

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1513 w/CS Regulating the Consolidation and Recordation of Lands
SPONSOR(S): Harrell
TIED BILLS: **IDEN./SIM. BILLS:** SB 2548

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Local Affairs (Sub)</u>	<u>10 Y, 0 N</u>	<u>Grayson</u>	<u>Cutchins</u>
2) <u>Local Government & Veterans' Affairs</u>	<u>19 Y, 0 N w/CS</u>	<u>Grayson</u>	<u>Cutchins</u>
3) <u>Judiciary</u>	<u></u>	<u></u>	<u></u>
4) <u></u>	<u></u>	<u></u>	<u></u>
5) <u></u>	<u></u>	<u></u>	<u></u>

SUMMARY ANALYSIS

Currently, throughout some areas of Florida, antiquated subdivisions and platted lands remain that fail to meet the original purposes of the subdivision or platting. These antiquated subdivisions and platted lands provide numerous problems for local governments and property owners alike.

This bill amends 27 provisions of the Florida Statutes to enable local governments to reassemble antiquated subdivisions and platted lands to accomplish the following:

- Provide property owners with relief from a high degree of vacancy that frustrates the original purpose of some platted lands.
- Encourage improved environmental standards.
- To reverse current inefficient provision of governmental services, and to foster revenue growth through increased tax base.
- Allow antiquated subdivisions to be considered as "blight" under the Community Redevelopment Act and permits reassembly as an allowable function of a community redevelopment area.
- Establish reassembly as constituting a public purpose.
- Expedite the escheating process to the local government related to delinquent tax certificates.
- Address antiquated subdivisions in the local comprehensive planning process.
- Recognize relief and flexibility relative to due process of law and the obligation for fair and just compensation when carrying into effect the reassembly of land.

The bill does not appear to impact the state budget.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

STORAGE NAME: h1513b.lgv.doc
DATE: April 5, 2004

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. DOES THE BILL:

- | | | | |
|--------------------------------------|------------------------------|-----------------------------|---|
| 1. Reduce government? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. Lower taxes? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. Empower families? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a “no” above, please explain:

B. EFFECT OF PROPOSED CHANGES:

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Benefit to existing property owners: The bill will provide the opportunity for counties to correct some of the problems that plague existing owner/residents in these areas by providing a means to restructure surrounding or adjacent properties in such as way as to enable their development, thereby removing vacant/abandoned lots and consequently increase land values.

Private property rights: Existing law found at s. 163.3161, F.S., related to the comprehensive planning process; and newly created s. 177.101(4)(d), F.S., related to replatting; both provide for full and just compensation related to any taking of private property rights

Background

Florida’s ever increasing population places constant demands on the state’s limited land areas to accommodate such growth. For a variety of reasons, certain tracts of land known as platted lands, cannot be developed or put to other uses. Platted lands (also referred to as antiquated subdivisions) refer to those areas which, although platted, recorded and sold, are not suitable for development or other appropriate use due to non-compliance with applicable land use regulations or other factors such

as environmental issues. Many of the subdivisions are removed from the pool of land available for development or other appropriate use. The majority of the areas affected by platted lands sites are located in the southwest quadrant of the state, However, other parts of the state are experiencing platted lands problems in varying degrees.

Starting in the 1920's, and carrying through the 1970's, enterprising businessmen sold land in Florida to people around the globe. While many sales were legitimate, some sales strategies called for twenty-three lots to an acre or sold land described as "waterfront" that was miles and miles away from any coast. In other areas, only paper plats were sold, and were never recorded and never experienced any development. Large-scale marketing land sale ventures were conducted by companies that owned enormous tracts. Governmental regulation of land sales, poor planning by some land sale companies and lack of research by prospective buyers contributed to the creation of millions of acres that now stagnate as undevelopable or useable. It is estimated that Florida has more than 2,600 antiquated subdivisions, covering over 2.1 million lots. In the 1980s, as the state and local governments became more involved in land use regulations, the problems caused by antiquated subdivisions became more apparent. Developers, private lot owners, and service providers also became aware of the obstacles caused by antiquated subdivisions as their own plans were stymied.

The Platted Lands Problem

Although what constitutes optimal neighborhood design is constantly being reevaluated by planners, architects and residents, there appears to be consensus that antiquated subdivisions do not carry traits that are conducive to providing a high quality of life.

Platted lands are often characterized by one or more of the following traits: fiscally unsound, or lack of, service delivery; housing developments with no lands set aside for parks, schools or commercial sites; lack of cohesive character in an area with no ability to ensure sound planning; lack of environmental sensitivity; inadequate planning for emergency management and evacuation, and; serious infrastructure deficits, such as water and wastewater systems.

C. SECTION DIRECTORY:

Section 1. Amends s. 95.191, F.S., relating to limitations when tax deed holder is in possession.

Section 2. Amends s. 95.192(1), F.S., relating to limitation upon acting against tax deed.

Section 3. Amends ss. 125.01(1)(g), (h) and (j), F.S., relating to county governing board powers and duties.

Section 4. Amends s. 127.01(3), F.S., relating to counties delegated power of eminent domain.

Section 5. Amends ss. 163.3164(23) and (32), F.S., relating to definitions in the Local Government Comprehensive Planning and Land Development Regulation Act.

Section 6. Amends s. 163.3177(6)(a), F.S., relating to required and optional comprehensive plan elements.

Section 7. Amends ss. 163.3202(2)(a) and (3), F.S., relating to land development regulations.

Section 8. Amends ss. 163.340(9) and (10), F.S., relating to definitions of "community redevelopment," "redevelopment," and "community redevelopment area."

Section 9. Amends s. 163.360(8)(b), F.S., relating to community redevelopment plans.

Section 10. Amends 166.411(12), F.S., relating to eminent domain.

Section 11. Amends s. 177.011, F.S., relating to local government regulation of platting, replatting and reassembly.

Section 12. Amends s. 177.031(18), F.S., relating to definitions of "subdivision" and "land assembly or adjustment."

Section 13. Amends s. 177.091, F.S., relating to plats made for recording.

Section 14. Amends s. 177.101, F.S., relating to assembly, replat, vacation and annulment of plats subdividing land.

Section 15. Amends s. 177.111, F.S., relating to instructions for filing plats.

Section 16. Amends s. 290.003, F.S., relating to the policy and purpose for the Florida Enterprise Zone Act of 1994.

Section 17. Amends s. 290.0058(4), F.S., relating to the determination of pervasive poverty, unemployment and general distress.

Section 18. Amends ss. 380.031(8), (21), and (220), F.S., relating to definitions respectively of "land development regulations," "land assembly or adjustment," and "antiquated subdivisions."

Section 19. Amends s. 695.01(1), F.S., relating to conveyances to be recorded.

Section 20. Amends s. 696.01, F.S., relating to contracts for sale of realty that must be acknowledged in order to be recorded.

Section 21. Amends s. 697.01(1), F.S., relating to instruments that are deemed to be mortgages.

Section 22. Provides for an effective date of upon becoming law.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

Provides a potential for additional ad valorem revenues resulting from the reassembly of certain lands and the eventual productive economic or environmental use of those lands.

2. Expenditures:

Unknown.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Unknown.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable because this bill does not appear to: require the counties or cities to spend funds or take an action requiring the expenditure of funds; reduce the authority that cities or counties have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with cities or counties.

2. Other:

The bill appears to address concerns regarding the due process of law and the compensation resulting from governmental taking of lands.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

On March 31, 2004, the Subcommittee on Local Affairs favorably recommended two amendments. Amendment 1 changes the language of line 129 to provide that replatting is considered a public purpose. Amendment 2 excludes state highway system roads from the vacation of streets provision in line 676.

On April 1, 2004, the Committee on Local Government & Veterans' Affairs adopted the two amendments referenced above.