

FOR CONSIDERATION By the Committee on Environmental Preservation and Conservation

592-03468-15

20157086pb

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

592-03468-15

20157086pb

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; directing the department to
46 consolidate specified parcels of conservation lands
47 under a single, unified title and legal description by
48 a specified date; providing an effective date.

49
50 Be It Enacted by the Legislature of the State of Florida:

51
52 Section 1. Subsection (1), paragraphs (b) and (e) of
53 subsection (5), and subsection (6) of section 253.034, Florida
54 Statutes, are amended, and paragraph (e) is added to subsection
55 (2), to read:

56 253.034 State-owned lands; uses.—

57 (1) (a) The Legislature finds that the total land area of
58 the state is approximately 34.7 million acres and, as of January

592-03468-15

20157086pb

59 1, 2014, approximately 3.2 million acres of conservation lands
60 are titled in the name of the Board of Trustees of the Internal
61 Improvement Trust Fund. Approximately 1.2 million acres of these
62 conservation lands, which equal approximately 3.4 percent of the
63 total land area of the state, are uplands located above the
64 boundary of jurisdictional wetlands.

65 (b) All lands acquired pursuant to chapter 259 shall be
66 managed to serve the public interest by protecting and
67 conserving land, air, water, and the state's natural resources,
68 which contribute to the public health, welfare, and economy of
69 the state. These lands shall be managed to provide for areas of
70 natural resource based recreation, and to ensure the survival of
71 plant and animal species and the conservation of finite and
72 renewable natural resources. The state's lands and natural
73 resources shall be managed using a stewardship ethic that
74 assures these resources will be available for the benefit and
75 enjoyment of all people of the state, both present and future.
76 It is the intent of the Legislature that, where feasible and
77 consistent with the goals of protection and conservation of
78 natural resources associated with lands held in the public trust
79 by the Board of Trustees of the Internal Improvement Trust Fund,
80 public land not designated for single-use purposes pursuant to
81 paragraph (2) (b) be managed for multiple-use purposes. All
82 multiple-use land management strategies shall address public
83 access and enjoyment, resource conservation and protection,
84 ecosystem maintenance and protection, and protection of
85 threatened and endangered species, and the degree to which
86 public-private partnerships or endowments may allow the entity
87 with management responsibility to enhance its ability to manage

592-03468-15

20157086pb

88 these lands. The Acquisition and Restoration Council created in
89 s. 259.035 shall recommend rules to the board of trustees, and
90 the board shall adopt rules necessary to carry out the purposes
91 of this section.

92 (2) As used in this section, the following phrases have the
93 following meanings:

94 (e) "Low-impact agriculture," as used in this chapter,
95 means any agricultural activity that, when occurring on
96 conservation land or on land under a permanent conservation
97 easement:

98 1. Does not cause or contribute to violations of water
99 quality standards as evidenced by water quality monitoring
100 prescribed by the department or an applicable water management
101 district;

102 2. Is consistent with an adopted land management plan; and

103 3. Does not adversely impact the land's conservation
104 purpose.

105
106 Lands acquired by the state as a gift, through donation, or by
107 any other conveyance for which no consideration was paid, and
108 which are not managed for conservation, outdoor resource-based
109 recreation, or archaeological or historic preservation under a
110 land management plan approved by the board of trustees are not
111 conservation lands.

112 (5) Each manager of conservation lands shall submit to the
113 Division of State Lands a land management plan at least every 10
114 years in a form and manner prescribed by rule by the board and
115 in accordance with the provisions of s. 259.032. Each manager of
116 conservation lands shall also update a land management plan

592-03468-15

20157086pb

117 whenever the manager proposes to add new facilities or make
118 substantive land use or management changes that were not
119 addressed in the approved plan, or within 1 year of the addition
120 of significant new lands. Each manager of nonconservation lands
121 shall submit to the Division of State Lands a land use plan at
122 least every 10 years in a form and manner prescribed by rule by
123 the board. The division shall review each plan for compliance
124 with the requirements of this subsection and the requirements of
125 the rules established by the board pursuant to this section. All
126 land use plans, whether for single-use or multiple-use
127 properties, shall include an analysis of the property to
128 determine if any significant natural or cultural resources are
129 located on the property. Such resources include archaeological
130 and historic sites, state and federally listed plant and animal
131 species, and imperiled natural communities and unique natural
132 features. If such resources occur on the property, the manager
133 shall consult with the Division of State Lands and other
134 appropriate agencies to develop management strategies to protect
135 such resources. Land use plans shall also provide for the
136 control of invasive nonnative plants and conservation of soil
137 and water resources, including a description of how the manager
138 plans to control and prevent soil erosion and soil or water
139 contamination. Land use plans submitted by a manager shall
140 include reference to appropriate statutory authority for such
141 use or uses and shall conform to the appropriate policies and
142 guidelines of the state land management plan. Plans for managed
143 areas larger than 1,000 acres shall contain an analysis of the
144 multiple-use potential of the property, which analysis shall
145 include the potential of the property to generate revenues to

592-03468-15

20157086pb

146 enhance the management of the property. Additionally, the plan
147 shall contain an analysis of the potential use of private land
148 managers to facilitate the restoration or management of these
149 lands. In those cases where a newly acquired property has a
150 valid conservation plan that was developed by a soil and
151 conservation district, such plan shall be used to guide
152 management of the property until a formal land use plan is
153 completed.

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

- 156 1. Habitat restoration and improvement.
- 157 2. Public access and recreational opportunities.
- 158 3. Hydrological preservation and restoration.
- 159 4. Sustainable forest management.
- 160 5. Exotic and invasive species maintenance and control.
- 161 6. Capital facilities and infrastructure.
- 162 7. Cultural and historical resources.
- 163 8. Imperiled species habitat maintenance, enhancement,
164 restoration, or population restoration.
- 165 9. Preservation of low-impact agriculture.

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

- 169 1. Which could support low-impact agricultural uses while
170 maintaining the land's conservation purposes; and
- 171 2. Which are no longer needed for conservation purposes and
172 could be disposed of in fee simple or with the state retaining a
173 permanent conservation easement.

174 (6) The board ~~of Trustees of the Internal Improvement Trust~~

592-03468-15

20157086pb

175 ~~Fund~~ shall determine which lands titled to, ~~the title to which~~
176 ~~is vested in~~ the board, may be surplusd. For conservation
177 lands, the board shall determine whether the lands are no longer
178 needed for conservation purposes and may dispose of them by an
179 affirmative vote of at least three members. In the case of a
180 land exchange involving the disposition of conservation lands,
181 the board must determine by an affirmative vote of at least
182 three members that the exchange will result in a net positive
183 conservation benefit. For all other lands, the board shall
184 determine whether the lands are no longer needed and may dispose
185 of them by an affirmative vote of at least three members.

186 (a) For the purposes of this subsection, all lands acquired
187 by the state before July 1, 1999, using proceeds from
188 Preservation 2000 bonds, the Conservation and Recreation Lands
189 Trust Fund, the Water Management Lands Trust Fund,
190 Environmentally Endangered Lands Program, and the Save Our Coast
191 Program and titled to the board which are identified as core
192 parcels or within original project boundaries are deemed to have
193 been acquired for conservation purposes.

194 (b) For any lands purchased by the state on or after July
195 1, 1999, before acquisition, the board must determine which
196 parcels must be designated as having been acquired for
197 conservation purposes. Lands acquired for use by the Department
198 of Corrections, the Department of Management Services for use as
199 state offices, the Department of Transportation, except those
200 specifically managed for conservation or recreation purposes, or
201 the State University System or the Florida College System may
202 not be designated as having been purchased for conservation
203 purposes.

592-03468-15

20157086pb

204 (c)1. At least every 10 years, the division shall review
205 all state-owned conservation lands titled to the board to
206 determine whether any such lands could support low-impact
207 agricultural uses while maintaining the land's conservation
208 purposes. After such review, the division shall submit to the
209 council a list of such lands, including any additional lands
210 identified in any updated land management plan pursuant to
211 subparagraph (5) (e)1. Within 9 months after receiving the list,
212 the council shall provide recommendations to the division as to
213 whether any such lands could support low-impact agricultural
214 uses while maintaining the land's conservation purposes. After
215 considering such recommendations, the division may direct
216 managing agencies to offer agreements for low-impact agriculture
217 on lands that it determines could support such agriculture while
218 maintaining the land's conservation purposes. This section does
219 not prohibit a managing agency from entering into agreements as
220 otherwise provided by law. An agreement entered into pursuant to
221 this paragraph may not exceed a term of 10 years. However, an
222 agreement may be renewed with the consent of the division ~~as a~~
223 ~~component of each land management plan or land use plan and in a~~
224 ~~form and manner prescribed by rule by the board, each manager~~
225 ~~shall evaluate and indicate to the board those lands that are~~
226 ~~not being used for the purpose for which they were originally~~
227 ~~leased. For conservation lands, the council shall review and~~
228 ~~recommend to the board whether such lands should be retained in~~
229 ~~public ownership or disposed of by the board. For~~
230 ~~nonconservation lands, the division shall review such lands and~~
231 ~~recommend to the board whether such lands should be retained in~~
232 ~~public ownership or disposed of by the board.~~

592-03468-15

20157086pb

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

251 3. At least every 10 years, the division shall review all
252 encumbered and unencumbered nonconservation lands titled to the
253 board and recommend to the board whether any such lands should
254 be retained in public ownership or disposed of by the board. The
255 board may dispose of nonconservation lands under this paragraph
256 by a majority vote of the board.

257 (d) Lands titled to ~~owned by~~ the board which are not
258 actively managed by any state agency or for which a land
259 management plan has not been completed pursuant to subsection
260 (5) must be reviewed by the council or its successor for its
261 recommendation as to whether such lands should be disposed of by

592-03468-15

20157086pb

262 the board.

263 (e) Before any decision by the board to surplus lands, the
264 ~~Acquisition and Restoration~~ council shall review and make
265 recommendations to the board concerning the request for
266 surplusings. The council shall determine whether the request for
267 surplusings is compatible with the resource values of and
268 management objectives for such lands.

269 (f) In reviewing lands titled to ~~owned by~~ the board, the
270 council shall consider whether such lands would be more
271 appropriately owned or managed by the county or other unit of
272 local government in which the land is located. The council shall
273 recommend to the board whether a sale, lease, or other
274 conveyance to a local government would be in the best interests
275 of the state and local government. ~~The provisions of This~~
276 paragraph does not in no way limit the provisions of ss. 253.111
277 and 253.115. Such lands shall be offered to the state, county,
278 or local government for ~~a period of~~ 45 days. Permittable uses
279 for such surplus lands may include public schools; public
280 libraries; fire or law enforcement substations; governmental,
281 judicial, or recreational centers; and affordable housing
282 meeting the criteria of s. 420.0004(3). County or local
283 government requests for surplus lands shall be expedited
284 throughout the surplusings process. If the county or local
285 government does not elect to purchase such lands in accordance
286 with s. 253.111, any surplusings determination involving other
287 governmental agencies shall be made when the board decides the
288 best public use of the lands. Surplus lands ~~properties~~ in which
289 governmental agencies have not expressed an ~~no~~ interest must
290 ~~then~~ be available for sale on the private market.

592-03468-15

20157086pb

291 (g) The sale price of lands determined to be surplus
292 pursuant to this subsection and s. 253.82 shall be determined by
293 the division, which shall consider an appraisal of the property,
294 or, if the estimated value of the land is \$500,000 or less, a
295 comparable sales analysis or a broker's opinion of value. The
296 division may require a second appraisal. The individual or
297 entity that requests to purchase the surplus parcel shall pay
298 all costs associated with determining the property's value, if
299 any.

300 1. A written valuation of land determined to be surplus
301 pursuant to this subsection and s. 253.82, and related documents
302 used to form the valuation or which pertain to the valuation,
303 are confidential and exempt from s. 119.07(1) and s. 24(a), Art.
304 I of the State Constitution.

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

308 b. Before expiration of the exemption, the division may
309 disclose confidential and exempt appraisals, valuations, or
310 valuation information regarding surplus land:

311 (I) During negotiations for the sale or exchange of the
312 land.

313 (II) During the marketing effort or bidding process
314 associated with the sale, disposal, or exchange of the land to
315 facilitate closure of such effort or process.

316 (III) When the passage of time has made the conclusions of
317 value invalid.

318 (IV) When negotiations or marketing efforts concerning the
319 land are concluded.

592-03468-15

20157086pb

320 2. A unit of government that acquires title to lands
321 pursuant to this paragraph hereunder for less than appraised
322 value may not sell or transfer title to all or any portion of
323 the lands to any private owner for 10 years. Any unit of
324 government seeking to transfer or sell lands pursuant to this
325 paragraph must first allow the board ~~of trustees~~ to reacquire
326 such lands for the price at which the board sold such lands.

327 (h) Parcels with a market value over \$500,000 must be
328 initially offered for sale by competitive bid. The division may
329 use agents, as authorized by s. 253.431, for this process. Any
330 parcels unsuccessfully offered for sale by competitive bid, and
331 parcels with a market value of \$500,000 or less, may be sold by
332 any reasonable means, including procuring real estate services,
333 open or exclusive listings, competitive bid, auction, negotiated
334 direct sales, or other appropriate services, to facilitate the
335 sale.

336 (i) After reviewing the recommendations of the council, the
337 board shall determine whether lands identified for surplus are
338 to be held for other public purposes or are no longer needed.
339 The board may require an agency to release its interest in such
340 lands. A state agency, county, or local government that has
341 requested the use of a property that was to be declared as
342 surplus must secure the property under lease within 90 days
343 after being notified that it may use such property.

344 (j) Requests for surplusing may be made by any public or
345 private entity or person. All requests shall be submitted to the
346 lead managing agency for review and recommendation to the
347 council or its successor. Lead managing agencies have 90 days to
348 review such requests and make recommendations. Any surplusing

592-03468-15

20157086pb

349 requests that have not been acted upon within the 90-day ~~time~~
350 period shall be immediately scheduled for hearing at the next
351 regularly scheduled meeting of the council or its successor.
352 Requests for surplusings pursuant to this paragraph are not
353 required to be offered to local or state governments as provided
354 in paragraph (f).

355 (k) Proceeds from any sale of surplus lands pursuant to
356 this subsection shall be deposited into the fund from which such
357 lands were acquired. However, if the fund from which the lands
358 were originally acquired no longer exists, such proceeds shall
359 be deposited into an appropriate account to be used for land
360 management by the lead managing agency assigned the lands before
361 the lands were declared surplus. Funds received from the sale of
362 surplus nonconservation lands, or lands that were acquired by
363 gift, by donation, or for no consideration, shall be deposited
364 into the Internal Improvement Trust Fund.

365 (l) Notwithstanding this subsection, such disposition of
366 land may not be made if it would have the effect of causing all
367 or any portion of the interest on any revenue bonds issued to
368 lose the exclusion from gross income for federal income tax
369 purposes.

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

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

377 Section 2. Section 253.87, Florida Statutes, is created to

592-03468-15

20157086pb

378 read:

379 253.87 Inventory of state, federal, and local government
380 conservation lands by the Department of Environmental
381 Protection.—

382 (1) By July 1, 2017, the Department of Environmental
383 Protection shall include in the Florida State-Owned Lands and
384 Records Information System (SOLARIS) database all federally
385 owned conservation lands, all lands on which the federal
386 government retains a permanent conservation easement, and all
387 lands on which the state retains a permanent conservation
388 easement. The department shall update the database at least
389 every 5 years.

390 (2) (a) By July 1, 2017, for counties and municipalities,
391 and by July 1, 2018, for financially disadvantaged small
392 communities, as defined in s. 403.1838, and at least every 5
393 years thereafter, respectively, each county, municipality, and
394 financially disadvantaged small community shall identify all
395 conservation lands that it owns in fee simple and all lands on
396 which it retains a permanent conservation easement and submit,
397 in a manner determined by the department, a list of such lands
398 to the department. Within 6 months after receiving such list,
399 the department shall add such lands to the SOLARIS database.

400 (3) By January 1, 2017, the department shall conduct a
401 study and submit a report to the Governor, the President of the
402 Senate, and the Speaker of the House of Representatives on the
403 technical and economic feasibility of including any of the
404 following lands in the SOLARIS database or a similar public
405 lands inventory:

406 (a) All lands on which local comprehensive plans, land use

592-03468-15

20157086pb

407 restrictions, zoning ordinances, or land development regulations
408 prohibit the land from being developed or limit the amount of
409 development to one unit per 40 or more acres.

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

412 (c) All privately owned lands under a permanent
413 conservation easement.

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

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

417 Section 3. Present subsections (5) through (21) of section
418 259.105, Florida Statutes, are redesignated as subsections (4)
419 through (20), respectively, and present subsections (4), (11),
420 and (14) are amended, to read:

421 259.105 The Florida Forever Act.—

422 ~~(4) Notwithstanding subsection (3) and for the 2014-2015~~
423 ~~fiscal year only, the funds appropriated in section 56 of the~~
424 ~~2014-2015 General Appropriations Act may be provided to water~~
425 ~~management districts for land acquisitions, including less than~~
426 ~~fee interest, identified by water management districts as being~~
427 ~~needed for water resource protection or ecosystem restoration.~~
428 ~~This subsection expires July 1, 2015.~~

429 (10)(11) The Acquisition and Restoration Council shall give
430 increased priority to:

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

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

435 (c) Projects that can be acquired in less than fee

592-03468-15

20157086pb

436 ownership, such as a permanent conservation easement.

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

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

441 ~~(f) The council shall also give increased priority to those~~
442 Projects where the state's land conservation plans overlap with
443 the military's need to protect lands, water, and habitat to
444 ensure the sustainability of military missions including:

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

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

451 3.~~(c)~~ Protecting areas identified as clear zones, accident
452 potential zones, and air installation compatible use buffer
453 zones delineated by our military partners, and for which federal
454 or other funding is available to assist with the project.

455 ~~(13)~~~~(14)~~ An affirmative vote of at least five members of
456 the Acquisition and Restoration Council shall be required in
457 order to place a ~~proposed~~ project submitted pursuant to
458 subsection (6) on the proposed project list developed pursuant
459 to subsection (7) ~~(8)~~. Any member of the council who by family
460 or a business relationship has a connection with any project
461 proposed to be ranked shall declare such interest before ~~prior~~
462 ~~to~~ voting for a project's inclusion on the list.

463 Section 4. Consolidating titles to state-owned conservation
464 lands.-As expeditiously as possible, but not later than July 1,

592-03468-15

20157086pb

465 2018, the Department of Environmental Protection shall
466 consolidate under a single, unified title and legal description
467 all individually titled parcels of conservation lands solely
468 owned by the Board of Trustees of the Internal Improvement Trust
469 Fund that are contiguous to other parcels of conservation lands
470 solely owned by the board.

471 Section 5. This act shall take effect July 1, 2015.