



The Florida Senate

Interim Project Report 2002-143

November 2001

Committee on Natural Resources

Senator Ginny Brown-Waite, Chairman

REVIEW OF RECORDS AND MAPPING OF STATE, FEDERAL, AND LOCALLY OWNED LANDS

SUMMARY

The Department of Environmental Protection (DEP) reports that Florida contains a total upland area of 35,657,000 acres; of this, approximately 7,908,918 acres are in some form of public ownership. These public lands have a tax exempt value of \$72,696,848,755.00. The exact amount of land in public ownership is unknown, however, as the records available to the county property appraisers do not always accurately reflect acreage, for reasons explained in the findings. The primary public landowners are the federal government, the State of Florida, and the five water management districts.

There are many other types of public lands in Florida including local government lands, special district lands, lands owned by the Florida Department of Transportation, Murphy Act lands, lands owned by community colleges and other public agencies, and miscellaneous parcels owned by the Board of Trustees of the Internal Improvement Trust Fund (Trustees). Although maps exist that depict various types of lands, mapping all 195,372 parcels reported to be in public ownership has yet to be accomplished. There are, however, projects underway by the DEP and the Department of Revenue (DOR) to accomplish this.

Pursuant to s. 253.03(8), F.S., the Trustees must prepare, using tax roll data provided by the DOR, an annual inventory of all publicly owned lands within the state. Such lands include all lands owned by any unit of state or local government, the federal government, or any other public entity. The DEP contracts with Florida State University's Florida Resources and Environmental Analysis Center for the actual preparation of the annual report. In recent years, the contract amount has been \$50,000. The public land inventory presents information on a county-by-county basis.

Pursuant to s. 253.0325, F.S., the DEP has been directed to initiate an ongoing computerized information systems program to modernize its state lands records and documents relating to lands titled in the Trustees. The primary purpose of the modernization project is to preserve the documents (many of which are very old) establishing title to lands vested in the Trustees.

The department is also developing a geographic information system (GIS), which will graphically depict approximations of the boundaries of state-owned lands, allowing a user to make a preliminary review of the location of state lands. This layered system will allow users to manipulate data; for example, a line map depicting state lands can be overlaid on a representation of private land. Information relating to ownership will also be available in the GIS, by parcel. The department expects the GIS to be available to the public on the internet by the end of 2002.

Pursuant to s. 195.022, F.S., the DOR must, at the request of any property appraiser or, in any event, at least every three years, prescribe and furnish such aerial photographs and nonproperty ownership maps to the property appraisers as are necessary to ensure that all real property within the state is properly listed on the tax rolls. In addition, s. 193.085(2), F.S., requires the DOR to make such maps and mapping materials available to the property appraisers as the department deems necessary to ensure that all real property is listed and valued on the counties' tax rolls.

Currently, county property appraisers have hard copy maps of taxable and exempt property; approximately forty counties can provide computer-generated (GIS) maps of such property. The DOR is developing a GIS that allows a user to create a map isolating property in public ownership, indicating municipal, county, regional, and state property by the use of varying colors. Individual parcels of property can be accessed

by entering the parcel's tax identification number and the system has the capability for a user to "zoom in" on a parcel for a close-up view of the parcel and its vicinity. Each parcel isolated also includes its valuation, acreage, ownership, and other information. Categories of land use can also be displayed through entry of the DOR's land use codes.

In both FY 2000-2001 and 2001-2002, \$278,000 was appropriated to the DOR to fund a digital map conversion grant program. The program provides \$35,000 matching grants to counties to help them convert to digital mapping systems. The funding has assisted more than twenty counties in making significant progress in their conversion efforts. For FY 2002-2003, the DOR has requested \$750,000 for the matching grant program. If received, the additional funding would enable statewide digital conversion to be completed within seven years; with existing resources, the department estimates complete conversion will take thirty years.

The digital map conversion grant funding may also be used by the counties for development of web sites for the county property appraisers to make their digital maps available online to the public and the DOR.

It appears that the two digital mapping systems being developed by the DEP and the DOR both have value and should continue to be implemented. Of the two systems, the DOR's seems capable of providing assistance to a greater variety of users for a greater variety of purposes.

Because the GIS being developed by the DOR appears to have the potential to provide multiple benefits to a variety of users, staff recommends that the DOR's legislative budget request for \$750,000 to accelerate the completion of a statewide GIS be supported.

Currently, the DEP pays the Florida Resources and Environmental Analysis Center \$50,000 annually to prepare the Public Lands Inventory. At this time, it is the only source of such information. When the DOR completes its digital mapping system, however, the information currently provided by the Public Lands Inventory should be available through its system. Staff recommends that funding for the Public Lands Inventory be discontinued when the DOR's system is completely implemented.

The Department of Environmental Protection (DEP) reports that Florida contains a total upland area of 35,657,000 acres; of this, approximately 7,908,918 acres are in some form of public ownership. These public lands have a tax exempt value of \$72,696,848,755.00. The exact amount of land in public ownership is unknown, however, as the records available to the county property appraisers do not always accurately reflect acreage, for reasons explained in the findings. The primary public landowners are the federal government, the State of Florida, and the five water management districts.

Federal lands are primarily comprised of national parks, national forests, and military bases. Water management district lands have been acquired for flood control, water resource and water supply development, water storage, water management, conservation and protection of water resources, aquifer recharge, and preservation of water resources.

Lands owned by the State of Florida are primarily conservation and recreation lands, swamp and overflowed lands, internal improvement lands, and sovereignty lands. State-owned lands are titled in the Board of Trustees of the Internal Improvement Trust Fund (Trustees). The DEP's Division of State Lands serves as staff to the Trustees.

Conservation and recreation lands have been acquired under the Environmentally Endangered Lands, Conservation and Recreation Lands, Save Our Coasts, and Preservation 2000 programs. It is expected that substantial amounts of such lands will be acquired under the current Florida Forever program.

Swamp and overflowed lands were acquired in 1850, by act of Congress, when 20 million acres of swamp and overflowed lands were granted to the state. The lands were intended to be sold and reclaimed. Over the first 50 years of statehood, most of these lands were sold.

Internal improvement lands consisted of five hundred thousand acres of lands given to the state by the federal government at statehood in 1845. The lands were intended to be sold and used in connection with the development of the state through structures such as canals, roads, and railroads. Most such lands were sold long ago.

Sovereignty lands are the shores of navigable waters and the lands beneath them. Sovereignty lands are owned by the state under the public trust doctrine and

BACKGROUND

the State Constitution. Pursuant to Article X, Section 11 of the State Constitution, “The title to lands under navigable waters, within the boundaries of the state, which have not been alienated, including beaches below mean high water lines, is held by the state, by virtue of its sovereignty, in trust for all the people.” In non-tidal waters, the demarcation between sovereignty and private lands is the ordinary high water line. In many cases, sovereignty lands have not been surveyed, and the DEP advises that the cost to do so would be prohibitive.

Because sovereignty lands were recognized by their quality of being navigable-in-fact, no further legal description or inventory was required, and the beds of all Florida’s navigable waters, including their shores, were transferred to the state without a written conveyance. For the same reason, deeds from the state need not include reservations or exceptions for sovereignty lands encompassed in land grants. Long-standing Florida law holds that grantees of lands bordering sovereignty lands take these grants with notice that, unless clear and authorized intent to convey sovereignty lands appears on the face of the conveyance, such grants do not convey sovereignty lands, and neither the grantees nor their successors have any moral or legal claim to sovereignty lands that may be encompassed in their deeds.

In addition to the lands described above, there are many other types of public lands in Florida including local government lands, special district lands, lands owned by the Florida Department of Transportation, Murphy Act lands, lands owned by community colleges and other public agencies, and miscellaneous parcels owned by the Trustees. Although maps exist that depict various types of lands, mapping all 195,372 parcels reported to be in public ownership has yet to be accomplished. There are, however, projects underway by the DEP and the Department of Revenue (DOR) to accomplish this.

METHODOLOGY

Staff created a questionnaire regarding public lands, mapping, and the project to modernize state land records which was submitted to the DEP. Staff reviewed the department’s response, relevant statutes, and prior staff reports. In addition, staff held a series of meetings with officials of the DEP and DOR and reviewed a series of maps created by both departments at staff’s request.

FINDINGS

Pursuant to s. 253.03(8), F.S., the Trustees must prepare, using tax roll data provided by the DOR, an annual inventory of all publicly owned lands within the state. Such lands include all lands owned by any unit of state or local government, the federal government, or any other public entity. The Trustees must then submit a summary report of the inventory and a list of major discrepancies between the inventory and the tax roll data to the Legislature on or before March 1 of each year. The inventory must include a legal description or proper reference thereto, the number of acres or square feet within the boundaries, and the assessed value of all publicly owned uplands. To the greatest extent practicable, the inventory must include the number of acres or square feet of all publicly owned submerged lands.

The DEP contracts with Florida State University’s Florida Resources and Environmental Analysis Center for the actual preparation of the annual report. In recent years, the contract amount has been \$50,000. The tax roll data needed for the report must be submitted to the Trustees by October 31 of each year. The public land inventory presents information on a county-by-county basis and includes the following statewide summary:

Public Land Inventory for the State of Florida as of January 1, 2001

OWNER	TOTAL PARCELS	TOTAL ACREAGE	TOTAL VALUE RECORDED
State Totals	49,771	2,383,874.49	\$11,561,076,752
Volunteer Fire Department Totals	191	87.98	\$14,196,976
Federal Totals	32,658	2,557,304.34	\$13,481,731,919
County Totals	48,025	877,418.81	\$26,075,814,086
Municipal Totals	33,756	254,044.22	\$11,498,756,677
Com. Colleges & other Public Agency Totals	1,823	42,338.04	\$2,033,471,709
Special District Totals	28,715	1,789,974.63	\$7,984,726,862
UNKNOWN Owner Category	433	3,875.64	\$47,073,774
Totals for State of FLORIDA	195,372	7,908,918.15	\$72,696,848,755

The inventory includes a disclaimer that “the acreage totals do not reflect the total state acreage...” The DEP explains that the tax roll data often reports acreage

figures for several parcels under the same ownership in only one tax card, leaving the other parcels with 0 acreage. The data also often includes sovereignty lands within private boundaries. Thus, the public land inventory's total acreage figures for state owned lands are significantly less than the Trustees' inventory. The department is aware of these issues and is working to improve the accuracy of the annual inventory.

Pursuant to s. 253.0325, F.S., the DEP has been directed to initiate an ongoing computerized information systems program to modernize its state lands records and documents relating to lands titled in the Trustees. The program must include, at a minimum:

1. A document management component to automate the storage and retrieval of information contained in state lands records.
2. A lands record management component to organize the records by key elements present in the data.
3. An evaluation component, which includes the collection of resource and environmental data.
4. A mapping component to generate and store maps of state owned parcels using data from the land records management and evaluation components.

The primary purpose of the modernization project is to preserve the original documents (many of which are very old) establishing title to lands vested in the Trustees. The DEP reports that it is currently scanning and mapping documents that include tract books, original survey plats, original acquisition deeds, disclaimers, leases, and others. In addition to preserving the documents digitally, the resulting ability to search land records expedites title searches and land research generally and assists in decisions regarding land appraisals, what lands to sell as surplus, and land acquisitions.

The department is also developing a geographic information system (GIS), which will graphically depict approximations of the boundaries of state-owned lands, allowing a user to make a preliminary review of the location of state lands. This layered system will allow users to manipulate data; for example a line map depicting state lands can be overlaid on a representation of private land. Information relating to ownership will also be available in the GIS, by parcel. The department expects the GIS to be available to the public on the Internet by the end of 2002.

Phase I of the modernization project was begun in 1990, and was originally scheduled for completion in 2004. If additional requested funding totaling \$1,016,132 is received, the DEP believes the project can be completed by June 30, 2003. The project's current budget is \$633,000. During Phase 1, scanning and mapping production is based on 50,095 documents in existence prior to October 28, 1998. Approximately 77 percent of this initial work has been completed. After completion of Phase 1, the ongoing project will scan and map documents relating to transactions from October 28, 1998 forward.

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Currently, county property appraisers have hard copy maps of taxable and exempt property; approximately 40 counties can provide computer-generated (GIS) maps of such property. The DOR is developing a GIS that allows a user to create a map isolating property in public ownership, indicating municipal, county, regional, and state property by the use of varying colors. Individual parcels of property can be accessed by entering the parcel's tax identification number and the system has the capability for a user to "zoom in" on a parcel for a close-up view of the parcel and its vicinity. Each parcel isolated also includes its valuation, acreage, ownership, and other information. Categories of land use can also be displayed through entry of the DOR's land use codes.

The DOR reports that the conversion of manual maps to digital mapping systems will provide a number of benefits. The digital maps will assist in the department's conduct of in-depth studies by allowing its appraisal and evaluation and analysis staff to access digital maps online or on CD ROM discs to conduct comparable property searches and analysis and to obtain spatial perspective in the analysis of sales activities in a mass appraisal environment. Digital maps could also benefit other areas of government and the private sector. The maps could be used by or for emergency health and disaster services, police dispatch services, environmental impact studies, economic

development and comprehensive planning services, and for any other needs dependent on accurate and electronically available locational data. The system could also be helpful to prospective property purchasers who wish to know of ownership patterns in a particular vicinity.

In both FY 2000-2001 and 2001-2002, \$278,000 was appropriated to the DOR to fund a digital map conversion grant program. The program provides \$35,000 matching grants to counties to help them convert to digital mapping systems. The funding has assisted more than twenty counties in making significant progress in their conversion efforts. For FY 2002-2003, the DOR has requested \$750,000 for the matching grant program. The current per parcel price for digital map conversion is approximately \$6.50. If received, the \$750,000 would fund the conversion of approximately 230,000 parcels to the digital system. There are currently approximately 1.5 million parcels remaining to be converted. If received, the additional funding would enable statewide digital conversion to be completed within seven years; with existing resources, the department estimates complete conversion will take thirty years. The map at the end of this report displays the DOR's progress in implementing its GIS on a statewide basis.

The DOR reports that joint funding projects have been initiated with other agencies to further accelerate conversion to digital mapping. These efforts include a project within the Suwannee River Water Management District to provide ground control and, ultimately, digital base mapping. The district, DEP, DOR, and thirteen county property appraisers worked jointly on the project. A similar project was also carried out in the Southwest Florida Water Management District. The Suwannee River Water Management District has in several instances funded a county's match, to speed the conversion process.

The digital map conversion grant funding may also be used by the counties for development of web sites for the county property appraisers to make their digital maps available online to the public and the DOR (currently, the DOR receives its information from the counties on a compact disc).

An emerging issue is the proprietary nature of a county's digital map. Although the information included on a digital map is public information readily available at the county property appraisers office, at least one county has copywrited its digital map and sells copies to the public and other governmental

entities. The legality of this practice has yet to be determined by the courts.

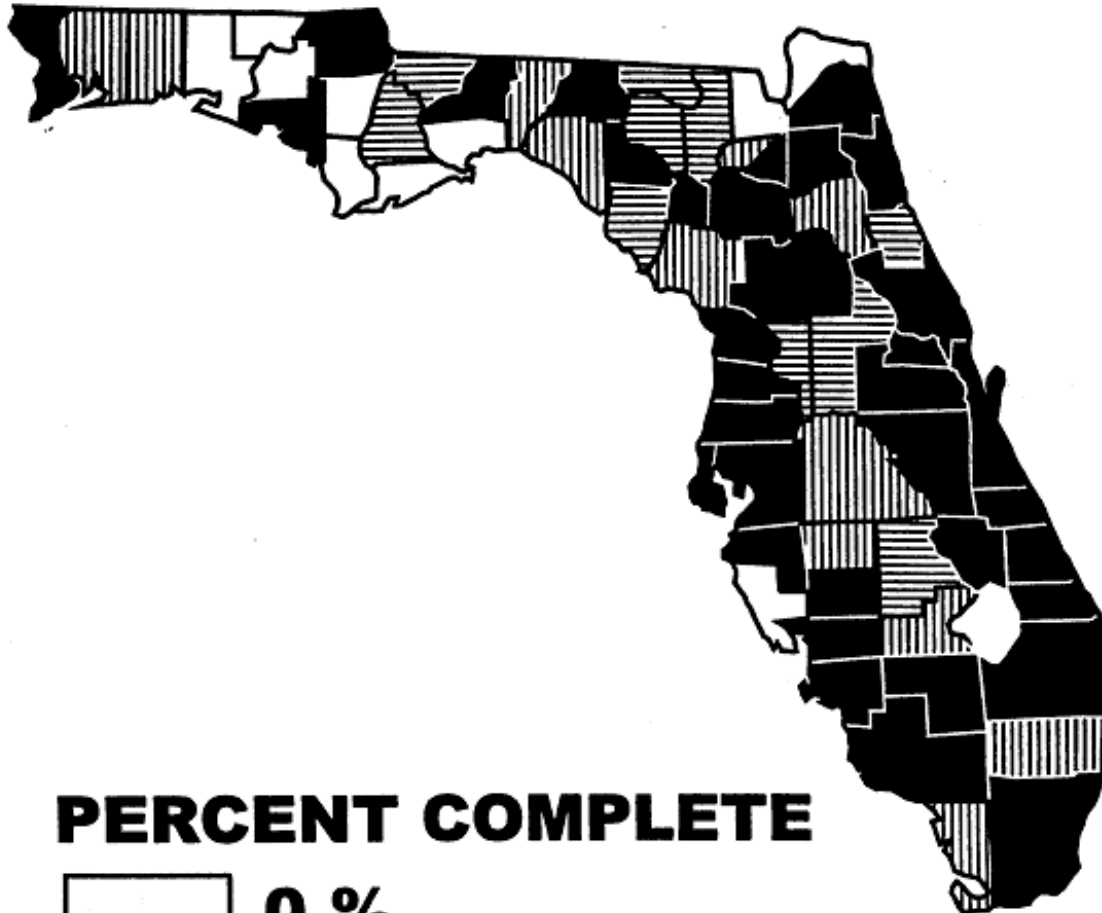
It appears that the two digital mapping systems being developed by the DEP and the DOR both have value and should continue to be implemented. While the DEP's system only maps lands titled in the Trustees and does not include sovereignty lands (there are no deeds to such lands), it is likely that its records are more accurate than the DOR's. The DOR's GIS includes all parcels in a county and can be manipulated to highlight or isolate individual parcels, land use, type of ownership, and other information. Of the two systems, the DOR's seems capable of providing assistance to a greater variety of users for a greater variety of purposes.

RECOMMENDATIONS





Because the GIS being developed by the DOR appears to have the potential to provide multiple benefits to a variety of users, staff recommends that the DOR's legislative budget request for \$750,000 to accelerate the completion of a statewide GIS be supported. The map on the following page shows the progress being made by property appraisers' offices as of January 2001.

Currently, the DEP pays the Florida Resources and Environmental Analysis Center \$50,000 annually to prepare the Public Lands Inventory. At this time, it is the only source of such information. When the DOR completes its digital mapping system, however, the information currently provided by the Public Lands Inventory should be available through its system. Staff recommends that funding for the Public Lands Inventory be discontinued when the DOR's system is completely implemented.

**MAPPING STATUS OF PROPERTY
APPRAISERS' OFFICES
As of January 2001**



PERCENT COMPLETE

	0 %
	1 % - 49 %
	50 % - 84 %
	85 % - 100 %