

**HOUSE OF REPRESENTATIVES STAFF ANALYSIS**

**BILL #:** HB 7169 PCB GAP 10-30 State-owned Real Property

**SPONSOR(S):** Governmental Affairs Policy Committee and Schenck

**TIED BILLS:** **IDEN./SIM. BILLS:**

	<b>REFERENCE</b>	<b>ACTION</b>	<b>ANALYST</b>	<b>STAFF DIRECTOR</b>
Orig. Comm.:	Governmental Affairs Policy Committee	11 Y, 0 N	Tait	Williamson
1)	Economic Development & Community Affairs Policy Council	16 Y, 0 N	Tait	Tinker
2)				
3)				
4)				
5)				

**SUMMARY ANALYSIS**

During the regular 2009 session, the Florida Legislature directed the Department of Management Services (DMS) to create, administer and maintain a comprehensive database of all state-owned real property and directed the agency to create a plan to compile the information necessary.

Through its research, DMS found that independent legislation over the last three decades has led to disparate public land databases—creating redundancy, as well as gaps in information. In February 2010, DMS and the Department of Environmental Protection (DEP) recommended to the Legislature that leveraging an existing DEP property database, the Land Information Tracking System, would provide the best option for creating a comprehensive database of all state-owned real property.

To implement a comprehensive database of state-owned real property, the bill makes several changes in consideration of the proposal submitted by DMS, DEP and the Department of Revenue (DOR). The bill requires DEP to maintain a comprehensive database of all state-owned real property and to ensure the database is available to the public in an electronic format. The bill creates new requirements for DMS and DOR to supply data to the comprehensive database.

The bill eliminates the requirement for DEP to maintain two current databases: the Public Lands Inventory and the Florida Statewide Public Lands Inventory. Both of these databases contain information that will be available in the comprehensive database.

The Department of Environmental Protection estimates that the creation of a comprehensive database will save approximately \$100,000 annually through the elimination of redundant databases. Additional revenues could be realized in the future through any surplus sales. DEP and DMS plan to share in costs associated with design and development of the comprehensive database through current fiscal resources. The total estimated cost to consolidate systems is estimated at \$643,500.

There may be minimal administrative costs associated with a new annual requirement for local governments to provide annual property information to local property appraisers. In addition, property appraisers will see an increase in workload due to changes in this bill that require a physical inspection of state-owned property at the request of the owner.

The bill has an effective date of July 1, 2010.

## HOUSE PRINCIPLES

Members are encouraged to evaluate proposed legislation in light of the following guiding principles of the House of Representatives

- Balance the state budget.
- Create a legal and regulatory environment that fosters economic growth and job creation.
- Lower the tax burden on families and businesses.
- Reverse or restrain the growth of government.
- Promote public safety.
- Promote educational accountability, excellence, and choice.
- Foster respect for the family and for innocent human life.
- Protect Florida's natural beauty.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### **Background**

During the regular 2009 session, the Florida Legislature directed the Department of Management Services (DMS or department) to create, administer and maintain a comprehensive database of all state-owned real property and directed the agency to create a plan to compile the information necessary.<sup>1</sup> The agency submitted the plan to the House, Senate and Governor in January 2010, with a subsequent addendum in February 2010.

Through its research, the department found that independent legislation over the last three decades has led to disparate public land databases—creating redundancy, as well as gaps in information.

There are several statewide databases for state-owned land including:

- The Department of Environmental Protection (DEP) Public Lands Inventory – a database of all public lands containing more than 67,000 state-owned parcels.
- The DEP Florida Statewide Public Lands Inventory – a database of all public lands captured directly from county property appraisers.
- The DEP Board of Trustees Land Document System – a listing of state-owned lands owned by the Board of Trustees.
- The DEP Lands Information Tracking System (LITS) – currently under development, this database will contain funding, data, and mapping information related to lands acquired from Florida Preservation 2000 or Florida Forever.
- The Department of Revenue Tax Rolls – an inventory of all private and public lands provided by county property appraisers to ensure counties meet minimum assessment standards.
- The DMS State Facilities Inventory – includes condition information on more than 3,800 state-owned buildings.
- The Department of Financial Services Risk Management Database – includes more than 20,000 state-owned buildings and structures for insurance assessments.<sup>2</sup>

In its final report to the Legislature, the Department of Management Services outlined three options for meeting the requirements outlined by the 2009 Florida Legislature:

- 1) Outsource the implementation and management of the state-owned real property database;

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<sup>1</sup> Chapter 2009-77, L.O.F. (SB 1804)

<sup>2</sup> Senate Bill 1804: Final Report to the Legislature, Plan for a Comprehensive Database for State-owned Real Property, Department of Management Services, January, 4, 2010.

- 2) Develop a new database in DMS that meets requirements set forth in law; or
- 3) Create a new database in DMS or DEP that consolidates existing databases to meet the requirements in law.

In February 2010, DMS and DEP recommended to the Legislature that leveraging an existing DEP property database, LITS, would provide the best option for creating a database of all state-owned real property. The comprehensive database would provide the opportunity to retire two existing DEP systems in the near future and could be accomplished within currently allocated resources.

### **Effect of Bill**

To implement a comprehensive database of state-owned real property, the bill makes several changes in consideration of the proposal from DMS, DEP and the Department of Revenue.

The bill requires DEP to maintain a comprehensive database of all state-owned real property and ensure the database is available to the public in an electronic format. The database must be completed by March 31, 2011.

The bill requires DMS to maintain certain facility inventory data: including valuations, operating costs, building use, full-time equivalency occupancy, known restrictions or historic designations, and leases or subleases and associated revenues. The bill instructs DMS to use the facility data to conduct strategic analyses, including candidates for surplus sale. The bill requires owning or operating agencies to submit the proscribed information to the department beginning July 1, 2011 and each July 1 thereafter. The bill directs DMS to provide facility data and analysis for the comprehensive database.

The bill authorizes the Department of Revenue to share confidential tax roll data with DEP. The information will be used to assist in the identification and confirmation of publicly-held lands. Any lands held by the state, a state agency, or a water management district, that are not deemed essential or necessary for conservation purposes, must be considered for review for surplus sale.

The bill modifies the deadline for the Board of Trustees to provide a list of real property owned to each state agency, local government, or other public entity from December 31 to November 30 each year. The bill modifies the deadline for each agency or public entity to notify the local property appraiser of any corrections to the list received by the Board of Trustees from March 31 to January 31 each year. These changes will ensure the database is current and up-to-date at the beginning of each Legislative Session.

The bill eliminates the requirement for DEP to maintain two current databases—the Public Lands Inventory and the Florida Statewide Public Lands Inventory. Both of these databases contain information that will be available in the comprehensive database.

The bill creates a new requirement for property appraisers to physically inspect any state-owned land at the request of the owner.

## **B. SECTION DIRECTORY:**

**Section 1.** Makes legislative findings.

**Section 2.** Amends section 193.023, F.S., to require property appraisers to inspect any parcel of state-owned real property on request of the owner.

**Section 3.** Amends section 193.085, F.S., to clarify that local governments shall annually notify property appraisers of any and all real property.

**Section 4.** Amends section 213.053, F.S., to provide the Department of Revenue with the ability to share confidential information with DEP.

**Section 5.** Amends section 216.0152, F.S., to require DMS to maintain certain inventory data.

**Section 6.** Amends section 253.03, F.S., to require DEP to maintain a comprehensive database of all state-owned real property.

**Section 7.** Amends section 253.034, F.S., to eliminate duplicative databases.

**Section 8.** Provides an effective date of July 1, 2010.

## **II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

### **A. FISCAL IMPACT ON STATE GOVERNMENT:**

#### **1. Revenues:**

After the comprehensive database is realized, the Department of Environmental Protection estimates it will save approximately \$100,000 annually through the elimination of redundant databases. Additional revenues could be realized in the future through any surplus sales.

#### **2. Expenditures:**

The Department of Environmental Protection and the Department of Management Services plan to share in costs associated with design and development of the comprehensive database through current fiscal resources. The total estimated cost to consolidate systems is estimated at \$643,500.

### **B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

#### **1. Revenues:**

None.

#### **2. Expenditures:**

There may be minimal administrative costs associated with a new annual requirement for local governments to provide annual property information to local property appraisers. In addition, property appraisers will see an increase in workload due to changes in this bill that require a physical inspection of state-owned property at the request of the owner.

### **C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

None.

### **D. FISCAL COMMENTS:**

None.

## **III. COMMENTS**

### **A. CONSTITUTIONAL ISSUES:**

#### **1. Applicability of Municipality/County Mandates Provision:**

The mandate provision appears to apply because the bill requires counties or municipalities to take an action requiring the expenditure of funds; however, an exemption applies because the mandate would have an insignificant fiscal impact.

#### **2. Other:**

None.

**B. RULE-MAKING AUTHORITY:**

None.

**C. DRAFTING ISSUES OR OTHER COMMENTS:**

None.

**IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES**

None.