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LEGISLATIVE ACTION

Senate	.	House
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The Committee on Environmental Preservation and Conservation (Simpson) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Subsection (4) is added to section 253.42, Florida Statutes, to read:

253.42 Board of trustees may exchange lands.—The provisions of this section apply to all lands owned by, vested in, or titled in the name of the board whether the lands were acquired by the state as a purchase, or through gift, donation, or any other conveyance for which no consideration was paid.

(4) (a) A private individual or a private or public



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13 corporation with privately held land contiguous to state-owned
14 land may submit a request directly to the board to exchange
15 state-owned land for permanent conservation easements over the
16 privately held land. This subsection does not apply to state-
17 owned sovereign submerged land.

18 (b) The exchange may be in an amount of state-owned land
19 not to exceed 640 acres equal in size to the monetary and
20 ecological equivalent of privately held land that the private
21 individual or private or public corporation is willing to put
22 into a permanent conservation easement, not to exceed 1,280
23 acres per exchange.

24 (c) The board shall maintain a permanent conservation
25 easement over the state-owned land being exchanged under this
26 subsection which is similar to the permanent conservation
27 easement that is being established over the privately held land.

28 1. The easement shall:

29 a. Prohibit conversion of native habitats, road
30 construction, and use of agricultural irrigation and plant
31 nutrients.

32 b. Require a perpetual management plan not limited to
33 prescribed fire and control of nonnative invasive species and
34 provide for penalties for failure to perform.

35 2. The applicant must provide financial assurance that the
36 land will be maintained according to the terms of the easement.

37 (d) The board shall consider such request within 180 days
38 after receipt and may approve the request only if:

39 1. The privately held land is surrounded by state-owned
40 land on at least 30 percent of its perimeter, and the exchange
41 does not create an inholding.



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42 2. The board or the Acquisition and Restoration Council
43 conducts an advertised public hearing in the county where the
44 state land is located and recommends the exchange after the
45 hearing. The hearing must include public comment on the equal
46 value exchange required under subsection (2).

47 3. The board makes an affirmative determination, based
48 solely on an assessment on the exchanged land's ecological
49 resources, that the property is no longer needed for
50 conservation purposes pursuant to s. 18, Art. X of the State
51 Constitution.

52 4. The approval does not result in the board, the
53 Department of Environmental Protection, the Department of
54 Agriculture and Consumer Services, the Fish and Wildlife
55 Conservation Commission, or a water management district
56 violating the terms of a preexisting lease agreement.

57 5. The exchange of privately held land and state-owned land
58 pursuant to paragraph (a) will not result in a net gain of
59 conservation value.

60 6. The applicant agrees to reimburse the state for mapping,
61 surveys, appraisals, environmental assessments, legal work, and
62 closing costs.

63 7. Such request is approved by a three-fourths vote of the
64 board.

65 (e) Special consideration shall be given to a request
66 submitted pursuant to this subsection that maintains public
67 access for any recreational purposes allowed on the state-owned
68 land at the time the request is submitted to the board.

69 (f) Lands that are exchanged pursuant to this subsection
70 are subject to inspection by the Department of Environmental



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71 Protection to ensure compliance with the terms of all permanent
72 conservation easements constituting the exchange.

73 Section 2. This act shall take effect July 1, 2013.

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75 ===== T I T L E A M E N D M E N T =====

76 And the title is amended as follows:

77 Delete everything before the enacting clause
78 and insert:

79 A bill to be entitled
80 An act relating to state lands; amending s. 253.42,
81 F.S.; authorizing individuals and corporations to
82 submit requests to the Board of Trustees of the
83 Internal Improvement Trust Fund to exchange state-
84 owned land for conservation easements over privately
85 held land; providing criteria for consideration of
86 such requests; providing that such lands are subject
87 to inspection; providing an effective date.