

**AGENDA**  
**BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND**  
**DECEMBER 11, 2012**

**Attachments to the items below can be viewed at the following link:**

**[http://www.dep.state.fl.us/secretary/cab/public\\_notices.htm](http://www.dep.state.fl.us/secretary/cab/public_notices.htm)**

**Substitute Page**

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**Item 1 Minutes**

Submittal of the Board of Trustees' Minutes from the September 18, 2012 Cabinet Meeting.

**VOTING REQUIREMENT FOR APPROVAL:** Two members, one of whom is the Governor, when four members are voting; or any two members, when three members are voting.

(See Attachment 1 at [http://www.dep.state.fl.us/secretary/cab/public\\_notices.htm](http://www.dep.state.fl.us/secretary/cab/public_notices.htm))

**RECOMMEND APPROVAL**

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**Item 2 Appointment Confirmation/Division of State Lands' Director**

**REQUEST:** Consideration of confirmation of the appointment of Susan Grandin as the Director of the Division of State Lands of the Department of Environmental Protection.

**VOTING REQUIREMENT FOR APPROVAL:** Two members, one of whom is the Governor, when four members are voting; or any two members, when three members are voting.

**STAFF REMARKS:** Pursuant to section 20.255(3)(g), F.S., the appointment of the Director of the Division of State Lands of the Department of Environmental Protection must be confirmed by the Governor and Cabinet sitting as the Board of Trustees of the Internal Improvement Trust Fund.

**RECOMMEND APPROVAL**

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**Substitute Item 3 Chapter 18-1, F.A.C., Notice of Proposed Rulemaking/State Land Acquisition Procedures**

**REQUEST:** Consideration of a request to (1) publish a Notice of Proposed Rulemaking to amend Chapter 18-1, F.A.C., "State Land Acquisition Procedures," modifying appraisal requirements for Board of Trustees' land transactions; and (2) adopt the revised Supplemental Appraisal Standards for the Board of Trustees, dated December 2012.

**VOTING REQUIREMENT FOR APPROVAL:** Two members, one of whom is the Governor, when four members are voting; or any two members, when three members are voting.

**COUNTY:** Statewide

**APPLICANT:** Department of Environmental Protection (DEP)

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**Substitute Item 3, cont.**

**STAFF REMARKS:** Pursuant to section 120.54(3)(a)1, F.S., approval of the Board of Trustees, as the agency head, is required before DEP may publish a proposed rule for eventual adoption. If the Board of Trustees approves publication, DEP will publish the Notice of Proposed Rulemaking in the *Florida Administrative Register* (F.A.R.), and the public will have 21 days to request a hearing, comment, or challenge the proposed rule. If a hearing is requested, a notice of the hearing will be published in the F.A.R. The Joint Administrative Procedures Committee (JAPC) will be provided the opportunity to review and comment. After receiving comments from JAPC, DEP will determine if publishing a notice of change to the proposed rule is needed. Once the final rule is prepared, DEP will submit the rule to the Board of Trustees for review and final adoption. A Notice of Development of Rulemaking was published in the F.A.R. on October 4, 2012.

**Background**

DEP has identified the need to update Chapter 18-1, F.A.C., specifically to delete references in the rule to the Uniform Standards of Professional Appraisal Practice (USPAP), January 1, 2010; to add the Appraisal Institute as an approved appraisal organization; and to adopt the revised Supplemental Appraisal Standards for the Board of Trustees (Supplemental Standards), dated December 2012.

**Summary of Proposed Changes**

Florida Statutes regulating Board of Trustees' real estate transactions require appraisers to follow generally accepted appraisal standards, or USPAP, pursuant to section 253.025(6)(c), F.S. Appraisers hired by the state are also required to follow USPAP pursuant to their state certification (licenses). Specific reference to the 2010 USPAP is in the rule for appraisal procedures for Board of Trustees' real estate transactions. Because USPAP is updated every two years, the rule referencing USPAP must also be revised biennially, thus DEP recommends streamlining the rule by removing the reference to USPAP.

In order to maintain the requirement that USPAP be followed, the requirement will be contained in the Supplemental Standards. Appraisers are to follow the Supplemental Standards for Board of Trustees' real estate transactions, which contain requirements for appraisers to follow in addition to the requirements in USPAP. The Supplemental Standards are adopted by reference in rule 18-1.002(27), F.A.C.

Additionally, DEP proposes to streamline the Supplemental Standards by removing redundancies with the USPAP and clarifying which items are required and which items are optional.

Finally, DEP recommends adding the Appraisal Institute as an approved appraisal organization. The Appraisal Institute has previously been an approved appraisal organization as a member of the Appraisal Foundation, pursuant to rule 18-1.002(7), F.A.C., however, it recently withdrew its membership, thus the Appraisal Institute now needs to be specifically listed in rule as an approved appraisal organization.

(See Attachment 3, Pages 1-41)

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**Substitute Item 3, cont.**

**RECOMMEND (1) APPROVAL TO PUBLISH A NOTICE OF PROPOSED RULEMAKING TO AMEND CHAPTER 18-1, F.A.C.; AND (2) ADOPTION OF THE REVISED SUPPLEMENTAL APPRAISAL STANDARDS FOR THE BOARD OF TRUSTEES, DATED DECEMBER 2012**

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**Substitute Item 4 2012-2013 Annual Florida Forever Work Plan**

**REQUEST:** Consideration of the 2012-2013 Division of State Lands' Annual Florida Forever Work Plan.

**VOTING REQUIREMENT FOR APPROVAL:** Two members, one of whom is the Governor, when four members are voting; or any two members, when three members are voting.

**STAFF REMARKS:** Section 259.035, F.S., establishes the Acquisition and Restoration Council (ARC) as a ten-member board composed of four agency heads and six private citizen appointees. In accordance with section 259.105(17), F.S., the Department of Environmental Protection's Division of State Lands (DSL) is required to prepare an annual work plan that prioritizes projects on the Florida Forever list and sets forth the funding available in the fiscal year for land acquisition. The 2012-2013 Division of State Lands' Annual Florida Forever Work Plan (Work Plan) was adopted by ARC, at a public hearing held on August 17, 2012, for submittal to the Board of Trustees.

DSL recommends focusing acquisition efforts on those projects that meet one or more of the following goals: protect Florida's water resources, have funding partnerships (especially those with important resources that also provide buffers to military installations), are conservation easements and/or are substantially complete. It is important to capitalize on those projects that not only protect critical water resources, but also maximize utilization of acquisition dollars. In addition, the 2012-2013 Appropriations Act directed DSL to use its appropriation "...for land acquisitions that are less-than-fee interest or for partnerships in which the state's portion of the acquisition cost is no more than 50 percent [*Chapter 2012-118 Section 5, Laws of Florida, line item 1589*]."

Projects with property identified on the Work Plan include the following 21 projects:

- Adams Ranch – #1 Less-Than-Fee project – Osceola County
- Apalachicola River <sup>a</sup> – #4 Critical Natural Lands project – multiple counties
- Bombing Range Ridge Ecosystem – #2 Critical Natural Lands project – Polk & Highlands Co's
- Camp Blanding - Raiford Greenway <sup>a</sup> – #18 Critical Natural Lands project – multiple counties
- Charlotte Harbor Estuary – #2 Substantially Complete project – Charlotte & Sarasota Co's
- Clear Creek / Whiting Field – #7 Partnerships project – Santa Rosa County
- Escribano Point – #5 Partnerships project – Santa Rosa County
- Estero Bay – #1 Substantially Complete project – Lee County

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**Substitute Item 4, cont.**

Florida First Magnitude Springs <sup>a</sup> – #1 Partnerships project – multiple counties  
Florida Keys Ecosystem – #1 Climate Change Lands project – Monroe County  
Lake Wales Ridge Ecosystem – #1 Critical Natural Lands project – Polk & Highlands Co’s  
Lower Suwannee River and Gulf Watershed <sup>a</sup> – #6 Less-Than-Fee project – Dixie County  
Rotenberger <sup>b, c</sup> – >90% Complete project (not on list) – Palm Beach County  
Save Our Everglades <sup>b</sup> – #5 Substantially Complete project – Collier County  
Seven Runs Creek – #3 Less-Than-Fee project – Walton County  
The Grove <sup>a, b, c, d</sup> – >90% Complete project (not on list) – Leon County  
Upper St. Marks River Corridor <sup>a</sup> – #8 Critical Natural Lands project – multiple counties  
Wacissa/Aucilla River Sinks <sup>a</sup> – #6 Critical Natural Lands project – Jefferson County  
Wakulla Springs Protection Zone <sup>a</sup> – #9 Partnerships project – Wakulla County  
Wekiva-Ocala Greenway <sup>b</sup> – #3 Critical Natural Lands project – Lake County  
West Aucilla River Buffer <sup>c</sup> – #26 Less-Than-Fee project – Jefferson County

<sup>a</sup> Projects not previously included on the land acquisition work plan.

<sup>b</sup> Projects with Board of Trustees approved contracts in closing or Board of Trustees directed acquisition.

<sup>c</sup> Project not on 2012 priority list but qualifies for purchase pursuant to s. 259.032(8), F.S.

<sup>d</sup> Project identified in FY 2012-13 Appropriations Act for acquisition of “adjacent properties” [Chapter 2012-118 Section 59, Laws of Florida].

<sup>e</sup> Project identified in FY 2012-13 Appropriations Act for acquisition of a conservation easement “...for the purpose of providing hunting access for those identified and designated as handicap hunters by the Florida Fish and Wildlife Commission [Chapter 2012-118 Section 5, Laws of Florida, line item 1589].”

**Comprehensive Plan**

The Work Plan is consistent with section 187.201(9), F.S., the Natural Systems and Recreational Lands’ section of the State Comprehensive Plan.

(See Attachment 4, Pages 1-12)

**RECOMMEND ACCEPTANCE OF THE 2012-2013 DIVISION OF STATE LANDS’ ANNUAL FLORIDA FOREVER WORK PLAN**

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**Substitute Item 5 April 2012 Florida Forever Five-Year Plan Reacceptance/Florida Forever Land Acquisition Priority List Reapproval/Rule 18-24.007, F.A.C., Initiate Rulemaking**

**REQUEST:** Consideration of (1) reacceptance of the April 2012 Florida Forever Five-Year Plan; (2) reapproval of the April 2012 Florida Forever Land Acquisition Priority List; and (3) authorization to initiate rulemaking and to publish a Notice of Development of Rulemaking to amend rule 18-24.007, F.A.C., to eliminate the requirement to submit a report and project list to the Board of Trustees more than once a year.

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**Substitute Item 5, cont.**

**VOTING REQUIREMENT FOR APPROVAL:** Two members, one of whom is the Governor, when four members are voting; or any two members, when three members are voting.

**STAFF REMARKS:**

On April 24, 2012, pursuant to rule 18-24.007, F.A.C., the Board of Trustees accepted the Acquisition and Restoration Council's (ARC) April 2012 Florida Forever Five-Year Plan (Plan) and approved ARC's recommended April 2012 Florida Forever Land Acquisition Priority List (Priority List). The rule also requires the Board of Trustees to receive a report and to approve a project list at a regularly scheduled public meeting "at least semiannually". In accordance with rule, despite the Plan and Priority List being unchanged since April, this item is being presented to the Board of Trustees a second time. The April 2012 Florida Forever Five-Year Plan is being submitted in digital format.

The Department of Environmental Protection (DEP) is requesting authorization to initiate rulemaking and to publish a Notice of Development of Rulemaking for rule 18-24.007, F.A.C., in the *Florida Administrative Register* (F.A.R.). DEP proposes to revise the rule to eliminate the requirement to submit a report and project list to the Board of Trustees "at least semiannually". DEP proposes to operate in accordance with sections 259.105(14) and (15), F.S., which requires only annual submissions for each year that cash disbursements or bonds are to be issued. At the conclusion of the rule development process, DEP will return to the Board of Trustees with a request to publish a Notice of Proposed Rulemaking in the F.A.R.

(See Attachment 5, Pages 1-3)

**RECOMMEND (1) REACCEPTANCE OF THE APRIL 2012 FLORIDA FOREVER FIVE-YEAR PLAN; (2) REAPPROVAL OF THE APRIL 2012 FLORIDA FOREVER LAND ACQUISITION PRIORITY LIST; AND (3) APPROVAL TO INITIATE RULEMAKING AND TO PUBLISH A NOTICE OF DEVELOPMENT OF RULEMAKING TO AMEND RULE 18-24.007, F.A.C.**

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**Substitute Item 6 Iota Hickory Hammock, LLC, Conveyance/Determination**

**REQUEST:** Consideration of (1) a determination that the conveyance of a 10.6-acre parcel, located in Orange County, is in the public interest pursuant to Article X, section 11 of the Florida Constitution and rule 18-21.004(1)(a), F.A.C.; and (2) a request to convey the 10.6-acre parcel to Iota Hickory Hammock, LLC.

**VOTING REQUIREMENT FOR APPROVAL:** Three votes

**COUNTY:** Orange  
Deed No. 32544

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**Substitute Item 6, cont.**

**APPLICANT:** Iota Hickory Hammock, LLC (Iota)

**LOCATION:** Section 32, Township 22 South, Range 27 East

**CONSIDERATION:** \$200,000 to be deposited in the Internal Improvement Trust Fund. The negotiated purchase price is based on the fair market value of \$40,000 per acre.

**STAFF REMARKS:**

**Background**

A proposed development, known as Hickory Hammock, is located in southwest Orange County in the City of Winter Garden and surrounds the subject 10.6-acre parcel (subject parcel). Hickory Hammock was originally a SouthStar Development Partners community which was slated for development in 2007. Ultimately, the planned development was not realized. In preparation of a potential sale of the planned development property, clarification of title to the subject parcel was recognized.

Based on a review of available historic aerial photography, it appears that a portion of the subject parcel was filled before 1947, with the remaining acreage filled before 1965. The earliest known use of the property was citrus production. In the mid-1980s, the property was impacted by a freeze, which damaged the citrus crops. Following this event, the property maintained remnant groves and was ultimately used for cattle grazing, which continues through the current ownership of the property. Because the land was filled without authorization by the Board of Trustees, a portion of the subject parcel remains in Board of Trustees' ownership.

**Project Description**

If the Board of Trustees approves this transaction, the deed of conveyance will be for 10.6 acres. The Department of Environmental Protection (DEP) has identified approximately 5.6 acres that would not be subject to state claim leaving 5 acres to be purchased by Iota. In order to clear title, Iota is requesting a deed of conveyance for the entire 10.6 acres.

DEP is recommending that the 5 acres be valued at fair market value. A 2-acre portion of the subject parcel was appraised on October 29, 2012. The market value of the 2 acres was estimated at \$40,000 per acre, based on the development potential of the proposed subdivision. DEP negotiated a purchase price of \$200,000 for the 5 acres subject to state claim.

**Constitutional and Statute Requirements**

Pursuant to Article X, section 11 of the Florida Constitution and rule 18-21.004(1)(a), F.A.C., the Board of Trustees may convey sovereignty lands if an evaluation of benefits and costs of the request shows that conveyance is in the public interest. DEP offers the following to assist the Board of Trustees in making an affirmative determination that conveyance of the subject parcel is in the public interest:

- the subject parcel is not currently managed and its isolation, size, and location are not suitable for management by the state;

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**Substitute Item 6, cont.**

- there are no environmental resources on the subject parcel;
- there is no current public use, nor is public use feasible; and
- the sale of the subject parcel will eliminate liability for the Board of Trustees.

**Noticing**

Noticing state universities, community colleges, and state agencies pursuant to section 253.034(15), F.S., is not required. Filled, sovereignty lands are handled under section 253.12, F.S., and Chapter 18-21, F.A.C., which address the riparian rights of upland owners. Because the lands are being sold to the riparian upland owner, notice to the county pursuant to section 253.111, F.S., is not required.

Iota is the only landowner within 500 feet of the proposed conveyance and is the upland riparian owner; therefore, no noticing was required pursuant to section 253.115(1), F.S.

**Comprehensive Plan**

A consideration of the status of the local government comprehensive plan was not made for this item. DEP has determined that the proposed action is not subject to the local government planning process.

(See Attachment 6, Pages 1-10)

**RECOMMEND APPROVAL**