

By Senator Bronson

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A bill to be entitled
An act relating to state lands; amending s.
253.034, F.S.; deleting an obsolete provision
relating to the sale of certain real property
by the Department of Transportation; providing
an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 253.034, Florida Statutes, 1998
Supplement, is amended to read:

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

1 conservation and protection, ecosystem maintenance and
2 protection, and protection of threatened and endangered
3 species, and the degree to which public-private partnerships
4 or endowments may allow the agency with management
5 responsibility to enhance its ability to manage these lands.

6 (2) As used in this section, the following phrases
7 have the following meanings:

8 (a) "Multiple use" means the harmonious and
9 coordinated management of timber, recreation, conservation of
10 fish and wildlife, forage, archaeological and historic sites,
11 habitat and other biological resources, or water resources so
12 that they are utilized in the combination that will best serve
13 the people of the state, making the most judicious use of the
14 land for some or all of these resources and giving
15 consideration to the relative values of the various resources.
16 Where necessary and appropriate for all state-owned lands that
17 are larger than 1,000 acres in project size and are managed
18 for multiple uses, buffers may be formed around any areas
19 which require special protection or have special management
20 needs. Such buffers shall not exceed more than one-half of
21 the total acreage. Multiple uses within a buffer area may be
22 restricted to provide the necessary buffering effect desired.
23 Multiple use in this context includes both uses of land or
24 resources by more than one state agency, or by one or more
25 state agencies and private sector land managers. In any case,
26 lands identified as multiple-use lands in the land management
27 plan shall be managed to enhance and conserve the lands and
28 resources for the enjoyment of the people of the state.

29 (b) "Single use" means management for one particular
30 purpose to the exclusion of all other purposes, except that
31 the using agency shall have the option of including in its

1 management program compatible secondary purposes which will
2 not detract from or interfere with the primary management
3 purpose. Such single uses may include, but are not necessarily
4 restricted to, the use of agricultural lands for production of
5 food and livestock, the use of improved sites and grounds for
6 institutional purposes, and the use of lands for parks,
7 preserves, wildlife management, archaeological or historic
8 sites, or wilderness areas where the maintenance of
9 essentially natural conditions is important. All submerged
10 lands shall be considered single-use lands and shall be
11 managed primarily for the maintenance of essentially natural
12 conditions, the propagation of fish and wildlife, and public
13 recreation, including hunting and fishing where deemed
14 appropriate by the managing agency.

15 (3) In recognition that recreational trails purchased
16 with rails-to-trails funds pursuant to s. 259.101(3)(g) have
17 had historic transportation uses and that their linear
18 character may extend many miles, the Legislature intends that
19 when the necessity arises to serve public needs, after
20 balancing the need to protect trail users from collisions with
21 automobiles and a preference for the use of overpasses and
22 underpasses to the greatest extent feasible and practical,
23 transportation uses shall be allowed to cross recreational
24 trails purchased pursuant to s. 259.101(3)(g). When these
25 crossings are needed, the location and design should consider
26 and mitigate the impact on humans and environmental resources,
27 and the value of the land shall be paid based on fair market
28 value.

29 (4) No management agreement, lease, or other
30 instrument authorizing the use of lands owned by the Board of
31 Trustees of the Internal Improvement Trust Fund shall be

1 | executed for a period greater than is necessary to provide for
2 | the reasonable use of the land for the existing or planned
3 | life cycle or amortization of the improvements, except that an
4 | easement in perpetuity may be granted by the Board of Trustees
5 | of the Internal Improvement Trust Fund if the improvement is a
6 | transportation facility. An agency managing or leasing
7 | state-owned lands from the Board of Trustees of the Internal
8 | Improvement Trust Fund may not sublease such lands without
9 | prior review by the division and by the Land Acquisition and
10 | Management Advisory Council created in s. 259.035 and approval
11 | by the board. The Land Acquisition and Management Advisory
12 | Council is not required to review subleases of parcels which
13 | are less than 160 acres in size.

14 | (5) Each state agency managing lands owned by the
15 | Board of Trustees of the Internal Improvement Trust Fund shall
16 | submit to the Division of State Lands a land management plan
17 | at least every 5 years in a form and manner prescribed by rule
18 | by the board. All management plans, whether for single-use or
19 | multiple-use properties, shall specifically describe how the
20 | managing agency plans to identify, locate, protect and
21 | preserve, or otherwise use fragile nonrenewable resources,
22 | such as archaeological and historic sites, as well as other
23 | fragile resources, including endangered plant and animal
24 | species, and provide for the conservation of soil and water
25 | resources and for the control and prevention of soil erosion.
26 | Land management plans submitted by an agency shall include
27 | reference to appropriate statutory authority for such use or
28 | uses and shall conform to the appropriate policies and
29 | guidelines of the state land management plan. All land
30 | management plans for parcels larger than 1,000 acres shall
31 | contain an analysis of the multiple-use potential of the

1 parcel, which analysis shall include the potential of the
2 parcel to generate revenues to enhance the management of the
3 parcel. Additionally, the land management plan shall contain
4 an analysis of the potential use of private land managers to
5 facilitate the restoration or management of these lands. In
6 those cases where a newly acquired property has a valid
7 conservation plan, the plan shall be used to guide management
8 of the property until a formal land management plan is
9 completed.

10 (a) The Division of State Lands shall make available
11 to the public a copy of each land management plan for parcels
12 which exceed 160 acres in size. The council shall review each
13 plan for compliance with the requirements of this subsection
14 and with the requirements of the rules established by the
15 board pursuant to this subsection. The council shall also
16 consider the propriety of the recommendations of the managing
17 agency with regard to the future use of the property, the
18 protection of fragile or nonrenewable resources, the potential
19 for alternative or multiple uses not recognized by the
20 managing agency, and the possibility of disposal of the
21 property by the board. After its review, the council shall
22 submit the plan, along with its recommendations and comments,
23 to the board. The council shall specifically recommend to the
24 board whether to approve the plan as submitted, approve the
25 plan with modifications, or reject the plan.

26 (b) The Board of Trustees of the Internal Improvement
27 Trust Fund shall consider the land management plan submitted
28 by each state agency and the recommendations of the council
29 and the Division of State Lands and shall approve the plan
30 with or without modification or reject such plan. The use or
31 possession of any such lands which is not in accordance with

1 an approved land management plan is subject to termination by
2 the board.

3 (6) The Board of Trustees of the Internal Improvement
4 Trust Fund shall determine which lands, the title to which is
5 vested in the board, are of no benefit to the public and shall
6 dispose of such lands pursuant to law.

7 (a) At least every 5 years, in a form and manner
8 prescribed by rule by the board, each state agency shall
9 indicate to the board those lands which the agency manages
10 which are not being used for the purpose for which they were
11 originally leased. Such lands shall be reviewed by the council
12 for its recommendation as to whether such lands should be
13 disposed of by the board.

14 (b) Lands owned by the board which are not actively
15 managed by any state agency or for which a land management
16 plan has not been completed pursuant to subsection (4) shall
17 be reviewed by the council for its recommendation as to
18 whether such lands should be disposed of by the board.

19 (c) In reviewing lands owned by the board pursuant to
20 paragraphs (a) and (b), the council shall consider whether
21 such lands would be more appropriately owned or managed by the
22 county or other unit of local government in which the land is
23 located. The council shall recommend to the board whether a
24 sale, lease, or other conveyance to a local government would
25 be in the best interests of the state and local government.
26 The provisions of this paragraph in no way limit the
27 provisions of ss. 253.111 and 253.115.

28 (d) After reviewing the recommendations of the
29 council, the board shall determine whether lands identified in
30 paragraphs (a) and (b) are to be held for other public
31 purposes or whether such lands are of no benefit to the

1 public. The board may require an agency to release its
2 interest in such lands. Lands determined to be of no benefit
3 to the public shall be disposed of pursuant to law. Each
4 fiscal year, up to \$500,000 of the proceeds from the disposal
5 of such lands shall be placed in the Internal Improvement
6 Trust Fund to be used to pay the costs of any administration,
7 appraisal, management, conservation, protection, sales, or
8 real estate sales services; any such proceeds in excess of
9 \$500,000 shall be placed in the Conservation and Recreation
10 Lands Trust Fund.

11 (e) The sale of filled, formerly submerged land that
12 does not exceed 5 acres in area is not subject to review by
13 the council.

14 (7) This section shall not be construed so as to
15 affect:

16 (a) Other provisions of this chapter relating to oil,
17 gas, or mineral resources.

18 (b) The exclusive use of state-owned land subject to a
19 lease by the Board of Trustees of the Internal Improvement
20 Trust Fund of state-owned land for private uses and purposes.

21 (c) Sovereignty lands not leased for private uses and
22 purposes.

23 (8) Land management plans required to be submitted by
24 the Department of Corrections or the Department of Education
25 shall not be subject to the council review provisions
26 described in subsection (5). Management plans filed by these
27 agencies shall be made available to the public for a period of
28 90 days at the administrative offices of the parcel or project
29 affected by the management plan and at the Tallahassee offices
30 of each agency. Any plans not objected to during the public
31 comment period shall be deemed approved. Any plans for which

1 an objection is filed shall be submitted to the Board of
2 Trustees of the Internal Improvement Trust Fund for
3 consideration. The Board of Trustees of the Internal
4 Improvement Trust Fund shall approve the plan with or without
5 modification, or reject the plan. The use or possession of
6 any such lands which is not in accordance with an approved
7 land management plan is subject to termination by the board.

8 ~~(9) Notwithstanding any provision of this section or~~
9 ~~s. 253.111 to the contrary, the Department of Transportation~~
10 ~~may sell, at fair market value, the following described state~~
11 ~~real property utilized by the Department of Highway Safety and~~
12 ~~Motor Vehicles:~~

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14 ~~From the NW Corner of Section 28 Township 22~~
15 ~~South, Range 30 East, run North 89 degrees 21~~
16 ~~minutes 24 seconds East 1900 feet; thence run~~
17 ~~South 0 degrees 38 minutes 36 seconds East~~
18 ~~59.45 feet for a point of beginning, said point~~
19 ~~being on the Southerly right-of-way line of~~
20 ~~State Highway No. 50; thence South 0 degrees 38~~
21 ~~minutes 36 seconds East 525.41 feet; thence~~
22 ~~North 66 degrees 42 minutes 09 seconds East 390~~
23 ~~feet more or less to the waters edge of Lake~~
24 ~~Barton; thence run Northerly along the waters~~
25 ~~edge of Lake Barton to the North line of said~~
26 ~~Section 28; thence run South 89 degrees 21~~
27 ~~minutes 24 seconds West along the North line of~~
28 ~~said Section 28, to a 4-inch concrete monument~~
29 ~~on the Southerly right-of-way line of State~~
30 ~~Road No. 50, being North 89 degrees 21 minutes~~
31 ~~24 seconds East 2315.27 feet from the NW Corner~~

1 ~~of said Section 28; thence run Westerly 419.59~~
2 ~~feet along the arc of a 0 degree 44 minutes 25~~
3 ~~seconds curve concave to the Northwesterly,~~
4 ~~(having a central angle of 3 degrees 6 minutes~~
5 ~~22 seconds, the long chord bearing South 81~~
6 ~~degrees 08 minutes 37 seconds West 419.50 feet)~~
7 ~~to the point of beginning. All of the above~~
8 ~~described land being in the NE 1/4 of the NW~~
9 ~~1/4 of said Section 28, Orange County,~~
10 ~~Florida.~~

11
12 ~~Proceeds from the sale shall be deposited in the State~~
13 ~~Transportation Trust Fund. The Board of Trustees of the~~
14 ~~Internal Improvement Trust Fund shall execute and deliver a~~
15 ~~deed of conveyance for the purpose of carrying into effect a~~
16 ~~contract or agreement of sale. This subsection is repealed on~~
17 ~~July 1, 1999.~~

18 Section 2. This act shall take effect July 1, 1999.

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21 SENATE SUMMARY

22 Repeals an obsolete provision allowing the Department of
23 Transportation to sell specified land used by the
24 Department of Highway Safety and Motor Vehicles.

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