

FLORIDA HOUSE OF REPRESENTATIVES

FINAL BILL ANALYSIS

This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.

BILL #: CS/HB 441	COMPANION BILL: CS/SB 546 (Mayfield)
TITLE: Conservation Lands	LINKED BILLS: None
SPONSOR(S): Kendall and Tant	RELATED BILLS: None
FINAL HOUSE FLOOR ACTION: 109 Y's 0 N's	GOVERNOR'S ACTION: Pending

SUMMARY

Effect of the Bill:

The bill increases notice and transparency when the state or water management districts are considering selling or exchanging state or district-owned conservation lands by creating specific statutory notice requirements when such actions are being formally considered. The bill also requires that when state-owned land is being considered in a land exchange, at least one appraisal must occur.

Fiscal or Economic Impact:

None.

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ANALYSIS

EFFECT OF THE BILL:

State-owned Lands

The bill requires that at least 30 days before the [Acquisition and Restoration Council](#) (Council) or the [Board of Trustees of the Internal Improvement Trust Fund](#) (Board of Trustees) meet to consider the proposed sale of state-owned [conservation lands](#), the [Division of State Lands](#) (Division) must publish certain information related to the proposed sale on its website. Such information includes the parcels of state-owned land for sale and an explanation from the Division on why these lands are no longer needed for conservation purposes. (Section [1](#))

Regarding proposed exchanges of privately-owned land for state-owned land, the bill provides that when the owner of privately-owned land contiguous to state-owned land seeks to exchange the lands, the proposed exchange must have at least one [appraisal](#) conducted in accordance with the Board of Trustees' appraisal criteria, techniques, and methods. Additionally, for proposed exchanges of conservation land, the Division must publish, at least 30 days before the Council or Board meets to review the proposed exchange, the following information on its website:

- The parcels of state-owned lands and privately-owned lands proposed for exchange.
- The portions of those parcels that will be preserved in a permanent conservation easement.¹
- A statement from the Division explaining how the exchange will be a conservation benefit for the state.
- Any recommendations from the Division and the Council related to the request. (Section [2](#))

Water Management District-owned Lands

In the case of conservation lands owned by a [water management district](#) (WMD) that are being considered for sale or exchange by a WMD's governing board, the bill requires the governing board to publish certain information on

¹ A "conservation easement" is a right or interest in real property which is appropriate to retaining land or water areas predominantly in their natural, scenic, open, agricultural, or wooded condition; retaining such areas as suitable habitat for fish, plants, or wildlife; retaining the structural integrity or physical appearance of sites or properties of historical, architectural, archaeological, or cultural significance; or maintaining existing land uses and which prohibits certain activities on the land. See [s. 704.06\(1\), F.S.](#)

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its website related to the proposed sell and exchange at least 30 days before meeting. This information must include:

- The district-owned parcels of land for sale or proposed for exchange.
- The privately-owned parcels proposed for exchange.
- The portions of those parcels that will be preserved in a permanent conservation easement.
- A statement from the WMD explaining why those lands are no longer needed for conservation purposes. (Section [3](#))

Effective Date

Subject to the Governor’s veto powers, the effective date of this bill is July 1, 2026. (Section [5](#))

RULEMAKING:

Due to the bill creating specific notice requirements when certain actions are being considered by the Board, Council, and WMDs, these entities may need to go through rulemaking to update existing rules.

Lawmaking is a legislative power; however, the Legislature may delegate a portion of such power to executive branch agencies to create rules that have the force of law. To exercise this delegated power, an agency must have a grant of rulemaking authority and a law to implement.

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Division of State Lands

The Division of State Lands (Division), a division of the Department of Environmental Protection (DEP), provides oversight, management, and stewardship for Florida’s public lands.² As part of its stewardship of state lands, the Division serves as staff to the Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees), providing real estate and land management services, which includes conducting appraisals of state lands and duties related to the purchase and sale of state lands.³ The Division also manages the Florida Forever program, one of the largest land conservation programs in the nation.⁴

Board of Trustees of the Internal Improvement Trust Fund

The Board of Trustees is charged with the acquisition, administration, management, control, supervision, conservation, protection, and disposal of all lands owned or vested to the state or any of its agencies, departments, boards, or commissions.⁵ As part of this charge, the Board of Trustees administers the Internal Improvement Trust Fund and the Land Acquisition Trust Fund.⁶ The Governor and Cabinet (the Attorney General, the Chief Financial Officer, and the Commissioner of Agriculture) comprise the four members of the Board of Trustees.⁷ Meetings of

² Department of Environmental Protection, [Division of State Lands](#) (last visited Jan. 7, 2026).

³ See Department of Environmental Protection, [Office of the Director - State Lands](#) (last visited Jan. 7, 2026); [s. 253.002\(1\), F.S.](#); Department of Environmental Protection, [Division of State Lands](#) (last visited Jan. 7, 2026); and Department of Environmental Protection, [FAQ: Division of State Lands Services](#) (last visited Jan. 7, 2026).

⁴ Department of Environmental Protection, [About the Division of State Lands](#) (last visited Jan. 7, 2026).

⁵ [S. 253.03\(1\), F.S.](#)

⁶ The Internal Improvement Trust Fund contains lands and funds generated from the sale, both from previous sales and future sales, of land from the 500,000 acres of land granted to Florida by an Act of Congress passed on March 3, 1845 as well as land received as a result of the Swamp and Overflowed Lands Act of 1850. [S. 253.01, F.S.](#) See also Department of Environmental Protection, [History of State Lands](#) (last visited Jan. 8, 2026). The Land Acquisition Trust Fund contains documentary stamp tax revenues collected under ch. 201, F.S., which requires an excise tax on deeds and other documents related to real property. The fund finances or refinances the acquisition and improvement of land, water areas, and related property interests. Article X, s. 28, Fla. Const.

⁷ [S. 253.02\(1\), F.S.](#)

the Board of Trustees are noticed in the Florida Administrative Register at least seven days before the meeting, in accordance with [s. 120.525, F.S.](#)⁸

Current law grants the Board of Trustees the power to determine which lands vested or titled in the name of the Board may be surplus or exchanged, following recommendations from the Council, for conservation lands.⁹ Any sale, transfer, or other disposition of state lands titled to the Board of Trustees requires a vote of at least three of the four trustees.¹⁰

Acquisition and Restoration Council

The Acquisition and Restoration Council (Council)¹¹ is a 10-member body that provides assistance to the Board of Trustees in reviewing recommendations and plans for state-owned conservation lands.¹² The Council develops rules, which the Board of Trustees reviews and adopts, to define the criteria and performance measures needed for lands acquired with funds from the Land Acquisition Trust Fund or through the Florida Forever program.¹³ DEP provides primary staff to support the Council.¹⁴ The Division of State Lands publishes the Council meeting agendas and materials seven working days prior to a meeting.¹⁵

State-owned Conservation Lands

Under current law, conservation lands are lands currently managed for conservation, outdoor resource-based recreation, or archaeological or historic preservation.¹⁶ Several state agencies and divisions contribute to managing Florida's conservation lands, including DEP's Division of Recreation and Parks, Florida Coastal Office, and Office of Greenways and Trails, as well as the Florida Forest Service and the Florida Fish and Wildlife Conservation Commission.¹⁷ Florida Forever, first implemented in 2001, is the state's primary conservation and recreation lands acquisition program, and has contributed to the state purchasing more than 2.6 million acres of land.¹⁸ Florida's five water management districts (WMDs) also collectively own more than 1.5 million acres of conservation land.¹⁹

Disposition of Conservation Lands

Current law allows the Board of Trustees to determine which lands vested or titled in the name of the Board may be surplus.²⁰ The Council makes recommendations to the Board of Trustees regarding the surplus of

⁸ Department of Environmental Protection, [Board of Trustees of the Internal Improvement Trust Fund of the State of Florida Statement of Agency Organization and Operation](#) (last visited Jan. 8, 2026).

⁹ Ss. [253.0341\(1\)](#) and [253.42\(1\)](#), F.S.

¹⁰ [S. 253.02\(2\)\(a\)](#), F.S. See also [s. 253.0341\(1\)](#), F.S.

¹¹ The Governor appoints four of the Council's 10 members, with three of the four appointees from scientific disciplines related to land, water or environmental science. The Commissioner of Agriculture appoints one member from a discipline related to silviculture and the Fish and Wildlife Conservation Commission appoints one member with a discipline related to wildlife management or ecology. The remaining four appointees are the Secretary of Environmental Protection, the director of the Florida Forest Service of the Department of Agriculture and Consumer Services, the executive director of the Fish and Wildlife Conservation Commission, and the director of the Division of Historical Resources of the Department of State (or their designees). See [s. 259.035\(1\)\(a\)-\(c\)](#), F.S.

¹² [S. 253.035\(3\)](#), F.S.

¹³ The Board of Trustees adopts these rules and submits them to the Legislature for consideration. See [s. 259.035\(4\)\(a\)](#), F.S.

¹⁴ [S. 259.035\(1\)\(f\)](#), F.S.

¹⁵ See, e.g., Department of Environmental Protection, [December 11 and 12, 2025, Acquisition and Restoration Council Public Hearing and Regular Meeting](#) (last visited Jan. 8, 2025).

¹⁶ [S. 253.034\(2\)\(c\)](#), F.S. Rule 18-2.017(45), F.A.C., defines "state-owned lands" to mean land to which the title is vested in the Board of Trustees.

¹⁷ Department of Environmental Protection, [FAQ: Land Stewardship](#) (last visited Jan. 8, 2026).

¹⁸ Department of Environmental Protection, [Florida Forever](#) (last visited Jan. 8, 2026).

¹⁹ Department of Environmental Protection, [FAQ: Land Stewardship](#) (last visited Jan. 8, 2026).

²⁰ [S. 253.0341\(1\)](#), F.S. Rule 18-2.017(48), F.A.C., defines "surplus lands" as lands which are not needed by any state agency and are recommended for disposal pursuant to Rule 18-2.021, F.A.C.

conservation lands, and of those lands, the Board determines which lands are no longer needed for conservation purposes.²¹

As part of this process, the managers of conservation lands must submit a land management plan (LMP) to the Division every 10 years.²² LMPs must identify any conservation lands covered in the plan that, in part or in whole, are no longer needed for conservation purposes.²³ The Council reviews the recommendations made in the LMP and makes its own recommendations regarding whether the lands should be retained in public ownership or disposed of by the Board of Trustees.²⁴ The Council then submits the LMP, along with the its recommendations to the Board of Trustees for consideration.²⁵ The Council also reviews and makes recommendations about retention and disposal for conservation lands owned by the Board of Trustees that are not actively managed by any state agency or do not have an LMP.²⁶

Current law also authorizes the Board of Trustees to exchange lands vested or titled in the name of the Board for other lands owned by counties, local governments, individuals, or private or public corporations and to set the terms and conditions of the exchange.²⁷ Requests for exchanges are handled by the Division.²⁸ For the exchange of state-owned lands not acquired through gift, donation, or any other conveyance for which no consideration was paid, the Board of Trustees requires an exchange that is equal to or greater in conservation benefit than the state-owned lands.²⁹ These exchanges may include cash transaction, but must also be a net-positive conservation benefit, as determined by the Council.³⁰ For conservation land acquired through gift, donation, or other conveyance for which no consideration was paid, the state may request land of equal conservation value from the county or local government but no other consideration.³¹ In the case of a land exchange, current law requires that the state retains a permanent conservation easement over all or a portion of the exchanged state-owned land and a permanent conservation easement over all or a portion of the exchanged privately-owned land.³²

Owners of land contiguous to state land vested or titled in the name of the Board of Trustees may submit land exchange requests to the Division.³³ If the Division chooses to proceed with the request, the Division must submit the request to the Council for review. The Council then provides recommendations to the Division and the Division provides its recommendations, as well as the Council's recommendations, to the Board of Trustees for review.³⁴ The Board of Trustees may approve the request if it meets certain statutory requirements.³⁵

²¹ [S. 253.0341\(1\), F.S.](#), and Article X, s. 18, Fla. Const.

²² [Ss. 253.034\(4\)](#) and [253.034\(5\), F.S.](#)

²³ [S. 253.034\(5\)\(e\), F.S.](#)

²⁴ [Ss. 253.0341\(4\)](#) and [253.034\(5\)\(g\), F.S.](#)

²⁵ [Ss. 253.034\(5\)\(g\)](#) and [253.0341\(6\), F.S.](#)

²⁶ [S. 253.0341\(5\), F.S.](#)

²⁷ [S. 253.42\(1\), F.S.](#)

²⁸ [S. 253.42\(4\)\(a\), F.S.](#) See also Rule 18-2.018, F.A.C

²⁹ [S. 253.42\(2\), F.S.](#)

³⁰ Rule 18-2.017(31), F.A.C., defines "net positive benefit" as any effective action or transaction which promotes the overall purposes for which the land was acquired. Net positive benefit is compensation over and above the required payment of market value of a parcel to offset any effects to the current or future uses of natural resource lands managed primarily for conservation and protection. Net positive benefit is not only monetary compensation, but may include other environmental, historical, and recreational considerations. See also [s. 253.42\(2\), F.S.](#)

³¹ [S. 253.42\(1\), F.S.](#)

³² [S. 253.42\(4\)\(a\), F.S.](#)

³³ *Id.*

³⁴ *Id.*

³⁵ [S. 253.42\(4\)\(b\), F.S.](#) The Board of Trustees may approve the request if: at least 30 percent of the perimeter of the privately owned land is bordered by state-owned land and the exchange does not create an inholding; approval does not violate the terms of an existing lease or agreement; the exchange of land involving state-owned conservation land will result in a net positive conservation benefit; approval does not conflict with any existing flowage easement; and three or more members of the Board of Trustees approves the request.

Appraisals

Current law requires that the sale price of surplus lands be determined by the Division and that the Division considers an appraisal if the estimated value of the land is more than \$500,000.³⁶ Appraisals for the disposition of state-owned lands must be conducted in accordance with Rule 18-2.02, F.A.C., and these appraisal services must be consistent with ch. 18-1, F.A.C., the Supplemental Appraisal Standards for the Board of Trustees (Supplemental Standards), and ch. 475, part II, F.S.³⁷ Current law requires the Board of Trustees to adopt by rule appraisal standards, incorporating, to the extent practicable, generally accepted appraisal standards.³⁸ The Board of Trustees uses the Uniform Standards of Professional Appraisal Practice (USPAP) as well as the Supplemental Standards to guide the valuation of property.³⁹ The USPAP are the congressionally-recognized standards for professional appraisal throughout the U.S.⁴⁰ The Supplemental Standards contain appraisal requirements that establish public policy and add procedures and practices, such as consideration of flood zones and sales history, to be used in addition to the appraisal procedures and practices of the appraisal profession.⁴¹

Water Management District Conservation Lands

Current law provides for the sale or exchange of lands titled to the governing board of a WMD, but does not specify notice requirements for land exchanges.⁴² However, prior to selling any surplus land, the WMD must publish notice of intention on its website and in a county newspaper where the land is located; this notice must appear once each week for three successive weeks, with the first instance occurring at least 30 days, but no more than 360 days, before the WMD approves the sale.⁴³ The notice must include a description of the lands, or the interests or rights in the lands, that are being offered for sale.⁴⁴ The governing board may then dispose of surplus conservation lands that it has determined are no longer needed for conservation purposes by a two-thirds vote.⁴⁵ However, the governing board must first offer any land deemed no longer needed for conservation purposes to the Board of Trustees if the WMD district acquired that land, in whole or in part, through Florida Forever funds.⁴⁶

³⁶ [S. 253.0341\(8\), F.S.](#) If the estimated value of land is less than \$500,000 the Division takes into account a comparable sales analysis or broker's opinion. *See also* Rule 18-2.020(2)(a), F.A.C.

³⁷ Rule 18-1.006(1), F.A.C.

³⁸ [S. 253.025\(8\)\(e\), F.S.](#)

³⁹ Department of Environmental Protection, [Supplemental Appraisal Standards for the Board of Trustees](#), 4 (last visited Jan. 8, 2026).

⁴⁰ U.S. Department of the Interior, [Licensure Requirements and Appraisal Standards](#) (last visited Jan. 8, 2026).

⁴¹ *See* Rule 18-1.002(23), F.A.C., *and* Department of Environmental Protection, [Supplemental Appraisal Standards for the Board of Trustees](#), 9 (last visited Jan. 8, 2026).

⁴² [S. 373.089, F.S.](#)

⁴³ [S. 373.089\(3\), F.S.](#)

⁴⁴ *Id.*

⁴⁵ [S. 373.089\(6\)\(a\), F.S.](#) Section [373.089\(6\)\(c\), F.S.](#), deems all land acquired by a WMD prior to July 1, 1999, to be for conservation purposes.

⁴⁶ [S. 373.089\(7\), F.S.](#) This provision does not apply if the disposition of the land is for use by a governmental entity for public purposes or for certain facilities (e.g., telecommunication transmission and distribution facilities, public transportation corridors), or if the district retains a conservation easement that meets the objective of the original acquisition, if a land exchange meets or exceeds the conservation objectives for the land, or if the portion of the land was deemed surplus at the time of acquisition.