

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 705 CS

Surplus State Lands

SPONSOR(S): Littlefield

TIED BILLS:

IDEN./SIM. BILLS: SB 1512

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Environmental Regulation Committee	6 Y, 0 N	Perkins	Kliner
2) Transportation & Economic Development <input type="checkbox"/> Appropriations Committee	19 Y, 0 N	McAuliffe	Gordon
3) State Resources Council	9 Y, 0 N, w/CS	Perkins	Hamby
4) _____	_____	_____	_____
5) _____	_____	_____	_____

SUMMARY ANALYSIS

The bill amends a surplus land statutory provision to permit the Department of Environmental Protection (DEP) to return any parcel of surplus land less than three acres in size that was gifted or conveyed to the state by a fair association prior to 1955. The land will be reconveyed by the state to the fair association provided the DEP files a notice of intent to surplus by July 1, 2007. The bill provides the agency that last held a lease from the Board of Trustees for the management of the land may remove any and all improvements, fixtures, goods, wares, and merchandise from the land within 180 days of the effective date of the reconveyance.

The bill provides for this statutory provision to expire on July 1, 2007.

The bill does not appear to have a significant fiscal impact on state or local government.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

The bill does not appear to implicate any of the House Principles.

B. EFFECT OF PROPOSED CHANGES:

Present Situation

The parcel of land affected by this bill is located in Pasco County, Florida and was conveyed to the State Board of Education from the Pasco County Fair Association in 1954. The property was to be used by the University of Florida Agricultural Experiment Station as a Poultry Diagnostic Clinic. The Pasco County Fair Association requested that in the event the property would no longer be used by the experiment station that the property revert back to the Pasco County Fair Association. However, the deed did not contain such a reverter clause.

Section 253.034, F. S., provides the criteria for the state to dispose of surplus lands. State lands identified as surplus are offered to local governments first and if the local governments have no interest in acquiring the proposed surplus property, the surplus land is then available for sale on the private market.

Presently, there is no surplus criteria identified in statute associated with lands previously gifted or conveyed to the state by a fair association incorporated under Chapter 616, F. S.

Effect of Proposed Change

The bill amends section 253.034, F.S., to permit DEP to reconvey any parcel of surplus land less than three acres in size which was conveyed or gifted to the state by a fair association prior to 1955. This land must have been incorporated under chapter 616, F.S., for the purpose of conducting and operating public fairs or expositions. The agency that last held a lease from the Board of Trustees for the management of the land may remove any and all improvements, fixtures, goods, wares, and merchandise from the land within 180 days of the effective date of the reconveyance. DEP is required to file a notice of intent to surplus by July 1, 2007.

The bill provides for this statutory provision to expire on July 1, 2007.

C. SECTION DIRECTORY:

Section 1. Amends s. 253.034(6)(f), F.S., relating to surplus state-owned lands.

Section 2. Provides the act will take effect July 1, 2006.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The Bureau of Appraisal, Division of State Lands, has estimated a value range for the property to be between \$130,000 to \$175,000 and the improvements located on the property to range in value

from \$0.00 to \$30,000. Note, this is not an official appraised value; however, it is indicative of a potential range of value for the property and improvements based on comparable sales in the area. If the state were to surplus this land to the private market, the state would expect revenue based on the fair market value of the appraised value of the property. However, the bill provides for a reconveyance to a fair association which is interpreted to mean at "no cost."¹

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

Pasco County Fair Association will be the beneficiary of a parcel of land previously conveyed to the Florida Board of Education in 1954.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

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 cities or counties to spend funds or take actions 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:

None.

B. RULE-MAKING AUTHORITY:

No additional rulemaking authority is required to implement the provisions of this bill.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Division of Forestry (DOF) Comments:

The property referred to in HB 705 was deeded to the Board of Education by the Pasco County Fair Association in 1954. It was used as an animal diagnostic lab until the mid-1990's, and was then leased to DOF by the Trustees in 1996. The improvements made by the Division of Animal Industry were transferred to DOF's inventory in September 1996. If the bill passes the land will revert back to the Pasco County Fair Association. The improvements were built after the title transferred to the State. There are two improvements on the DOF property inventory - a concrete block structure and a fence.

¹ DEP e-mail dated March 17, 2006

The DOF objective is to dispose of the building without any significant expense. The Pasco County Fair Association advises that if the legislation passes and the building is put out for bids, the Pasco County Fair Association will submit a bid so if a third party does not purchase the building to be moved off site, the Pasco County Fair Association will acquire the building. This would achieve DOF's objective on the structures.

DEP Comments:

The department is only aware of one parcel that would fit the criteria in the bill at the present time and recommends the bill be amended to reflect the following language underlined:

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

On March 22, 2006, the State Resources Council favorably adopted one amendment to HB 705. The amendment specifies that the agency that last held a lease from the Board of Trustees for the management of the land may remove any and all improvements, fixtures, goods, wares, and merchandise from the land within 180 days of the effective date of the reconveyance.