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1 A bill to be entitled
2 An act relating to state lands; amending s. 253.002, F.S.;
3 clarifying the duties of the Department of Environmental
4 Protection, the water management districts, and the
5 Department of Agriculture and Consumer Services with
6 respect to state lands; authorizing the Board of Trustees
7 of the Internal Improvement Trust Fund to delegate certain
8 duties; amending s. 253.025, F.S.; conforming a cross-
9 reference; amending s. 253.03, F.S., relating to the
10 administration of state lands by the board of trustees;
11 requiring that an inventory of publicly owned lands
12 identify lands exchanged by the state and surplus lands
13 sold by the state; requiring the Department of Revenue to
14 submit current tax roll data to the board of trustees and
15 to the Division of State Lands to be used for inventory
16 purposes; amending s. 253.034, F.S.; reorganizing
17 provisions for clarity; revising and providing
18 definitions; clarifying requirements for the use of lands
19 acquired for greenways and trails; requiring that all
20 management agreements, leases, or other instruments
21 authorizing the use of state lands be reviewed by the
22 board of trustees or its designee; authorizing the
23 Division of State Lands to review subleases for
24 conservation lands less than 160 acres in size; providing
25 for the Acquisition and Restoration Council to review only
26 land management plans for conservation lands; revising
27 requirements relating to the disposal of state lands;
28 requiring that state lands determined to be eligible for

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29 sale by the board of trustees be designated as surplus
30 lands; providing that lands determined by the board to be
31 eligible for exchange may not be designated as surplus
32 lands; requiring that the sale or exchange of state
33 conservation lands result in a net positive conservation
34 benefit; authorizing the Division of State Lands to
35 recommend the sale or exchange of nonconservation lands
36 directly to the board of trustees; providing presumption
37 that nonconservation lands are surplus lands; requiring
38 the Division of State Lands to recommend to the board the
39 sale or exchange of nonconservation lands; providing an
40 exception; authorizing the Acquisition and Restoration
41 Council to recommend to the board of trustees that the
42 sale or management of state conservation lands is more
43 appropriate to a county or other unit of local government;
44 expanding the purposes for which a county or local
45 government may use lands purchased from or exchanged with
46 the state; providing for the Division of State Lands to
47 recommend to the board of trustees that the sale or
48 management of nonconservation lands is more appropriate to
49 a county or other unit of local government; providing that
50 local government uses of nonconservation lands may not be
51 limited by the board of trustees; requiring that all
52 requests for the sale or exchange of state lands be
53 submitted in writing to the lead managing agency;
54 requiring that requests be reviewed by the lead managing
55 agency within a specified timeframe; establishing a
56 process for the Division of State Lands or the Acquisition

57 | and Restoration Council to hear requests not heard by the
58 | lead managing agency in a timely fashion; requiring that
59 | the denial of all requests be made in writing and include
60 | the reason for denial; requiring that the Division of
61 | State Lands keep records documenting all requests for the
62 | sale or exchange of state lands; providing circumstances
63 | in which state lands being sold or exchanged need not be
64 | offered first to local or state governments; requiring
65 | state agencies collecting information that may be useful
66 | to the Division of State Lands in preparing the state
67 | inventory of lands to share that information with the
68 | division; requiring that the state inventory of lands be
69 | completed by a specified date; removing obsolete language;
70 | amending s. 253.0341, F.S.; providing for requests by
71 | counties and units of local government for the sale or
72 | exchange of state lands to be submitted in writing to the
73 | board of trustees; authorizing the board of trustees to
74 | sell or exchange state nonconservation lands without a
75 | review by the Division of State Lands; removing the
76 | authority of the Acquisition and Restoration Council to
77 | review the requests; requiring submission of requests
78 | within a certain period of time; providing an exception
79 | for property being offered for sale or exchange by the
80 | state to a county or unit of local government under
81 | certain conditions; amending s. 253.42, F.S.; revising
82 | requirements for the exchange of state lands by the board
83 | of trustees; providing for the uses of exchanged lands by
84 | counties and units of local government; providing that

85 board of trustees' rules may not limit the use of
 86 exchanged lands by a county or unit of local government;
 87 providing an effective date.

88

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

90

91 Section 1. Section 253.002, Florida Statutes, is amended
 92 to read:

93 (Substantial rewording of section. See
 94 s. 253.002, F.S., for present text.)

95 253.002 Department of Environmental Protection, water
 96 management districts, and Department of Agriculture and Consumer
 97 Services; duties with respect to state lands.--

98 (1) As used in this section, the term:

99 (a) "Board" means the Board of Trustees of the Internal
 100 Improvement Trust Fund.

101 (b) "Department" means the Department of Environmental
 102 Protection.

103 (c) "District" means a water management district created
 104 in s. 373.069.

105 (2) (a) The Department of Environmental Protection shall
 106 perform all staff duties and functions related to the
 107 acquisition, administration, and disposition of all state lands,
 108 the title to which is or will be vested in the Board of Trustees
 109 of the Internal Improvement Trust Fund. Staff duties and
 110 functions include the collection, compilation, distribution, and
 111 mapping of data that documents all state-owned lands and
 112 identifies conservation and nonconservation lands, as those

113 lands are defined in this chapter. All lands titled in the name
 114 of the board or any state agency shall be inventoried and
 115 mapped. Subject to legislative appropriation, the department may
 116 contract with the Florida Natural Areas Inventory at Florida
 117 State University as necessary to implement the provisions of
 118 this paragraph.

119 (b) Unless expressly prohibited by law, the board may
 120 delegate to the department any statutory duty or obligation
 121 relating to the acquisition, administration, or disposition of
 122 lands, the title to which is or will be vested in the board.
 123 However, the ability to use, transfer, withdraw, or sell water
 124 on or under lands, the title to which shall be vested in the
 125 board or any state agency, may not be negotiated by the board or
 126 department as a condition of acquiring the property.

127 (3) A water management district shall perform all staff
 128 duties and functions related to the review of applications to
 129 use sovereignty submerged lands for an activity regulated under
 130 part IV of chapter 373 and for which the district has permitting
 131 authority as provided in an operating agreement adopted under s.
 132 373.046(4). The board may delegate the authority for a water
 133 management district to take final agency action, without any
 134 action on behalf of the board, for the applications; however,
 135 the responsibility of a district under this subsection is
 136 subject to the department's general supervisory authority
 137 established in s. 373.026(7).

138 (4) The Department of Agriculture and Consumer Services
 139 shall perform the staff duties and functions related to the
 140 review of applications and compliance with conditions for the

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141 use of sovereignty submerged lands under authorizations or
142 leases issued under ss. 253.67-253.75 and 597.010. The board may
143 delegate to the Department of Agriculture and Consumer Services
144 the authority to take final agency action on behalf of the board
145 concerning applications for the use of sovereignty submerged
146 lands for activities for which that department is responsible
147 under ss. 253.67-253.75 and 597.010. Upon issuing an aquaculture
148 lease or conducting other real property transactions relating to
149 aquaculture, the Department of Agriculture and Consumer Services
150 must send a copy of the lease or real property document and the
151 accompanying survey to the department.

152 (5) The board shall retain the authority to take final
153 agency action on establishing any areas for leasing, new leases,
154 expanding existing lease areas, or changing the type of
155 activities authorized in existing leases.

156 (6) The board is not limited or prohibited from amending
157 any authority delegated under this section and shall adopt by
158 rule any delegation of authority to take final agency action
159 without action by the board on applications for the uses of
160 sovereignty submerged lands authorized in this section. Final
161 agency actions taken by the department, a district, or the
162 Department of Agriculture and Consumer Services, without action
163 by the board, for applications to use sovereignty submerged
164 lands are subject to the provisions of s. 373.4275.

165 (7) Notwithstanding any other provisions of this section,
166 the board, the department, and the Department of Legal Affairs
167 retain the concurrent authority to assert or defend title to
168 sovereignty submerged lands.

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169 Section 2. Paragraph (a) of subsection (13) of section
 170 253.025, Florida Statutes, is amended to read:

171 253.025 Acquisition of state lands for purposes other than
 172 preservation, conservation, and recreation.--

173 (13) (a) The Board of Trustees of the Internal Improvement
 174 Trust Fund may deed property to the Department of Agriculture
 175 and Consumer Services, so that the department shall be able to
 176 sell, convey, transfer, exchange, trade, or purchase land on
 177 which a forestry facility resides for money or other more
 178 suitable property on which to relocate the facility. Any sale or
 179 purchase of property by the Department of Agriculture and
 180 Consumer Services shall follow the requirements of subsections
 181 (5)-(9). Any sale shall be at fair market value, and any trade
 182 shall ensure that the state is getting at least an equal value
 183 for the property. Except as provided in subsections (5)-(9), the
 184 Department of Agriculture and Consumer Services is excluded from
 185 following the provisions of this chapter and chapters 259 and
 186 375. This exclusion shall not apply to lands acquired for
 187 conservation purposes in accordance with s. 253.034(6) (d)1. and
 188 2-(a) or (b).

189 Section 3. Paragraphs (a) and (b) of subsection (8) of
 190 section 253.03, Florida Statutes, are amended to read:

191 253.03 Board of trustees to administer state lands; lands
 192 enumerated.--

193 (8) (a) The Board of Trustees of the Internal Improvement
 194 Trust Fund shall prepare, using tax roll data provided by the
 195 Department of Revenue, an annual inventory of all publicly owned
 196 lands within the state. Such inventory must ~~shall~~ include all

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197 lands owned by any unit of state government or local government;
 198 by the Federal Government, to the greatest extent possible; and
 199 by any other public entity. The inventory also must include a
 200 summary of all surplus lands sold by the state and all lands
 201 exchanged by the state and must indicate whether the lands sold
 202 or exchanged were acquired or managed for conservation purposes
 203 or were nonconservation lands. The board shall submit a summary
 204 report of the inventory and a list of major discrepancies
 205 between the inventory and the tax roll data to the President of
 206 the Senate and the Speaker of the House of Representatives on or
 207 before March 1 of each year.

208 (b) In addition to any other parcel data available, the
 209 inventory shall include a legal description or proper reference
 210 thereto, the number of acres or square feet within the
 211 boundaries, and the assessed value of all publicly owned
 212 uplands. To the greatest extent practicable, the legal
 213 description or proper reference thereto and the number of acres
 214 or square feet shall be determined for all publicly owned
 215 submerged lands. For the purposes of this subsection, the term
 216 "submerged lands" means publicly owned lands below the ordinary
 217 high-water mark of fresh waters and below the mean high-water
 218 line of salt waters extending seaward to the outer jurisdiction
 219 of the state. By October 31 of each year, the Department of
 220 Revenue shall furnish, in machine-readable form, annual, current
 221 tax roll data for public lands to the board and to the Division
 222 of State Lands to be used in compiling the inventory required in
 223 this subsection and the inventory required in s. 253.034(8).

224 Section 4. Section 253.034, Florida Statutes, is amended

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225 | to read:

226 | 253.034 State-owned lands; management; uses; disposal.--

227 | (1) (a) All lands acquired to fulfill the purposes of
 228 | ~~pursuant to~~ chapter 259 shall be managed to serve the public
 229 | interest by protecting and conserving land, air, water, and the
 230 | state's natural resources, which contribute to the public
 231 | health, welfare, and economy of the state. These lands shall be
 232 | managed to provide for areas of natural-resource-based ~~natural~~
 233 | ~~resource-based~~ recreation, and to ensure the survival of plant
 234 | and animal species and the conservation of finite and renewable
 235 | natural resources. The state's lands and natural resources shall
 236 | be managed using a stewardship ethic that assures these
 237 | resources will be available for the benefit and enjoyment of all
 238 | people of the state, ~~both present and future~~. It is the intent
 239 | of the Legislature that, where feasible and consistent with the
 240 | goals of protection and conservation of natural resources
 241 | associated with lands held in the public trust by the Board of
 242 | Trustees of the Internal Improvement Trust Fund, public land not
 243 | designated for single-use purposes pursuant to paragraph (2) (b)
 244 | be managed for multiple-use purposes. All multiple-use land
 245 | management strategies shall address public access and enjoyment,
 246 | resource conservation and protection, ecosystem maintenance and
 247 | protection, and protection of threatened and endangered species,
 248 | and the degree to which public-private partnerships or
 249 | endowments may allow the entity with management responsibility
 250 | to enhance its ability to manage these lands. The council
 251 | created in s. 259.035 shall recommend rules to the board of
 252 | trustees, and the board shall adopt rules necessary to carry out

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253 the purposes of this section.

254 (b) Where necessary and appropriate for all state-owned
255 lands located in projects that are larger than 1,000 acres and
256 that are managed for multiple uses, buffers may be formed around
257 any areas requiring special protection or having special
258 management needs. The total acreage used to form any such
259 buffers may not exceed more than one-half of the total acreage
260 of the entire project. Multiple uses within a buffer area may be
261 restricted to provide the necessary buffering effect desired.
262 Multiple use in this context includes uses of land or resources
263 by more than one management entity, including private-sector
264 land managers. Lands identified as multiple-use lands in a land
265 management plan shall be managed to enhance and conserve the
266 lands and resources for the enjoyment of the people of the
267 state.

268 (c) All submerged lands shall be considered single-use
269 lands and shall be managed primarily for the maintenance of
270 essentially natural conditions, the propagation of fish and
271 wildlife, and public recreation, including hunting and fishing
272 where deemed appropriate by the managing entity.

273 (d) Lands acquired for uses other than conservation,
274 outdoor resource-based recreation, or archaeological or historic
275 preservation may not be designated conservation lands except as
276 otherwise authorized under this section. These lands include,
277 but are not limited to, correction and detention facilities,
278 military installations and facilities, state office buildings,
279 maintenance yards, state university or state community college
280 campuses, agricultural field stations or offices, tower sites,

281 law enforcement and license facilities, laboratories, hospitals,
 282 clinics, and other sites that possess no significant natural or
 283 historical resources.

284 (e) Lands acquired by the state as a gift, through
 285 donation, or by any other conveyance for which no consideration
 286 was paid, and that are not managed for conservation, outdoor
 287 resource-based recreation, or archaeological or historic
 288 preservation under a land management plan approved by the board
 289 of trustees are not conservation lands.

290 (2) As used in this section, the term ~~the following~~
 291 ~~phrases have the following meanings:~~

292 (a) "Multiple use" means the harmonious and coordinated
 293 management of timber, recreation, conservation of fish and
 294 wildlife, forage, archaeological and historic sites, habitat and
 295 other biological resources, or water resources so that they are
 296 utilized in the combination that will best serve the people of
 297 the state, making the most judicious use of the land for some or
 298 all of these resources and giving consideration to the relative
 299 values of the various resources. ~~Where necessary and appropriate~~
 300 ~~for all state owned lands that are larger than 1,000 acres in~~
 301 ~~project size and are managed for multiple uses, buffers may be~~
 302 ~~formed around any areas that require special protection or have~~
 303 ~~special management needs. Such buffers shall not exceed more~~
 304 ~~than one half of the total acreage. Multiple uses within a~~
 305 ~~buffer area may be restricted to provide the necessary buffering~~
 306 ~~effect desired. Multiple use in this context includes both uses~~
 307 ~~of land or resources by more than one management entity, which~~
 308 ~~may include private sector land managers. In any case, lands~~

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309 ~~identified as multiple use lands in the land management plan~~
310 ~~shall be managed to enhance and conserve the lands and resources~~
311 ~~for the enjoyment of the people of the state.~~

312 (b) "Single use" means the management of land for one
313 particular purpose to the exclusion of all other purposes,
314 except that the managing ~~using~~ entity shall have the option of
315 including in its management program compatible secondary
316 purposes that ~~which~~ will not detract from or interfere with the
317 primary management purpose. The term includes ~~Such single uses~~
318 ~~may include,~~ but is ~~are~~ not limited ~~necessarily restricted~~ to,
319 the use of agricultural lands for production of food and
320 livestock, the use of improved sites and grounds for
321 institutional purposes, and the use of lands for parks,
322 preserves, wildlife management, archaeological or historic
323 sites, or wilderness areas where the maintenance of essentially
324 natural conditions is important. ~~All submerged lands shall be~~
325 ~~considered single use lands and shall be managed primarily for~~
326 ~~the maintenance of essentially natural conditions, the~~
327 ~~propagation of fish and wildlife, and public recreation,~~
328 ~~including hunting and fishing where deemed appropriate by the~~
329 ~~managing entity.~~

330 (c) "Conservation lands" means lands that are ~~currently~~
331 managed for conservation, outdoor resource-based recreation, or
332 archaeological or historic preservation, except those lands that
333 were acquired solely to facilitate the acquisition of other
334 conservation lands. ~~Lands acquired for uses other than~~
335 ~~conservation, outdoor resource-based recreation, or~~
336 ~~archaeological or historic preservation shall not be designated~~

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337 ~~conservation lands except as otherwise authorized under this~~
338 ~~section. These lands shall include, but not be limited to, the~~
339 ~~following: correction and detention facilities, military~~
340 ~~installations and facilities, state office buildings,~~
341 ~~maintenance yards, state university or state community college~~
342 ~~campuses, agricultural field stations or offices, tower sites,~~
343 ~~law enforcement and license facilities, laboratories, hospitals,~~
344 ~~clinics, and other sites that possess no significant natural or~~
345 ~~historical resources. However, lands acquired solely to~~
346 ~~facilitate the acquisition of other conservation lands, and for~~
347 ~~which the land management plan has not yet been completed or~~
348 ~~updated, may be evaluated by the Board of Trustees of the~~
349 ~~Internal Improvement Trust Fund on a case-by-case basis to~~
350 ~~determine if they will be designated conservation lands.~~

351 (d) "Council" means the Acquisition and Restoration
352 Council created in s. 259.035.

353 (e) "Division" means the Division of State Lands within
354 the Department of Environmental Protection.

355
356 ~~Lands acquired by the state as a gift, through donation, or by~~
357 ~~any other conveyance for which no consideration was paid, and~~
358 ~~which are not managed for conservation, outdoor resource based~~
359 ~~recreation, or archaeological or historic preservation under a~~
360 ~~land management plan approved by the board of trustees are not~~
361 ~~conservation lands.~~

362 (3) In recognition that recreational trails purchased with
363 rails to trails funds of the greenways and trails program
364 ~~pursuant to s. 259.101(3)(g) or s. 259.105(3)(h) have had~~

365 historic transportation uses and that their linear character may
 366 extend many miles, transportation crossings shall be allowed on
 367 recreational trails purchased pursuant to s. 259.101(3)(g) or s.
 368 259.105(3)(h). Where these crossings are determined to be
 369 necessary, the location and design must balance the need to
 370 protect trails users from collisions with automobiles and, to
 371 the greatest extent possible, the use of overpasses and
 372 underpasses should be considered in order to mitigate the
 373 effects on humans and environmental resources. The value of the
 374 land shall be paid and based on fair market value the
 375 ~~Legislature intends that when the necessity arises to serve~~
 376 ~~public needs, after balancing the need to protect trail users~~
 377 ~~from collisions with automobiles and a preference for the use of~~
 378 ~~overpasses and underpasses to the greatest extent feasible and~~
 379 ~~practical, transportation uses shall be allowed to cross~~
 380 ~~recreational trails purchased pursuant to s. 259.101(3)(g) or s.~~
 381 ~~259.105(3)(h). When these crossings are needed, the location and~~
 382 ~~design should consider and mitigate the impact on humans and~~
 383 ~~environmental resources, and the value of the land shall be paid~~
 384 ~~based on fair market value.~~

385 (4) (a) No management agreement, lease, or other instrument
 386 authorizing the use of lands owned by the Board of Trustees of
 387 the Internal Improvement Trust Fund shall be executed for a
 388 period greater than is necessary to provide for the reasonable
 389 use of the land for the existing or planned life cycle or
 390 amortization of the improvements, except that an easement in
 391 perpetuity may be granted by the Board of Trustees of the
 392 Internal Improvement Trust Fund if the improvement is a

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393 transportation facility.

394 (b) All management agreements, leases, or other
395 instruments authorizing the use of lands, the title to which is
396 vested in the board, shall be reviewed for approval by the board
397 or its designee.

398 (c) An entity managing or leasing state-owned lands from
399 the board, other than conservation lands, may not sublease such
400 lands without prior review by the division. ~~and, for~~
401 ~~conservation lands, by The Acquisition and Restoration Council~~
402 ~~created in s. 259.035~~ must review all requests to sublease
403 state-owned conservation lands, except for subleases of
404 conservation lands less than 160 acres in size. ~~All management~~
405 ~~agreements, leases, or other instruments authorizing the use of~~
406 ~~lands owned by the board shall be reviewed for approval by the~~
407 ~~board or its designee. The council is not required to review~~
408 ~~subleases of parcels which are less than 160 acres in size.~~

409 (5) (a) Each lead manager of conservation lands shall
410 submit to the Division of State Lands a land management plan at
411 least every 10 years in a form and manner prescribed by rule by
412 the board and in accordance with the provisions of s. 259.032.
413 Each lead manager of conservation lands shall also update a land
414 management plan whenever the manager proposes to add new
415 facilities or make substantive land use or management changes
416 that were not addressed in the approved plan, or within 1 year
417 after ~~of~~ the addition of significant new lands.

418 (b) Each manager of nonconservation lands shall submit to
419 the Division of State Lands a land use plan at least every 10
420 years in a form and manner prescribed by rule by the board. The

421 division shall review each plan for compliance with the
 422 requirements of this section ~~subsection~~ and the requirements of
 423 the rules established by the board pursuant to this paragraph
 424 ~~section~~.

425 (c) All land management ~~use~~ plans, whether for single-use
 426 or multiple-use properties, shall include an analysis of the
 427 property to determine if any significant natural or cultural
 428 resources are located on the property. Such resources include
 429 archaeological and historic sites, state and federally listed
 430 plant and animal species, and imperiled natural communities and
 431 unique natural features. If such resources occur on the
 432 property, the lead manager shall consult with the Division of
 433 State Lands and other appropriate agencies to develop management
 434 strategies to protect such resources. Land management ~~use~~ plans
 435 shall also provide for the control of invasive nonnative plants
 436 and conservation of soil and water resources, including a
 437 description of how the lead manager plans to control and prevent
 438 soil erosion and soil or water contamination. Land management
 439 ~~use~~ plans submitted by a lead manager shall include reference to
 440 appropriate statutory authority for such use or uses and shall
 441 conform to the appropriate policies and guidelines of the state
 442 land management plan. If a newly acquired property has a valid
 443 conservation plan developed by a soil and conservation district,
 444 the conservation plan shall be used to guide management of the
 445 property until a formal land management plan is adopted.

446 (d) Management plans for ~~managed~~ areas larger than 1,000
 447 acres must ~~shall~~ contain an analysis of the multiple-use
 448 potential of the property, including an analysis of ~~which~~

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449 ~~analysis shall include~~ the potential of the property to generate
450 revenues to enhance the management of the property.

451 Additionally, the plan must ~~shall~~ contain an analysis of the
452 potential use of private land managers to facilitate the
453 restoration or management of these lands. ~~In those cases where a~~
454 ~~newly acquired property has a valid conservation plan that was~~
455 ~~developed by a soil and conservation district, such plan shall~~
456 ~~be used to guide management of the property until a formal land~~
457 ~~use plan is completed.~~

458 (e)(a) The Division of State Lands shall make available to
459 the public a copy of each land management plan for property
460 parcels that exceeds ~~exceed~~ 160 acres in size.

461 (f) The Acquisition and Restoration Council shall review
462 each plan for the management of conservation lands for
463 compliance with the requirements of this section ~~subsection~~, the
464 requirements of chapter 259, and the requirements of the rules
465 established by the board pursuant to this section. The council
466 shall also consider ~~the propriety of~~ the recommendations of the
467 managing entity with regard to the future use of the property,
468 the protection of fragile or nonrenewable resources, the
469 potential for alternative or multiple uses not recognized by the
470 managing entity, and the possibility of disposal of the property
471 or portions of the property by the board. After its review, the
472 council shall submit the plan, along with its recommendations
473 and comments, to the board. The council shall specifically
474 recommend whether ~~to~~ the board should ~~whether to~~ approve the
475 plan as submitted, approve the plan with modifications, or
476 reject the plan.

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477 (g) ~~(b)~~ The Board of Trustees of the Internal Improvement
478 Trust Fund shall consider the land management plan submitted by
479 each entity and the recommendations of the council and the
480 Division of State Lands for conservation lands, and the
481 recommendations of the division for nonconservation lands, and
482 shall approve the plan with or without modification or reject
483 such plan. The use or possession of any state-owned ~~such~~ lands
484 that is not in accordance with an approved land management plan
485 is subject to termination by the board.

486 (6) The Board of Trustees of the Internal Improvement
487 Trust Fund shall determine which lands, the title to which is
488 vested in the board, are eligible for sale or exchange. Any
489 lands that are determined to be eligible for sale shall be
490 designated by the board as surplus lands. Any lands that are
491 determined to be eligible for exchange shall be exchanged for
492 lands of equal or higher monetary value or, in the case of
493 conservation lands, a net positive conservation benefit and may
494 not be designated as surplus lands.

495 (a) For the sale of conservation lands as defined in this
496 section, the board shall determine that the lands are no longer
497 needed for the conservation purposes for which they were
498 acquired. Lands designated by the board as no longer being
499 needed for conservation purposes shall be reclassified as
500 nonconservation lands and shall be declared to be surplus lands
501 that may be sold by an affirmative vote of three members of the
502 board.

503 (b) For the sale of all other lands, the board shall make
504 a determination that the lands are no longer needed for the

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505 purposes for which they were being used and are surplus lands
506 that may be sold by an affirmative vote of three members of the
507 board.

508 (c) In all instances where lands are being exchanged
509 instead of sold, the board must determine by an affirmative vote
510 of three members that the lands are no longer needed for the
511 purposes for which they are being used or were acquired. In
512 cases where conservation lands are exchanged, the exchange must
513 result in a net positive conservation benefit ~~may be surplused.~~
514 ~~For conservation lands, the board shall make a determination~~
515 ~~that the lands are no longer needed for conservation purposes~~
516 ~~and may dispose of them by an affirmative vote of at least three~~
517 ~~members. In the case of a land exchange involving the~~
518 ~~disposition of conservation lands, the board must determine by~~
519 ~~an affirmative vote of at least three members that the exchange~~
520 ~~will result in a net positive conservation benefit. For all~~
521 ~~other lands, the board shall make a determination that the lands~~
522 ~~are no longer needed and may dispose of them by an affirmative~~
523 ~~vote of at least three members.~~

524 (d)1.(a) For the purposes of this subsection, all lands
525 acquired by the state prior to July 1, 1999, the title to which
526 is vested in the board, that were acquired using proceeds from
527 the Preservation 2000 bonds, the Conservation and Recreation
528 Lands Trust Fund, the Water Management Lands Trust Fund,
529 Environmentally Endangered Lands Program, and the Save Our Coast
530 Program ~~and titled to the board, which lands are identified as~~
531 ~~core parcels or within original project boundaries,~~ shall be
532 deemed to have been acquired for conservation purposes.

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533 2.~~(b)~~ For any lands acquired ~~purchased~~ by the state on or
 534 after July 1, 1999, the title to which is vested in the board,
 535 the board shall determine which lands are acquired for
 536 conservation purposes prior to approving the acquisition a
 537 ~~determination shall be made by the board prior to acquisition as~~
 538 ~~to those parcels that shall be designated as having been~~
 539 ~~acquired for conservation purposes.~~

540 3. No lands acquired for use by the Department of
 541 Corrections, the Department of Management Services for use as
 542 state offices, the Department of Transportation, except those
 543 specifically managed for conservation or recreation purposes, or
 544 the State University System or the Florida Community College
 545 System shall be designated as having been purchased for
 546 conservation purposes.

547 (e)~~(e)~~ At least every 10 years, as a component of each
 548 land management plan or land use plan and in a form and manner
 549 prescribed by rule by the board, each lead manager shall
 550 evaluate and indicate to the board those lands that are not
 551 being used for the purpose for which they were originally
 552 leased.

553 1. For conservation lands, the council shall review and
 554 shall recommend to the board whether such lands should remain ~~be~~
 555 ~~retained~~ in public ownership or be sold or exchanged ~~disposed of~~
 556 by the board.

557 2. For nonconservation lands, the division shall review
 558 such lands and shall recommend to the board whether such lands
 559 should remain ~~be retained~~ in public ownership or be sold or
 560 exchanged ~~disposed of~~ by the board. Such lands are presumed to

561 be surplus lands to be sold or exchanged by the board, pursuant
 562 to the provisions of subparagraph (f)2.

563 (f)1.~~(d)~~ Conservation lands owned by the board which are
 564 not actively managed by any state agency or for which a land
 565 management plan has not been completed pursuant to subsection
 566 (5) shall be reviewed by the council or its successor for its
 567 recommendation as to whether such lands should be sold or
 568 exchanged ~~disposed of~~ by the board.

569 2. Nonconservation lands owned by the board that are not
 570 actively managed by any state agency or for which a land use
 571 plan has not been completed pursuant to subsection (5) are
 572 presumed to be surplus lands to be sold or exchanged by the
 573 board. The division shall recommend each of these lands for sale
 574 or exchange by the board, unless the division justifies, in
 575 writing, the decision not to make such a recommendation or
 576 unless an agency amends its land use plan to include the land.

577 (g)1.~~(e)~~ Prior to any decision by the board to sell or
 578 exchange conservation surplus ~~surplus~~ lands, the Acquisition and
 579 Restoration Council shall review and make recommendations to the
 580 board concerning the request for sale or exchange ~~surplus~~ing.
 581 The council shall determine whether the request ~~for surplus~~ing
 582 is compatible with the resource values of and management
 583 objectives for such lands.

584 2. Prior to any decision by the board to sell or exchange
 585 nonconservation lands, the division shall determine whether the
 586 request is compatible with the management objectives for such
 587 lands.

588 (h)1. In reviewing conservation lands, the title to which

589 is vested in the board, the council must consider whether the
 590 lands are more appropriately owned or managed by the county or
 591 other unit of local government in which the lands are located.
 592 The council must recommend to the board whether the sale or
 593 exchange of the lands is in the best interest of the state and
 594 the county or other unit of local government for use as a public
 595 school, public library, fire or law enforcement substation, or
 596 government, judicial, or recreation center; as part of an
 597 affordable housing project or program; or to comply with the
 598 capital improvement elements or a concurrency requirement of a
 599 local comprehensive land use plan as required in s. 163.3177.
 600 The lands shall be offered to the county or unit of local
 601 government for a period of 30 days.

602 2. In reviewing nonconservation lands, the title to which
 603 is vested in the board, the division must consider whether the
 604 lands are more appropriately owned or managed by the county or
 605 other unit of local government in which the lands are located,
 606 and shall recommend to the board whether the sale or exchange of
 607 the lands is in the best interest of the state and the county or
 608 other unit of local government. The lands shall be offered to
 609 the county or unit of local government for a period of 30 days.
 610 Local government uses of lands conveyed under the provisions of
 611 this subparagraph may not be limited by the board.

612 3. If a county or other unit of local government does not
 613 elect to acquire lands under the provisions of this paragraph,
 614 the board may determine that the sale, lease, exchange, or
 615 conveyance of the lands to other governmental agencies is in the
 616 public interest and represents the best use of the lands.

617 4. Lands for which a county, other unit of local
 618 government, or other governmental agency has expressed no
 619 interest shall be available for sale or exchange on the private
 620 market.

621 ~~(f)1. In reviewing lands owned by the board, the council~~
 622 ~~shall consider whether such lands would be more appropriately~~
 623 ~~owned or managed by the county or other unit of local government~~
 624 ~~in which the land is located. The council shall recommend to the~~
 625 ~~board whether a sale, lease, or other conveyance to a local~~
 626 ~~government would be in the best interests of the state and local~~
 627 ~~government. The provisions of this paragraph in no way limit the~~
 628 ~~provisions of ss. 253.111 and 253.115. Such lands shall be~~
 629 ~~offered to the state, county, or local government for a period~~
 630 ~~of 30 days. Permittable uses for such surplus lands may include~~
 631 ~~public schools; public libraries; fire or law enforcement~~
 632 ~~substations; and governmental, judicial, or recreational~~
 633 ~~centers. County or local government requests for surplus lands~~
 634 ~~shall be expedited throughout the surplus process. If the~~
 635 ~~county or local government does not elect to purchase such lands~~
 636 ~~in accordance with s. 253.111, then any surplus determination~~
 637 ~~involving other governmental agencies shall be made upon the~~
 638 ~~board deciding the best public use of the lands. Surplus~~
 639 ~~properties in which governmental agencies have expressed no~~
 640 ~~interest shall then be available for sale on the private market.~~

641 ~~2. Notwithstanding subparagraph 1., any surplus lands that~~
 642 ~~were acquired by the state prior to 1958 by a gift or other~~
 643 ~~conveyance for no consideration from a municipality, and which~~
 644 ~~the department has filed by July 1, 2006, a notice of its intent~~

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645 ~~to surplus, shall be first offered for reconveyance to such~~
646 ~~municipality at no cost, but for the fair market value of any~~
647 ~~building or other improvements to the land, unless otherwise~~
648 ~~provided in a deed restriction of record. This subparagraph~~
649 ~~expires July 1, 2006.~~

650 (i) ~~(g)~~ The sales ~~sale~~ price of surplus lands ~~determined to~~
651 ~~be surplus pursuant to this subsection~~ shall be determined by
652 the division and shall take into consideration an appraisal of
653 the property, or, when the estimated value of the land is less
654 than \$100,000, a comparable sales analysis or a broker's opinion
655 of value, and the price paid by the state to originally acquire
656 the lands.

657 ~~1.a.~~ A written valuation of surplus land being sold
658 ~~determined to be surplus~~ pursuant to this subsection, and
659 related documents used to form the valuation or which pertain to
660 the valuation, are confidential and exempt from s. 119.07(1) and
661 s. 24(a), Art. I of the State Constitution until 2 weeks before
662 the contract or agreement regarding the purchase, ~~exchange, or~~
663 ~~disposal~~ of the surplus land is first considered for approval by
664 the board. Notwithstanding the exemption provided under this
665 subparagraph, the division may disclose appraisals, valuations,
666 or valuation information regarding surplus land during
667 negotiations for the sale ~~or exchange~~ of the land, during the
668 marketing effort or bidding process associated with the sale,
669 ~~disposal, or exchange~~ of the land to facilitate closure of such
670 effort or process, when the passage of time has made the
671 conclusions of value invalid, or when negotiations or marketing
672 efforts concerning the land are concluded.

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673 ~~2.b.~~ This subparagraph is subject to the Open Government
674 Sunset Review Act of 1995 in accordance with s. 119.15, and
675 shall stand repealed on October 2, 2009, unless reviewed and
676 saved from repeal through reenactment by the Legislature.

677 ~~3.2.~~ A unit of government that acquires title to lands
678 hereunder for less than appraised value may not sell or transfer
679 title to all or any portion of the lands to any private owner
680 for a period of 10 years. Any unit of government seeking to
681 transfer or sell lands pursuant to this paragraph shall first
682 allow the board of trustees to reacquire such lands for the
683 price at which the board sold such lands.

684 ~~(j)(h)~~ Where land designated by the board to be surplus
685 land was a unit of government acquired ~~land~~ by gift, donation,
686 grant, quitclaim deed, or other such conveyance where no
687 monetary consideration was exchanged, the purchase price of the
688 land sold as surplus may be based on one appraisal. If ~~In the~~
689 ~~event that~~ a single appraisal yields a value equal to or greater
690 than \$1 million, a second appraisal is required. The individual
691 or entity requesting the surplus land shall select and use
692 appraisers from the list of approved appraisers maintained by
693 the Division of State Lands in accordance with s. 253.025(6)(b)
694 and shall. ~~The individual or entity requesting the surplus is to~~
695 incur all costs of the appraisals.

696 ~~(k)(i)~~ ~~After reviewing the recommendations of the council,~~
697 ~~the board shall determine whether lands identified for surplus~~
698 ~~are to be held for other public purposes or whether such lands~~
699 ~~are no longer needed.~~ The board may require an agency to release
700 its interest in land designated by the board to be surplus land

701 ~~such lands~~. For an agency that has requested the use of land a
 702 ~~property~~ that was designated to be declared as surplus, the said
 703 agency must have the land property under lease within 6 months
 704 after ~~of~~ the date of expiration of the notice provisions
 705 required under this subsection and s. 253.111.

706 (1)1. Requests for the sale or exchange of lands may be
 707 made by any public or private person and must be submitted in
 708 writing to the lead managing agency for review. The lead
 709 managing agency shall have 90 days to review the requests and
 710 make recommendations concerning the sale or exchange to the
 711 council or its successor for the sale or exchange of
 712 conservation lands or to the division for the sale or exchange
 713 of lands other than conservation lands as defined in this
 714 section.

715 2. A request for the sale or exchange of lands that has
 716 not been reviewed by the lead managing agency shall be forwarded
 717 to the division for lands other than conservation lands or to
 718 the council or its successor for conservation lands. A request
 719 for the sale or exchange of lands other than conservation lands
 720 shall be scheduled immediately for review by the division, but
 721 must be reviewed not later than 15 days after receipt of the
 722 request by the division.

723 3. If the lead managing agency, the council or its
 724 successor, or the division recommends that the board deny a
 725 request for the sale or exchange of lands, the denial must be in
 726 writing and include the reason for the denial.

727 4. Records documenting all requests for the sale or
 728 exchange of lands, the title to which is vested in the board,

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729 and approvals or denials of those requests shall be kept by the
730 Division of State Lands. Denial of a request for the sale or
731 exchange of state-owned lands must be submitted to the
732 requesting entity in writing and must specifically provide the
733 reason for denial. Copies of requests for the sale or exchange
734 of lands shall be forwarded to the division unless the lead
735 managing agency forwards the original written request to the
736 division when submitting a recommendation concerning the sale or
737 exchange of lands.

738 5. Lands approved for sale under the provisions of this
739 paragraph are not required to be offered to local or state
740 governments as provided in paragraph (h).

741 ~~(j) Requests for surplusings may be made by any public or~~
742 ~~private entity or person. All requests shall be submitted to the~~
743 ~~lead managing agency for review and recommendation to the~~
744 ~~council or its successor. Lead managing agencies shall have 90~~
745 ~~days to review such requests and make recommendations. Any~~
746 ~~surplusings requests that have not been acted upon within the 90-~~
747 ~~day time period shall be immediately scheduled for hearing at~~
748 ~~the next regularly scheduled meeting of the council or its~~
749 ~~successor. Requests for surplusings pursuant to this paragraph~~
750 ~~shall not be required to be offered to local or state~~
751 ~~governments as provided in paragraph (f).~~

752 (m)~~(k)~~ Proceeds from any sale of surplus lands pursuant to
753 this subsection shall be deposited into the fund from which such
754 lands were acquired. However, if the fund from which the lands
755 were originally acquired no longer exists, such proceeds shall
756 be deposited into an appropriate account to be used for land

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757 management by the lead managing agency assigned to manage the
 758 lands prior to the lands being designated as ~~declared~~ surplus
 759 lands. Funds received from the sale of surplus nonconservation
 760 lands, or lands that were acquired by gift, by donation, or for
 761 no consideration, shall be deposited into the Internal
 762 Improvement Trust Fund.

763 (n) ~~(l)~~ Notwithstanding the provisions of this subsection,
 764 no ~~such~~ disposition of land shall be made if such disposition
 765 would have the effect of causing all or any portion of the
 766 interest on any revenue bonds issued to acquire lands to lose
 767 the exclusion from gross income for federal income tax purposes.

768 (o) ~~(m)~~ The sale of filled, formerly submerged land that
 769 does not exceed 5 acres in area is not subject to review by the
 770 division council ~~or its successor~~.

771 (p) ~~(n)~~ The board may adopt rules to implement the
 772 provisions of this section, which may include procedures for
 773 administering ~~surplus land~~ requests for the sale or exchange of
 774 lands and criteria for when the division may approve requests on
 775 behalf of the board for the sale or exchange of nonconservation
 776 lands ~~to surplus nonconservation lands on behalf of the board~~.

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

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

780 (b) The exclusive use of ~~state-owned~~ land, the title to
 781 which is vested in the board, that is subject to a lease by the
 782 Board of Trustees of the Internal Improvement Trust Fund of the
 783 ~~state-owned~~ land for private uses and purposes.

784 (c) Sovereignty lands not leased for private uses and

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785 purposes.

786 (8) (a) Notwithstanding other provisions of this section,
787 the Division of State Lands is directed to prepare a state
788 inventory of all federal lands and all lands titled in the name
789 of the state, a state agency, a water management district, or a
790 local government on a county-by-county basis. To facilitate the
791 development of the state inventory, each county shall direct the
792 appropriate county office with authority over the information to
793 provide the division with a county inventory of all lands
794 identified as federal lands and lands titled in the name of the
795 state, a state agency, a water management district, or a local
796 government. At the request of the division, any state agency
797 collecting information from the counties that will assist the
798 division in completing the state inventory shall provide the
799 information to the division. The state inventory shall be
800 completed by October 1, 2006.

801 (b) The state inventory must distinguish between lands
802 purchased by the state or a water management district as part of
803 a core parcel or within original project boundaries, as those
804 terms are used to meet the ~~surplus~~ requirements of subsection
805 (6) for the sale or exchange of lands, and lands purchased by
806 the state, a state agency, or a water management district which
807 are not essential or necessary for conservation purposes.

808 (c) In any county having a population of 75,000 or less,
809 or a county having a population of 100,000 or less that is
810 contiguous to a county having a population of 75,000 or less, in
811 which more than 50 percent of the lands within the county
812 boundary are federal lands and lands titled in the name of the

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813 state, a state agency, a water management district, or a local
 814 government, those lands titled in the name of the state or a
 815 state agency which are not essential or necessary to meet
 816 conservation purposes may, upon request of a public or private
 817 entity, be made available for purchase through the ~~state's~~
 818 ~~surplus~~ing process created in subsection (6). Rights-of-way for
 819 existing, proposed, or anticipated transportation facilities are
 820 exempt from the requirements of this paragraph. Priority
 821 consideration shall be given to buyers, public or private,
 822 willing to return the property to productive use so long as the
 823 property can be reentered onto the county ad valorem tax roll.
 824 Property acquired with matching funds from a local government
 825 shall not be made available for purchase without the consent of
 826 the local government.

827 (9) Land management plans required to be submitted by the
 828 Department of Corrections, the Department of Juvenile Justice,
 829 the Department of Children and Family Services, or the
 830 Department of Education are not subject to the provisions for
 831 review by the division or the council or its successor described
 832 in subsection (5). Management plans filed by these agencies
 833 shall be made available to the public for a period of 90 days at
 834 the administrative offices of the parcel or project affected by
 835 the management plan and at the Tallahassee offices of each
 836 agency. Any plans not objected to during the public comment
 837 period shall be deemed approved. Any plans for which an
 838 objection is filed shall be submitted to the Board of Trustees
 839 of the Internal Improvement Trust Fund for consideration. The
 840 Board of Trustees of the Internal Improvement Trust Fund shall

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841 approve the plan with or without modification, or reject the
842 plan. The use or possession of any such lands which is not in
843 accordance with an approved land management plan is subject to
844 termination by the board.

845 (10) In addition to the uses for which conservation lands
846 are being managed pursuant to subsection (1) and chapter 259,
847 the following additional uses of conservation lands acquired
848 pursuant to ~~the Florida Forever program and other~~ state-funded
849 conservation land acquisition ~~purchase~~ programs shall be
850 authorized, upon a finding by the board of trustees, if they
851 meet the criteria specified in paragraphs (a)-(e): water
852 resource development projects, water supply development
853 projects, stormwater management projects, linear facilities, and
854 sustainable agriculture and forestry. Such additional uses are
855 authorized where:

856 (a) The proposed use is not inconsistent with the
857 management plan for such lands.‡

858 (b) The proposed use is compatible with the natural
859 ecosystem and resource values of such lands.‡

860 (c) The proposed use is appropriately located on such
861 lands and ~~where~~ due consideration has been ~~is~~ given to the use
862 of other available lands.‡

863 (d) The using entity reasonably compensates the board of
864 trustees ~~titleholder~~ for such use based upon an appropriate
865 measure of value.‡ ~~and~~

866 (e) The use is consistent with the public interest.

867

868 A decision by the board of trustees pursuant to this section

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869 shall be given a presumption of correctness. Moneys received
 870 from the use of state lands pursuant to this section shall be
 871 returned to the lead managing entity in accordance with the
 872 provisions of s. 259.032(11)(d).

873 (11) Lands listed as projects for acquisition shall ~~may~~ be
 874 managed to maintain or enhance those resources the state is
 875 seeking to protect by acquiring the land for conservation
 876 ~~pursuant to s. 259.032,~~ on an interim basis by a private party
 877 in anticipation of a state purchase and in accordance with a
 878 contractual arrangement between the acquiring agency and the
 879 private party, which ~~that~~ may include management service
 880 contracts, leases, cost-share arrangements, or resource
 881 conservation agreements. ~~Lands designated as eligible under this~~
 882 ~~subsection shall be managed to maintain or enhance the resources~~
 883 ~~the state is seeking to protect by acquiring the land.~~ Funding
 884 for these contractual arrangements may originate from the
 885 documentary stamp tax revenue deposited into the Conservation
 886 and Recreation Lands Trust Fund and Water Management Lands Trust
 887 Fund. No more than 5 percent of funds allocated under the trust
 888 funds shall be expended for this purpose.

889 (12) Any lands available to governmental employees,
 890 including water management district employees, for hunting or
 891 other recreational purposes shall also be made available to the
 892 general public for such purposes, subject to the constitutional
 893 authority of the Fish and Wildlife Conservation Commission to
 894 regulate hunting and fishing on state and water management
 895 district lands.

896 ~~(13) Notwithstanding the provisions of this section, funds~~

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897 ~~from the sale of property by the Department of Highway Safety~~
 898 ~~and Motor Vehicles located in Palm Beach County are authorized~~
 899 ~~to be deposited into the Highway Safety Operating Trust Fund to~~
 900 ~~facilitate the exchange as provided in the General~~
 901 ~~Appropriations Act, provided that at the conclusion of both~~
 902 ~~exchanges the values are equalized. This subsection expires July~~
 903 ~~1, 2006.~~

904 Section 5. Section 253.0341, Florida Statutes, is amended
 905 to read:

906 253.0341 Sale or exchange Surplus of state-owned lands to
 907 counties or units of local government ~~governments~~.--Counties and
 908 units of local government ~~governments~~ may submit written
 909 ~~surplusing~~ requests for the sale or exchange of state-owned
 910 lands directly to the board of trustees. A written request from
 911 a county or unit of local government ~~requests~~ for the state to
 912 sell or exchange state lands surplus conservation or
 913 ~~nonconservation lands, whether for purchase or exchange,~~ shall
 914 be expedited throughout the surplusing process. Property jointly
 915 acquired by the state and other entities may ~~shall~~ not be sold
 916 or exchanged ~~surplused~~ without the consent of all joint owners.

917 (1) The decision to sell or exchange state surplus state-
 918 ~~owned~~ nonconservation lands may be made by the board without a
 919 review of, or a recommendation on, the request from ~~the~~
 920 ~~Acquisition and Restoration Council or~~ the Division of State
 921 Lands. Such Requests for the nonconservation lands shall be
 922 considered by the board within 60 days after ~~of~~ the board's
 923 receipt of the written request.

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924 (2) A written request by a county or unit of local
 925 government ~~requests~~ for the sale or exchange of state surplus
 926 ~~of state-owned~~ conservation lands is ~~are~~ subject to review of,
 927 and recommendation on, the request to the board by the
 928 Acquisition and Restoration Council. Requests to sell or
 929 exchange surplus conservation lands shall be considered by the
 930 board within 120 days after ~~of~~ the board's receipt of the
 931 request.

932 (3) The provisions of this section do not apply to
 933 property offered for sale or exchange by the state to a county
 934 or unit of local government under s. 253.034(6).

935 Section 6. Section 253.42, Florida Statutes, is amended to
 936 read:

937 253.42 Board of trustees may exchange lands.--The
 938 provisions of this section apply to all lands owned by, vested
 939 in, or titled in the name of the board whether the lands were
 940 purchased ~~acquired~~ by the state ~~as a purchase,~~ or acquired
 941 through gift, donation, or any other conveyance for which no
 942 consideration was paid.

943 (1) Subject to the provisions of ss. 253.034 and 253.0341,
 944 the board of trustees may exchange any lands owned by, vested
 945 in, or titled in the name of the board for other lands in the
 946 state owned by counties, other units of local government
 947 ~~governments~~, individuals, or private or public corporations, and
 948 may fix the terms and conditions of any such exchange. Any
 949 nonconservation lands that were acquired by the state through
 950 gift, donation, or any other conveyance for which no
 951 consideration was paid must first be offered in exchange ~~at no~~

952 ~~est~~ to a county or unit of local government unless otherwise
 953 provided in a deed restriction of record or other legal
 954 impediment, and so long as the use proposed by the county or
 955 unit of local government is for a public purpose. For
 956 conservation lands acquired by the state through gift, donation,
 957 or any other conveyance for which no consideration was paid, the
 958 state may request land of equal conservation value from the
 959 county or unit of local government but no other consideration.

960 (2) In exchanging state conservation ~~state owned~~ lands
 961 purchased not acquired by the state through ~~gift, donation, or~~
 962 ~~any other conveyance for which no consideration was paid,~~ with
 963 counties or units of local government ~~governments~~, the board
 964 shall require an exchange of equal value. Equal value is defined
 965 as the conservation benefit of the lands being offered for
 966 exchange by a county or unit of local government being equal or
 967 greater in conservation benefit than the state-owned lands. Such
 968 exchanges may include cash transactions if based on an
 969 appropriate measure of value of the state-owned land, but must
 970 also include the determination of a net-positive conservation
 971 benefit by the Acquisition and Restoration Council as provided
 972 in s. 253.034, ~~irrespective of appraised value.~~

973 (3) The board shall select and agree upon the state lands
 974 to be exchanged, shall agree to ~~and~~ the lands to be conveyed to
 975 the state, and shall pay or receive any sum of money deemed
 976 necessary by the board for the purpose of equalizing the value
 977 of the exchanged property. The board is authorized to make and
 978 enter into contracts or agreements for such purpose or purposes.

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979 (4) (a) The public purposes of lands exchanged under the
 980 provisions of this section with a county or unit of local
 981 government include:

- 982 1. Public schools.
- 983 2. Public libraries.
- 984 3. Fire or law enforcement substations.
- 985 4. Governmental, judicial, or recreational centers.
- 986 5. Affordable housing projects or programs.
- 987 6. The capital improvement elements or the concurrency
 988 requirements that are required under a local comprehensive land
 989 use plan as provided in s. 163.3177.

990 (b) The use of lands exchanged under this section by a
 991 county or unit of local government may not be limited by rules
 992 of the board.

993 Section 7. This act shall take effect July 1, 2006.