

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Environment and Natural Resources

BILL: SB 546

INTRODUCER: Senators Mayfield and Harrell

SUBJECT: Conservation Lands

DATE: January 12, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Barriero</u>	<u>Rogers</u>	<u>EN</u>	<u>Pre-meeting</u>
2.	_____	_____	<u>AEG</u>	_____
3.	_____	_____	<u>RC</u>	_____

I. Summary:

SB 546 requires the Division of State Lands and water management districts to provide 30 days’ notice before meetings to review the proposed sale or exchange of conservation lands. The bill requires the notice to contain certain information, such as the parcels proposed for sale or exchange, the portions of lands which will be preserved in a permanent conservation easement, a statement explaining why the lands are no longer needed for conservation purposes or how the exchange will result in a conservation benefit to the state, and any applicable recommendations. The bill also provides that, for exchanges involving state-owned lands, each parcel proposed for exchange must have at least one appraisal that follows board-approved appraisal criteria, techniques, and methods.

II. Present Situation:

Florida’s Conservation Lands

Florida has a long tradition of conserving land and water areas to protect natural and cultural resources and to support outdoor, resource-based recreation.¹ Florida’s land acquisition and conservation efforts shifted from ad hoc purchases before the 1960s to a series of structured, bond- and tax-funded programs beginning with the creation of the Land Acquisition Trust Fund in 1963.² Over the ensuing decades, programs such as Environmentally Endangered Lands, Conservation and Recreation Lands (CARL), Save Our Coast, Save Our Rivers, and Preservation 2000 were created to further the state’s commitment to conserve sensitive land and natural resources.³ Florida’s current blueprint for public land acquisition is the Florida Forever program,

¹ Office of Economic and Demographic Research (EDR), *Annual Assessment of Florida’s Conservation Lands: 2025 Edition, Chapter 1*, 6 (2025), available at <https://edr.state.fl.us/Content/natural-resources/index.cfm>.

² See *id.*

³ See *id.* at 6-7.

which was created in 1999 as the successor to the Preservation 2000 program.⁴ The Florida Forever program has protected over one million acres since its inception.⁵

In Florida, conservation lands can be owned by public or private entities and can be obtained in fee or less-than-fee simple ownership.⁶ Of the total 10.93 million acres of conservation lands in Florida, 96.9 percent are publicly owned.⁷ Among the publicly owned lands, approximately 55.4 percent is owned by the state, 39.7 percent is owned by the federal government, and 5 percent is owned by local governments.⁸ In total, over 31 percent of all land in the state is currently designated for conservation purposes.⁹

The Board of Trustees of the Internal Improvement Trust Fund—composed of the Governor, Chief Financial Officer, Attorney General, and Commissioner of Agriculture—is charged with the acquisition, administration, management, control, supervision, conservation, protection, and disposition of state lands.¹⁰ The Acquisition and Restoration Council (ARC) is a 10-member body that makes recommendations to the board of trustees on the acquisition, management, and disposal of state-owned lands.¹¹ The Division of State Lands within the Department of Environmental Protection (DEP) provides primary staff support for the board of trustees and ARC.¹²

Surplusing State-owned Conservation Lands

The Florida Constitution and state statutes establish the process for surplusing conservation lands. For state-owned conservation lands, the process begins with a review by ARC.¹³ ARC reviews requests to surplus lands by private and public entities.¹⁴ In its review, ARC must determine whether the request for surplusing is compatible with the resource values of and management objectives for the subject lands and makes a recommendation to the board of trustees.¹⁵

⁴ *Id.* at 7; Ch. 99-247, Laws of Fla. (codified as amended at section 259.105, F.S.).

⁵ Department of Environmental Protection (DEP), *2025 Florida Forever Plan*, 3 (2025), available at https://floridadep.gov/sites/default/files/FLDEP_DSL_OES_FF_2025_FloridaForeverAnnualPlan.pdf.

⁶ EDR, *Annual Assessment of Florida's Conservation Lands: 2025 Edition, Chapter 1* at 4.

⁷ *Id.* at 13. This figure is as of July 2024. *Id.*

⁸ *Id.*

⁹ *Id.*

¹⁰ Section 253.03(1), F.S.; FLA. CONST. art. IV, s. 4(f). *See also* section 253.03, F.S.

¹¹ Sections 259.035(1) and (3), F.S. Four of ARC's 10 members are appointed by the Governor: three from scientific disciplines related to land, water, or environmental sciences and one with least five years of experience in managing lands for both active and passive types of recreation. Four of the members must include the Secretary of Environmental Protection, the director of the Florida Forest Service, 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 respective designees. One member is appointed by the Commissioner of Agriculture from a discipline related to agriculture, including silviculture, and one member is appointed by the Fish and Wildlife Conservation Commission from a discipline related to wildlife management or wildlife ecology. Section 259.035(1)(a)-(c), F.S.

¹² DEP, *2025 Florida Forever Plan* at 2.

¹³ Section 253.0341(1), F.S. *See generally* DEP, *FAQ: Disposition of State Lands and Facilities Annual Report*, <https://floridadep.gov/lands/bureau-public-land-administration/content/faq-disposition-state-lands-and-facilities-annual> (last visited Dec. 10, 2025).

¹⁴ Section 253.0341(11), F.S. Local government requests to surplus land, whether for purchase, exchange, or any other means of transfer, must be expedited throughout the surplusing process. Section 253.0341(1), F.S.

¹⁵ Section 253.0341(6), F.S.

In addition to surplus requests, ARC also reviews conservation lands that are not actively managed by a state agency, lands that do not have a land management plan, and lands not being used for the purpose for which they were originally leased to a land manager.¹⁶ ARC then recommends to the board of trustees whether such lands should be retained in public ownership or disposed of by the board of trustees.¹⁷

Upon receiving ARC's recommendation, and pursuant to the State Constitution, the board of trustees may dispose of conservation lands if it determines the lands are no longer needed for conservation purposes and upon an affirmative vote of at least three members.¹⁸ The Division of State Lands sets the sale price for surplus lands based on an appraisal of the property.¹⁹ If the estimated value of the land is \$500,000 or less, a comparable sales analysis or broker's opinion of value may be used. The value must be based on the highest and best use of the property, considering all applicable development rights, to ensure the maximum benefit and use to the state.²⁰

Land Exchanges

In addition to selling lands, the board of trustees is also authorized to exchange state lands for other lands in the state, including lands owned by counties, local governments, individuals, or private or public corporations.²¹

A person who owns land contiguous to state-owned land may submit a request to the Division of State Lands to exchange some or all of their private land for some or all of the state land, provided the state keeps a permanent conservation easement on portions of both the state and private lands being exchanged.²² The exchanged state-owned land must be contiguous to the privately owned land upon which the state retains a permanent conservation easement.²³

¹⁶ Sections 253.0341(4) and (5), F.S. At least every 10 years, as a component of each land management plan or land use plan, each manager must evaluate and indicate to the board of trustees those lands that are not being used for the purpose for which they were originally leased. Section 253.0341(4), F.S.

¹⁷ Section 253.0341(4), F.S.

¹⁸ FLA. CONST. art. X, sec. 18.; section 253.0341(1), F.S. Lands acquired by the state before July 1, 1999, using proceeds from Preservation 2000 bonds, the former CARL Trust Fund, the former Water Management Lands Trust Fund, Environmentally Endangered Lands Program, and the Save Our Coast Program and titled to the board of trustees which are identified as core parcels or within original project boundaries are deemed to have been acquired for conservation purposes. For any lands purchased by the state on or after July 1, 1999, the board of trustees must determine which parcels must be designated as having been acquired for conservation purposes before acquisition. Sections 253.0341(2) and (3), F.S. If the land was acquired under the Preservation 2000 program, the board of trustees (or water management districts, if applicable) must determine that the land no longer needs to be preserved in furtherance of the intent of the Florida Preservation 2000 Act. Section 259.101(5)(b), F.S.

¹⁹ Section 253.0341(8), F.S. The division may require a second appraisal. *Id.*

²⁰ *Id.* "Highest and best use" means the reasonable, probable, and legal use of vacant land or an improved property which is physically possible, appropriately supported, financially feasible, and results in the highest value. *Id.*

²¹ Section 253.42 (1), F.S. For conservation lands acquired by the state through gift, donation, or any 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. *Id.*

²² Section 253.42(4)(a), F.S.

²³ *Id.* Land subject to a permanent conservation easement is subject to inspection by DEP to ensure compliance with the terms of such easement. Section 253.42(4)(d), F.S.

After receiving a request and the Division of State Lands's recommendations, 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;
- The approval does not result in a violation of the terms of a preexisting lease or agreement by the board of trustees, DEP, the Department of Agriculture and Consumer Services, or the Fish and Wildlife Conservation Commission;
- For state-owned conservation lands, the board of trustees makes a determination that the exchange of land will result in a net positive conservation benefit;
- The approval does not conflict with any existing flowage easement; and
- The request is approved by three or more members of the board of trustees.²⁴

An appraisal is required for each parcel conveyed to the board of trustees through a land exchange.²⁵ Two appraisals are required when the estimated value of the parcel exceeds \$5 million.²⁶ If both appraisals exceed \$5 million and differ significantly, a third appraisal may be obtained.²⁷ If a parcel is estimated to be worth \$100,000 or less and the director of the Division of State Lands finds that the cost of an outside appraisal is not justified, a comparable sales analysis, an appraisal prepared by the division, or other reasonably prudent procedures may be used by the division to estimate the value of the parcel, provided the public's interest is reasonably protected.²⁸ All appraisals must be prepared by a state-certified appraiser.²⁹ Appraisal fees and associated costs are paid by the agency proposing the acquisition.³⁰

Notice

State agencies must give notice of public meetings, hearings, and workshops by publication in the Florida Administrative Register and on the agency's website at least seven days before the event.³¹ The notice must include a statement of the general subject matter to be considered.³² The agenda and meeting materials must also be published on the agency's website.³³ Changes to the agenda can only be made for good cause, and notice of the change must be provided at the earliest practicable time.³⁴

²⁴ Section 253.42(4)(b), F.S.

²⁵ Section 253.025(8)(b), F.S. and Fla. Admin. Code R. 18-1.010. However, the state is not required to appraise the value of lands that are being donated. Section 253.025(8)(b), F.S.

²⁶ Section 253.025(8)(b), F.S.

²⁷ *Id.*

²⁸ *Id.*

²⁹ Section 253.025(8)(c), F.S. *See also* Fla. Admin. Code R. 18-1.007.

³⁰ Section 253.025(8)(c), F.S.

³¹ Section 120.525(1), F.S. "Agencies" subject to public hearing requirements include, among others, state officers, the Governor, and governmental entities including, but not limited to, state departments; multicounty special districts (unless a majority of its governing board is comprised of nonelected persons); entities described in chapters 163, 373, 380, and 582; and officers and governmental entities in the state having statewide jurisdiction or jurisdiction in more than one county. Section 120.52(1), F.S.

³² Section 120.525(1), F.S.

³³ Section 120.525(2), F.S.

³⁴ *Id.*

After receiving an application requesting the board of trustees to sell, exchange, lease, or grant an easement on state-owned land, the board must provide notice of the application and certain information related to the proposal.³⁵ The notice must include:

- Name and address of the applicant;
- A brief description of the proposed activity and any mitigation;
- The location of the proposed activity, including whether it is located within an Outstanding Florida Water³⁶ or aquatic preserve;
- A map identifying the location of the proposed activity subject to the application;
- A diagram of the limits of the proposed activity; and
- A name or number identifying the application and the office where the application can be inspected.³⁷

Any public lands vested in the board of trustees may not be sold, conveyed, or disposed of by the board of trustees until such notice has been given.³⁸ However, state law does not specify when the notice must be issued. Failure to provide notice does not invalidate the sale, exchange, lease, or easement.³⁹ The board may also publish or require an applicant to publish a notice of receipt of the application and intended agency action in a newspaper of general circulation.⁴⁰

Surplus Water Management District (WMD) Conservation Lands

Like the board of trustees, a WMD's governing board is authorized to sell land it determines to be surplus.⁴¹ For conservation lands, the governing board must make a determination that the lands are no longer needed for conservation purposes and may dispose of them by a two-thirds vote.⁴² For lands acquired with Florida Forever funds, WMDs must first offer title to the board of trustees, with certain exceptions.⁴³ Otherwise, surplus lands must be sold at the highest price obtainable, but not less than the appraised value of the lands, as determined by a certified appraisal obtained within 360 days before the effective date of the contract for sale.⁴⁴ When a

³⁵ Section 253.115(1), F.S.

³⁶ An Outstanding Florida Water is a water designated worthy of special protection because of its natural attributes. DEP, *Outstanding Florida Waters*, <https://floridadep.gov/dear/water-quality-standards/content/outstanding-florida-waters> (last visited Dec. 10, 2025); see Fla. Admin. Code R. 62-302.700(2) and (9).

³⁷ Section 253.115(1), F.S.

³⁸ Section 270.07, F.S. Notice requirements do not apply to homestead, railroad, or canal grants, or the conveyance of certain riparian lands. *Id.*

³⁹ Section 253.115(4), F.S.

⁴⁰ Section 253.115(3), F.S.

⁴¹ Section 373.089(1)(a), F.S.

⁴² Section 373.089(6)(a), F.S. and FLA. CONST. art. X, s. 18. Any land a governing board owned before July 1, 1999, is considered to have been acquired for conservation purposes. For lands acquired after this date, the governing board must determine which parcels will be designated as having been acquired for conservation purposes. Section 373.089(6)(c) and (d), F.S.

⁴³ Section 373.089(7), F.S. These exceptions include the disposition of lands for the following purposes: (a) linear facilities, including electric transmission and distribution facilities, telecommunication transmission and distribution facilities, pipeline transmission and distribution facilities, public transportation corridors, and related appurtenances; (b) the disposition of the fee interest in the land where a conservation easement is retained by the district to fulfill the conservation objectives for which the land was acquired; (c) an exchange of the land for other lands that meet or exceed the conservation objectives for which the original land was acquired; (d) lands to be used by a governmental entity for a public purpose; (e) the portion of an overall purchase deemed surplus at the time of the acquisition. *Id.*

⁴⁴ Section 373.089(6)(b), F.S.

parcel is no longer necessary for conservation purposes and is valued at \$25,000 or less, a WMD may offer it for sale to adjacent landowners before being made available to the general public.⁴⁵

WMD governing boards can also exchange district-owned lands for other lands within the state.⁴⁶ The WMD's governing board sets the terms and conditions of any such exchange and may pay or receive any sum of money the governing board considers necessary to equalize the values of exchanged properties.⁴⁷

Notice

Before selling surplus land, a WMD's governing board must publish a notice of intention to sell on its website and in a newspaper published in the county where the land is situated once each week for three successive weeks.⁴⁸ The first publication must occur at least 30 days, but not more than 360 days, before the governing board approves the sale.⁴⁹

If the governing board elects to offer for sale the parcel to adjacent property owners, the governing board only needs to publish the notice one time; however, the governing board must also send the notice to adjacent property owners by certified mail and publish the notice on its website.⁵⁰ Fourteen days after publication of such notice, the governing board may sell the parcel to an adjacent property owner or, if there are two or more owners of adjacent property, accept sealed bids and sell the parcel to the highest bidder.⁵¹ If the parcel is not sold to an adjacent property owner, the governing board may sell the parcel at any time to the general public for the highest price obtainable.⁵²

Summary of Recent Surplus Conservation Land Sales

The table below summarizes recent surplus conservation land sales and available surplus.⁵³

⁴⁵ Section 373.089(8)(a), F.S.

⁴⁶ Section 373.089(4), F.S.

⁴⁷ *Id.*

⁴⁸ Section 373.089(3), F.S.

⁴⁹ *Id.*

⁵⁰ Section 373.089(8)(a), F.S.

⁵¹ Section 373.089(8)(b), F.S.

⁵² Section 373.089(8)(c), F.S.

⁵³ EDR, *Annual Assessment of Florida's Conservation Lands: 2025 Edition, Chapter 1, 8* (2025), available at <https://edr.state.fl.us/Content/natural-resources/index.cfm>; Division of State Lands, *2025 Disposition of State Lands and Facilities Report*, 6-7 (2025), available at <https://dms-media.ccplatform.net/content/download/439934/file/10.1.25%202025%20DEP%20Disposition%20of%20State%20Lands%20and%20Facilities%20Report.pdf>.

WMD/State	FY 2021-22		FY 2022-23		FY 2023-24		FY 2024-25		Available Acres for Surplus
	Acres	Revenue (\$Millions)							
NWFWMD	-	\$ -	-	\$ -	-	\$ -	-	\$ -	115.0
SJRWMD	-	\$ -	-	\$ -	-	\$ -	-	\$ -	-
SFWMD	1,052.0	\$ 11.29	-	\$ -	-	\$ -	-	\$ -	-
SWFWMD	-	\$ -	-	\$ -	-	\$ -	-	\$ -	23.5
SRWMD	-	\$ -	-	\$ -	-	\$ -	-	\$ -	-
Board of Trustees	1.3	\$ 0.07	-	\$ -	20.3	\$ 0.29	-	\$ -	6.9
Total	1,053.3	\$ 11.36	-	\$ -	20.3	\$ 0.29	-	\$ -	145.4

III. Effect of Proposed Changes:

Section 1 amends s. 253.041, F.S., regarding surplus of state-owned lands. The bill provides that at least 30 days before the Board of Trustees of the Internal Improvement Trust Fund meets to review the proposed sale of conservation lands, the Division of State Lands⁵⁴ must publish the following information on its website:

- The parcels of state-owned land for sale; and
- A statement explaining why the lands are no longer needed for conservation purposes, for consideration by the board of trustees.

Section 2 amends s. 253.42, F.S., regarding land exchanges by the board of trustees. The bill provides that each parcel proposed for exchange must have at least one appraisal that follows the appraisal criteria, techniques, and methods adopted by the board of trustees.

The bill provides that at least 30 days before the Acquisition and Restoration Council meets to review the proposed land exchange of conservation lands, the Division of State Lands must publish the following information on its website:

- The parcels of state-owned lands proposed for exchange;
- The privately owned parcels of land proposed for exchange;
- The portions of such lands which will be preserved in a permanent conservation easement;
- A statement from the division explaining how the exchange will result in a conservation benefit to the state; and
- Any recommendations from the division and the council related to the request.

Section 3 amends s. 373.089, F.S., regarding the sale or exchange of lands by governing boards of water management districts. The bill provides that at least 30 days before the governing board meets to review the proposed sale or exchange of conservation lands, it must publish the following information on its website, as applicable:

- The parcels of district-owned lands for sale or proposed for exchange;
- The parcels of privately owned lands proposed for exchange;

⁵⁴ The Division of State Lands provides primary staff support for the board of trustees and the Acquisition and Restoration Council. DEP, *2025 Florida Forever Plan, 2 (2025)*, available at https://floridadep.gov/sites/default/files/FLDEP_DSL_OES_FF_2025_FloridaForeverAnnualPlan.pdf.

- The portions of such lands which will be preserved in a permanent conservation easement; and
- A statement from the district explaining why the lands are no longer needed for conservation purposes.

Section 4 makes conforming changes.

Section 5 provides an effective date of July 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The Division of State Lands and water management districts may incur indeterminate costs to implement to the bill's notice requirements.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 253.0341, 253.42, 373.089, and 215.196.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
