process of acquisition and/or subordination based upon potential mineral value more appropriately reflects the statutory directives of Section 253.02(7), Florida Statutes. The Board now issues releases of rights-of-entry and exploration instead of granting full releases. Provisions for the outright purchase of reserved mineral interest are available should the release of rights-of-entry and exploration be insufficient for the surface owners' purpose.

Procedures for releasing reserved road and canal rights-of-way are being evaluated to determine if any changes should be made. The primary areas of evaluation center around existing statutory authorities and ensuring that the procedures adequately reflect sound management principles, and are not counter to the public interest (i.e. achieve "maximum benefit and use")

Policies

1. Encourage public recognition of the fact that reserved title interests in real property represent commodities of value.
2. Discourage future releases or subordinations of reserved title interests held by the Board, unless determined to be not contrary to the public interest and in exchange for just compensation.
3. Encourage the inclusion of reserved title interests (i.e. reserved mineral interests) in the state lands management program, and subject these reserved interests to the same management criteria applicable to state-owned lands, consistent with the degree of state title control.

D. Murphy Act Lands

Murphy Act lands are those having outstanding tax certificates that, by virtue of Chapter 18296, Laws of Florida 1937, became absolutely vested in the State of Florida on June 9, 1939. The provisions of the Murphy Act specifically provide for those management activities that also pertain to other categories of state land, such as selling, leasing, exchanging, granting of easements, and withdrawing from public sale. In addition, the Board of Trustees is vested and charged with the administration, management, control, supervision, conservation, and protection of these lands and the products on, under, and growing out of, or connected with Murphy Act lands, and laws relating to the lands of the Board shall be applicable. However, due to the perceived "uniqueness" of Murphy Act lands at its inception, this category of lands historically has been handled differently than other state-owned lands.

The primary activity since the early 1940's has been to sell these lands. Since that time, approximately 78,000 Murphy Act deeds have been issued, as well as a great number of releases on the conveyed parcels. There are approximately 8,500 parcels currently on the Murphy Act inventory.

The problem with Murphy Act lands that prevents their assimilation into the inventory of all state-owned lands is essentially a question of title, and as these questions are resolved, the Murphy Act lands should be managed in a manner consistent with other state lands under the state lands management program.

Policies

1. Establish a process whereby existing private claims to Murphy Act lands can be equitably settled without resorting to the judicial system. (Note Section 197.387, Florida Statutes in Appendix F).
2. Eliminate all special management considerations for those Murphy Act lands not subject to private ownership claims, and integrate these lands into the general state lands management program.
3. Develop a process whereby small, isolated parcels of Murphy Act land that have no unique public values and are determined to be surplus, are sold, exchanged, or disposed of by other means.
4. Utilize small Murphy Act parcels as exchange items to consolidate larger holdings of state-owned lands that possess good management opportunities.

E. Management Agreements and Leases

In the past, long-term leases have been extensively utilized in the management of state-owned lands. Leases to state agencies, for example, have traditionally been for 99 years. Over the years, the cumulative effect of this practice has been the removal of a sizable percentage of state-owned upland property from active management consideration by the Board of Trustees.

While long-term (e.g. 99 years) leases have allowed many state agencies to successfully engage in their own management programs, they have also created problems for the Board. Due to changing public attitudes, some parcels of state-owned land under long-term leases are not being utilized to their maximum public advantage. It is, in fact, impractical to commit the use of public lands for long periods of time without risking preemption of some future uses of greater public importance.

In the interest of insuring "maximum benefit and use" of state-owned lands, all future leases for nonstructural purposes shall be specifically related to the existing or planned life cycle or amortization of the improvements. The intent of this proposal is not to interfere with existing agency programs or responsibilities, but to ensure that the Board exercises its responsibilities as owner and administrator. A reduction in the standard lease period, accompanied by specific renewal options, should allow the uninterrupted continuation of those agency programs requiring the use of state-owned land. It will also provide specific opportunities for the evaluation of public benefits associated with lease renewal. In the event that the lease renewal evaluation demonstrates a significant departure in use and/or public benefits from the original lease agreement, renewal will be allowed only upon a determination that the modified use is consistent with the concept of "maximum benefit and use" (Section 253.03(7) and 253.034(2), Florida Statutes).

Policies

1. Prohibit the issuance of 99-year or other long-term leases on state-owned lands, unless a specific need can be demonstrated for such duration.
2. Limit the duration of leases, agreements or other instruments authorizing the use of state-owned land to a period that is no greater than is necessary to provide for the reasonable use of the land for the existing or planned life cycle or amortization of the improvements.
3. Limit the duration of leases on state-owned lands that are proposed for use as building sites or for other structural improvements, to a time not exceeding the projected useful life of the building or structure.
4. Require thorough management evaluations of all state-owned lands that are subject to lease requests, prior to issuance of leases or other similar instruments.
5. Encourage the use of management agreements in lieu of leases, whenever practical.

6. Require the inclusion of specific management requirements and responsibilities in each management agreement, lease or similar instrument issued by the Board.
7. Actively pursue the termination of all outstanding leases that do not conform to the original management objectives contained in these leases.
8. Prohibit the lessee of state-owned lands from issuing sub-leases, easements, assignments, and other instruments affecting condition of title, without prior approval of the Board.
9. Ensure that all financial, structural and other liabilities accruing to a parcel of state-owned land during the lease period become the sole responsibility of the lessee, unless it is determined that said liabilities are unrelated to the actions of the lessee.
10. Encourage the identification and marking of boundaries of all upland parcels of state-owned lands to allow orderly and effective management.

F. Submerged Land Leases

Categories

Leases on those submerged lands in which title is vested in the Board of Trustees of the Internal Improvement Trust Fund fall into six categories:

1. Commercial/Industrial docking facility
2. Aquaculture
3. Oyster and shellfish
4. Dead shell
5. Oil and Gas
6. Campsite (stilt houses)

Commercial/Industrial docking facility

All commercial/industrial docking facilities located on or over sovereign submerged lands, except those in existence prior to March 10, 1970, are required to obtain leases from the Board. These leases are available to the upland riparian owner only, for a maximum term of five years, and are subject to renewal. The annual fee on the leased area is currently $.037 per square foot or $187.00 whichever is greater.

Aquaculture

Aquaculture leases may be for experimental or commercial activities on submerged lands. Applications for aquaculture leases must include a statement indicating the said lease is in the public interest, and a statement outlining the impact of the proposed use of the subject parcel on the ecology of the area. The leased parcel shall be identified, well-marked, and shall provide for reasonable public access for boating, swimming, and fishing, except where said activities will interfere with the development of plant and animal life being cultivated by the lessee. Any limitations on the public use of the subject parcel as proposed in the lease shall be clearly posted in conspicuous places by the lessee. The lessee shall also comply with all rules and regulations of the Department of Natural Resources, Department of Environmental Regulation, U.S. Coast Guard, and U.S.A. Corps of Engineers.

Oyster and shellfish

Oyster and shellfish leases are presently processed by the Division of Marine Resources, D.N.R., pursuant to Section 370.16, Florida Statutes. Leases are issued subject to the rules and regulations of the Division. The lessee is required to stake off and otherwise identify the leased property. Dredging for dead shells in live oyster beds is prohibited and the D.N.R. is empowered to prohibit any and all dredging of dead shells when it is determined that said dredging will adversely affect the oyster industry.

Oil and gas

Oil and gas leases on submerged lands may be issued to the highest bidder after receipt of sealed bids by applicants pursuant to public advertising by the Board. The term of said leases shall be for a maximum of ten years, and for a fee and royalty schedule as decided upon by the Board. The lessee is required to submit to the Board the percentage of mineral interest held by the Board and a list of all other state oil and gas leases held by the lessee. Such leases processed within the corporate limits of a municipality or within three miles thereof, or within three miles of an improved beach cannot be issued without prior consent of the applicable public body.

Campsite (stilt houses)

Campsite leases on submerged lands are also referred to as stilt house leases. New leases of this type are no longer being issued by the Board, which has adopted a policy of phasing out existing stilt houses. All existing stilt houses are subject to lease provisions and local building and health codes.

Constitutional, judicial and legislative requirements

There are specific constitutional, judicial and legislative requirements, which must be considered in the leasing of submerged (sovereignty) lands. These include:

Florida Constitution, Article IX, 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."

Hayes V. Bowman (Florida, 91 So.2d795)

"it is well settled in Florida that the State holds title to lands under tidal navigable waters and the foreshore thereof (land between high and low water marks). As at common law, this title is held in trust for the people for purposes of navigation, fishing, bathing and similar uses. Such title is not held primarily for purposes of sale or conversion into money. Basically, it is trust property and should be devoted to the fulfillment of the purposes of the trust, to wit: the service of the people."

Section 258.42(1), Florida Statutes,

"No further sale, lease, or transfer of sovereignty submerged lands shall be approved or consummated by the trustees except when such sale, lease, or transfer is in the public interest."

Section 253.034(1) (a), Florida Statutes, in part –

"All submerged lands shall be considered single use lands, and shall be managed primarily for the maintenance of essentially natural conditions, the propagation of fish and wildlife, and public recreation; including hunting and fishing where deemed appropriate by the managing agency." The public's interests in the areas of navigation, recreation, and riparian rights, as well as the ecological importance and aesthetic appeal of the subject parcel should also be considered by the Board prior to issuance of the lease.

Policies

1. All submerged lands shall be considered single-use lands and shall be managed primarily for the maintenance of essentially natural conditions, the propagation of fish and wildlife and public recreation, including hunting and fishing where deemed appropriate by the managing agency.
2. Require that all proposed private or public uses of state-owned submerged land for profit be subject to Board action, and that just compensation be paid in return for this exclusionary privilege, using economic principles such as percentages of the assessed unimproved upland property value.

3. Require management consistency evaluations prior to Board action on any state-owned submerged land leases.
4. Discourage, to the extent practicable, all private, exclusionary uses of state-owned submerged lands.
5. Issue oil, gas, and other petroleum drilling leases on state-owned submerged lands only when the proposed lease area is at least one mile seaward of the outer coastline of Florida as defined in United States v. Florida, 425 U.S. 791, 48 L. Ed., 2nd 388, 96 S. Ct. 1840, upon adequate demonstration that the proposed activity is in the public interest, that the impact upon aquatic resources has been thoroughly considered, and that every effort has been made to minimize potential adverse impacts upon sport and commercial fishing, navigation and national security.
6. Maintain an inventory of all state-owned submerged land title encumbrances.
7. Require that the use of state-owned submerged lands be restricted to water-dependent activities, unless the Board specifically determines that a greater public purpose would be served by allowing exceptions to the contrary, as determined by a case-by-case evaluation.
8. Prohibit all future state-owned submerged land leases for the construction and maintenance of stilt houses ("campsite leases")
9. Actively pursue the termination of all unauthorized activities on state-owned submerged lands.
10. Require that specific management consideration be given to the use of state-owned submerged lands within aquatic preserves, as defined by Chapter 258, Florida Statutes.
11. Ensure that all activities on state-owned submerged lands avoid adverse impacts upon other authorized uses of submerged lands.
12. Develop a uniform system of subdividing the state-owned submerged lands into easily described parcels to allow the development of an inventory and provide for the management of such activities as offshore oil and gas leasing.

G. Marinas [2]

The Board recognizes the tremendous values of the submerged lands of the state and the enjoyment and economic benefit that is derived from or depended upon these valuable lands by the boating public. Therefore, it is the policy of the board to preserve the ability of the state's land to meet the public demands for food, recreation, and transportation. Environmental and aesthetic values must continue to be assured prior to the state authorizing encroachment and development.

The Board encourages proper public use of these valuable natural resources, but demands that environmental integrity be maintained to the fullest extent of the laws of the state. Preemptive uses shall only be granted on a fair and equitable basis with riparian rights considered.

Policies

1. Water dependent uses such as marinas and boating shall take precedence over non-water dependent uses. Extra caution and consideration shall be given prior to authorizing uses of areas with high environmental values such as aquatic preserves, Outstanding Florida Waters, and marine and estuarine sanctuaries, and important archaeological sites.
2. Locations which are currently or have historically been used for water access or boating related activities should be maintained for such uses. New sites should be located near well-flushed deep waters with reasonable access and sufficient public demand where possible. The Board shall not allow significant degradation of its waters and shall recognize that each body of water is different

[2] *The Board of Trustees adopted paragraph "G" on March 15, 1983 (Agenda Item #9).*

in natural quality and strive to maintain proper balance of allowable uses against the ability of the resource to continue to support such uses.

3. Priority should be given to the expansion of existing facilities, if environmentally sound, over new facilities. Location of marinas in previously disturbed areas that have historically been used for marine related activities should be encouraged.
4. Marinas should be located as close as possible to demand.
5. Marina development should be encouraged where adequate uplands are available to develop related support activities and allow for future expansion.
6. Hurricane protection needs for marinas should be considered.
7. Input from local government should be considered in evaluating lease requests.
8. Location of marinas in highly productive habitat should be discouraged.
9. Location of marinas in or near well-flushed, deep water areas should be encouraged.
10. Piling construction and other non-dredge and fill techniques should be utilized where possible to minimize habitat destruction.
11. Pollution prevention including sanitation and spill containment needs should be assessed and safeguards required as appropriate.
12. Impact upon the endangered manatee should be considered, particularly marina locations, or design features which threaten manatees should be considered.

H. Spoil Islands

Spoil islands are formed from the deposition of material from dredge and fill operations. These islands are generally not for sale, except where an overriding public need will be satisfied by such a conveyance.

Spoil islands should be left in their natural state unless a greater public purpose would be served by either development or the reuse for spoil deposition. Proposals for public development of spoil islands may be authorized after comments have been solicited and received from the appropriate public agencies determining that the public interest would be served by the development. Upon such authorization, said development will be administered by management agreement, lease, or other similar instrument from the Trustees, rather than sale of the spoil island. The instrument will be consistent with the guidelines set forth in Section 253.111, Florida Statutes. In addition, instruments for development of spoil islands should be granted only for water dependent and recreational activities, except where the public would be better served by other types of development, preferably nonstructural.

Dwellings and other structures not owned or authorized by the Board that have been constructed on spoil islands, as on other state-owned land, should be removed, either by the individuals claiming a possessory interest in the structures within a reasonable period of time or by appropriate state agencies with assistance from local government officials. Permanent human habitation of any spoil island under the management control of the Board should be prohibited.

Policies

1. No sale, lease, or transfer of spoil islands, title to which is vested in the Board of Trustees, shall be allowed, unless there is a demonstrable public need and the proposal is in the public interest.
2. Development of state-owned spoil islands shall be limited to water dependent and recreational activities, except as provided by the Board to accommodate overriding public interest factors.
3. Where practical, and when in the public interest, encourage the reuse of existing spoil islands rather than the creation of new ones.
4. No unauthorized structures shall be allowed to exist on state-owned spoil islands.
5. There shall be no permanent human habitation of any state-owned spoil islands, except for public purposes.

6. Authorization to conduct activities on state-owned spoil islands shall, to the extent practicable utilize leases, management agreements, and other similar instruments rather than outright sales.
7. Actively pursue the immediate termination of all unauthorized uses of state-owned spoil islands.

I. Leasing of the State's Mineral Interest

The leasing of the State's mineral interest has traditionally been limited to oil and gas exploration and drilling. Although numerous reservations have been retained on many prior conveyances, very few mining leases have been issued. This could partly be attributed to the fact that the leasing of the state's exploitable resources traditionally has been initiated by private citizens interested in particular parcels of lands. Presently, all oil and gas drilling leases granted by the state originated from an applicant (usually an oil exploration company or a speculator) requesting the Board to put up certain acreage for lease.

A second factor which has hindered the widespread leasing of the state's mineral interest has been the lack of a correct, updated mineral interest inventory. As a result, the state has been dependent upon the information provided by the individual applicants. At times, oversights have occurred and revenues lost due to the state's passive leasing policy. Every effort should be made to complete and maintain state-owned lands mineral inventory.

By encouraging the development of a planned program for assessing mineral exploration and recovery the state can realize numerous benefits. Improved inventories can aid in determining the optimum distribution in terms of rate and location of activity allowable in the interests of both the public and the resource. Factors such as the environmental sensitivity of a proposed exploration/recovery site should be weighed with the restorative potential and resource availability as well as other economic and social considerations. On one hand, there may be some areas where other considerations may override the desirability of recovery; while on the other hand, the desirability of maintaining the future recovery potential may dictate interim uses that would not foreclose such an option.

Policies

1. Encourage the timely development of accurate mineral resource inventories and evaluations for all state-owned lands.
2. Encourage the establishment of an exploration lease program, covering all minerals that will assist the Board in assessing future management directions and needs.
3. Consider the active exploitation of mineral resources on state-owned lands when determined to be consistent with market economics, projected mineral reserve requirements, present and projected public land use needs, environmental acceptability, and other public interest factors.
4. Encourage public recognition that state-owned mineral interests and resources are commodities of value, and should be managed accordingly.
5. Require land reclamation plans in advance of issuance of hard mineral mining leases that would involve substantive surface disturbance of state-owned lands.
6. Discourage extensive, permanent structural development on state-owned lands possessing known commercial mineral potential so as not to unnecessarily preempt recovery and utilization of the mineral resource.

J. Leases for Sanitary Landfills

In the past, the Board has issued leases allowing placement of sanitary landfills on state-owned lands. Future management of state-owned lands should strongly discourage placement of sanitary landfills or other similar facilities on state-owned lands. Activities of this nature often preclude or severely restrict management options. Additionally, use of state-owned property for purposes such as sanitary landfills rarely benefits the public at large. Instead, such uses usually benefit only a very limited segment of the

population. It is questionable whether using state-owned lands for sanitary landfills meet the statutory test of "maximum benefit and use".

Policies

1. Discourage use of state-owned lands for sanitary landfills and similar facilities and uses.
2. Consider use of state-owned lands for sanitary landfills, or similar activities, only when no alternative locations are available. Such instances will require a detailed land reclamation plan acceptable to the Board.
3. Phase out existing sanitary landfill leases as expediously as possible.
4. Prohibit non-state agency sanitary landfills and similar facilities on state-owned lands.

K. Easements

The request for and issuance of easements has been and continues to be, a major component of the management program for state-owned lands. As part of the management program, it is important that the current procedures covering easements be thoroughly evaluated and modified.

"Easements in gross" comprise the majority of requests received by the Board. An easement in gross is defined as an easement "not appurtenant to any estate in land (or not belonging to any person by virtue of his ownership of an estate in land) but mere personal interest in, or right to use, the land of another". Examples of easements of this type normally processed by the Bureau of State Lands Management include public utility corridors, pipeline crossings, and public road rights-of-way.

Investigations into an appropriate fee schedule for easements across lands titled to the Board indicate that certain types of easements should be exempted from such charges. Easements requested by public entities for public purposes are examples of easements that should be exempted from charges.

Charges for easements other than these specifically exempted appear to be very much in order. It is recommended, however, that the Board reserve the right to waive the fee requirement for those non-exempt easement requests that are determined to be in the public interest and will result in a benefit to the public at large.

Proposed easements that will be subject to charges or fees should be categorized according to the degree and type of impact the easements will have on current, future, and/or traditional management activities or uses. In general, such easements can be described as either exclusionary or non-exclusionary. Exclusionary easements are those easements that, due to their nature, preclude in whole or in part, current or traditional uses (usually by the public) of the land for which the easement is sought. Non-exclusionary easements will have little or no effect upon the traditional or current uses. It is recommended that the easement fee schedule recognize a distinction between exclusionary and non-exclusionary easements.

Policies

1. Encourage the elimination of the granting of perpetual easements across state-owned lands.
2. Establish a realistic fee schedule applicable to all "easements in gross" that reflects a distinction between exclusionary and non-exclusionary uses.
3. Discourage the granting of "easements in gross" that will significantly affect the Board's ability to manage state-owned lands in a manner that achieves "maximum benefit and use."
4. Establish a procedure whereby the Board may, at its discretion, waive the fee requirements for "easements in gross" that are determined to be in the public interest and will result in a benefit to the public at large.

L. Artificial Reefs

In most cases, the construction of artificial reefs involves the use of state-owned lands. In such cases, the agency, organization, or individual desiring to construct an artificial reef must obtain permission from the Board.

Artificial reefs are normally built to enhance the submerged bottom habitat so as to attract increased numbers of marine organisms. These organisms in turn, attract various species of fish, resulting in an increase in the exploitable productivity of fishing areas.

Reasons for constructing artificial reefs usually fall within two general categories. The first category would include construction for limited scientific research and exclusionary purposes. One of the basic factors of this type of construction is the need and/or desire to restrict access to and use of the reef area. Requests falling into this category should be handled under lease or easement, and subject to the same management requirements as aquaculture leases.

The second category includes construction of artificial reefs strictly for the enhancement of fishing habitat, and access and use of the completed reef is open to the general public. This type of proposal could effectively be handled by issuance of a letter of consent, rather than a lease or easement. The letter of consent would be valid only during the original construction period and would constitute permission to trespass. Upon completion of the reef, the letter of consent would expire. All right to the completed reef would vest in the Board and the reef would be open to the public for recreational use.

Policies

1. Encourage placement of artificial reefs seaward of the near-shore areas in order to avoid potential conflicts with the riparian rights of upland owners.
2. Encourage full public access to and enjoyment of the benefits resulting from artificial reefs.
3. Minimize administrative requirements and processing time for the construction proposals that benefit the general public.
4. Require that the construction of artificial reefs recognize and avoid long-term water quality and navigation problems.
5. Insure that the artificial reef construction does not adversely impact environmentally fragile areas or infringe upon areas under active lease (e.g. oyster leases), or active potentially conflicting public use.
6. Insure that reefs are constructed in a manner that minimizes safety hazards.

M. Aquatic Preserves

During 1975, the Legislature recognized the importance and value of state-owned submerged lands by setting aside certain areas of exceptional biologic, scientific, or aesthetic values as aquatic preserves for the benefit of future generations. These submerged lands and the water over them offer economic and environmental to the present and future generations. They provide natural beauty in settings suited to recreation for residents and tourists. Unique plant and animal communities in the preserves are not only of interest to scientists but are the breeding grounds for important fin and shellfish.

Some preserves are virtually natural. In others, man's activities have altered natural conditions to varying degrees. Some alterations have been so great as to threaten the natural benefits that attracted man.

The responsibility for the land management within the preserves was delegated by statute to the Board of Trustees of the Internal Improvement Trust Fund. Rules to regulate human activities within the preserves have been adopted by the Board (CH. 16Q-18, and 20, F.A.C.). Management of aquatic preserves will be consistent with both the legislative intent of the Aquatic Preserve Act and with the overall goals, objectives and policies of the State Lands Management Plan.

Policies

1. No sale, lease or transfer of state-owned submerged lands within aquatic preserves shall be approved unless it is in the public interest.
2. No bulkhead line shall be located or relocated waterward of the mean high water line in an aquatic preserve unless necessitated by a road or bridge construction project where no reasonable alternative exists and the project is not contrary to the public interest.
3. There shall be no drilling of gas or oil wells within any aquatic preserve.
4. There shall be no excavation of minerals within aquatic preserves except the dredging of dead oyster shells as approved by the Department of Natural Resources.
5. (a) There shall be no dredging of state-owned lands within aquatic preserves for the purpose of providing upland fill.

   (b) There shall be no dredging or filling of submerged lands within aquatic preserves except minimum dredging and spoiling as may be necessary for the following activities: -

   i) public navigation projects

   ii) maintenance of existing navigation channels

   iii) creation and maintenance of marinas, piers, docks and their attendant navigation channels

   iv) public utility installation or expansion

   v) installation and maintenance of fuel transportation facilities

   vi) alterations necessary to enhance the quality or utility of the preserve or the public health generally
6. No structures shall be erected within a preserve except:

   (a) Private docks for reasonable ingress or egress of riparian owners.

   (b) Commercial docking facilities shown to be not contrary to the use or management criteria of the preserve.

   (c) Shore protection structures, approved navigational aides, or public utility crossings authorized under policy #5b.
7. No wastes or effluents which substantially inhibit the accomplishment of the purposes of the Aquatic Preserve Acts shall be discharged into an aquatic preserve.
8. Management of human activities within aquatic preserves will not unreasonably interfere with traditional public uses such as fishing, boating and swimming.
9. Management of aquatic preserves shall not infringe upon the traditional rights of riparian landowners within or adjacent to an aquatic preserve.
10. Other uses of an aquatic preserve may only be approved subsequent to a formal finding of compatibility with the purpose of the Aquatic Preserve Acts and rules, and of the type designation of the preserve in question.

N. Erosion Control Lines and Beach Restoration

Erosion control lines are established by the Board in conjunction with publicly financed beach nourishment or restoration programs permitted by the Department of Natural Resources. Such lines represent the landward extent of claim of the state in its capacity as sovereign titleholder of the submerged

bottoms and shores of the Atlantic Ocean, the Gulf of Mexico, and the bays, lagoons, and other tidal reaches. Such line becomes effective on the date of the recording of the survey showing the area of the beach to be nourished or restored and the location of the erosion control line.

An erosion control line can be established only upon the recommendation and certification of the Department of Natural Resources, customarily through its Bureau of Beaches and Shores, and upon the written consent of the owners of a majority of the lineal feet of contiguous riparian property which either abuts the erosion control line or would abut such line if established I at the mean high water line.

Policies

1. Ensure that proposed erosion control lines do not adversely affect title interests to state-owned lands.
2. Ensure that erosion control projects do not infringe upon the private property rights of riparian landowners.
3. Ensure that sources of beach nourishment material containing environmentally fragile resources or located in or adjacent to areas frequently utilized by sports and/or commercial fishermen are avoided to the extent practicable.
4. Erosion control lines shall be set at or as near as practicable to the existing mean high water line. However, based upon assurances and fiscal commitments by a local government sponsor such as periodic maintenance and renourishment of the beach, reconstruction and protection of dunes, conservation easements, and increased public access, the Board may consider setting the line waterward of the existing mean high water line.

O. Conservation and Recreation - Environmentally Endangered Lands

Public concern that Florida's unique natural systems were rapidly being destroyed resulted in the Land Conservation Act of 1972 (Chapter 259, Florida Statutes), commonly known as the Environmentally Endangered Lands (E.E.L.) acquisition program, funded through a $200 million statewide bond issue overwhelmingly passed by the voters of Florida. In 1979, the Conservation and Recreation Lands (C.A.R.L.) Program and Trust Fund were created by legislative action as a continuation of the E.E.L. program, with expanded authority to acquire various types of lard in the public interest. Annual funding of up to $20 million is provided from a portion of the severance taxes on solid minerals, oil and gas.

The Division of State Lands is charged with the administration of the C.A.R.L. Program. Following the compilation of a priority list by the Land Selection Committee and approval of the list by the Board, money may be allocated for acquisition on an annual basis in each of the following categories and proportions:

1) Up to seventy percent for lands qualified as environmentally endangered as defined in Chapter 259, Florida Statutes, or

2) Up to seventy percent for other lands in the public interest.

3) Also, up to ten percent of the annual allotment may be spent for management of lands purchased and up to five percent for the compilation of a statewide natural areas inventory.

Under the Land Conservation Act, the purchase of 22 environmentally endangered land projects was initiated between 1972 and 1979, with acquisition completed on ten. Following the first year of activities through the C.A.R.L. Program, a priority list of 27 projects was approved in December 1980.

Policies[3]

1. Encourage the continuation of state interagency and general public involvement in all facets of the C.A.R.L./ Environmentally Endangered Lands Program.
2. Encourage the refinement of evaluation and selection procedures for C.A.R.L./Environmentally Endangered Lands projects, which will help ensure the acquisition of the most vital, sensitive, and important areas for public enjoyment and long-term environmental protection.
3. Minimize the acquisition of C.A.R.L./Environmentally Endangered Lands with outstanding title reservations and/or other management encumbrances.
4. Encourage multiple-use management of C.A.R.L./Environmentally Endangered Lands where compatible and consistent with statutory and natural resource limitations and the purposes of acquisition.
5. Manage C.A.R.L./Environmentally Endangered Lands by management agreements rather than long-term, blanket leases.
6. Actively discourage any request for leases, easements, or other forms of approval to use state owned E.E.L or C.A.R.L. lands for any purpose not specifically authorized by Ch. 259, F.S. Such requests may be considered by the Board only if no reasonable alternative exists. Additionally, such requests may be approved only if the Board determines and is assured that there will be adequate mitigation, compensation, or other consideration that will result in a net positive benefit to the affected parcel.
7. Any request for approval to use E.E.L. or C.A.R.L. parcel shall be subject to a thorough management evaluation using the criteria listed in Appendix A.

P. Compensation for the Use of State-Owned Lands

Many activities involving state-owned land do not directly benefit the general public as a whole. In such cases, the Board should obtain compensation in some form, for the private use and/or preemption of portions of the public domain. To the extent practicable, the Board should rely on principles of private enterprise to establish fee schedules or other rates of compensation.

Traditionally, fee appraisals have been used by the Board to establish reasonable rates of compensation in exchange for private uses of state-owned land. This is especially true for those activities with private counterparts, such as grazing leases or private easements. Due to the staff limitations, however, individual appraisals are not generally suitable in establishing user fees for those activities normally restricted to state-owned lands (i.e. submerged land leases) or when the number of applications is so great as to render individual appraisals unworkable.

Specific fee criteria that are not established by individual fee appraisals are now established through administrative rule making. This appears to be the most appropriate way to establish or modify fee schedules for certain uses of state-owned land. Use of the administrative rule format permits individualized attention to the compensation question without depending entirely on fee appraisals or other similar approaches.

Policies[4]

1. The Board shall require equitable compensation when the use of state-owned lands by private or public entities, except for state agencies exempted by law, generates revenue or profits for the user, or general public use is limited or preempted.

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[3] *The Board of Trustees adopted policies #6 and #7 of Paragraph "O" on July 7, 1981 (Agenda Item #14).*

[4] *The Board of Trustees adopted policy #6 of Paragraph "P" on July 7, 1981 (Agenda Item #14).*

2. To the extent practical, the Board should use principles of private enterprise in establishing fee schedules or other methods for ensuring just compensation.
3. The Board shall require a reasonable return for any private use authorized by lease, easement or other use agreement. The structure for the formula for assuring a reasonable return may vary depending on circumstances and may include a flat fee per time unit, per area of quantity unit, a percentage of the assessed upland property value, a royalty fee or some other form of compensation or combination thereof.
4. The Board shall require the periodic reassessment of the terms and conditions of all leases, easements and use agreements that exceed one year to insure a continued equitable rate of compensation.
5. The Board may consider a waiver of fees if the use of state-owned land does not generate revenues or profits and the land is open to the general public without charge.
6. Any request to use E.E.L., C.A.R.L., or other state lands that are managed primarily for the conservation and protection of natural resources, such as state parks, preserves, forests, wilderness areas, and wildlife management areas, which would preclude or affect in whole or in part, current or future uses, shall be required to provide a net positive benefit to the affected parcel. Net positive benefit shall not be solely monetary compensation, but shall include mitigation and other consideration related to environmental or management benefits. Any compensation/mitigation proposal shall be related to the affected parcel.

Q. Surplus Lands

The state land acquisition and management programs would benefit from the development and implementation of a surplus lands program. Such a program would contain a procedure for defining and identifying surplus lands. However, land would not be labeled surplus nor disposed of in a manner that would reduce the value of the land inventory of the state, which is the corpus of the Trust. Land is a valuable fixed capital asset.

Surplus lands should first be used in land exchanges to obtain inholdings and other parcels which would enhance the management and value of existing state-owned lands. Some parcels, such as Murphy Act lots, may be too small or scattered to be effectively used in land exchanges. These should be disposed of through competitive bidding after the minimum bid has been set by the fee appraisals.

In addition to Murphy Act and other remnant parcels, the purchase of large acreages through the E.E.L. and C.A.R.L. acquisition program may result in the acquisition of parcels which are not essential to the original project boundary design. However, because of common ownership it may have been necessary to acquire those with the parcels essential to manageable boundary configuration. Such remnant parcels should be identified in a process of developing management plans for the newly acquired parcels, on the front end prior to acquisition.

All proceeds from the sales of state lands should be used to acquire additional state lands. This would insure that the state land inventory would never be reduced in value.

The management evaluation criteria (see Appendix A) would be used to identify surplus lands. Individual parcels would be evaluated to determine whether the legal, physical, environmental and other factors are positive or negative in terms of their management potential. Basically, the process for identifying surplus lands is the same as the process for developing management recommendations and plans. Except in the case of surplus lands, the analysis would show that there are encumbrances, physical restrictions or liabilities that make it difficult or impossible to effectively manage or use the parcel for maximum public benefit.

Section 253.034(5), Florida Statutes, requires the Board and each state agency managing state-owned lands to identify those lands surplus to their needs every five (5) years. The most effective way to

implement the surplus lands program would be in conjunction with the development and review of land management plans required by Section 253.034(3), Florida Statutes. Since every state agency managing lands owned by the Board must submit a land management plan to the Board at least every five (5) years, and the criteria used to prepare management plans is essentially the same as the criteria for determining surplus lands, the two requirements should be accomplished simultaneously. Such a surplus land review would logically occur simultaneously with all state land acquisitions.

Policies

1. A surplus lands program shall be developed and implemented in conjunction with the review and approval of land management plans under 253.034(3), Florida Statutes.
2. Surplus lands should first be used in land exchange to obtain inholdings and other parcels which would enhance the management of existing state-owned lands.
3. Sales of surplus land shall be by competitive bid with the appraised market value as the minimum bid.
4. All proceeds from the sales of state lands should be placed in state land acquisition funds.

VII. Appendix

A. Management Evaluation Criteria

Legal

1. Type and degree of state title interest
2. Outstanding leases, easements, reverter clauses or other legal encumbrances or liabilities
3. Legislative or executive designations or directives
4. Relationship to local government comprehensive plans adopted pursuant to Chapter 163, Florida Statutes

Physical

1. Size and configuration
2. Location and access
3. Encroachments/recognized and unrecognized
4. Proximity to public lands, population centers

Environmental

1. Wetlands
2. Beaches and dunes
3. Unique, threatened and endangered species and habitat
4. Unique features (caves, sinkholes, springs)
5. Water resources (quality and quantity)
6. Submerged lands (grass beds, coral, shellfish areas)
7. Natural hazard areas (hurricane and other flood zones)
8. Soils (prime and unique agricultural land, development suitability)
9. Fish and wildlife resources
10. Areas of special environmental concern (aquatic preserve, ecologic reserve, and E.E.L. and C.A.R.L. lands)

Cultural

1. Archaeological and/or historical resources (Indian mounds)
2. Recreational resources (canoe trails, picnicking, public hunting)
3. Aesthetic resources (scenic vista, wilderness)

Economic

1. Oil, gas and mineral resources
2. Agricultural resources
    a. timber
    b. prime and unique agricultural lands
    c. grazing
3. Prime development areas (institutional, industrial, research and development park)
4. Aquaculture (oyster leases)
5. Public transportation facilities
6. Exchange potential/sale to acquire more desirable parcels

B. Walk-Through Example #1: Specific Purpose Acquisition

1. Agency inquiries as to the availability of existing state-owned lands.
2. Board accepts title to property acquired by the Division of Forestry for the purpose of constructing a fire tower.
3. Division of Forestry requests management control of subject property from the Board.
4. Staff conducts a management evaluation of the subject property and determines that the land can properly accommodate the intended management use.
5. Staff processes appropriate management instrument for Board consideration and action.
6. Board approves Management Agreement, and Division of Forestry initiates intended management action.
7. Division of Forestry determines that their management interest in the subject property is no longer necessary for their program continuity.
8. Division of Forestry releases their management interest in the subject property back to the Board.
9. Staff to the Board subjects property to a management evaluation, and determines that due to limited size, parcel isolation, and the absence of unique or significant environmental, cultural, recreational, or economic resources, the property should be disposed of by either exchange or outright sale.
10. Application for a land exchange is received by the Board as a result of public advertisements initiated by staff.
11. Staff successfully negotiates a value-for value exchange whereby the Board will receive title to an inholding within the Blackwater River State Forest in return for title to the subject property.
12. Board approves the proposed exchange based upon improved management capability and positive economic considerations.
13. Application is made to the Board by the Division of Forestry for the addition of the recently acquired inholding into their current management lease agreement covering the Blackwater River State Forest.
14. Board approves requested lease amendment based upon favorable staff recommendations and public interest factors.
15. Division of Forestry extends their active management practices into the recently acquired inholding.

Walk-Through Example #2: Unspecified Purpose Acquisition

1. The Board accepts title to a section of land (640 acres) donated to the State of Florida without use restrictions.
2. Staff conducts a physical and cultural assessment of the subject property. The public land inventory is searched for other state property in the area.
3. The result of the assessment indicates several unique physical features on the property, as well as an Indian mound. Also, the soil types and overall topographical features of the parcel appear to be ideal for recreational activities. The public land inventory indicates no other state land within 10 miles.
4. Staff contracts the Division of Recreation & Parks, DNR[5] about the subject parcel, and provides full documentation from the physical/cultural assessment. Similarly, the Division of Archives,

[5] *Now the DEP (Department of Environmental Protection).*

History & Records Management[6], Department of State is coordinated with regarding the possibility of archaeological remains on the subject property.

5. Recreation & Parks evaluates the property further and indicates a desire to manage the parcel within the state parks system.
6. Archives & History evaluates the Indian mound evidence, and finds that the site is listed in their site inventory and should be preserved.
7. Staff processes appropriate management instrument for Board consideration and action.
8. Board approves Management Agreement with Recreation & Parks to manage the parcel as a state park, and recognizes the titular interest held by Archives & History for any cultural resources that may be present on the property.
9. Recreation & Parks initiates management action specified in approved management agreement.

[6] *Now the Division of Historical Resources.*

C. Glossary

Appraisal – An estimation of value of real property.

Assignment – A transfer of one's rights to another.

Conveyance – An instrument or transfer of title of land from one person to another.

Easement – The legal right to enter on another's property, which creates an interest in the real property.

Encroachment - A physical intrusion onto the property of another, resulting in an infringement on the other party's rights.

Encumbrance – A liability to and/or restriction of title rights to real property.

Inventory – A detailed list or schedule of property, containing a designation or description of each specific article.

Lease – A contract between owner and tenant establishing terms and conditions for the use and occupancy of real property.

Management Agreement – A contractual agreement between the board and two or more parties, which does not create an interest in real property but merely authorizes conduct of certain management activities on lands held by the board.

Plan – A recommended course of action that, when adhered to, will produce specific results.

Policies – Guidelines for the decision-making process whereby programs, services, and actions of the State are implemented, consistent with existing law.

Proprietary rights – Those rights which an owner of property has by virtue of his ownership.

Real Property – Land and permanent improvements that are located, thereon/and/or affixed thereto.

Right-Of-Way – The right of passage over the property of another.

Riparian Rights – The rights of the owners of lands on the banks of watercourses, relating to the water, its use, ownership of soil under the stream, accretions, etc.

State Lands Management Program – The Combined total of the Conceptual State Lands Management Plan, administrative rules, legislation, and parcel-specific management procedures, evaluations, data and recommendations.

Subordinate – Placed in a lower class, order or rank, such as causing a first mortgage to become a second mortgage.

Title – The evidence of right, which a person has to the possession of property.

D. CHAPTER 79-255

The original plan included in this appendix the Committee Substitute for Senate Bill 793 as enacted by the 1979 Legislature and incorporated as Chapter 79-255 in the Laws of Florida. Chapter 79-255 established: (1) the Division of State Lands within the Department of Natural Resources, which has since been reorganized under the Department of Environmental Protection; (2) acquisition, management, and administration procedures for lands titled to the Board of Trustees of the Internal Improvement Trust Fund; (3) a new land acquisition program -- the Conservation and Recreation Lands program – to succeed and incorporate the Environmentally Endangered Lands and Outdoor Recreation and Conservation Lands programs; and (4) the interagency Land Acquisition Selection Committee. Florida Statutes have been revised substantively since 1979. Thus, the relevance of this bill to this plan has been diminished and is supplanted by current statutes. Therefore, Chapter 79-255, Laws of Florida, has been ***intentionally omitted****. See chapters 253 and 259, Florida Statutes, for current acquisition, management and administrative procedures for lands titled to the Board of Trustees.*

E. CHAPTER 80-280

The original plan included in this appendix House Bill 715 as enacted by the 1980 Legislature and incorporated as Chapter 80-280 in the Laws of Florida. Chapter 80-280 established section 253.034, Florida Statutes, which provided land management definitions and land management planning, disposition and administration procedures for lands titled to the Board of Trustees of the Internal Improvement Trust Fund. Florida Statutes have been revised substantively since 1980. Thus, the relevance of this bill to this plan has been diminished and is supplanted by current statutes. Therefore, Chapter 80-280, Laws of Florida, has been ***intentionally omitted****. See chapters 253 and 259, Florida Statutes, for current management planning, disposition and administrative procedures for lands titled to the Board of Trustees.*

F. Section 197.387 from 1980 Supplement to Florida Statutes 1979

The original plan included in this appendix section 197.387 from the 1980 Supplement to the 1979 Florida Statutes, which addressed conveyance issues for Board of Trustees lands that were acquired under the provisions of the Murphy Act – Chapter 18296, Laws of Florida, 1937. This section of statutes has been repealed and is no longer applicable. Therefore, s. 197.387, F.S., has been ***intentionally omitted****. Relevant language similar to what appeared in s. 197.387 now is located in s. 253.82, F.S.*

G. State Lands Management Plan Interagency Advisory Committee[7]

PURPOSE: To assist the Division of State Lands in the development and acceptance of the conceptual State Lands Management Plan.

MEETINGS: On call, as needed, depending on development status of the State Lands Management Plan.

EXPENSES: Non-paid

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