# APPENDIX A.

## Relevant State and Local Policies

**2000 FLORIDA STATUTE**
**Title XVIII. Public Lands and Property**

**Chapter 253 State Lands**

**253.034 State-owned lands; uses.--**

(1) All lands acquired pursuant to chapter 259 shall be managed to serve the public interest by protecting and conserving land, air, water, and the state's natural resources, which contribute to the public health, welfare, and economy of the state. These lands shall be managed to provide for areas of natural resource based recreation, and to ensure the survival of plant and animal species and the conservation of finite and renewable natural resources. The state's lands and natural resources shall be managed using a stewardship ethic that assures these resources will be available for the benefit and enjoyment of all people of the state, both present and future. It is the intent of the Legislature that, where feasible and consistent with the goals of protection and conservation of natural resources associated with lands held in the public trust by the Board of Trustees of the Internal Improvement Trust Fund, public land not designated for single-use purposes pursuant to paragraph (2)(b) be managed for multiple-use purposes. All multiple-use land management strategies shall address public access and enjoyment, resource conservation and protection, ecosystem maintenance and protection, and protection of threatened and endangered species, and the degree to which public-private partnerships or endowments may allow the entity with management responsibility to enhance its ability to manage these lands. The council created in s. 259.035 shall recommend rules to the board of trustees, and the board shall adopt rules necessary to carry out the purposes of this section.

(2) As used in this section, the following phrases have the following meanings:
(a) "Multiple use" means the harmonious and coordinated management of timber, recreation, conservation of fish and wildlife, forage, archaeological and historic sites, habitat and other biological resources, or water resources so that they are utilized in the combination that will best serve the people of the state, making the most judicious use of the land for some or all of these resources and giving consideration to the relative values of the various resources. Where necessary and appropriate for all state-owned lands that are larger than 1,000 acres in project size and are managed for multiple uses, buffers may be formed around any areas that require special protection or have special management needs. Such buffers shall not exceed more than one-half of the total acreage. Multiple uses within a buffer area may be restricted to provide the necessary buffering effect desired. Multiple use in this context includes both uses of land or resources by more than one management entity, which may include private sector land managers. In any case, lands identified as multiple-use lands in the land management plan shall be managed to enhance and conserve the lands and resources for the enjoyment of the people of the state.
(b) "Single use" means management for one particular purpose to the exclusion of all other purposes, except that the using entity shall have the option of including in its management program compatible secondary purposes which will not detract from or interfere with the primary management purpose. Such single uses may include, but are not necessarily restricted to, the use of agricultural lands for production of food and

a newly acquired property has a valid conservation plan, the plan shall be used to guide management of the property until a formal land management plan is completed.
(a) The Division of State Lands shall make available to the public a copy of each land management plan for parcels that exceed 160 acres in size. The council shall review each plan for compliance with the requirements of this subsection, the requirements of chapter 259, and the requirements of the rules established by the board pursuant to this section. The council shall also consider the propriety of the recommendations of the managing entity with regard to the future use of the property, the protection of fragile or nonrenewable resources, the potential for alternative or multiple uses not recognized by the managing entity, and the possibility of disposal of the property by the board. After its review, the council shall submit the plan, along with its recommendations and comments, to the board. The council shall specifically recommend to the board whether to approve the plan as submitted, approve the plan with modifications, or reject the plan.
(b) The Board of Trustees of the Internal Improvement Trust Fund shall consider the land management plan submitted by each entity and the recommendations of the council and the Division of State Lands and shall approve the plan with or without modification or reject such plan. The use or possession of any such lands that is not in accordance with an approved land management plan is subject to termination by the board.

(6) The Board of Trustees of the Internal Improvement Trust Fund shall determine which lands, the title to which is vested in the board, may be surplused. Notwithstanding s. 253.111, for conservation lands, the board shall make a determination that the lands are no longer needed for conservation purposes and may dispose of them by a two-thirds vote. For all other lands, the board shall make a determination that the lands are no longer needed and may dispose of them by majority vote.
(a) For the purposes of this subsection, all lands acquired by the state prior to July 1, 1999, using proceeds from the Preservation 2000 bonds, the Conservation and Recreation Lands Trust Fund, the Water Management Lands Trust Fund, Environmentally Endangered Lands Program, and the Save Our Coast Program and titled to the board, which lands are identified as core parcels or within original project boundaries, shall be deemed to have been acquired for conservation purposes.
(b) For any lands purchased by the state on or after July 1, 1999, a determination shall be made by the board prior to acquisition as to those parcels that shall be designated as having been acquired for conservation purposes. No lands acquired for use by the Department of Corrections, the Department of Management Services for use as state offices, the Department of Transportation, except those specifically managed for conservation or recreation purposes, or the State University System or the Florida Community College System shall be designated as having been purchased for conservation purposes.
(c) At least every 3 years, as a component of each land management plan or land use plan and in a form and manner prescribed by rule by the board, each management entity shall evaluate and indicate to the board those lands that the entity manages which are not being used for the purpose for which they were originally leased. Such lands shall be reviewed by the council for its recommendation as to whether such lands should be disposed of by the board.
(d) Lands owned by the board which are not actively managed by any state agency or for which a land management plan has not been completed pursuant to subsection (5) shall

pursuant to this paragraph shall not be required to be offered to local or state governments as provided in paragraph (f).
(k) Proceeds from any sale of surplus lands pursuant to this subsection shall be deposited into the fund from which such lands were acquired. However, if the fund from which the lands were originally acquired no longer exists, such proceeds shall be deposited into an appropriate account to be used for land management by the lead managing agency assigned the lands prior to the lands being declared surplus.
(l) Notwithstanding the provisions of this subsection, no such disposition of land shall be made if such disposition would have the effect of causing all or any portion of the interest on any revenue bonds issued to lose the exclusion from gross income for federal income tax purposes.
(m) The sale of filled, formerly submerged land that does not exceed 5 acres in area is not subject to review by the council or its successor.

(7) This section shall not be construed so as to affect:
(a) Other provisions of this chapter relating to oil, gas, or mineral resources.
(b) The exclusive use of state-owned land subject to a lease by the Board of Trustees of the Internal Improvement Trust Fund of state-owned land for private uses and purposes.
(c) Sovereignty lands not leased for private uses and purposes.

(8) Land management plans required to be submitted by the Department of Corrections, the Department of Juvenile Justice, the Department of Children and Family Services, or the Department of Education are not subject to the provisions for review by the council or its successor described in subsection (5). Management plans filed by these agencies shall be made available to the public for a period of 90 days at the administrative offices of the parcel or project affected by the management plan and at the Tallahassee offices of each agency. Any plans not objected to during the public comment period shall be deemed approved. Any plans for which an objection is filed shall be submitted to the Board of Trustees of the Internal Improvement Trust Fund for consideration. The Board of Trustees of the Internal Improvement Trust Fund shall approve the plan with or without modification, or reject the plan. The use or possession of any such lands which is not in accordance with an approved land management plan is subject to termination by the board.

(9) The following additional uses of conservation lands acquired pursuant to the Florida Forever program and other state-funded conservation land purchase programs shall be authorized, upon a finding by the board of trustees, if they meet the criteria specified in paragraphs (a)-(e): water resource development projects, water supply development projects, stormwater management projects, linear facilities, and sustainable agriculture and forestry. Such additional uses are authorized where:
(a) Not inconsistent with the management plan for such lands;
(b) Compatible with the natural ecosystem and resource values of such lands;
(c) The proposed use is appropriately located on such lands and where due consideration is given to the use of other available lands;
(d) The using entity reasonably compensates the titleholder for such use based upon an appropriate measure of value; and
(e) The use is consistent with the public interest.

## CHAPTER 18-2 MANAGEMENT OF UPLANDS VESTED IN THE BOARD OF TRUSTEES



**18-2.017 Definitions.**

When used in this rule chapter, the following shall have the indicated meaning unless the context clearly indicates otherwise:

(1) "Activity" means any use of uplands which requires Trustees' approval for consent of use, lease, management and use agreements, easement, disposal, exchange or transfer of any interest, including sub-surface, in uplands.

(2) "Agency" means an official, officer, commission, authority, council, committee, department, division, bureau, board, section, or another unit or entity of government.

(3) "Applicant" means any person making application for any activity involving uplands.

(4) "Appraisal" means a formal narrative statement or report setting forth and documenting an opinion of value of real property as of a specific date.

(5) "Assignment" means a transfer of one's use, right or interest from one person to another person.

(6) "Authorization" means the permission granted by the Board of Trustees for a person to construct a facility or to carry out an activity on uplands.

(7) "Beach" means the zone of unconsolidated material that extends landward from the mean low water line to the place where there is marked change in material or physiographic form, or to the line of permanent vegetation (usually the effective limit of storm waves). Unless otherwise specified, the seaward limit of a beach is the mean low water line. "Beach" is alternatively termed the shore.

(8) "Best management practices" means methods, measures or practices that are developed, selected, or approved by agencies to protect, enhance and preserve natural resources. They include, but are not limited to, engineering, conservation, and management practices for mining, agriculture, silviculture, and other land uses, that are designed to conserve the soil and associated nutrients while simultaneously controlling nonpoint pollution to provide good overall upland management.

(9) "Board" means the Board of Trustees of the Internal Improvement Trust Fund.

(10) "Bonus" means a one time payment offered by competitive bid on which the award of an oil or gas lease is based.

(11) "C.A.R.L." means Conservation and Recreation Lands, as specified in Section 259.032, F.S.

(12) "Consideration" means something of value given in exchange as part of a legal agreement.

(13) "Convey" means to transfer title or interest in land from one party to another for consideration.

(14) "Conveyance" means an instrument or transfer of title of land from one party to another.

(15) "Cooperating agency" means a lessee which, as party to a multiple state agency lease, has designated management responsibilities to be carried out under the guidance of the lead agency so that each party utilizes its particular expertise in order to achieve the management goal.

(16) "Cooperative management" means single or multiple use management by more than one agency so that each utilizes its particular expertise in order to achieve a particular management goal.

(17) "Council" means the Land Management Advisory Council pursuant to Section 253.022, F.S.

(18) "Department" means the State of Florida Department of Environmental Protection.

(19) "Development of Regional Impact (DRI)" means any development which, because of its character, magnitude, or location, would have a substantial effect upon the health, safety, or welfare of citizens of more than one county.

aesthetics, economics, public health and safety, relative extent of the public need for the proposed use or activity, reasonable alternative locations and methods to accomplish the objective of the proposed use or activity, potential detrimental effects on the public uses to which the area is otherwise suited, the effect on cultural, scenic and recreational values, and the needs and welfare of the people.

(2) General Policies

(a) Uplands may be leased or subleased, managed by use agreement, encumbered by easements or licenses, disposed of to either the public or private sector, or may be retained and managed by the division.

(b) All uplands shall be administered, managed, or disposed of in a manner that will provide the greatest combination of benefits to the general public.

(c) Any use of uplands must comply with specific statutory or legislative mandates or other legal restrictions governing the property.

(d) Any approval granted for any activity on uplands shall contain such terms, conditions, and restrictions as deemed necessary to provide for responsible management that will protect and enhance uplands.

(e) The Board will not grant any form of authorization for a period greater than is necessary to provide for reasonable use of the land for the existing or planned life cycle or amortization of the improvements.

(f) Any authorization to use uplands shall be subject to cancellation if the applicant converts the facility to a use that was not authorized or if the land ceases to be used for the purpose which was approved. In addition, the Trustees may require removal of the structure and restoration of parcel to its natural state, and administrative fines and damages as stipulated by rule.

(g) Unless otherwise provided herein, no activity may commence until the authorizing document is executed by the Department.

(h) All activities on uplands shall implement applicable best management practices that have been selected, developed, or approved by the Trustees or other land managing agencies.

(i) Equitable compensation shall be required when the use of uplands will generate income or revenue for a private user or will limit or preempt use by the general public. The Trustees shall award authorization for such uses on the basis of competitive bidding rather than negotiation unless otherwise provided herein or determined by the Trustees to be in the public interest pursuant to the results of an evaluation of the impacts, both direct and indirect, which may occur as a result of the proposed use. Relevant factors to be considered in the evaluation shall include those specified in subsection 18-2.018(1), F.A.C. The Trustees shall make its final determination at a regularly scheduled meeting of the Governor and Cabinet. The Trustees reserve the right to reject any and all bids.

(j) The successful bidder shall pay all costs of legal advertisement, appraisal, title work, taxes or assessments for any activity requiring such items.

(k) Appraisals shall be utilized to establish market value and said appraisals shall be reviewed and accepted by the division as being a reasonable approximation of market value.

(l) Single use properties may be managed for compatible secondary uses as long as those uses do not interfere with or detract from the designated primary purpose.

(m) Individual resources on multiple use properties may be managed at less than full potential in order to provide the most beneficial combination of uses.

(n) It shall be the Trustees policy to provide for public access upon uplands to the greatest extent practicable unless the Trustees determine that public access is not in the public interest or conflicts with the parcel's management criteria or plan.

(o) Requests by local governmental agencies for any activity on uplands shall be by formal action by the appropriate governing board.

(p) All authorizations must contain a provision allowing for access for inspection by department staff.

(3) Standards and Criteria

(a) Leases and Subleases

1. Unless determined by the Trustees to be in the public interest, the term of any lease or sublease shall not exceed a maximum term of fifty years. Specific terms are as follows:

a. Sublease terms shall not exceed 50 years or a period conterminous with the principal lease if the remaining lease term is less than 50 years.

b. The standard lease term for agricultural or grazing leases shall be six years.

c. Oil, gas, and other mineral interest leases shall be limited to a primary term of ten years.

2. Leases and subleases shall be noticed pursuant to Chapter 18-2, F.A.C., and applicable law.

3. Lessees and sublessees shall be responsible for acquiring all permits and paying any and all ad valorem taxes, drainage, special assessments or other taxes.

4. Lessees and sublessees shall be required to provide level one environmental reports and information regarding uses of land which may involve hazardous or toxic waste.

5. Lessees and sublessees shall be responsible for preparing either a management plan or an operational report as follows:

a. All state agency lessees and sublessees, through the sublessor, shall prepare and submit to the division parcel-specific management plans in accordance with Rule 18-2.021. No physical alteration of the leased premises shall occur unless such activity has been authorized via an approved management plan.

e. Commencement of the required mitigation or other action necessary to satisfy net positive benefit will be required only if and when the lessee conducts any physical activity on the surface of the leased property or if the grant of rights under the oil and gas lease precludes or affects the use of the surface of the leased property for any use other than oil and gas exploration.

f. Drilling, exploration, or production of oil and gas is prohibited within the boundaries of the South Florida Water Management District's water conservation areas on lands where title is vested in the Trustees.

g. Oil, gas or mineral leases shall clearly specify the particular mineral to be drilled or mined and the manner in which it may be extracted.

h. Prior to extracting any oil, gas, or minerals, lessees may be required to provide financial security against damages caused by its activities on uplands. Examples of acceptable forms of security include a surety or property bond, an irrevocable letter of credit, or payment into the Department of Environmental Protection's Petroleum Exploration and Production Bond Trust Fund. Examples of factors to be considered by the Trustees in determining whether to require such security include: the potential for air, water, or ground pollution; destruction of wildlife or marine productivity; and damage which impairs the health and general welfare of the citizens of the state. Such security as provided in Section 253.571, F.S., shall be forfeited to the Trustees to pay for any damages caused by such mining or drilling activities. The department shall notify the lessee and give lessee time to take corrective action before applying the security to correct the violation. Should the lessee not respond in the time provided, or if an emergency situation exists, the department shall take immediate remedial or corrective action without further notice.

i. Lessees shall complete the drilling of at least one test well on the leased area within the first 2 1/2 years of the lease term and complete drilling of at least one additional well every 2 1/2 years thereafter until the total number of wells drilled equals one half the number of sections encompassed in the lease. The lessee shall provide a written designation describing the two sections of land to which such well shall apply. For purposes of this provision a well drilled on lands validly pooled with state leasehold acreages shall be considered to have been drilled on the respective Trustees' lease.

j. If no test well for an oil or gas lease is completed within the first 2 1/2 years of the lease term or each succeeding 2 1/2 year period, the lease shall become void at the end of the applicable 2 1/2 year period as to all of the land covered by the lease, except for that upon which wells have been drilled in accordance with the provisions of Section 253.55, F.S.

k. Wells required in the several periods of said lease shall be drilled in accordance with the provisions of Chapter 253, F.S., in an efficient, diligent and workmanlike manner, and in accordance with the best practice, to a depth of 6000 feet before the abandonment thereof, unless oil or gas has been found in paying quantities at a lesser depth.

l. Drilling operations shall be conducted in accordance with the provisions of Section 253.55, F.S.

m. The 2 1/2 year drilling periods described in j. and k. above shall be extended upon documentation by the applicant prior to expiration that additional time is necessary to obtain all permits. Such additional time may not exceed one year.

(b) Disposal of Trustees-owned Uplands

1. Examples of conditions under which the Trustees may convey an upland parcel include:

a. The parcel was vested in the state pursuant to Chapter 18296, Laws of Florida, 1937 (Murphy Act), and is 5 acres or less in size and has a market value of $100,000 or less; or

b. The parcel has been designated surplus pursuant to Chapter 253.034, F.S.; or

c. The Trustees determine that conveyance of the parcel by sale, gift or exchange provides a greater benefit to the public than its retention in state ownership.

2. Parcels to be conveyed pursuant to this subsection shall be noticed in accordance with Chapter 18-2, F.A.C., and applicable law.

3. Conveyance of property pursuant to this section shall be in accordance with the following requirements:

a. Property and improvements shall be sold "as is", with no warranties nor representations whatsoever.

b. The cost of title insurance, documentary stamp tax, recording fees, any property taxes due, abstract, title certificate, survey, appraisal, legal advertisement and purchaser's legal fees shall be the responsibility of the purchaser.

c. Property shall be conveyed by quitclaim deed without warranties and shall reserve or contain a reservation prescribed in Section 270.11, F.S., unless waived by the Trustees pursuant to Section 270.11(2)(a), F.S., or exempt from the requirement for reservation pursuant to subsection 253.03(3) or Section 253.62, F.S.

d. Closings shall be in accordance with a sales contract executed by the Trustees.

4. A state agency or the Division may apply for an exchange of state-owned uplands for a parcel of privately-owned uplands by certifying:

a. That it needs a parcel of private land for a particular use; and

b. That it manages uplands vested in the Trustees which it wishes to use for a state agency exchange. If no uplands managed by the state agency can be identified as excess to its management needs, then uplands which have been selected through the land disposal process may be used instead.

5. Other governmental agencies may apply for an exchange by:

a. Certifying that they need a parcel of Trustees-owned uplands for a specific project; and

b. Certifying that they own or can acquire exchange property suitable to the Trustees.

6. Exchanges may be applied for by private landowners only if they own or can acquire land on an approved state acquisition list and the parcel sought by the private landowner has been selected for conveyance through the land disposal process.

3. Canal and drainage reservations as reserved by the Trustees shall be released to the record owner(s), provided recommendation from the water management district with jurisdiction has been obtained, and the Trustees determine there is no further need for the reservation.

4. Road right-of-way reservations as reserved by the Trustees shall be released to the record owner(s), provided recommendation from the transportation authority with jurisdiction has been obtained, and the Trustees determine there is no further need for the reservation.

5. Deed or dedication restrictions or reverters shall be released to the record owner(s) if the Trustees determine that there is no longer any present or future public purpose for retaining them and that the affected parcel contains no fragile environmental, historical, archaeological or recreational resources which would require protection through continued enforcement of the restrictions or reverters.

(f) Letters of Consent

1. Letters of consent are issued, pursuant to Chapter 18-2, F.A.C., upon receipt by the Division of a request for an incidental, one-time use which will result in no permanent alteration of Trustees-owned uplands.

2. Letters of consent shall contain a condition that the grantee accept all liability associated with the proposed use and shall be countersigned by the grantee.

*Specific Authority 253.03 FS. Law Implemented 253.001, 253.02, 253.03, 253.034, 253.04, 253.111, 253.115, 253.42-.44, 253.47, 253.51- .62, 253.77, 253.82, 259.035, 270.07, 270.08, 270.11 FS. History–New 6-4-96.*

**18-2.019 Procedures to Obtain Authorization.**

(1) Written authorization from the Trustees is required to conduct activities on Trustee-owned uplands.

(2) Applications to use uplands which are subject to the DRI or PDA review process shall be processed only after the DRI or PDA application review process is complete and the DRI or PDA has been authorized.

(3) An applicant shall have 90 days to respond to a request for additional information. If the additional information is not received by the division within the 90 day period, the application shall be considered deactivated.

(4) Public notice

(a) After receiving an application in compliance with such forms as may be required by this rule requesting the Trustees to sell, exchange, lease, or grant an easement on, over, under, above, or across any land to which it holds title, the Trustees must provide notice of the application. The notice must include the name and address of the applicant; a brief description of the proposed activity and any mitigation; the location of the proposed activity, including whether it is located adjacent to an Outstanding Florida Water or an aquatic preserve; a map identifying the location of the proposed activity subject to the application; a diagram of the limits of the proposed activity; and a name or number identifying the application and the office where the application can be inspected. A copy of this notice must be sent to those persons who have requested to be on a mailing list and to each owner of land lying within 500 feet of the land proposed to be leased, sold, exchanged, or granted for an easement, addressed to such owner as his name and address appears on the latest county tax assessment roll.

(b) The department shall consider comments and objections received in response to the public notice in reaching its decision to approve or deny use of Trustees-owned lands for a proposed activity. If objections are raised which show that the activity does not conform to the requirements of this rule, and the local public would be affected by the activity, the department shall hold an informal public hearing in the county in which the subject property lies.

(c) The department shall provide notice of intended agency action to the applicant and to those who have requested a copy of the intended agency action for that application.

(d) In addition to the notice and publication requirements of subparagraph (a) above, before any lease for oil and gas activities within a radius of 3 miles of the boundaries of any incorporated city, or town, or within such radius of any bathing beach, or beaches, outside thereof is offered, the department shall hold a public hearing. Such public hearing shall be noticed by publication once in a newspaper of general circulation, published at least one week prior to said hearing, in the vicinity of the land, or lands, offered to be leased. After such hearing, the board may withdraw said land, or any part thereof, from the market, and refuse to execute such lease or leases if it considers such execution contrary to the public welfare.

(e) Failure to provide the notice as set out in subparagraphs (a) and (c) will not invalidate the sale, exchange, lease, or easement.

(f) The notice and publication requirements of this paragraph do not apply to:

1. The release of any reservations contained in Murphy Act deeds or other deeds of the Trustees;
2. Any conveyance of uplands which do not exceed 5 acres in area;
3. The lease or easement for any land when the land is being leased to a state agency;
4. The conveyance of lands pursuant to the provisions of Section 373.4592, F.S.; or
5. Renewals, modifications or assignments.
6. Leases where management of a property has been determined through the selection process for a state acquisition list.

(5) State agency notice

(a) Before a parcel of land is offered for lease, sublease or sale to a local or federal unit of government or a private party, it shall first be offered to state agencies.

(e) The annual payment for mineral leases, other than oil and gas leases, shall be a predetermined percentage of revenues received from the extraction of mineral based on current fair market practices.

(2) Disposal

(a) The consideration for the disposal of uplands shall be based upon an appraisal.

(b) Disposal of surplus land shall be competitively bid except that parcels 5 acres or less in size or with a market value of $100,000 or less may be sold by any reasonable means, including open or exclusive listing with real estate sales services, competitive bid, auction, and negotiated direct sales. In no case shall a real estate brokerage fee or auction fee exceed 10% of the purchase price.

(c) Sales of mineral interests shall be competitively bid unless the Trustees do not own the surface, in which case the consideration shall be negotiated with the surface owner.

(d) The value of the private land for exchange purposes shall be no more than 100% of an appraisal of market value or average if two appraisals are used or the average of the two closest appraisals if more than two are used. A new appraisal shall not be required if the private parcel is already under a Trustees option or purchase contract. In such cases, the exchange price of such land shall be no more than the contracted purchase price.

(e) If successful in the bid process, private landowners may apply their land as full or partial payment for the state parcel but in no case shall the credit given be more than the market value.

(3) Use Agreements

(a) Appraisals and competitive bidding are not required for use agreements.

(b) Except for geophysical crossings, the consideration for use agreements shall be negotiated based on the type of activity.

(c) The consideration for use agreements for geophysical crossings shall be set at $600 per mile. The mileage fee shall be based upon the number of miles of uplands permitted and is non-refundable.

(4) Easements

(a) A one-time fee for private easements of greater than one-quarter acre in size shall be assessed and based upon an appraisal.

(b) A one-time fee for private easements of one-quarter acre or less in size shall be negotiated by the Division if value information other than an appraisal is available.

(c) Competitive bidding shall not be required for this activity.

(5) Release of Restrictions or Reverters

(a) There shall be no consideration for the release of reserved interest for road right of way, canal right of way and right of entry for oil and gas exploration activities.

(b) The consideration for release of all other deed or dedication restrictions or reverters shall be based upon negotiation and shall be sold only to the current property owner.

(6) Letters of consent

(a) Appraisals and competitive bidding are not required for letters of consent.

(b) Consideration for letters of consent shall be negotiated based on the type of activity.

(7) Competitive Bidding Procedures

(a) When competitive bidding is required, notice to bidders shall be given by publication in a newspaper published in the county in which the lands are located not less than once a week for three consecutive weeks. The notice shall provide the following:

1. A complete legal description and location of the parcel by Section, Township and Range;
2. The total acreage of the parcel for lease or sale;
3. The term of lease and any renewal options, if applicable;
4. Any restrictions as to the use of the lands;
5. A statement of obligations of the grantee for taxes and drainage assessments;
6. The minimum value of improvements to be made, if any;
7. Any conditions deemed necessary by the Trustees;
8. The deadline, date and time, for the receipt of sealed bids in the office of the division; and
9. The address to which the bid shall be directed and posted; or
10. In lieu of all the foregoing, the publication may be limited to items 1., 2. and 9. and notice that a complete statement concerning terms of the lease or sale will be forwarded to interested bidders upon request.

(b) When the requested lease is for oil and gas activities or a mineral sale, the notice to bidders shall be given by publication in a newspaper of general circulation in Leon County and in the area vicinity not less than once a week for four (4) consecutive weeks. The last publication in both newspapers shall not be less than 5 days in advance of the award date.

(c) Upon request, applicants will be sent a bid specification packet which shall include the following information:

1. Materials, instructions and deadline for submitting bids;
2. A copy of the proposed lease or sales contract; and
3. A statement of the appraised value.

(d) Sealed bids shall be accompanied by a certified check or letter of credit from a financial institution as defined by Section 655.005, F.S., for 10% of the amount bid for the annual rental fee or 10% of the purchase price as payment for the earnest money. The deposits will be non-refundable to the successful bidder and will be credited toward the lease fee or purchase price.

(b) A map showing the location and boundaries of the property plus any structures or improvements to the property.

(c) The legal description and acreage of the property.

(d) The degree of title interest held by the Board, including reservations and encumbrances such as leases.

(e) The land acquisition program (e.g., C. A. R. L., E. E. L., Save Our Coast), if any, under which the property was acquired.

(f) The designated single use or multiple use management for the property, including other managing agencies.

(g) Proximity of property to other significant State, local, or federal land or water resources.

(h) A statement as to whether the property is within an aquatic preserve or a designated area of critical State concern or an area under study for such designation.

(i) The location and description of known and reasonably identifiable renewable and non-renewable resources of the property including, but not limited to, the following:

1. Brief description of soil types, using U. S. D. A. maps when available;

2. Archaeological and historical resources;

3. Water resources including the water quality classification for each water body and the identification of any such water body that is designated as an Outstanding Florida Waters;

4. Fish and wildlife and their habitat;

5. State and federally listed endangered or threatened species and their habitat;

6. Beaches and dunes;

7. Swamps, marshes and other wetlands;

8. Mineral resources, such as oil, gas and phosphate;

9. Unique natural features, such as coral reefs, natural springs, caverns, large sinkholes, virgin timber stands, scenic vistas, and natural rivers and streams; and

10. Outstanding native landscapes containing relatively unaltered flora, fauna, and geological conditions.

(j) A description of actions the agency plans, to locate and identify unknown resources such as surveys of unknown archaeological and historical resources.

(k) The identification of resources on the property that are listed in the Natural Area Inventory.

(l) A description of past uses, including any unauthorized uses of the property.

(m) A detailed description of existing and planned use(s) of the property.

(n) A description of alternative or multiple uses of the property considered by the managing agency and an explanation of why such uses were not adopted.

(o) A detailed assessment of the impact of planned uses on the renewable and non-renewable resources of the property and a detailed description of the specific actions that will be taken to protect, enhance and conserve these resources and to mitigate damage caused by such uses.

(p) A description of management needs and problems for the property.

(q) Identification of adjacent land uses that conflict with the planned use of the property, if any.

(r) A description of legislative or executive directives that constrain the use of such property.

(s) A finding regarding whether each planned use complies with the State Lands Management Plan adopted by the Trustees on March 17, 1981, and incorporated herein by reference, particularly whether such uses represent "balanced public utilization", specific agency statutory authority, and other legislative or executive constraints. A copy of the plan may be obtained by writing to the Department of Environmental Protection, Division of State Lands, Bureau of Land Management Services, 3900 Commonwealth Boulevard, Mail Station 130, Tallahassee, Florida 32399-3000.

(t) An assessment as to whether the property, or any portion, should be declared surplus.

(u) Identification of other parcels of land within or immediately adjacent to the property that should be purchased because they are essential to management of the property.

(v) A description of the management responsibilities of each agency and how such responsibilities will be coordinated, including a provision that requires that the managing agency consult with the Division of Archives, History and Records Management before taking actions that may adversely affect archaeological or historic resources.

(w) A statement concerning the extent of public involvement and local government participation in the development of the plan, if any, including a summary of comments and concerns expressed.

(5) Policies, Standards, and Criteria. The following management policies, standards, and criteria will be used by the council to determine whether to recommend approval, approval with conditions or modifications, or to reject any agency management plan, sublease or surplus land determination.

(a) The policies, standards, and criteria that are enumerated in Chapter 18-2, F.A.C., "Management of Uplands Vested in the Board of Trustees".

(b) The policies, standards, and criteria that are enumerated in Chapter 18-21, F.A.C., "Sovereignty Submerged Lands Management".

(c) The policies, standards, and criteria that are enumerated in the "State Lands Management Plan", adopted March 17, 1981, by the Board. A copy of the plan may be obtained by writing to the Department of Environmental Protection, Division of State Lands, Bureau of Land Management Services, 3900 Commonwealth Boulevard, Mail Station 130, Tallahassee, Florida 32399-3000.