

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

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

BILL: CS/SB 2754

SPONSOR: Natural Resources Committee and Senator Dockery

SUBJECT: Acquisition and Conservation of Lands

DATE: April 21, 2003

REVISED: _____

| | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|----|---------------|----------------|------------|---------------|
| 1. | <u>Molloy</u> | <u>Kiger</u> | <u>NR</u> | <u>Fav/CS</u> |
| 2. | _____ | _____ | <u>GO</u> | _____ |
| 3. | _____ | _____ | <u>MS</u> | _____ |
| 4. | _____ | _____ | <u>AGG</u> | _____ |
| 5. | _____ | _____ | <u>AP</u> | _____ |
| 6. | _____ | _____ | _____ | _____ |

I. Summary:

This bill proposes to simplify land acquisition and land management responsibilities for lands purchased and managed under the state's land acquisition programs. Revisions are made to appraisal requirements when the value of a proposed acquisition exceeds \$1 million. A 10-year land management planning process for conservation lands, and a 10-year land use planning process for non-conservation lands are established.

The bill authorizes the Division of State Lands at the Department of Environmental Protection to determine the sale price of surplus lands, taking the appraised value of the lands into consideration. Provisions requiring that surplus lands can be purchased by other units of government at no more than the original amount paid by the state or a water management district are eliminated.

The bill requires that the division, with assistance from counties, begin preparing a state inventory identifying all federal lands, and all lands titled in the name of the state, a state agency, a water management district, or a local government on a county-by-county basis. Payments to local governments under the Payment-In-Lieu-Of-Taxes (PILT) program are extended from 10 to 20 years.

The bill creates a new process to expedite surplus land requests made by local governments, and a new process for the exchange of donated state lands to local governments, including a requirement that the exchange provides an equal value benefit to the state. Finally, the bill requires that the Board of Trustees of the Internal Improvement Trust Fund (Board) execute an agreement to exchange lands with a local government under certain conditions and by a date certain.

This bill substantially amends ss. 253.025, 253.034, 253.42, 253.7823, 259.032, 259.0322, 259.036, 259.037, 259.041, 373.139, 373.59, and 373.5905, Florida Statutes. This bill creates s. 253.0341, Florida Statutes, and repeals ss. 253.783, 253.84, and 259.0345, Florida Statutes..

II. Present Situation:

Chapters 253 and 259, Florida Statutes

Chapters 253 and 259, Florida Statutes, are the primary statutes governing the acquisition, management, and disposal of state-owned lands, and creating the state's land acquisition programs.

Chapter 253, F.S.

Chapter 253, F.S., is entitled "State Lands" and establishes that pursuant to the provisions of s. 7, Art. II, and s. 11, Art. X, of the State Constitution, all lands held in the name of the Board of Trustees of the Internal Improvement Trust Fund (Board) are held in trust for the use and benefit of the people of the state. The Department of Environmental Protection (department) is required to perform staff duties and functions related to the acquisition, administration, and disposition of state lands. This responsibility is assigned by the department to the Division of State Lands (division).

Restrictions on the sale, transfer, or disposal of state lands are established in Chapter 253, F.S.. Land acquisition procedures for voluntary negotiated acquisitions are provided, including appraisal requirements, evidence of marketability of title, public records exemptions, conveyance requirements, and the authority of the Board to deed state-owned property to other state agencies such as the Department of Agriculture & Consumer Services, the Department of Corrections, or the Department of Juvenile Justice.

Chapter 253, F.S., also provides for the emergency acquisition of lands, and establishes provisions relating to the administration, management, and disposition of state-owned lands, as well as the use of state-owned lands. Requirements governing the disposal of conservation and nonconservation state-owned lands through the state's surplus lands process are provided in s. 253.034, F.S.

Chapter 253, F.S., contains requirements for land management plans for state agencies or managing entities of state-owned lands. For conservation lands, management plans must be submitted at least every 5 years, and must be approved by the Board after review by the Acquisition & Restoration Council and the division

Chapter 259, F.S.

Chapter 259, F.S., is entitled "Land Acquisitions for Conservation and Recreation". This chapter contains Florida's nationally known land acquisition programs, the Conservation and Recreation Lands Program (CARL), the Preservation 2000 Program (P2000), and the Florida Forever Program.

Chapter 259, F.S., establishes the purposes for which state-owned lands will be managed including providing the greatest benefit to the public, providing outdoor recreational opportunities, and especially, management for the purposes for which the land was acquired.

The board must adopt a management prospectus for each acquisition project, and can designate an agency or agencies as the lead manager. Advisory groups to assist in the development of management plans authorized in chapter 253, F.S., are created in chapter 259, F.S. The distribution of funds provided for land management purposes are restricted for agencies with overdue land management plans.

The Florida Forever Advisory Council is created in chapter 259, F.S., and consists of seven residents appointed by the Governor, with the responsibility of making recommendations on the distribution of funds under the Florida Forever Program. The report must be submitted to the Secretary of the department, who must in turn forward it to the Board for approval.

The Acquisition & Restoration Council is also created in chapter 259, F.S., and consists of nine voting members, four of whom are appointed by the Governor, and five of who are designees of the state agencies receiving funds under the state's land acquisition programs. The council provides the Board with assistance in reviewing land management plans, but the primary purpose of the Council is to competitively evaluate, select, and rank projects eligible for funding under CARL, P2000 or Florida Forever.

The department is authorized to create regional land management review teams to determine if conservation lands are being managed and used for the purposes for which they were acquired. The review is submitted to the managing agency, to the division, to the Land Acquisition and Management Advisory Council, or its successor, and must be used by the managing agency in finalizing the 5-year update to a land management plan authorized in chapter 253, F.S.. The Land Management Uniform Accounting Council is created within the department with the purpose of reporting on agency's land management expenditures, as provided in chapter 253, F.S.

Requirements for voluntary negotiated acquisitions for conservation, preservation, and recreation lands purchased by the state are created in chapter 259, F.S., and mirror the acquisition requirements of chapter 253, F.S.

III. **Effect of Proposed Changes:**

Section 1: Amends s. 253.025, F.S., to provide that two appraisals are required when the value of a parcel proposed for acquisition by the state exceeds \$1 million. Revises provisions requiring an appraisal by the Division when the parcel being purchased is less than \$100,000 to provide that the Division may use a comparable sales analysis or other reasonably prudent process to estimate the value of the parcel so long as the public interest is reasonably protected. Provides that the state is not required to appraise lands and appurtenances being donated to the state

Section 2: Amends s. 253.034, F.S., to provide that donated state lands are not conservation lands unless they are being managed for conservation, outdoor resource-based recreation, or archaeological or historic preservation purposes under a land management plan approved by the Board. Provides that managers of conservation lands must submit a land management plan every 10 years to the division.

Provides that managers of non-conservation lands must submit a land use plan every 10 years to the division. Provides that all land use plans must include an analysis of the property to

determine if any significant or cultural resources are located on the property. Provides that significant or cultural resources includes archaeological and historic sites, state and federally listed plant and animal species, and imperiled natural communities with unique natural resources. Provides that land use plans must also detail efforts to the control of invasive non-native plants, and the conservation of soil and water resources, including a plan describing how soil and water contamination will be controlled and prevented.

Authorizes the Division of State Lands to determine the sale price of lands determined to be surplus so long as appraised value is taken into consideration. Deletes provisions requiring that surplus properties be sold to other units of government at no more than the original price paid by the state or a water management district. Authorizes the Board to adopt rules that include procedures for administering surplus land requests, and criteria that allows the division to approve requests to surplus non-conservation lands.

Requires the Division of State Lands to begin preparing a state inventory of all federal lands, and all lands titled in the name of the state, a state agency, a water management district, or a local government on a county-by-county basis. Provides an exemption from the inventory for rights-of-way for existing, proposed, or anticipated transportation facilities. Requires that the state inventory must identify under which land acquisition program state-owned and water management district lands were acquired. Requires that counties assist in the development of the state inventory through development of a county inventory identifying all federal lands, and all lands titled in the name of the state, a state agency, a water management district, or a local government.

Section 3: Creates s. 253.0341, F.S., to provide that counties and local governments can submit surplus requests directly to the Board of Trustees. Authorizes the Board to decide to surplus state-owned lands without a review or recommendation from the Acquisition & Restoration Council or the division. Provides that local government surplus requests be expedited throughout the surplus process, and be considered at the first Board meeting scheduled within 60 days of the Board's receipt of the request to surplus.

Section 4: Amends s. 253.42, F.S., to authorize the Board to exchange all lands titled in the name of the state for lands owned by counties, local governments, individuals, and private or public corporations. Donated nonconservation lands must first be offered by the state to a county or local government at no cost so long as the county or local government proposes to use the property for a public purpose. The state can request land of equal conservation value if exchanging donated conservation lands to a county or local government, but can not request any other consideration.

Provides that when exchanging all lands with counties or local governments, other than those which were donated or for which no consideration was paid, the Board may require an exchange of equal value. Provides that equal value can be conservation land for conservation land, or can be land and monetary consideration equal to the appraised value of the state lands being offered for exchange. Provides that equal value under this section is a net positive conservation benefit.

Section 5: Amends s. 253.7823, F.S., to revise requirements relating to the disposition of former barge canal lands, and to remove obsolete references to payments to counties for barge canal lands.

Section 6: Amends s. 259.032, F.S., to delete the reversion of unused PILT funds to the Conservation & Recreation Lands Trust Fund (CARL). Provides that on behalf of a local government, the state agency that acquired the property is responsible for preparing and submitting application requests for payment to the Department of Revenue.

Section 7: Amends s. 259.0322, F.S., to authorize the Department of Environmental Protection to make PILT payments for 20 years, including the reinstatement of payment to eligible entities with payments suspended under the current 10-year cap.

Section 8: Amends s. 259.036, F.S., to provide that the division must schedule land management **reviews** at least every 5 years for management areas that exceed 1,000 acres in size. A copy of the review must be provided to the Acquisition & Restoration Council.

Section 9: Amends s. 259.041, F.S., to clarify language establishing the Board's authority to waive requirements or rules relating to the acquisition of state-owned lands for preservation, conservation, or recreation purposes.

Section 10: Amends s. 373.139, F.S., to delete obsolete language relating to the acquisition of real property by the water management districts.

Section 11: Amends s. 373.59, F.S., to provide that Save Our Everglades monies deposited into the Water Management Lands Trust Fund can be used by the water management districts to make PILT payments. Provides that PILT payments can be made for 20 years. Provides that the water management district that acquired the land is responsible for preparing and submitting PILT payment application requests to the Department of Revenue on behalf of a local government.

Section 12: Amends s. 373.5905, F.S., to authorize the water management districts to make additional payments to eligible entities with payments suspended under the current 10-year cap.

Section 13: Provides that in an exchange of lands contemplated between the Board and a local government, the lands proposed for exchange by the state and the local government are of equal value if the land being offered for exchange by the state is donated property no longer needed for conservation purposes, if the land is no larger than 200 acres, and if the local government and the division have been negotiating a land exchange for at least one year. Provides that the Board must exchange lands with a local government under these provisions no later than August 15, 2003. Provides that the lands conveyed to the local government must be used for a public purpose, or title will revert to the state..

Section 14: Repeals s. 253.783, F.S., relating to duties of the department to acquire barge canal lands, s. 253.84, F.S., relating to the acquisition of lands with cattle-dipping vats, and s. 259.0345, F.S., creating the Florida Forever Advisory Council.

Section 15: Provides that the bill will take effect July 1, 2003.

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:

C. Government Sector Impact:

The DEP will incur some costs due to the inventory requirements of the bill. The DEP should see some savings as a result of the proposed changes for appraisal requirements. Proceeds from land sales should increase because state lands or water management district lands can be sold to local governments for appraised value instead of the price at which they were purchased by the state or the water management district.

Local governments will incur some costs due to the inventory requirements of the bill. Local governments may also spend more to purchase surplus state lands as the state is no longer required to sell those lands to local governments at a price no higher than the state or water management district's original acquisition price.

Local governments will benefit from an additional 10 years of payments under the PILT provisions of the bill. Local governments may generate some savings due to provisions of the bill requiring that donated lands must first be offered to local governments at no cost. Local governments may also generate savings due to the expedited land surplus process established in the bill.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.

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