

## Section 10.3

# LEASING FROM THE BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND (T.I.I.T.F.)

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## Section 10.3

# LEASING FROM THE BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND (T.I.I.T.F)

### PURPOSE

To provide the requirements for leasing properties from the Board of Trustees of the Internal Improvement Trust Fund (T.I.I.T.F.), for use as Florida Department of Transportation (FDOT) non-transportation facilities.

### AUTHORITY

Rule Chapter 18-2, Florida Administrative Code  
Section 253.025, Florida Statutes  
Section 253.03, Florida Statutes  
Section 253.034, Florida Statutes  
Section 259.032, Florida Statutes

### SCOPE

FDOT District and Central Office Right of Way staff will utilize this section.

### REFERENCES

Chapter 253, Florida Statutes  
Chapter 259, Florida Statutes  
Rule Chapter 18-2, Florida Administrative Code  
Section 334.03 (30), Florida Statutes  
Section 334.03 (31), Florida Statutes  
Section 337.25, Florida Statutes

### BACKGROUND

In 1967, **Chapter 253, Florida Statutes**, was amended to require that certain properties held in the name of the State of Florida be vested in the Trustees of the Internal Improvement Trust Fund (T.I.I.T.F.).

Each state agency was directed to execute the necessary instruments to transfer title of non-transportation properties to T.I.I.T.F. Such property was then leased back to the state agency to continue use of such lands. Non-transportation properties comprise all of FDOT's maintenance and sub-maintenance yards, construction offices, soil labs, district office sites, and other facilities not considered to be road right of way, borrow pits or transportation facilities.

Other instances where properties must be conveyed to T.I.I.T.F. are any purchases of property subsequent to 1967 which are for non-transportation uses. Also, if a property is permanently converted from use as an FDOT transportation facility to another FDOT use, the property must be conveyed to T.I.I.T.F. The conveyances described herein should be made within ninety (90) days of purchase or change of use. This does not apply to surplus properties originally used for transportation purposes.

## TRAINING

Right of Way Training Program participants will be trained in the activities required by this procedure during the Property Management segment of the FDOT Fundamentals of Right of Way Course.

## FORMS

The Florida Department of Environmental Protection's ***Standard Lease and Sublease Applications*** may be obtained from the FDEP at:

Florida Department of Environmental Protection  
Division of State Lands  
Bureau of Public Land Administration  
3800 Commonwealth Blvd., Mail Station (M.S.) 130  
Tallahassee, Florida 32399

## DEFINITIONS

**Conservation Lands:** Lands which may be used as parks, recreation areas, preserves, reserves, historic or archeological sites, geologic, or botanical sites, recreational trails, forests, wilderness areas, wildlife management areas, urban open space or other state-designated recreation lands.

**Note:** FDOT does not typically acquire properties for these uses, however, there may be exceptional cases where these types of properties have been or will be acquired.

**Official File:** Documentation required to be maintained in the district office in a central location.

**Transportation Corridor:** Any land area designated by the state, a county, or a municipality which is between two geographic points and which area is used or suitable for the movement of people and goods by one or more modes of transportation and may include areas necessary for management of access and securing applicable approvals and permits. Transportation corridors shall contain, but are not limited to, the following:

- (A) Existing publicly-owned rights of way;
- (B) All property or property interests necessary for future transportation facilities, including rights of access, air, view, and light, whether public or private, for the purpose of securing and utilizing future transportation rights of way, including, but not limited to, any lands reasonably necessary now or in the future for drainage ditches, water retention areas, rest areas, replacement access for landowners whose access could be impaired due to the construction of a future facility, and replacement rights of way for relocation of rail and utility facilities, **Section 334.03(30), Florida Statutes**.

**Transportation Facilities:** Any means for the transportation of people and property from place to place that is constructed, operated or maintained in whole or in part from public funds, **Section 334.03(31), Florida Statutes**. Included within this definition are lands purchased to secure applicable permits, borrow pits, drainage ditches, water retention areas, rest areas, replacement access for landowners whose access could be impaired because of the construction of a future facility, and replacement rights of way for relocation of rail and utility facilities unless title to such property is vested in the utility or rail company. Excluded from this definition are facilities such as maintenance and sub-maintenance yards, soil labs, district offices, central office and construction offices, all of which are subject to this procedure. This list is not intended to be all inclusive.

### 10.3.1 Application for Lease

**10.3.1.1** Property needed by FDOT for non-transportation purposes which is held in the name of T.I.I.T.F. may be leased by FDOT for its use. The **Standard Lease Application** is required by FDEP when applying for a lease of property to be granted by T.I.I.T.F. A completed application for lease of such property is required.

**10.3.1.2** The lease, including all required data, shall be forwarded to:

Florida Department of Environmental Protection  
Division of State Lands  
Bureau of Public Land Administration  
Post Office Box 3070  
Tallahassee, Florida 32315-3070

**10.3.1.3.** In the event the property is subleased, the appropriate ***Standard Sublease Application*** required by FDEP shall be used. Subleases must be approved by FDEP prior to their execution.

### **10.3.2 Administrative Fee**

**10.3.2.1** An annual administrative fee of \$300 is required for each lease, sublease or management agreement of uplands which has been executed between FDOT and FDEP, pursuant to ***Rule Chapter 18-2, Florida Administrative Code***.

**10.3.2.2** Annually, the district will receive an invoice from FDEP for each individual lease. The district shall verify that each invoice received is for a current lease.

**10.3.2.3.** The fee will be due by July 1 of each year and the following shall apply:

- (A) Each district is responsible for determining from which budget entity(ies) the payment will be made. Based on the desired budget entity, the appropriate expansion option should be used;
- (B) The object code for the payment is 432000.

**10.3.2.4** For leases, subleases and management agreements entered into after July 1 of each fiscal year, the initial fee shall be prorated based on the number of months remaining in the fiscal year at a cost of \$25 per month, for example if a lease is entered into in February, the fee is \$125, 5 months @ \$25 per month. The prorated fee is due upon issuance of the lease. The subsequent annual payment shall be due and payable on July 1 of each year.

### **10.3.3 Land Management Plan/Land Use Evaluation Preparation and Update**

**10.3.3.1** Land Management Plans are not required for lands acquired by FDOT, except those specifically managed for conservation or recreation purposes. Land Use Evaluations should be prepared for all FDOT facilities leased from T.I.I.T.F. (ex. office buildings,

maintenance yards, etc.).

**10.3.3.2** Land Management Plans and Land Use Evaluations shall be prepared and submitted to FDEP in accordance with ***Rule Chapter 18-2, Florida Administrative Code*** within one (1) year from the effective date of the lease from T.I.I.T.F. to FDOT. The district office shall determine who is responsible for preparing these plans/evaluations.

**10.3.3.3** These plans/evaluations are to be revised, if necessary, and resubmitted to FDEP every ten (10) years thereafter.

**10.3.3.4** The information and documentation which comprises a Land Management Plan shall include all items required by ***Rule Chapter 18-2, Florida Administrative Code***.

#### **10.3.4 File Documentation**

The following are required to be retained in the official file in the appropriate district office:

- (A) A copy of the lease executed by FDOT and Trustees of the Internal Improvement Fund;
- (B) A copy of the original lease application and all applicable correspondence;
- (C) A copy of the Land Management Plan/Land Use Evaluation, if applicable; and
- (D) A copy of all correspondence relative to the filing of the original or resubmittal of the Land Management Plan.

#### **10.3.5 Turnpike Properties**

Turnpike properties are acquired with bond funds and are pledged as collateral to the Turnpike bondholders. Therefore, provisions of this section do not apply to such properties.

### **HISTORY**

04/15/99, 04/09/01, 08/11/08