

18-1.001 Purpose.

State land acquisition procedures provided for in this rule are for voluntary, negotiated acquisitions under agreements for purchase, option or exchange. The purpose of this chapter is to provide uniform and efficient procedures for the acquisition of interests in real property, and donation of such interests, title to which will vest in the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida, in accordance with legal requirements and sound business practice. As used in this chapter, Section 253.025, F.S., shall mean and refer to the acquisition of non-conservation lands, and ~~Section 259.041, F.S., shall mean and refer to the acquisition of~~ conservation lands.

Rulemaking Authority 253.03, 253.025, ~~259.041~~ FS. Law Implemented 253.025, ~~259.041~~ FS. History—New 6-16-86, Amended 4-14-08,_____.

18-1.002 Definitions.

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

(1) through (9) No Change.

(10) "Cooperating agency" means a local government, water management district, or a nonprofit organization ~~as defined in Section 253.025(6)(d) or 259.041(7)(e), F.S.,~~ that has entered into an agreement with the Division to assist in the acquisition of specific property by the Board.

(11) through (24) No change.

Rulemaking Authority 253.03, 253.025, ~~259.041~~ FS. Law Implemented 253.025, ~~259.041~~ FS. History--New 6-16-86, Amended 4-6-89, 1-29-90, 10-30-91, 4-14-08, 6-15-10, 3-2-16,_____.

18-2.017 Definitions.

When used in this rule chapter, the following shall mean:

(1) "Activity" means any use of uplands which requires Trustees' approval under Sections 253.03(2)(4) and 253.77, F.S., such as a letter of authorization, lease, use agreement, easement, disposal, exchange, or transfer of any interest, including sub-surface, in uplands.

(2) through (19) No change.

~~(20) "Everglades Agricultural Area" means that area which is described on the map entitled "Everglades Agricultural Area," filed in the office of the Secretary of State as Exhibit A to this rule and made an integral part hereof.~~

(21) through (33) renumbered (20) through (32) No change.

~~(33)(34)~~ "Plan" means a document as required by Section 253.034 or 253.0341(7), F.S.

(a) "Business Plan" means a plan submitted by a state agency, ~~state university, or Florida College System institution~~ to the Board regarding the intended use of a building or parcel of land before approval of a lease, as required by Section 253.0341(7) ~~253.034(13)~~, F.S.

(b) "Land Use Plan" means a plan submitted by a manager of nonconservation lands to the Division as required by Section 253.034(5), F.S.

(c) No change.

(35) through (50) renumbered (34) through (49) No change.

~~(50)(51)~~ "Uplands" means those lands above the mean high water line, erosion control line, or ordinary high water line title to which is vested in the Trustees.

~~(51)(52)~~ No change.

~~(53) "Water conservation areas" means those areas which are described on the map entitled "Conservation Areas," attached as Exhibit C to this rule and made an integral part thereof.~~

Rulemaking Authority 253.03, 253.034, 259.035 FS. Law Implemented 253.03, 253.034, 259.035, ~~259.101, 259.105, 267.021~~ FS. History—New 6-4-96, Amended 5-15-08, 5-29-08, 3-2-16,_____.

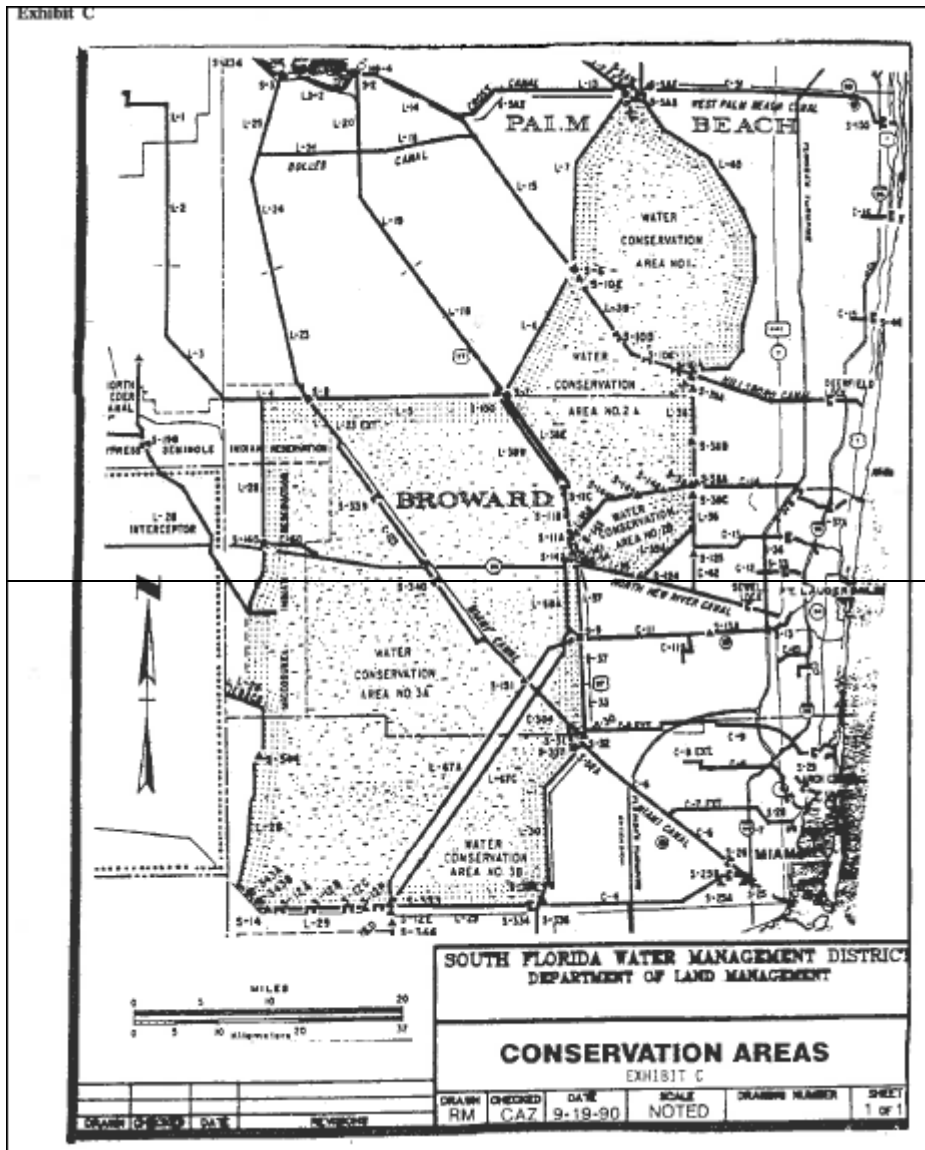
INTERNAL IMPROVEMENT TRUST FUND

EVERGLADES AGRICULTURAL AREA

EXHIBIT A



Exhibit C



18-2.018 Policies, Standards, and Criteria for Evaluating, Approving or Denying Requests to Use Uplands.

Applications to use Trustees-owned uplands and decisions to approve or reject such applications will be based on all of the following:

- (1) No change.
- (2) General Policies.
 - (a) through (n) No change.
 - (o) Applications ~~Requests~~ by local governmental agencies for any activity on uplands shall be by formal action by the appropriate governing board.
 - (p) No change.
- (3) Standards and Criteria. The following standards and criteria must be met for approval of the following described authorizations to use state-owned uplands.
 - (a) Leases and Subleases.
 - 1. through 5. No change.
 - 6. Additional specific criteria for subleases are as follows:
 - a. No change.
 - b. Subleases of conservation lands which are 160 acres or greater in size shall be reviewed by the Council.
 - 7. through 8. No change.
 - (b) Disposal of Trustees-owned Uplands.
 - 1. Examples of conditions under which the Trustees may convey an upland parcel include:
 - a. No change.
 - b. The parcel has been designated surplus pursuant to Chapter 253.0341 ~~253.034~~, F.S.; or
 - c. No change.
 - 2. through 6. No change.
 - (c) Use Agreements.
 - 1. Use agreements may be executed when it is determined that the incidental, one-time use or short-term management of uplands does not require a lease, sublease, easement, or other similar form of approval.
 - 2. Use agreements granted to an Agency shall be limited to a term of five years.
 - 3. All other use ~~Geophysical testing~~ agreements shall be limited to a term of one year.
 - 4. through 10. No change.
 - (d) Easements.
 - 1. through 2. No change.
 - 3. Easements shall be limited to a term of 50 years or for the existing or planned life cycle or amortization of the improvements, whichever is less. Easements for public transportation facilities shall be granted in perpetuity. If the requested easement is for the benefit of the authorized managing entity and the lease, sublease, etc. provides for the granting of an easement related to the functional use of the property, the authorized managing entity for the property may process and grant the easement. In such case, a copy of any easement granted shall be provided to the Division by the managing entity.
 - (e) No change.
 - (f) Letters of authorization.
 - 1. through 2. No change.
 - 3. Letters of authorization shall be limited to a term of one year and one acre in size.

Rulemaking Authority 253.03(7)(a), 253.034 FS. Law Implemented ~~253.001~~, 253.02, 253.03, 253.034, 253.04, 253.111, 253.115, 253.42, 44, 253.47, 253.51-64, 253.62, 253.77, ~~253.82~~, 259.035, 270.07, 270.08, 270.11 FS. History—New 6-4-96, Amended 4-17-02, 5-15-08, 5-29-08, 3-2-16,_____.

18-2.019 Procedures to Obtain Authorization.

(1) through (4) No change.

(5) Before a building or parcel of land is offered for lease or sale, it shall first be offered for lease to state agencies, ~~state universities, and Florida College System institutions. The Board shall give priority to state universities and Florida College System institutions over state agencies.~~

(6) In lieu of the application procedure for leases in this rule, before a surplus parcel or building owned by the Board is leased to a ~~state university, Florida College System institution, or~~ state agency, Section 253.0341(7), F.S., requires the applicant to submit a business plan to the Board for its review and approval. ~~State universities, Florida College System institutions, and state agencies must follow the following application procedures:~~

(a) ~~A state university, Florida College System institution, or~~ state agency shall submit written notice of its intention to submit a business plan and desire to apply for a lease after the offer for lease is published. Within 60 days after publication of the offer of lease, the ~~state university, Florida College System institution, or~~ state agency shall submit its business plan to the Department for consideration by the Board.

(b) through (c) No change.

~~(d) A business plan from a state university or Florida College System institution shall consist of:~~

~~1. A description of the proposed use, including future use, of the building or parcel, and a statement of how such future use is consistent with its campus master plan.~~

~~2. A statement certifying that the plan submitted to the Board for its review and approval has been approved by the Trustees of the state university or Florida College System institution.~~

~~3. A description of how the proposed use is of public benefit to the state.~~

Rulemaking Authority 253.03, 253.0341 FS. Law Implemented 253.03, 253.0341, 253.115, 253.42, 253.52, 253.77 FS. History—New 6-4-96, Amended 5-15-17,_____.



FLORIDA DEPARTMENT OF Environmental Protection

Marjory and Archie Carr Building
3800 Commonwealth Boulevard
Tallahassee, FL 32399

Ron DeSantis
Governor

Jay Collins
Lt. Governor

Alexis A. Lambert
Secretary

MEMORANDUM

TO: Board of Trustees of the Internal Improvement Trust Fund

THROUGH: Alexis Lambert, Secretary

FROM: Karen Williams McKinney, Director, Office of Cabinet Affairs

DATE: February 25, 2026

SUBJECT: Notice of Intent to Initiate Rulemaking and Publish Notice of Rule Development

OVERVIEW: The Department of Environmental Protection's (DEP) Division of State Lands (DSL) is providing the Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees) this notice of intent to initiate rulemaking by publishing a Notice of Rule Development for Chapter 18-1, Florida Administrative Code (F.A.C.), and Chapter 18-2, F.A.C., in the Florida Administrative Register.

DELEGATION OF AUTHORITY: On September 29, 2015, the Board of Trustees delegated the following authority to the Secretary of DEP:

Initiate rule development following notification to the Governor's Office and Cabinet Offices. Hold public workshops and hearings and give notice in the Florida Administrative Register, as required by Ch. 120, F.S., of Board of Trustees' intent to adopt, amend, or repeal any rule in Title 18, F.A.C. Prepare and sign rule certification packages and certifications of materials after BOT's approval to file rule for final adoption.

Limitation: *Notice of Proposed Rule and final adoption must be approved by the BOT.*

SUMMARY: The Board of Trustees acts as agency head over rules in Title 18, F.A.C. Pursuant to the above delegation, DEP may initiate rulemaking and hold public workshops and hearings upon notification to the Cabinet Offices. Approval to notice proposed rules and adoption of final rules must be separately approved by the Board of Trustees and may not be delegated.

Pursuant to section 120.5435, F.S., the Board of Trustees is required to review all existing rules over a period of 5 years, with 20% of rules being reviewed each year. The 2025 review process

covered the majority of Chapter 18-1, F.A.C., and a portion of Chapter 18-2, F.A.C. DSL determined that some rules required technical changes under the statutory requirements, while a few require substantive changes.

- Chapter 18-1, F.A.C., titled State Land Acquisition Procedures, is designed to outline policy and standards for the acquisition process. This chapter currently refers to separate acquisition provisions for conservation and non-conservation lands. Section 259.041, F.S., relating to acquisition of conservation lands, was repealed in 2016 and section 253.025, F.S., was subsequently amended to cover both types of acquisitions. Rules 18.1.001 and 18-1.002, F.A.C., will require substantive changes to reflect this change. Rules 18-1.003, 18-1.004, and rules 18-1.007 through 18-1.014, F.A.C., will require technical changes.
- Chapter 18-2, F.A.C., titled Management of Uplands Vested in the Board of Trustees, is designed to outline policy and standards for the use of Board of Trustees owned uplands. Rules 18-2.017, 18-2.018 and 18-2.019, F.A.C., require substantive changes to update statutory references, remove repealed requirements and update exhibits.

ACTION: DEP intends to initiate rulemaking to amend the above sections and to publish a Notice of Rule Development in the Florida Administrative Register by the end of March 2026.

CONTACTS: Should the Board of Trustees have any comments or concerns regarding DEP's intention to initiate rulemaking and publish a Notice of Rule Development for Chapters 18-1 and 18-2, F.A.C., please contact Karen Williams McKinney at 850-245-2703.

cc: Bryan Bradner, Deputy Secretary for Land and Recreation, DEP
Bradley Perry, Director, Division of State Lands, DEP
Justin Wolfe, General Counsel, DEP
Gary Ballard, Assistant Deputy General Counsel, DEP
Lois LaSeur, Senior Attorney, DEP