

State Land Real Property Disposition Process

- 1) The Asset Management Section within the Department of Environmental Protection (DEP) pro-actively markets unmanaged state-owned real property* and real property requested to be released by the managing agency.
- 2) Conservation land may not be sold unless a determination is first made that the land is no longer needed for conservation purposes as required by the Florida Constitution and Florida Statute [Article X, Section 18, Florida Constitution, and Section 253.034(6), F.S.]. Requests to surplus conservation land must be submitted to the Acquisition and Restoration Council (ARC). ARC acts in an advisory capacity to the Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees) on land management issues. ARC makes its recommendation as to whether the state land is no longer needed for conservation purposes [Section 18-2.021(7)(c)3, F.A.C.]. For land acquired with conservation funds, the acquisition fund from which the land was purchased must be reimbursed for the price received for the property.
- 3) The property must first be offered for lease to state agencies, community colleges and state universities, with universities and community colleges given priority consideration. Properties leased to state agencies, universities and community colleges are at no cost except for a nominal annual administration fee of \$300. [Sections 253.034(6) & (15), F.S., and Section 18-2.019, F.A.C.]
- 4) The property is also offered for purchase, for 45 days, to the local government and state agencies that can hold title. If no interest to lease the property is expressed by any state university, community college or state agency the first right of refusal to purchase is given to the county and then the local municipality, then the state agency [Section 253.034(6)(f), F.S., Section 253.111, F.S., and Section 18-2.019, F.A.C.]. A resolution must be received by the local government or municipality within 45 days of receipt. (Steps 3 and 4 are generally noticed simultaneously to expedite the process.)
- 5) For properties not claimed by universities, community colleges or state agencies which can be sold, market value of the property is determined by an appraisal or staff evaluation 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 obtained prior to an applicant or purchaser being identified, funding will be provided by the requesting agency or DEP if there is no requesting agency. The funds will be reimbursed to the state by the purchaser, lessee or sub lessee.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, for sale signs, and DEP surplus land website (www.dep.state.fl.us/lands/buy_sale.htm). 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 a contract and handles the sale transaction in coordination with the DEP Office of General Counsel.

8) Contract is approved and executed within DEP under delegation of authority for the sale of any Murphy Act parcel; and also for non-conservation parcels (1) with a market value of \$100,000 or less (pursuant to chapter 18-2, F.A.C.) (2) with a value over \$100,000 and under \$500,000 that are being conveyed at a price equal to or exceeding the value (pursuant to chapter 18-2, F.A.C. All other contracts for the sale of real property go to the Board of Trustees for approval.

9) Deed is prepared and submitted to the Board of Trustees 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 or is within a managed area
- Whether the parcel is needed for conservation purposes
- Encroachments
- Title issues
- Marketability