

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: HB 457 St. Lucie County
SPONSOR(S): Trabulsy
TIED BILLS: None **IDEN./SIM. BILLS:** None

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local Administration & Veterans Affairs Subcommittee	15 Y, 0 N	Darden	Miller
2) Post-Secondary Education & Lifelong Learning Subcommittee	15 Y, 0 N	Wolff	Kiner
3) State Affairs Committee	20 Y, 0 N	Darden	Williamson

SUMMARY ANALYSIS

The State of Florida owns lands for many purposes including preservation, conservation, recreation, water management, historic preservation, and administration of government. Most of these lands are held by the Board of Trustees of the Internal Improvement Trust Fund, consisting of the Governor and Cabinet. The Board may acquire, sell, transfer, and administer state lands in the manner consistent with chapters 253 and 259, F.S.

Indian River State College (IRSC) is a member of the Florida College System serving Indian River, Martin, Okeechobee, and St. Lucie Counties. IRSC operates five campuses and serves approximately 30,000 students. One of IRSC's campuses, the Pruitt Campus, was previously operated as a joint-use campus with Florida Atlantic University (FAU). FAU discontinued operations on its portion of the campus in 2012 due to budget issues and agreed to transfer its portion of the property to IRSC. IRSC signed a 50-year lease in 2014 with the Board of Trustees of the Internal Improvement Trust Fund to use the portions of the campus that had previously belonged to FAU. The entirety of IRSC's four other campuses, as well as the remainder of the Pruitt Campus, is owned directly by the IRSC District Board of Trustees.

The bill directs the Trustees of the Internal Improvement Trust Fund to convey in fee simple to the District Board of Trustees of IRSC property currently held by the Trustees of the Internal Improvement Trust Fund that previously constituted the FAU portions of the Pruitt Campus. The bill requires IRSC to manage and protect the property and to continuously use the property for educational means and purposes. In the event of a sale or disposition of the property, the bill gives the Trustees of the Internal Improvement Trust Fund the option to regain ownership of the property. The bill requires the Trustees of the Internal Improvement Trust Fund to convey the property within 60 days of the effective date of the act, which is the earlier of when the bill becomes a law or June 1, 2022.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

State Lands

The State of Florida owns lands for many purposes including preservation, conservation, recreation, water management, historic preservation, and administration of government. These lands include:

- All swamp and overflowed lands held by the state or which may inure to the state;
- All lands owned by the state by right of its sovereignty;¹
- All internal improvement lands proper;
- All tidal lands;
- All lands covered by shallow waters of the ocean or gulf, or bays or lagoons thereof, and all lands owned by the state covered by fresh water;
- All parks, reservations, or lands or bottoms set aside in the name of the state, excluding lands held for transportation facilities and transportation corridors and canal rights-of-way; and
- All lands which have accrued, or which may accrue, to the state.²

State lands are held in trust for the use and benefit of the people of Florida by the Board of Trustees of the Internal Improvement Trust Fund.³ The board consists of the Governor, Attorney General, Chief Financial Officer, and Commissioner of Agriculture.⁴ This body may acquire, sell, transfer, and administer state lands in the manner consistent with chapters 253 and 259, F.S.⁵

The Department of Environmental Protection, through its Division of State Lands, generally performs all staff duties and functions related to the acquisition, administration, and disposition of state lands, although certain staff duties related to state lands may be performed by water management districts, the Department of Agriculture and Consumer Services, and the Fish and Wildlife Conservation Commission.⁶ College and university facilities owned by the state total over 163 million square feet of space statewide.⁷

Indian River State College

Originally established as Indian River Junior College in 1959, Indian River State College (IRSC) moved to its present primary campus on Virginia Avenue in Fort Pierce in 1963.⁸ IRSC merged with Lincoln Junior College in 1965 to create one institution serving students in Indian River, Martin, Okeechobee and St. Lucie Counties. In the years since, the institution has undergone two name changes, first to Indian River Community College in 1970 and then to IRSC in 2008 to reflect its status as a baccalaureate degree granting institution. IRSC currently enrolls approximately 30,000 students and

¹ These are "sovereignty submerged lands," which include but are not limited to, tidal lands, islands, sand bars, shallow banks, and lands waterward of the ordinary or mean high water line, beneath navigable fresh water or beneath tidally-influenced waters, to which the State of Florida acquired title on March 3, 1845, by virtue of statehood, and which have not been heretofore conveyed or alienated. R. 18-21.003(67), F.A.C.

² S. 253.03(1), F.S.

³ S. 253.001, F.S.

⁴ S. 253.02(1), F.S.

⁵ *Id.*

⁶ S. 253.002(1), F.S.

⁷ Dept. of Environmental Protection, *State of Florida Lands and Facilities Inventory Search*, <https://prodenv.dep.state.fl.us/DsIPi/splash?Create=new> (last visited Jan. 4, 2022) (Data can be found by running a search of "State Facilities" and selecting all Florida College System (FCS) and Statute University System (SUS) institutions in the "Agency" field).

⁸ Indian River State College, *History*, <https://irsc.edu/about/history.html> (last visited Jan. 4, 2022).

has received national recognition as a community college of excellence.⁹ IRSC currently operates five campuses:

- Massey Campus in Ft. Pierce;
- Chastain Campus in Stuart;
- Dixon Hendry Campus in Okeechobee;
- Mueller Campus in Vero Beach; and
- Pruitt Campus in Port St. Lucie.¹⁰

The Pruitt Campus was initially operated as a joint-use campus between IRSC and Florida Atlantic University (FAU).¹¹ FAU discontinued operations on its portion of the campus in 2012 due to budget issues and agreed to transfer its portion of the property to IRSC.¹² The IRSC District Board of Trustees entered into a 50-year lease for the property with the Trustees of the Internal Improvement Trust Fund in 2014.¹³ The entirety of IRSC's four other campuses, as well as the remainder of the Pruitt Campus, is owned directly by the IRSC District Board of Trustees.

Effect of Proposed Changes

The bill directs the Trustees of the Internal Improvement Trust Fund to convey in fee simple to the IRSC District Board of Trustees property currently held by the Trustees of the Internal Improvement Trust Fund that previously constituted the FAU portions of the Pruitt Campus. The bill requires IRSC to manage and protect the property and to continuously use the property for educational means and purposes. In the event of a sale or disposition of the property, the bill gives the Trustees of the Internal Improvement Trust Fund the option to regain ownership of the property. The bill requires the Trustees of the Internal Improvement Trust Fund to convey the property within 60 days of the effective date of the act, which is the earlier of when the bill becomes a law or June 1, 2022.

B. SECTION DIRECTORY:

- Section 1: Directs the Trustees of the Internal Improvement Trust Fund to convey in fee simple certain real property in St. Lucie County to the District Board of Trustees of IRSC.
- Section 2: Requires the District Board of Trustees of IRSC to use the property for education purposes and provides that any sale or disposition of the property may result in ownership reverting to the Board of Trustees of the Internal Improvement Trust Fund on behalf of the state.
- Section 3: Requires the Board of Trustees of the Internal Improvement Trust Fund to convey the property to the District Board of Trustees of IRSC within 60 days of the effective date of the bill.
- Section 4: Provides an effective date of the earlier of the bill becoming a law or June 1, 2022.

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? September 1, 2021

⁹ Aspen Institute, *2019 Aspen Prize for Community College Excellence Awarded to Florida's Indian River State College and Miami Dade College*, <https://www.aspeninstitute.org/news/press-release/2019-aspen-prize-for-community-college-excellence/> (last visited Jan. 4, 2022).

¹⁰ Indian River State College, *Campuses*, <https://irsc.edu/about/campuses.html> (last visited Jan. 4, 2022).

¹¹ IRSC Resolution of Support, on copy with Local Administration & Veterans Affairs Subcommittee.

¹² See Christin Erazo, IRSC to expand St. Lucie West with use of former FAU buildings, TC Palm, available at <https://archive.tcpalm.com/news/irsc-to-expand-st-lucie-west-with-use-of-former-fau-buildings-ep-381492280-342816922.html/> (last visited Jan. 4, 2022).

¹³ IRSC Resolution of Support, on copy with Local Administration & Veterans Affairs Subcommittee.

WHERE?

The *St. Lucie News Tribune*, a daily newspaper of general circulation published in St. Lucie County, Florida.

B. REFERENDUM(S) REQUIRED? Yes No

IF YES, WHEN?

C. LOCAL BILL CERTIFICATION FILED? Yes No

D. ECONOMIC IMPACT STATEMENT FILED? Yes No

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

The bill does not provide rulemaking authority or require executive branch rulemaking.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

None.