

HB 7169

2010

1 A bill to be entitled  
2 An act relating to state-owned real property; providing  
3 legislative findings; amending s. 193.023, F.S.; requiring  
4 assessments of state-owned real property upon request;  
5 amending s. 193.085, F.S.; deleting an agency coordination  
6 requirement for the Department of Revenue; requiring  
7 annual written notification from local governments to  
8 property appraisers; amending s. 213.053, F.S.;  
9 authorizing the Department of Revenue to provide certain  
10 information to the Department of Environmental Protection;  
11 amending s. 216.0152, F.S.; revising requirements for the  
12 Department of Management Services to develop inventories  
13 of state-owned or state-occupied facilities; amending s.  
14 253.03, F.S.; requiring the Department of Environmental  
15 Protection to maintain a comprehensive database of state-  
16 owned land; providing requirements; specifying duties of  
17 the Department of Management Services; requiring the  
18 Department of Revenue to provide certain tax roll data to  
19 the Board of Trustees of the Internal Improvement Trust  
20 Fund for certain purposes; requiring the board of trustees  
21 to use tax roll data for certain purposes; requiring the  
22 board to review certain lands for surplus sales;  
23 prohibiting imposition of new data requirements on  
24 property appraisers for certain purposes; requiring  
25 agencies to retire duplicative state property databases  
26 under certain circumstances; amending s. 253.034, F.S.;  
27 deleting requirements for the Division of State Lands to  
28 prepare state inventories of certain federal, state, and

HB 7169

2010

29 | local lands; deleting inventory requirements; providing an  
30 | effective date.

31

32 | Be It Enacted by the Legislature of the State of Florida:

33

34 |       Section 1. The Legislature finds that the management of  
35 | state-owned real property requires a comprehensive integrated  
36 | inventory system to support decisionmaking processes, including,  
37 | but not limited to, dispositions. This comprehensive database  
38 | will serve as the authoritative inventory repository for state-  
39 | owned facilities and publicly owned lands data that is collected  
40 | through various agency operations in disparate systems. The  
41 | comprehensive database must provide agencies owning property,  
42 | the public, and state policy makers with ready access to an  
43 | integrated view of collected information and, wherever  
44 | operationally feasible and cost effective, replace any  
45 | duplicative state property databases. The initial objective for  
46 | the database is establishing an integrated inventory of the  
47 | state-owned real property data from the Department of  
48 | Environmental Protection, the Department of Management Services,  
49 | and the Department of Revenue and to collect operating costs and  
50 | occupancy data from state agencies, while considering future  
51 | developments to include leased lands and facilities data used by  
52 | the Department of Financial Services and the Department of  
53 | Management Services. The new database must optimize the use of  
54 | existing data collection processes and minimize imposing new  
55 | collection and reporting requirements where adequate existing  
56 | data sources are available and must incorporate interfaces for

HB 7169

2010

57 tax roll data collected under statutory authorities by the  
58 Department of Revenue from the county property appraisers and  
59 other sources. The Legislature therefore intends to promote the  
60 development, maintenance, and use of the database through a  
61 coordinated interagency effort that leverages existing resources  
62 and processes to minimize costs and impacts on agencies owning  
63 property and county property appraisers.

64 Section 2. Subsection (2) of section 193.023, Florida  
65 Statutes, is amended to read:

66 193.023 Duties of the property appraiser in making  
67 assessments.—

68 (2) In making his or her assessment of the value of real  
69 property, the property appraiser is required to physically  
70 inspect the property at least once every 5 years. Where  
71 geographically suitable, and at the discretion of the property  
72 appraiser, the property appraiser may use image technology in  
73 lieu of physical inspection to ensure that the tax roll meets  
74 all the requirements of law. The Department of Revenue shall  
75 establish minimum standards for the use of image technology  
76 consistent with standards developed by professionally recognized  
77 sources for mass appraisal of real property. However, the  
78 property appraiser shall physically inspect any parcel of  
79 taxable or state-owned real property upon the request of the  
80 taxpayer or owner.

81 Section 3. Paragraph (a) of subsection (3) of section  
82 193.085, Florida Statutes, is amended to read:

83 193.085 Listing all property.—

84 (3) (a) ~~The department will coordinate with all other~~

HB 7169

2010

85 ~~departments of state government to ensure that the several~~  
 86 ~~property appraisers are properly notified annually of state~~  
 87 ~~ownership of real property. The department shall promulgate~~  
 88 ~~regulations to ensure that~~ All forms of local government,  
 89 special taxing districts, multicounty districts, and  
 90 municipalities must provide each year written notification to  
 91 ~~properly notify annually the several~~ property appraisers of any  
 92 and all real property owned by any of them so that ownership of  
 93 all such property will be properly listed.

94 Section 4. Paragraph (z) is added to subsection (8) of  
 95 section 213.053, Florida Statutes, to read:

96 213.053 Confidentiality and information sharing.—

97 (8) Notwithstanding any other provision of this section,  
 98 the department may provide:

99 (z) Information relative to ss. 253.03(8) and 253.0325 to  
 100 the Department of Environmental Protection in the conduct of its  
 101 official business.

102  
 103 Disclosure of information under this subsection shall be  
 104 pursuant to a written agreement between the executive director  
 105 and the agency. Such agencies, governmental or nongovernmental,  
 106 shall be bound by the same requirements of confidentiality as  
 107 the Department of Revenue. Breach of confidentiality is a  
 108 misdemeanor of the first degree, punishable as provided by s.  
 109 775.082 or s. 775.083.

110 Section 5. Subsections (1) and (2) of section 216.0152,  
 111 Florida Statutes, are amended to read:

112 216.0152 Inventory of state-owned facilities or state-

HB 7169

2010

113 occupied facilities.—

114 (1) The Department of Management Services shall develop  
115 and maintain an automated inventory of all facilities owned,  
116 leased, rented, or otherwise occupied or maintained by any  
117 agency of the state or by the judicial branch, ~~except those with~~  
118 ~~less than 3,000 square feet.~~ The inventory data shall be  
119 provided by the owning or operating agency and shall include the  
120 location, occupying agency, ownership, size, condition  
121 assessment, valuations, operating costs, maintenance record,  
122 age, parking and employee facilities, building use, full-time  
123 equivalent occupancy, known restrictions or historic  
124 designations including conservation land status, leases or  
125 subleases and associated revenues, and other information as  
126 required by the department. The department shall use such data  
127 for determining maintenance needs, conducting strategic  
128 analyses, including, but not limited to, candidates for surplus,  
129 and life-cycle cost evaluations of the facility. Beginning July  
130 1, 2011, and each July 1 thereafter, inventory information shall  
131 be provided to the department by the owning or operating agency  
132 in a format prescribed by the department. The inventory need not  
133 include a condition assessment or maintenance record of  
134 facilities not owned by a state agency or by the judicial  
135 branch. The term "facility," as used in this section, means  
136 buildings, structures, and building systems, but does not  
137 include transportation facilities of the state transportation  
138 system. The Department of Transportation shall develop and  
139 maintain an inventory of transportation facilities of the state  
140 transportation system. The Board of Governors of the State

HB 7169

2010

141 University System and the Department of Education, respectively,  
 142 shall develop and maintain an inventory, in the manner  
 143 prescribed by the Department of Management Services, of all  
 144 state university and community college facilities and shall make  
 145 the data available in a format acceptable to the Department of  
 146 Management Services.

147 (2) For purposes of assessing needed repairs and  
 148 renovations of facilities, the Department of Management Services  
 149 shall update its inventory with condition information for  
 150 facilities of 3,000 square feet or more and cause to be updated  
 151 the other inventories required by subsection (1) at least once  
 152 every 5 years, but the inventories shall record acquisitions of  
 153 new facilities and significant changes in existing facilities as  
 154 they occur. The Department of Management Services shall provide  
 155 each agency and the judicial branch with the most recent  
 156 inventory applicable to that agency or to the judicial branch.  
 157 Each agency and the judicial branch shall, in the manner  
 158 prescribed by the Department of Management Services, report  
 159 significant changes in the inventory as they occur. Items  
 160 relating to the condition and life-cycle cost of a facility  
 161 shall be updated at least every 5 years.

162 Section 6. Subsection (8) of section 253.03, Florida  
 163 Statutes, is amended to read:

164 253.03 Board of trustees to administer state lands; lands  
 165 enumerated.—

166 (8) (a) The Board of Trustees of the Internal Improvement  
 167 Trust Fund shall prepare, using tax roll data provided by the  
 168 Department of Revenue as supplied by the counties, an annual

HB 7169

2010

169 inventory of all publicly owned lands within the state. Such  
170 inventory shall include all lands owned by any unit of state  
171 government or local government; by the Federal Government, to  
172 the greatest extent possible; and by any other public entity.  
173 ~~The board shall submit a summary report of the inventory and a~~  
174 ~~list of major discrepancies between the inventory and the tax~~  
175 ~~roll data to the President of the Senate and the Speaker of the~~  
176 ~~House of Representatives on or before March 1 of each year.~~

177 (b) The Department of Environmental Protection shall  
178 maintain a comprehensive database of all state-owned real  
179 property. The database shall be available to the public in an  
180 electronic format and be complete and operational by March 31,  
181 2011. The database shall be used by agencies when analyzing  
182 candidates for real property acquisition, use consolidation, or  
183 disposition. The Department of Management Services shall direct  
184 agency entries of facility data and analysis as identified in s.  
185 216.0152(1) for the statewide database.

186 (c) ~~(b)~~ In addition to any other parcel data available, the  
187 inventory shall include a legal description or proper reference  
188 thereto, the number of acres or square feet within the  
189 boundaries, and the assessed value of all publicly owned  
190 uplands. To the greatest extent practicable, the legal  
191 description or proper reference thereto and the number of acres  
192 or square feet shall be determined for all publicly owned  
193 submerged lands. For the purposes of this subsection, the term  
194 "submerged lands" means publicly owned lands below the ordinary  
195 high-water mark of fresh waters and below the mean high-water  
196 line of salt waters extending seaward to the outer jurisdiction

197 of the state. ~~By October 31 of each year, the Department of~~  
 198 ~~Revenue shall furnish, in machine-readable form, annual, current~~  
 199 ~~tax roll data for public lands to the board to be used in~~  
 200 ~~compiling the inventory.~~

201 (d)1.(e) Beginning September 30, 2011, and each September  
 202 30 thereafter, the Department of Revenue shall furnish to the  
 203 board, in electronic form, current tax roll data for public  
 204 lands to be used in compiling the inventory.

205 2. By November 30 ~~By December 31~~ of each year, the board  
 206 shall prepare and provide to each state agency and local  
 207 government and any other public entity which holds title to real  
 208 property, including any water management district, drainage  
 209 district, navigation district, or special taxing district, a  
 210 list of the real property owned by such entity, required to be  
 211 listed on county assessment rolls, using tax roll data provided  
 212 by the Department of Revenue.

213 3. By January ~~March~~ 31 of the following year, each such  
 214 entity shall review its list and inform the appropriate property  
 215 appraiser of any corrections to the list. The appropriate county  
 216 property appraiser ~~Department of Revenue~~ shall provide for  
 217 entering such corrections on the appropriate county tax roll.

218 (e) The board shall use tax roll data, which shall be  
 219 provided by the Department of Revenue, to assist in the  
 220 identification and confirmation of publicly held lands. Lands  
 221 held by the state or a water management district and lands  
 222 purchased by the state, a state agency, or a water management  
 223 district deemed not essential or unnecessary for conservation  
 224 purposes shall be subject to review by the board for surplus



225 sale. New data requirements may not be imposed upon property  
 226 appraisers solely for the comprehensive database.

227 (f)-(d) Whenever real property is listed on the real  
 228 property assessment rolls of the respective counties in the name  
 229 of the State of Florida or any of its agencies, the listing  
 230 shall not be changed in the absence of a recorded deed executed  
 231 by the State of Florida or the state agency in whose name the  
 232 property is listed. If, in preparing the assessment rolls, the  
 233 ~~several~~ property appraisers within the state become aware of the  
 234 existence of a recorded deed not executed by the state and  
 235 purporting to convey real property listed on the assessment  
 236 rolls as state-owned, the property appraiser shall immediately  
 237 forward a copy of the recorded deed to the state agency in whose  
 238 name the property is listed.

239 (g) Wherever operationally feasible and cost effective,  
 240 when the comprehensive database is available, agencies shall  
 241 retire any duplicative state property databases.

242 Section 7. Subsection (8) of section 253.034, Florida  
 243 Statutes, is amended to read:

244 253.034 State-owned lands; uses.—

245 (8) (a) ~~Notwithstanding other provisions of this section,~~  
 246 ~~the Division of State Lands is directed to prepare a state~~  
 247 ~~inventory of all federal lands and all lands titled in the name~~  
 248 ~~of the state, a state agency, a water management district, or a~~  
 249 ~~local government on a county-by-county basis. To facilitate the~~  
 250 ~~development of the state inventory, each county shall direct the~~  
 251 ~~appropriate county office with authority over the information to~~  
 252 ~~provide the division with a county inventory of all lands~~

HB 7169

2010

253 ~~identified as federal lands and lands titled in the name of the~~  
254 ~~state, a state agency, a water management district, or a local~~  
255 ~~government.~~ The Legislature recognizes the value of the state's  
256 conservation lands as water recharge areas and air filters and,  
257 in an effort to better understand the scientific underpinnings  
258 of carbon sequestration, carbon capture, and greenhouse gas  
259 mitigation, to inform policymakers and decisionmakers, and to  
260 provide the infrastructure for landowners, the Division of State  
261 Lands shall contract with an organization experienced and  
262 specialized in carbon sinks and emission budgets to conduct an  
263 inventory of all lands that were acquired pursuant to  
264 Preservation 2000 and Florida Forever and that were titled in  
265 the name of the Board of Trustees of the Internal Improvement  
266 Trust Fund. The inventory shall determine the value of carbon  
267 capture and carbon sequestration. Such inventory shall consider  
268 potential carbon offset values of changes in land management  
269 practices, including, but not limited to, replanting of trees,  
270 routine prescribed burns, and land use conversion. Such an  
271 inventory shall be completed and presented to the board of  
272 trustees by July 1, 2009.

273 ~~(b) The state inventory must distinguish between lands~~  
274 ~~purchased by the state or a water management district as part of~~  
275 ~~a core parcel or within original project boundaries, as those~~  
276 ~~terms are used to meet the surplus requirements of subsection~~  
277 ~~(6), and lands purchased by the state, a state agency, or a~~  
278 ~~water management district which are not essential or necessary~~  
279 ~~for conservation purposes.~~

280 ~~(c) In any county having a population of 75,000 or fewer,~~

HB 7169

2010

281 ~~or a county having a population of 100,000 or fewer which is~~  
282 ~~contiguous to a county having a population of 75,000 or fewer,~~  
283 ~~in which more than 50 percent of the lands within the county~~  
284 ~~boundary are federal lands and lands titled in the name of the~~  
285 ~~state, a state agency, a water management district, or a local~~  
286 ~~government, those lands titled in the name of the state or a~~  
287 ~~state agency which are not essential or necessary to meet~~  
288 ~~conservation purposes may, upon request of a public or private~~  
289 ~~entity, be made available for purchase through the state's~~  
290 ~~surplusing process. Rights of way for existing, proposed, or~~  
291 ~~anticipated transportation facilities are exempt from the~~  
292 ~~requirements of this paragraph. Priority consideration shall be~~  
293 ~~given to buyers, public or private, willing to return the~~  
294 ~~property to productive use so long as the property can be~~  
295 ~~reentered onto the county ad valorem tax roll. Property acquired~~  
296 ~~with matching funds from a local government shall not be made~~  
297 ~~available for purchase without the consent of the local~~  
298 ~~government.~~

299 (b) ~~(d)~~ If state-owned lands are subject to annexation  
300 procedures, the Division of State Lands must notify the county  
301 legislative delegation of the county in which the land is  
302 located.

303 Section 8. This act shall take effect July 1, 2010.