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Proposed Committee Substitute by the Committee on Appropriations  
(Appropriations Subcommittee on General Government)

A bill to be entitled

An act relating to state lands; amending s. 253.034, F.S.; providing legislative findings; defining the term "low-impact agriculture"; revising measurable objectives for management goals to include the preservation of low-impact agriculture; requiring updated land management plans to identify conservation lands that could support low-impact agriculture and conservation lands that are no longer needed and could be disposed of; requiring the Division of State Lands to review state-owned conservation lands and determine if such lands could support low-impact agriculture or be disposed of; requiring the division to submit a list of such lands to the Acquisition and Restoration Council; requiring the council to provide recommendations to the division and the Board of Trustees of the Internal Improvement Trust Fund; requiring that the division may direct managing agencies to offer agreements for low-impact agriculture on such lands under certain conditions; providing applicability of such agreements; specifying that the board may dispose of such lands under certain conditions; requiring the division to review certain nonconservation lands and make recommendations to the board as to whether such lands should be retained in public ownership or disposed of; creating s. 253.87, F.S.; directing the Department of Environmental



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28 Protection to include certain county, municipal,  
29 state, and federal lands in the Florida State-Owned  
30 Lands and Records Information System (SOLARIS)  
31 database and to update the database at specified  
32 intervals; requiring counties, municipalities, and  
33 financially disadvantaged small communities to submit  
34 a list of certain lands to the department by a  
35 specified date and at specified intervals; directing  
36 the department to conduct a study and submit a report  
37 to the Governor and the Legislature by a specified  
38 date on the technical and economic feasibility of  
39 including certain lands in the database or a similar  
40 public lands inventory; amending s. 259.105, F.S.;  
41 deleting obsolete provisions; requiring the council to  
42 give increased priority to certain projects when  
43 developing proposed rules relating to Florida Forever  
44 funding and additions to the Conservation and  
45 Recreation Lands list; amending s. 373.089, F.S.;  
46 revising the procedures a water management district  
47 must follow for publishing notice of intention to sell  
48 parcels no longer essential or necessary for  
49 conservation purposes and valued below a certain  
50 threshold; providing that such parcels may be sold  
51 directly to the highest bidder; authorizing districts  
52 to include restrictions on future use of such parcels  
53 sold; directing the department to consolidate  
54 specified parcels of conservation lands under a  
55 single, unified title and legal description by a  
56 specified date; providing an effective date.



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

Section 1. Subsection (1), paragraphs (b) and (e) of subsection (5), and subsection (6) of section 253.034, Florida Statutes, are amended, and paragraph (e) is added to subsection (2), to read:

253.034 State-owned lands; uses.—

(1) (a) The Legislature finds that the total land area of the state is approximately 34.7 million acres and, as of January 1, 2014, approximately 3.2 million acres of conservation lands are titled in the name of the Board of Trustees of the Internal Improvement Trust Fund. Approximately 1.2 million acres of these conservation lands, which equal approximately 3.4 percent of the total land area of the state, are uplands located above the boundary of jurisdictional wetlands.

(b) 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



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86 natural resources associated with lands held in the public trust  
87 by the Board of Trustees of the Internal Improvement Trust Fund,  
88 public land not designated for single-use purposes pursuant to  
89 paragraph (2)(b) be managed for multiple-use purposes. All  
90 multiple-use land management strategies shall address public  
91 access and enjoyment, resource conservation and protection,  
92 ecosystem maintenance and protection, and protection of  
93 threatened and endangered species, and the degree to which  
94 public-private partnerships or endowments may allow the entity  
95 with management responsibility to enhance its ability to manage  
96 these lands. The Acquisition and Restoration Council created in  
97 s. 259.035 shall recommend rules to the board of trustees, and  
98 the board shall adopt rules necessary to carry out the purposes  
99 of this section.

100 (2) As used in this section, the following phrases have the  
101 following meanings:

102 (e) "Low-impact agriculture," as used in this chapter,  
103 means any agricultural activity that, when occurring on  
104 conservation land or on land under a permanent conservation  
105 easement:

106 1. Does not cause or contribute to violations of water  
107 quality standards as evidenced by water quality monitoring  
108 prescribed by the department or an applicable water management  
109 district;

110 2. Is consistent with an adopted land management plan;

111 3. Does not adversely impact the land's conservation  
112 purpose; and

113 4. Does not adversely limit recreational use.  
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115 Lands acquired by the state as a gift, through donation, or by  
116 any other conveyance for which no consideration was paid, and  
117 which are not managed for conservation, outdoor resource-based  
118 recreation, or archaeological or historic preservation under a  
119 land management plan approved by the board of trustees are not  
120 conservation lands.

121 (5) Each manager of conservation lands shall submit to the  
122 Division of State Lands a land management plan at least every 10  
123 years in a form and manner prescribed by rule by the board and  
124 in accordance with the provisions of s. 259.032. Each manager of  
125 conservation lands shall also update a land management plan  
126 whenever the manager proposes to add new facilities or make  
127 substantive land use or management changes that were not  
128 addressed in the approved plan, or within 1 year of the addition  
129 of significant new lands. Each manager of nonconservation lands  
130 shall submit to the Division of State Lands a land use plan at  
131 least every 10 years in a form and manner prescribed by rule by  
132 the board. The division shall review each plan for compliance  
133 with the requirements of this subsection and the requirements of  
134 the rules established by the board pursuant to this section. All  
135 land use plans, whether for single-use or multiple-use  
136 properties, shall include an analysis of the property to  
137 determine if any significant natural or cultural resources are  
138 located on the property. Such resources include archaeological  
139 and historic sites, state and federally listed plant and animal  
140 species, and imperiled natural communities and unique natural  
141 features. If such resources occur on the property, the manager  
142 shall consult with the Division of State Lands and other  
143 appropriate agencies to develop management strategies to protect



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144 such resources. Land use plans shall also provide for the  
145 control of invasive nonnative plants and conservation of soil  
146 and water resources, including a description of how the manager  
147 plans to control and prevent soil erosion and soil or water  
148 contamination. Land use plans submitted by a manager shall  
149 include reference to appropriate statutory authority for such  
150 use or uses and shall conform to the appropriate policies and  
151 guidelines of the state land management plan. Plans for managed  
152 areas larger than 1,000 acres shall contain an analysis of the  
153 multiple-use potential of the property, which analysis shall  
154 include the potential of the property to generate revenues to  
155 enhance the management of the property. Additionally, the plan  
156 shall contain an analysis of the potential use of private land  
157 managers to facilitate the restoration or management of these  
158 lands. In those cases where a newly acquired property has a  
159 valid conservation plan that was developed by a soil and  
160 conservation district, such plan shall be used to guide  
161 management of the property until a formal land use plan is  
162 completed.

163 (b) Short-term and long-term management goals shall include  
164 measurable objectives for the following, as appropriate:

- 165 1. Habitat restoration and improvement.
- 166 2. Public access and recreational opportunities.
- 167 3. Hydrological preservation and restoration.
- 168 4. Sustainable forest management.
- 169 5. Exotic and invasive species maintenance and control.
- 170 6. Capital facilities and infrastructure.
- 171 7. Cultural and historical resources.
- 172 8. Imperiled species habitat maintenance, enhancement,



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173 restoration, or population restoration.

174 9. Preservation of low-impact agriculture.

175 (e) Land management plans are to be updated every 10 years  
176 on a rotating basis. Each updated land management plan must  
177 identify conservation lands under the plan, in part or in whole:

178 1. Which could support low-impact agricultural uses while  
179 maintaining the land's conservation purposes; and

180 2. Which are no longer needed for conservation purposes and  
181 could be disposed of in fee simple or with the state retaining a  
182 permanent conservation easement.

183 (6) The board ~~of Trustees of the Internal Improvement Trust~~  
184 ~~Fund~~ shall determine which lands titled to, ~~the title to which~~  
185 ~~is vested in~~ the board, may be surplused. For conservation  
186 lands, the board shall determine whether the lands are no longer  
187 needed for conservation purposes and may dispose of them by an  
188 affirmative vote of at least three members. In the case of a  
189 land exchange involving the disposition of conservation lands,  
190 the board must determine by an affirmative vote of at least  
191 three members that the exchange will result in a net positive  
192 conservation benefit. For all other lands, the board shall  
193 determine whether the lands are no longer needed and may dispose  
194 of them by an affirmative vote of at least three members.

195 (a) For the purposes of this subsection, all lands acquired  
196 by the state before July 1, 1999, using proceeds from  
197 Preservation 2000 bonds, the Conservation and Recreation Lands  
198 Trust Fund, the Water Management Lands Trust Fund,  
199 Environmentally Endangered Lands Program, and the Save Our Coast  
200 Program and titled to the board which are identified as core  
201 parcels or within original project boundaries are deemed to have



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202 been acquired for conservation purposes.

203 (b) For any lands purchased by the state on or after July  
204 1, 1999, before acquisition, the board must determine which  
205 parcels must be designated as having been acquired for  
206 conservation purposes. Lands acquired for use by the Department  
207 of Corrections, the Department of Management Services for use as  
208 state offices, the Department of Transportation, except those  
209 specifically managed for conservation or recreation purposes, or  
210 the State University System or the Florida College System may  
211 not be designated as having been purchased for conservation  
212 purposes.

213 (c)1. At least every 10 years, the division shall review  
214 all state-owned conservation lands titled to the board to  
215 determine whether any such lands could support low-impact  
216 agricultural uses while maintaining the land's conservation  
217 purposes. After such review, the division shall submit to the  
218 council a list of such lands, including any additional lands  
219 identified in any updated land management plan pursuant to  
220 subparagraph (5)(e)1. Within 9 months after receiving the list,  
221 the council shall provide recommendations to the division as to  
222 whether any such lands could support low-impact agricultural  
223 uses while maintaining the land's conservation purposes. After  
224 considering such recommendations, the division may direct  
225 managing agencies to offer agreements for low-impact agriculture  
226 on lands that it determines could support such agriculture while  
227 maintaining the land's conservation purposes. This section does  
228 not prohibit a managing agency from entering into agreements as  
229 otherwise provided by law. An agreement entered into pursuant to  
230 this paragraph may not exceed a term of 10 years. However, an





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231 ~~agreement may be renewed with the consent of the division as a~~  
232 ~~component of each land management plan or land use plan and in a~~  
233 ~~form and manner prescribed by rule by the board, each manager~~  
234 ~~shall evaluate and indicate to the board those lands that are~~  
235 ~~not being used for the purpose for which they were originally~~  
236 ~~leased. For conservation lands, the council shall review and~~  
237 ~~recommend to the board whether such lands should be retained in~~  
238 ~~public ownership or disposed of by the board. For~~  
239 ~~nonconservation lands, the division shall review such lands and~~  
240 ~~recommend to the board whether such lands should be retained in~~  
241 ~~public ownership or disposed of by the board.~~

242 2. At least every 10 years, the division shall review all  
243 state-owned conservation lands titled to the board to determine  
244 whether any such lands are no longer needed for conservation  
245 purposes and could be disposed of in fee simple or with the  
246 state retaining a permanent conservation easement. After such  
247 review, the division shall submit a list of such lands,  
248 including additional conservation lands identified in an updated  
249 land management plan pursuant to subparagraph (5)(e)2., to the  
250 council. Within 9 months after receiving the list, the council  
251 shall provide recommendations to the board as to whether any  
252 such lands are no longer needed for conservation purposes and  
253 could be disposed of in fee simple or with the state retaining a  
254 permanent conservation easement. After reviewing such list and  
255 considering such recommendations, if the board determines by an  
256 affirmative vote of at least three members of the board that any  
257 such lands are no longer needed for conservation purposes, the  
258 board may dispose of the lands in fee simple or with the state  
259 retaining a permanent conservation easement.



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260           3. At least every 10 years, the division shall review all  
261 encumbered and unencumbered nonconservation lands titled to the  
262 board and recommend to the board whether any such lands should  
263 be retained in public ownership or disposed of by the board. The  
264 board may dispose of nonconservation lands under this paragraph  
265 by a majority vote of the board.

266           (d) Lands titled to ~~owned by~~ the board which are not  
267 actively managed by any state agency or for which a land  
268 management plan has not been completed pursuant to subsection  
269 (5) must be reviewed by the council or its successor for its  
270 recommendation as to whether such lands should be disposed of by  
271 the board.

272           (e) Before any decision by the board to surplus lands, the  
273 ~~Acquisition and Restoration~~ council shall review and make  
274 recommendations to the board concerning the request for  
275 surplusing. The council shall determine whether the request for  
276 surplusing is compatible with the resource values of and  
277 management objectives for such lands.

278           (f) In reviewing lands titled to ~~owned by~~ the board, the  
279 council shall consider whether such lands would be more  
280 appropriately owned or managed by the county or other unit of  
281 local government in which the land is located. The council shall  
282 recommend to the board whether a sale, lease, or other  
283 conveyance to a local government would be in the best interests  
284 of the state and local government. ~~The provisions of This~~  
285 paragraph does not in no way limit the provisions of ss. 253.111  
286 and 253.115. Such lands shall be offered to the state, county,  
287 or local government for ~~a period of~~ 45 days. Permittable uses  
288 for such surplus lands may include public schools; public



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289 libraries; fire or law enforcement substations; governmental,  
290 judicial, or recreational centers; and affordable housing  
291 meeting the criteria of s. 420.0004(3). County or local  
292 government requests for surplus lands shall be expedited  
293 throughout the surplus process. If the county or local  
294 government does not elect to purchase such lands in accordance  
295 with s. 253.111, any surplus determination involving other  
296 governmental agencies shall be made when the board decides the  
297 best public use of the lands. Surplus lands ~~properties~~ in which  
298 governmental agencies have not expressed an ~~no~~ interest must  
299 ~~then~~ be available for sale on the private market.

300 (g) The sale price of lands determined to be surplus  
301 pursuant to this subsection and s. 253.82 shall be determined by  
302 the division, which shall consider an appraisal of the property,  
303 or, if the estimated value of the land is \$500,000 or less, a  
304 comparable sales analysis or a broker's opinion of value. The  
305 division may require a second appraisal. The individual or  
306 entity that requests to purchase the surplus parcel shall pay  
307 all costs associated with determining the property's value, if  
308 any.

309 1. A written valuation of land determined to be surplus  
310 pursuant to this subsection and s. 253.82, and related documents  
311 used to form the valuation or which pertain to the valuation,  
312 are confidential and exempt from s. 119.07(1) and s. 24(a), Art.  
313 I of the State Constitution.

314 a. The exemption expires 2 weeks before the contract or  
315 agreement regarding the purchase, exchange, or disposal of the  
316 surplus land is first considered for approval by the board.

317 b. Before expiration of the exemption, the division may



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318 disclose confidential and exempt appraisals, valuations, or  
319 valuation information regarding surplus land:

320 (I) During negotiations for the sale or exchange of the  
321 land.

322 (II) During the marketing effort or bidding process  
323 associated with the sale, disposal, or exchange of the land to  
324 facilitate closure of such effort or process.

325 (III) When the passage of time has made the conclusions of  
326 value invalid.

327 (IV) When negotiations or marketing efforts concerning the  
328 land are concluded.

329 2. A unit of government that acquires title to lands  
330 pursuant to this paragraph hereunder for less than appraised  
331 value may not sell or transfer title to all or any portion of  
332 the lands to any private owner for 10 years. Any unit of  
333 government seeking to transfer or sell lands pursuant to this  
334 paragraph must first allow the board ~~of trustees~~ to reacquire  
335 such lands for the price at which the board sold such lands.

336 (h) Parcels with a market value over \$500,000 must be  
337 initially offered for sale by competitive bid. The division may  
338 use agents, as authorized by s. 253.431, for this process. Any  
339 parcels unsuccessfully offered for sale by competitive bid, and  
340 parcels with a market value of \$500,000 or less, may be sold by  
341 any reasonable means, including procuring real estate services,  
342 open or exclusive listings, competitive bid, auction, negotiated  
343 direct sales, or other appropriate services, to facilitate the  
344 sale.

345 (i) After reviewing the recommendations of the council, the  
346 board shall determine whether lands identified for surplus are



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347 to be held for other public purposes or are no longer needed.  
348 The board may require an agency to release its interest in such  
349 lands. A state agency, county, or local government that has  
350 requested the use of a property that was to be declared as  
351 surplus must secure the property under lease within 90 days  
352 after being notified that it may use such property.

353 (j) Requests for surplusizing may be made by any public or  
354 private entity or person. All requests shall be submitted to the  
355 lead managing agency for review and recommendation to the  
356 council or its successor. Lead managing agencies have 90 days to  
357 review such requests and make recommendations. Any surplusizing  
358 requests that have not been acted upon within the 90-day ~~time~~  
359 period shall be immediately scheduled for hearing at the next  
360 regularly scheduled meeting of the council or its successor.  
361 Requests for surplusizing pursuant to this paragraph are not  
362 required to be offered to local or state governments as provided  
363 in paragraph (f).

364 (k) Proceeds from any sale of surplus lands pursuant to  
365 this subsection shall be deposited into the fund from which such  
366 lands were acquired. However, if the fund from which the lands  
367 were originally acquired no longer exists, such proceeds shall  
368 be deposited into an appropriate account to be used for land  
369 management by the lead managing agency assigned the lands before  
370 the lands were declared surplus. Funds received from the sale of  
371 surplus nonconservation lands, or lands that were acquired by  
372 gift, by donation, or for no consideration, shall be deposited  
373 into the Internal Improvement Trust Fund.

374 (l) Notwithstanding this subsection, such disposition of  
375 land may not be made if it would have the effect of causing all



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376 or any portion of the interest on any revenue bonds issued to  
377 lose the exclusion from gross income for federal income tax  
378 purposes.

379 (m) The sale of filled, formerly submerged land that does  
380 not exceed 5 acres in area is not subject to review by the  
381 council or its successor.

382 (n) The board may adopt rules to administer this section  
383 which may include procedures for administering surplus land  
384 requests and criteria for when the division may approve requests  
385 to surplus nonconservation lands on behalf of the board.

386 Section 2. Section 253.87, Florida Statutes, is created to  
387 read:

388 253.87 Inventory of state, federal, and local government  
389 conservation lands by the Department of Environmental  
390 Protection.—

391 (1) By July 1, 2017, the Department of Environmental  
392 Protection shall include in the Florida State-Owned Lands and  
393 Records Information System (SOLARIS) database all federally  
394 owned conservation lands, all lands on which the federal  
395 government retains a permanent conservation easement, and all  
396 lands on which the state retains a permanent conservation  
397 easement. The department shall update the database at least  
398 every 5 years.

399 (2) (a) By July 1, 2017, for counties and municipalities,  
400 and by July 1, 2018, for financially disadvantaged small  
401 communities, as defined in s. 403.1838, and at least every 5  
402 years thereafter, respectively, each county, municipality, and  
403 financially disadvantaged small community shall identify all  
404 conservation lands that it owns in fee simple and all lands on



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405 which it retains a permanent conservation easement and submit,  
406 in a manner determined by the department, a list of such lands  
407 to the department. Within 6 months after receiving such list,  
408 the department shall add such lands to the SOLARIS database.

409 (3) By January 1, 2017, the department shall conduct a  
410 study and submit a report to the Governor, the President of the  
411 Senate, and the Speaker of the House of Representatives on the  
412 technical and economic feasibility of including any of the  
413 following lands in the SOLARIS database or a similar public  
414 lands inventory:

415 (a) All lands on which local comprehensive plans, land use  
416 restrictions, zoning ordinances, or land development regulations  
417 prohibit the land from being developed or limit the amount of  
418 development to one unit per 40 or more acres.

419 (b) All publicly and privately owned lands for which  
420 development rights have been transferred.

421 (c) All privately owned lands under a permanent  
422 conservation easement.

423 (d) All lands owned by a nonprofit or nongovernmental  
424 organization for conservation purposes.

425 (e) All lands that are part of a mitigation bank.

426 Section 3. Present subsections (5) through (21) of section  
427 259.105, Florida Statutes, are redesignated as subsections (4)  
428 through (20), respectively, and present subsections (4), (11),  
429 and (14) are amended, to read:

430 259.105 The Florida Forever Act.—

431 ~~(4) Notwithstanding subsection (3) and for the 2014-2015~~  
432 ~~fiscal year only, the funds appropriated in section 56 of the~~  
433 ~~2014-2015 General Appropriations Act may be provided to water~~



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434 ~~management districts for land acquisitions, including less than~~  
435 ~~fee interest, identified by water management districts as being~~  
436 ~~needed for water resource protection or ecosystem restoration.~~  
437 ~~This subsection expires July 1, 2015.~~

438 (10) ~~(11)~~ The Acquisition and Restoration Council shall give  
439 increased priority to:

440 (a) these Projects for which matching funds are available.

441 (b) and to Project elements previously identified on an  
442 acquisition list pursuant to this section that can be acquired  
443 at 80 percent or less of appraised value.

444 (c) Projects that can be acquired in less than fee  
445 ownership, such as a permanent conservation easement.

446 (d) Projects that contribute to improving the quality and  
447 quantity of surface water and groundwater.

448 (e) Projects that contribute to improving the water quality  
449 and flow of springs.

450 (f) Projects that contribute to a 20-year strategy for  
451 implementation of s. 28, Art. X of the State Constitution which  
452 achieve the goals set forth in subsection (5).

453 ~~(g) The council shall also give increased priority to those~~  
454 Projects where the state's land conservation plans overlap with  
455 the military's need to protect lands, water, and habitat to  
456 ensure the sustainability of military missions including:

457 1. ~~(a)~~ Protecting habitat on nonmilitary land for any  
458 species found on military land that is designated as threatened  
459 or endangered, or is a candidate for such designation under the  
460 Endangered Species Act or any Florida statute;

461 2. ~~(b)~~ Protecting areas underlying low-level military air  
462 corridors or operating areas; and





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463           ~~3.(e)~~ Protecting areas identified as clear zones, accident  
464 potential zones, and air installation compatible use buffer  
465 zones delineated by our military partners, and for which federal  
466 or other funding is available to assist with the project.

467           ~~(13)-(14)~~ An affirmative vote of at least five members of  
468 the Acquisition and Restoration Council shall be required in  
469 order to place a ~~proposed~~ project submitted pursuant to  
470 subsection (6) on the proposed project list developed pursuant  
471 to subsection (8). Any member of the council who by family or a  
472 business relationship has a connection with any project proposed  
473 to be ranked shall declare such interest before ~~prior to~~ voting  
474 for a project's inclusion on the list.

475           Section 4. Subsection (8) is added to section 373.089,  
476 Florida Statutes, to read:

477           373.089 Sale or exchange of lands, or interests or rights  
478 in lands.—The governing board of the district may sell lands, or  
479 interests or rights in lands, to which the district has acquired  
480 title or to which it may hereafter acquire title in the  
481 following manner:

482           (8) If a parcel of land is no longer essential or necessary  
483 for conservation purposes and is valued at \$25,000 or less as  
484 determined by a certified appraisal obtained within 360 days  
485 before any sale, the governing board may sell the lot to an  
486 adjacent property owner. Notwithstanding the successive  
487 publishing requirements in subsection (3), a water management  
488 district must cause a notice of intention to sell to be  
489 published no more than 45 days prior to sale, send notice of its  
490 intention to sell the parcel to adjacent property owners by  
491 certified mail, and post the notice of sale on its website. The



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492 governing board may close the sale of the parcel without  
493 receiving bids after 14 days from such publication. If, within  
494 14 days after such publication, two or more owners of adjacent  
495 properties notify the water management district of their desire  
496 to purchase the parcel, the water management district shall  
497 accept sealed bids from such property owners and may sell such  
498 parcel to the highest bidder or reject all offers. The water  
499 management district may include a restriction on the future use  
500 of such parcel as a term and condition of the sale.

501       Section 5. Consolidating titles to state-owned conservation  
502 lands.-As expeditiously as possible, but not later than July 1,  
503 2018, the Department of Environmental Protection shall  
504 consolidate under a single, unified title and legal description  
505 all individually titled parcels of conservation lands solely  
506 owned by the Board of Trustees of the Internal Improvement Trust  
507 Fund that are contiguous to other parcels of conservation lands  
508 solely owned by the board.

509       Section 6. This act shall take effect July 1, 2015.