

**SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT**

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

Date: March 27, 1998 Revised: \_\_\_\_\_

Subject: Board of Trustees of the Internal Improvement Trust Fund

	<u>Analyst</u>	<u>Staff Director</u>	<u>Reference</u>	<u>Action</u>
1.	<u>Branning</u>	<u>Voigt</u>	<u>NR</u>	<u>Favorable</u>
2.	_____	_____	<u>ED</u>	_____
3.	_____	_____	<u>WM</u>	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____

**I. Summary:**

This bill transfers certain specified parcels of land from the Board of Trustees of the Internal Improvement Trust Fund to the Florida Atlantic University Foundation, Inc., for the Pine Jog Environmental Education Center. Provides for restrictions on the use of the land.

**II. Present Situation:**

Section 253.03, F.S., provides that the Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees) is vested and charged with the acquisition, administration, management, control, supervision, conservation, protection, and disposition of all lands owned by the state or any of its agencies, departments, boards, or commissions with certain specified exceptions.

Section 253.034, F.S., directs the Board of Trustees to determine which lands, the title to which is vested in the board, are of no benefit to the public and to dispose of such lands. Each state agency indicates to the board which lands managed by the agency are not being used for the purpose for which they were originally leased. Those lands are reviewed by the Land Acquisition and Management Advisory Council (LAMAC) for its recommendations as to whether such lands should be disposed of by the Board of Trustees. After reviewing the recommendations of the LAMAC, the Board of Trustees determines which lands are of "no public benefit" and should be disposed of pursuant to s. 253.034, F.S. In its review, LAMAC considers whether the lands would be more appropriately owned or managed by the county or another unit of local government in which the land is located. A sale, lease, or other conveyance to the local government may be recommended if it would be in the best interest of the state and the local government.

Florida Atlantic University uses approximately 150 acres within an area known as the Pine Jog Subdivision for the Pine Jog Environmental Education Center. The Pine Jog Environmental Center is part of the university's College of Education and is used for environmental education. These 150 acres have three separate owners: the Donnell-Kay Foundation, the Florida Atlantic University Foundation, and the Board of Trustees. Palm Beach County and the Florida Audubon Society have reverter interests in some of the parcels held by the Board of Trustees. There are three leases and one lease addendum between the Board of Trustees and the Florida Board of Regents that allow the university to use the parcels held by the Board of Trustees. The annual lease revenue for these parcels is \$300.

The Pine Jog Subdivision was originally held by Mr. and Mrs. Alfred Kay. In the early 1970s, Mr. and Mrs. Kay wanted to give the property to the university, but the university was prohibited from owning land in its own name. The land was given to the Board of Trustees with leases to the Board of Regents in order to allow the university to use the land. Since that time, the Florida Atlantic University Foundation was established as a direct support organization of the university and may hold title to land for the benefit of the university. The Donnell-Kay Foundation (successor to Mr. and Mrs. Alfred Kay) has donated approximately 33 acres to the FAU Foundation and would like for the property held by the Board of Trustees to be transferred to the FAU Foundation as well. If this property is transferred, then the Donnell-Kay Foundation will donate the remaining 47 acres within the Pine Jog Subdivision to the FAU Foundation. All of this property would then be consolidated under the FAU Foundation and would allow the university to more efficiently and effectively manage the property.

The concept of consolidation of ownership has the support of Palm Beach County, the Florida Audubon Society, and the Department of Environmental Protection, so long as the property continues to be used for environmental education and wildlife preservation and management.

### **III. Effect of Proposed Changes:**

This bill would require the Board of Trustees of the Internal Improvement Trust Fund to transfer certain specified parcels of land currently held by the Board of Trustees and used by the Florida Atlantic University from the Board of Trustees to the Florida Atlantic University Foundation, Inc. These parcels are to be used for the purpose of operating the Pine Jog Environmental Education Center in the College of Education at the Florida Atlantic University, for use as a wildlife refuge, and for such other public purpose as the Board of Regents shall permit. Any activities conducted on the lands must be in compliance with all environmental permit requirements imposed by the appropriate permitting entities.

**IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

**V. Economic Impact and Fiscal Note:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

This land will continue to be used for environmental education and as a wildlife refuge.

C. Government Sector Impact:

Since these lands will no longer belong to the Board of Trustees of the Internal Improvement Trust Fund, the Board will no longer be receiving the annual lease fees of \$300 from the Board of Regents for the Pine Jog Environmental Education Center.

The Department of Environmental Protection has indicated that it is standard procedure to include a reverter clause in any property that the Board of Trustees transfers to a local government or another such entity to ensure that the property is used for its intended use. This property would contain such a reverter clause.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Amendments:**

None.

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This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.

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