

Surplus Process (12/14/10)

- 1) The Asset Management Section within the Department of Environmental Protection, Division of State Lands (DSL) pro-actively markets unmanaged state-owned lands* and lands requested for release by managing agencies.
- 2) Conservation lands may not be sold unless a determination is first made that the lands are no longer needed for conservation purposes as required by the Florida Constitution and Florida Statute [Section 253.034(6), F.S., and Article X, Section 18, Florida Constitution]. Requests to surplus conservation lands must be submitted to the Acquisition and Restoration Council, which is comprised of representatives from agencies that manage conservation lands, and four representatives from the private sector appointed by the Governor. ARC acts in an advisory capacity to the Board of Trustees on land management issues. ARC will make its recommendation as to whether the state lands are no longer needed for conservation purposes [Section 18-2.021(7)(c)3].
- 3) The property is offered to state agencies and state universities, with universities given priority consideration [Section 253.034(6) & (15), F.S., and Section 18-2.019, F.A.C.]. For land acquired with conservation funds, the acquisition fund from which the land was purchased must be reimbursed for the value of the property.
- 4) If no interest is expressed by any state agency or state university, the property is offered to local government, with the first right of refusal to purchase given to the county and then the local municipality [Section 253.034(6)(f), F.S., and Section 253.111, F.S., and Section 18-2.019, F.A.C.].
- 5) Market value of the property is determined pursuant to Section 253.034, F.S., and Chapters 18-1 and 18-2, F.A.C. Appraisal fees are paid by the applicant. When appraisal services are required prior to an applicant being identified, funding will be provided by the requesting agency or the Division if no requesting agency. The funds will be reimbursed by the purchaser, lessee or sublessee.
- 6) Asset Management staff prepares a negotiation strategy and markets the property for sale or bid as required by Section 253, F.S. Marketing is done by advertising via newspaper ads, for sale signs, and the surplus land website. Buyers are required to pay all costs of the sale including, but not limited to, survey, appraisal, title work, environmental assessment, etc.
- 7) Asset Management staff prepares contract and handles sales transaction in coordination with the Office of General Counsel.
- 8) Contract is approved and executed within the Division of State Lands under delegation of authority for the sale of non-conservation parcels not exceeding five acres in size and with a market value of \$100,000 or less. All other sales go to the Board of Trustees for approval.
- 9) Deed is prepared and forwarded to the Capitol for execution, and closing is scheduled.

*Prior to making a determination to pro-actively market an unmanaged parcel, Asset Management staff reviews the parcel for the following:

- Wetlands
- Abuts or is within a Florida Forever project boundary
- Abuts or is within a managed area
- Whether the parcel is needed for conservation purposes
- Obvious encroachments
- Title issues
- Marketability

The above requirements are a guideline only and subject to changes in Florida Statute, Florida Administrative Code and Department Policy Exchange Requirements – 2010