

State Land Real Property Exchange Process

- 1) Applicant initially contacts the managing agency for a determination that the agency supports the exchange. In its evaluation the managing agency will:
 - a) Make an initial determination of state ownership of the properties involved. If the state land was acquired with bond monies (Florida Forever, P-2000, etc.), the exchange could be denied because such exchanges could represent a conversion of lands acquired for conservation purposes, and such conversion may result in a loss of the tax exempt status of the bonds. Each transaction is reviewed on a case-by-case basis in order to ensure that the bonds are not affected. [Section 253.034(6)(k), F.S.]
 - b) If conservation land is involved, the managing agency will also make its recommendation as to whether the exchange will provide a net conservation benefit to the Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees). [Section 253.034, F.S.] Exchange parcels may need to be adjusted to provide the required benefit. The managing agency will also need to make its recommendation that the state-owned land proposed for exchange 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.]
- 2) If the managing agency supports the exchange, the applicant will submit an application for exchange to the Department of Environmental Protection (DEP). Applicants are advised in the application form that they are required to pay all costs of the exchange including, but not limited to, surveys, appraisals, title work, environmental site assessment, etc. [Section 18-2.018(3)(b)3.b., F.A.C.]
- 3) Confirmation of title and acquisition funding will be made by DEP's Title and Land Records Section.
- 4) For conservation lands only, a biological assessment of the parcels proposed for exchange will be prepared.
- 5) Notification of the application is provided to state agencies, state universities and community colleges. If no interest is expressed by any of the agencies, universities or community colleges for the state land to be given up in the exchange, processing of the application will continue. Exchanges are exempt from county noticing. [Section 253.111, F.S.]

6) Exchanges involving conservation lands are also reviewed by the Acquisition and Restoration Council (ARC). ARC acts in an advisory capacity to the Board of Trustees on land management issues. ARC will make its recommendation as to whether the exchange provides a net conservation benefit to the Board of Trustees [Section 18-2.021(7)(e), F.A.C.], and whether the state land is no longer needed for conservation purposes [Section 18-2.021(7)(c)3, F.A.C.].

7) If approved by ARC, survey and appraisal work will be completed and an exchange contract prepared by DEP. If the state-owned parcel is higher in value than the private parcel, the applicant will be required to pay the difference to ensure a value-for-value exchange. If the privately owned parcel is greater in value than the Board of Trustees land, the Board of Trustees will not be required to pay the difference.

8) Contract is approved and executed within DEP under delegation of authority for the exchange 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 exchanges of real property go to the Board of Trustees for approval.

9) The approved file is forwarded to DEP's Closing Section, which completes the Board of Trustees' acquisition requirements, including title work, environmental site assessment and closing documents. DEP's Bureau of Public Land Administration prepares the Board of Trustees deed which is submitted to the Board of Trustees for signatures.

10) Closing is scheduled.