

By the Committee on Environmental Preservation and Conservation

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1 A bill to be entitled
2 An act relating to state lands; amending s. 253.034,
3 F.S.; providing legislative findings; defining the
4 term "low-impact agriculture"; revising measurable
5 objectives for management goals to include the
6 preservation of low-impact agriculture; requiring
7 updated land management plans to identify conservation
8 lands that could support low-impact agriculture and
9 conservation lands that are no longer needed and could
10 be disposed of; requiring the Division of State Lands
11 to review state-owned conservation lands and determine
12 if such lands could support low-impact agriculture or
13 be disposed of; requiring the division to submit a
14 list of such lands to the Acquisition and Restoration
15 Council; requiring the council to provide
16 recommendations to the division and the Board of
17 Trustees of the Internal Improvement Trust Fund;
18 requiring that the division may direct managing
19 agencies to offer agreements for low-impact
20 agriculture on such lands under certain conditions;
21 providing applicability of such agreements; specifying
22 that the board may dispose of such lands under certain
23 conditions; requiring the division to review certain
24 nonconservation lands and make recommendations to the
25 board as to whether such lands should be retained in
26 public ownership or disposed of; creating s. 253.87,
27 F.S.; directing the Department of Environmental
28 Protection to include certain county, municipal,
29 state, and federal lands in the Florida State-Owned

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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.

57
58 Be It Enacted by the Legislature of the State of Florida:

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59
60 Section 1. Subsection (1), paragraphs (b) and (e) of
61 subsection (5), and subsection (6) of section 253.034, Florida
62 Statutes, are amended, and paragraph (e) is added to subsection
63 (2), to read:

64 253.034 State-owned lands; uses.—

65 (1) (a) The Legislature finds that the total land area of
66 the state is approximately 34.7 million acres and, as of January
67 1, 2014, approximately 3.2 million acres of conservation lands
68 are titled in the name of the Board of Trustees of the Internal
69 Improvement Trust Fund. Approximately 1.2 million acres of these
70 conservation lands, which equal approximately 3.4 percent of the
71 total land area of the state, are uplands located above the
72 boundary of jurisdictional wetlands.

73 (b) All lands acquired pursuant to chapter 259 shall be
74 managed to serve the public interest by protecting and
75 conserving land, air, water, and the state's natural resources,
76 which contribute to the public health, welfare, and economy of
77 the state. These lands shall be managed to provide for areas of
78 natural resource based recreation, and to ensure the survival of
79 plant and animal species and the conservation of finite and
80 renewable natural resources. The state's lands and natural
81 resources shall be managed using a stewardship ethic that
82 assures these resources will be available for the benefit and
83 enjoyment of all people of the state, both present and future.
84 It is the intent of the Legislature that, where feasible and
85 consistent with the goals of protection and conservation of
86 natural resources associated with lands held in the public trust
87 by the Board of Trustees of the Internal Improvement Trust Fund,

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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.

114
115 Lands acquired by the state as a gift, through donation, or by
116 any other conveyance for which no consideration was paid, and

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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
144 such resources. Land use plans shall also provide for the
145 control of invasive nonnative plants and conservation of soil

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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,
173 restoration, or population restoration.
- 174 9. Preservation of low-impact agriculture.

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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, except lands managed
178 as a state park or preserve, in part or in whole,:

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

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

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

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

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

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

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

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

261 3. At least every 10 years, the division shall review all

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262 encumbered and unencumbered nonconservation lands titled to the
263 board and recommend to the board whether any such lands should
264 be retained in public ownership or disposed of by the board. The
265 board may dispose of nonconservation lands under this paragraph
266 by a majority vote of the board.

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

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

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

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

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

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

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

318 b. Before expiration of the exemption, the division may
319 disclose confidential and exempt appraisals, valuations, or

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320 valuation information regarding surplus land:

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

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

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

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

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

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

346 (i) After reviewing the recommendations of the council, the
347 board shall determine whether lands identified for surplus are
348 to be held for other public purposes or are no longer needed.

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349 The board may require an agency to release its interest in such
350 lands. A state agency, county, or local government that has
351 requested the use of a property that was to be declared as
352 surplus must secure the property under lease within 90 days
353 after being notified that it may use such property.

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

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

375 (l) Notwithstanding this subsection, such disposition of
376 land may not be made if it would have the effect of causing all
377 or any portion of the interest on any revenue bonds issued to

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378 lose the exclusion from gross income for federal income tax
379 purposes.

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

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

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

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

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

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

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407 in a manner determined by the department, a list of such lands
408 to the department. Within 6 months after receiving such list,
409 the department shall add such lands to the SOLARIS database.

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

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

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

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

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

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

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

431 259.105 The Florida Forever Act.—

432 ~~(4) Notwithstanding subsection (3) and for the 2014-2015~~
433 ~~fiscal year only, the funds appropriated in section 56 of the~~
434 ~~2014-2015 General Appropriations Act may be provided to water~~
435 ~~management districts for land acquisitions, including less than~~

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436 ~~fee interest, identified by water management districts as being~~
 437 ~~needed for water resource protection or ecosystem restoration.~~
 438 ~~This subsection expires July 1, 2015.~~

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

441 (a) ~~those~~ Projects for which matching funds are available.

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

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

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

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

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

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

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

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

464 3.~~(c)~~ Protecting areas identified as clear zones, accident

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465 potential zones, and air installation compatible use buffer
466 zones delineated by our military partners, and for which federal
467 or other funding is available to assist with the project.

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

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

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

483 (8) If a parcel of land is no longer essential or necessary
484 for conservation purposes and is valued at \$25,000 or less as
485 determined by a certified appraisal obtained within 360 days
486 before any sale, the governing board may sell the lot to an
487 adjacent property owner. Notwithstanding the successive
488 publishing requirements in subsection (3), a water management
489 district must cause a notice of intention to sell to be
490 published no more than 45 days prior to sale, send notice of its
491 intention to sell the parcel to adjacent property owners by
492 certified mail, and post the notice of sale on its website. The
493 governing board may close the sale of the parcel without

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494 receiving bids after 14 days from such publication. If, within
495 14 days after such publication, two or more owners of adjacent
496 properties notify the water management district of their desire
497 to purchase the parcel, the water management district shall
498 accept sealed bids from such property owners and may sell such
499 parcel to the highest bidder or reject all offers. The water
500 management district may include a restriction on the future use
501 of such parcel as a term and condition of the sale.

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

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