

By Senator Bronson

312-964-00

1 A bill to be entitled
2 An act relating to state lands; amending s.
3 253.034, F.S.; deleting an obsolete provision
4 relating to the sale of certain real property
5 by the Department of Transportation; providing
6 an effective date.

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

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10 Section 1. Section 253.034, Florida Statutes, is
11 amended to read:

12 253.034 State-owned lands; uses.--

13 (1) All lands acquired pursuant to chapter 259 shall
14 be managed to serve the public interest by protecting and
15 conserving land, air, water, and the state's natural
16 resources, which contribute to the public health, welfare, and
17 economy of the state. These lands shall be managed to provide
18 for areas of natural resource based recreation, and to ensure
19 the survival of plant and animal species and the conservation
20 of finite and renewable natural resources. The state's lands
21 and natural resources shall be managed using a stewardship
22 ethic that assures these resources will be available for the
23 benefit and enjoyment of all people of the state, both present
24 and future. It is the intent of the Legislature that, where
25 feasible and consistent with the goals of protection and
26 conservation of natural resources associated with lands held
27 in the public trust by the Board of Trustees of the Internal
28 Improvement Trust Fund, public land not designated for
29 single-use purposes pursuant to paragraph (2)(b) be managed
30 for multiple-use purposes. All multiple-use land management
31 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) or s.
17 259.105(3)(g) have had historic transportation uses and that
18 their linear character may extend many miles, the Legislature
19 intends that when the necessity arises to serve public needs,
20 after balancing the need to protect trail users from
21 collisions with automobiles and a preference for the use of
22 overpasses and underpasses to the greatest extent feasible and
23 practical, transportation uses shall be allowed to cross
24 recreational trails purchased pursuant to s. 259.101(3)(g) or
25 s. 259.105(3)(g). When these crossings are needed, the
26 location and design should consider and mitigate the impact on
27 humans and environmental resources, and the value of the land
28 shall be paid based on fair market 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 or its
11 | successor and approval by the board. The Land Acquisition and
12 | Management Advisory Council is not required to review
13 | subleases of parcels which 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 or its successor
13 shall review each plan for compliance with the requirements of
14 this subsection and with the requirements of the rules
15 established by the board pursuant to this subsection. The
16 council or its successor shall also consider the propriety of
17 the recommendations of the managing agency with regard to the
18 future use of the property, the protection of fragile or
19 nonrenewable resources, the potential for alternative or
20 multiple uses not recognized by the managing agency, and the
21 possibility of disposal of the property by the board. After
22 its review, the council or its successor shall submit the
23 plan, along with its recommendations and comments, to the
24 board. The council or its successor shall specifically
25 recommend to the board whether to approve the plan as
26 submitted, approve the plan with modifications, or reject the
27 plan.

28 (b) The Board of Trustees of the Internal Improvement
29 Trust Fund shall consider the land management plan submitted
30 by each state agency and the recommendations of the council or
31 its successor and the Division of State Lands and shall

1 approve the plan with or without modification or reject such
2 plan. The use or possession of any such lands which is not in
3 accordance with an approved land management plan is subject to
4 termination by the board.

5 (6) The Board of Trustees of the Internal Improvement
6 Trust Fund shall determine which lands, the title to which is
7 vested in the board, may be surplus. Notwithstanding s.
8 253.111, for those lands designated as acquired for
9 conservation purposes, the board shall make a determination
10 that the lands are no longer needed for conservation purposes
11 and may dispose of them by a two-thirds vote. For all other
12 lands, the board shall make a determination that the lands are
13 no longer needed and may dispose of them by majority vote.

14 (a) For the purposes of this subsection, all lands
15 acquired by the state prior to July 1, 1999, using proceeds
16 from the Preservation 2000 bonds, the Conservation and
17 Recreation Lands Trust Fund, the Water Management Lands Trust
18 Fund, Environmentally Endangered Lands Program, and the Save
19 Our Coast Program and titled to the board, which lands are
20 identified as core parcels or within original project
21 boundaries, shall be deemed to have been acquired for
22 conservation purposes.

23 (b) For any lands purchased by the state on or after
24 July 1, 1999, a determination shall be made by the board prior
25 to acquisition as to those parcels that shall be designated as
26 having been acquired for conservation purposes. No lands
27 acquired for use by the Department of Corrections, the
28 Department of Management Services for use as state offices,
29 the Department of Transportation, except those specifically
30 managed for conservation or recreation purposes, or the State
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1 University System or State Community College System shall be
2 designated as having been purchased for conservation purposes.

3 (c) At least every 3 years, in a form and manner
4 prescribed by rule by the board, each state agency shall
5 indicate to the board those lands which the agency manages
6 which are not being used for the purpose for which they were
7 originally leased. Such lands shall be reviewed by the council
8 or its successor for its recommendation as to whether such
9 lands should be disposed of by the board.

10 (d) Lands owned by the board which are not actively
11 managed by any state agency or for which a land management
12 plan has not been completed pursuant to subsection (5) shall
13 be reviewed by the council or its successor for its
14 recommendation as to whether such lands should be disposed of
15 by the board.

16 (e) Prior to any decision by the board to surplus
17 lands, the Acquisition and Restoration Council shall review
18 and make recommendations to the board concerning the request
19 for surplusizing. The council shall determine whether the
20 request for surplusizing is compatible with the resource values
21 of and management objectives for such lands.

22 (f) In reviewing lands owned by the board, the council
23 or its successor shall consider whether such lands would be
24 more appropriately owned or managed by the county or other
25 unit of local government in which the land is located. The
26 council or its successor shall recommend to the board whether
27 a sale, lease, or other conveyance to a local government would
28 be in the best interests of the state and local government.
29 The provisions of this paragraph in no way limit the
30 provisions of ss. 253.111 and 253.115. Such lands shall be
31 offered to the county or local government for a period of 90

1 days. Permittable uses for such surplus lands may include
2 public schools; public libraries; fire or law enforcement
3 substations; and governmental, judicial, or recreational
4 centers. County or local government requests for surplus
5 lands shall be expedited throughout the surplus process.
6 State agencies shall have the subsequent opportunity to
7 acquire the surplus lands for a period not to exceed 30 days
8 after the offer to a county or local government expires.
9 Surplus properties in which governmental agencies have
10 expressed no interest shall then be available for sale on the
11 private market.

12 (g) Lands determined to be surplus pursuant to this
13 subsection shall be sold for fair market value or the price
14 paid by the state or a water management district to originally
15 acquire the lands, whichever is greater, except that the price
16 of lands sold as surplus to any unit of government shall not
17 exceed the price paid by the state or a water management
18 district to originally acquire the lands. A unit of government
19 which acquires title to lands hereunder for less than fair
20 market value may not sell or transfer title to all or any
21 portion of the lands to any private owner for a period of 10
22 years. Any unit of government seeking to transfer or sell
23 lands pursuant to this paragraph shall first allow the board
24 of trustees to reacquire such lands. The board of trustees
25 may reacquire such lands for the price at which they sold such
26 lands.

27 (h) After reviewing the recommendations of the council
28 or its successor, the board shall determine whether lands
29 identified for surplus are to be held for other public
30 purposes or whether such lands are no longer needed. The
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1 board may require an agency to release its interest in such
2 lands.

3 (i) Requests for surplusing may be made by any public
4 or private entity or person. All requests shall be submitted
5 to the lead managing agency for review and recommendation to
6 the council or its successor. Lead managing agencies shall
7 have 90 days to review such requests and make recommendations.
8 Any surplusing requests that have not been acted upon within
9 the 90-day time period shall be immediately scheduled for
10 hearing at the next regularly scheduled meeting of the council
11 or its successor. Requests for surplusing pursuant to this
12 paragraph shall not be required to be offered to local or
13 state governments as provided in paragraph (f).

14 (j) Proceeds from any sale of surplus lands pursuant
15 to this subsection shall be deposited into the fund from which
16 such lands were acquired. However, if the fund from which the
17 lands were originally acquired no longer exists, such proceeds
18 shall be deposited into an appropriate account for use by the
19 lead managing agency for land management.

20 (k) Notwithstanding the provisions of this subsection,
21 no such disposition of land shall be made if such disposition
22 would have the effect of causing all or any portion of the
23 interest on any revenue bonds issued to lose the exclusion
24 from gross income for federal income tax purposes.

25 (l) The sale of filled, formerly submerged land that
26 does not exceed 5 acres in area is not subject to review by
27 the council or its successor.

28 (7) This section shall not be construed so as to
29 affect:

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

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

4 (c) Sovereignty lands not leased for private uses and
5 purposes.

6 (8) Land management plans required to be submitted by
7 the Department of Corrections or the Department of Education
8 shall not be subject to the provisions for review by the
9 council or its successor described in subsection (5).

10 Management plans filed by these agencies shall be made
11 available to the public for a period of 90 days at the
12 administrative offices of the parcel or project affected by
13 the management plan and at the Tallahassee offices of each
14 agency. Any plans not objected to during the public comment
15 period shall be deemed approved. Any plans for which an
16 objection is filed shall be submitted to the Board of Trustees
17 of the Internal Improvement Trust Fund for consideration. The
18 Board of Trustees of the Internal Improvement Trust Fund shall
19 approve the plan with or without modification, or reject the
20 plan. The use or possession of any such lands which is not in
21 accordance with an approved land management plan is subject to
22 termination by the board.

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

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29 ~~From the NW Corner of Section 28 Township 22~~
30 ~~South, Range 30 East, run North 89 degrees 21~~
31 ~~minutes 24 seconds East 1900 feet; thence run~~

1 ~~South 0 degrees 38 minutes 36 seconds East~~
2 ~~59.45 feet for a point of beginning, said point~~
3 ~~being on the Southerly right-of-way line of~~
4 ~~State Highway No. 50; thence South 0 degrees 38~~
5 ~~minutes 36 seconds East 525.41 feet; thence~~
6 ~~North 66 degrees 42 minutes 09 seconds East 390~~
7 ~~feet more or less to the waters edge of Lake~~
8 ~~Barton; thence run Northerly along the waters~~
9 ~~edge of Lake Barton to the North line of said~~
10 ~~Section 28; thence run South 89 degrees 21~~
11 ~~minutes 24 seconds West along the North line of~~
12 ~~said Section 28, to a 4-inch concrete monument~~
13 ~~on the Southerly right-of-way line of State~~
14 ~~Road No. 50, being North 89 degrees 21 minutes~~
15 ~~24 seconds East 2315.27 feet from the NW Corner~~
16 ~~of said Section 28; thence run Westerly 419.59~~
17 ~~feet along the arc of a 0 degree 44 minutes 25~~
18 ~~seconds curve concave to the Northwesterly,~~
19 ~~(having a central angle of 3 degrees 6 minutes~~
20 ~~22 seconds, the long chord bearing South 81~~
21 ~~degrees 08 minutes 37 seconds West 419.50 feet)~~
22 ~~to the point of beginning. All of the above~~
23 ~~described land being in the NE 1/4 of the NW~~
24 ~~1/4 of said Section 28, Orange County,~~
25 ~~Florida.~~

26
27 ~~Proceeds from the sale shall be deposited in the State~~
28 ~~Transportation Trust Fund. The Board of Trustees of the~~
29 ~~Internal Improvement Trust Fund shall execute and deliver a~~
30 ~~deed of conveyance for the purpose of carrying into effect a~~
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1 ~~contract or agreement of sale. This subsection expires July 1,~~
2 ~~2000.~~

3 (9)~~(10)~~ The following additional uses of lands
4 acquired pursuant to the Florida Forever program and other
5 state-funded land purchase programs shall be authorized, upon
6 a finding by the board of trustees, if they meet the criteria
7 specified in paragraphs (a)-(e): water resource development
8 projects, water supply development projects, stormwater
9 management projects, linear facilities, and sustainable
10 agriculture and forestry. Such additional uses are authorized
11 where:

12 (a) Not inconsistent with the management plan for such
13 lands;

14 (b) Compatible with the natural ecosystem and resource
15 values of such lands;

16 (c) The proposed use is appropriately located on such
17 lands and where due consideration is given to the use of other
18 available lands;

19 (d) The using entity reasonably compensates the
20 titleholder for such use based upon an appropriate measure of
21 value; and

22 (e) The use is consistent with the public interest.
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24 A decision by the board of trustees pursuant to this
25 subsection shall be given a presumption of correctness. Moneys
26 received from the use of state lands pursuant to this
27 subsection shall be returned to the lead managing agency in
28 accordance with the provisions of s. 259.032(11)(d).

29 (10)~~(11)~~ Lands listed as projects for acquisition may
30 be managed for conservation pursuant to s. 259.032, on an
31 interim basis by a private party in anticipation of a state

1 purchase in accordance with a contractual arrangement between
2 the acquiring agency and the private party that may include
3 management service contracts, leases, cost-share arrangements
4 or resource conservation agreements. Lands designated as
5 eligible under this subsection shall be managed to maintain or
6 enhance the resources the state is seeking to protect by
7 acquiring the land. Funding for these contractual
8 arrangements may originate from the documentary stamp tax
9 revenue deposited into the Conservation and Recreation Lands
10 Trust Fund and Water Management Lands Trust Fund. No more
11 than 5 percent of funds allocated under the trust funds shall
12 be expended for this purpose.

13 (11)~~(12)~~ Any lands available to governmental
14 employees, including water management district employees, for
15 hunting or other recreational purposes shall also be made
16 available to the general public for such purposes.

17 Section 2. This act shall take effect July 1, 2000.

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SENATE SUMMARY

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

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