

# SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: CS/SB 1310

SPONSOR: Natural Resources Committee and Senator Alexander

SUBJECT: Land Acquisition and Conservation

DATE: April 1, 2003

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Molloy</u>	<u>Kiger</u>	<u>NR</u>	<u>Fav/CS</u>
2.	_____	_____	<u>CP</u>	_____
3.	_____	_____	<u>AGG</u>	_____
4.	_____	_____	<u>AP</u>	_____
5.	_____	_____	<u>RC</u>	_____
6.	_____	_____	_____	_____

## I. Summary:

This bill requires the Division of State Lands (Division) in the Department of Environmental Protection (DEP) to begin preparing an inventory of all federal lands, and all lands titled in the name of the state, a state agency, a water management district, or a local government, on a county-by-county basis. The Division must identify state lands or water management district lands purchased with funds distributed under the state's different land acquisition programs. The inventory must distinguish between lands purchased by the state or a water management district as part of a core parcel or within original project boundaries, and lands that were purchased by the state or a water management district which were not essential or necessary for conservation purposes.

This bill provides that in any county where more than 50 percent of the lands within the county boundary are federal lands, or lands titled in the name of the state, a state agency, or a water management district, certain lands must be made available for purchase to public or private entities willing to return the property to productive use. Certain limitations on the state's payment-in-lieu of taxes program are repealed, and unanimous approval by the Board of Trustees of the Internal Improvement Trust is required for state purchases of property that will result in at least 50 percent of property within a county boundary being federal lands, or lands titled in the name of the state, a state agency, a water management district, or a local government.

This bill amends ss. 253.034, 259.032, 259.041, and 373.59, Florida Statutes. This bill repeals ss. 259.0322 and 373.5905, Florida Statutes.

## II. Present Situation:

### **Land Acquisition Programs**

From 1969 through 1989, Florida acquired one million acres of land for about \$1 billion. Most of the land was acquired for \$750 million during the 10-year period running from 1979-1989, and was purchased through five primary programs: the Outdoor Recreation Bonds Program, the Environmentally Endangered Lands Program, the Conservation and Recreation Lands Program (CARL) funded out of the CARL Trust Fund, Save Our Coast Bonds, and the Save Our Rivers Program funded out of the Water Management Lands Trust Fund.

In 1990, the Legislature enacted Chapter 90-217, Laws of Florida, to establish the Preservation 2000 Program, a 10-year, \$3 billion land acquisition bond program for the protection of environmentally sensitive lands. Each year as authorized by the Legislature, \$300 million worth of bonds were sold, and proceeds were deposited into the P2000 Trust Funds established for each agency authorized to receive a share of the funds. The DEP, the five Water Management Districts (WMDs), the Florida Communities Trust Program at the Department of Community Affairs (DCA), the Division of Forestry at the Department of Agriculture & Consumer Services (DACS), and the Fish & Wildlife Conservation Commission (now the FWC, but the Game & Fresh Water Fish Commission at that time) all shared in the distribution of funds. The last series of Preservation 2000 bonds was issued in 2000. Through February 2003, more than 1.7 million acres of land have been acquired.

In 1999, the Legislature enacted Chapter 99-247, Laws of Florida, to create the Florida Forever Program, the successor program to Preservation 2000. The Florida Forever Program is also a 10-year, \$3 billion bond program, but the state's focus moved from land acquisition to less-than-fee title acquisitions and water resource development, long-term management goals, and enhanced public access and recreational uses. Each year as authorized by the Legislature, \$300 million worth of bonds are sold, and the proceeds deposited in the Florida Forever Trust Funds established for each agency authorized to receive a share of the funds. Again, the DEP, the five WMDs, the Florida Communities Trust Program at DCA, the Division of Forestry at DACS, and the FWC all receive funding. Through February 2003, two series of Florida Forever bonds have been issued and 139,505 acres have been acquired with an additional 96,000 acres encumbered or approved for purchase.

Under the Florida Forever Program, less-than-fee acquisitions are encouraged to keep property in productive use while prohibiting development. However, the proposed February 2003 Florida Forever list, prepared by the Acquisition & Restoration Council on behalf of the Board of Trustees, shows 95 projects listed, 75 of which are identified as "full fee" projects.

### **Division of State Lands**

The Division of State Lands at the DEP performs all staff duties and functions related to the acquisition, administration and disposition of state lands, including managing and maintaining the records of all lands titled in the name of the Board of Trustees of the Internal Improvement Fund. Among the programs in the Division of State Lands are the Land Acquisition Program, the Records Modernization Project, the Office of Environmental Services, and Public Land Administration.

**Modernization of State Lands Records**

During the 1990 Regular Session, the Legislature enacted Chapter 90-217, Laws of Florida, requiring the DEP (then the Department of Natural Resources) to initiate an ongoing computerized information systems program to modernize state lands records and documents. One of the required components was a mapping component to generate and store maps of state-owned parcels. The DEP was directed to ensure information systems compatibility with other state, local, and regional governmental agencies. As part of the Records Modernization Project, the DEP estimates that more than 1.2 million pages of lands records have been scanned to easily create abstracts of individual land parcels. Parcels are plotted based on the legal description of the documents and are then aligned with the area topographical map to provide a clear picture of state-owned property.

**Acquisition / Administration / Environmental Services / Survey & Mapping**

The Bureau of Land Acquisition at DEP reviews and evaluates Florida Forever acquisitions for the Board of Trustees, and handles land exchanges, negotiations, and acquisitions for the DEP, and other state agencies. The Bureau of Public Land Administration is responsible for identifying Board of Trustees land not needed for the purposes for which it was acquired, and recommending the property for the land surplus process. The Bureau markets and sells surplus land, and handles submerged lands and upland leases to state, local or federal agencies, and to private entities.

The Office of Environmental Services is the primary source of information for the Acquisition & Restoration Council which selects and ranks Florida Forever acquisitions. In addition to other responsibilities, the Office works with the Florida Natural Areas Inventory to maintain a database of conservation lands and lands that are potential conservation lands. The Bureau of Survey & Mapping is responsible for review and approval of all land acquisition surveys when title to lands will be held in the name of the Board of Trustees.

**Florida Natural Areas Inventory**

The Florida Natural Areas Inventory (FNAI), founded in 1981 by the Nature Conservancy, is a non-profit organization affiliated with Florida State University. FNAI is funded through contracts and grants with the DEP, the FWCC, and other state and federal agencies. The FNAI database includes GIS boundary information for more than 1,400 federal, state, local and private management areas, and includes information on Florida Forever acquisitions. FNAI also works with the five water management districts, DACS, the Florida Department of Transportation, the US Fish & Wildlife Service, and the US Department of Defense.

**Payment-In-Lieu-of-Taxes**

The Payment-In-Lieu of Tax (PILT) program was enacted to reduce the economic impact of the state's land acquisition programs on small counties when lands purchased by the state or a water management district are removed from local tax rolls. Payments to local governments are made out of the CARL Trust Fund and the Water Management Lands Trust Fund for a ten-year period. Only counties with populations of 150,000 or fewer are eligible to receive PILT.

### **III. Effect of Proposed Changes:**

This bill creates a new subsection (8) in s. 253.034, F.S., to direct the Division of State Lands at DEP to begin preparing an inventory on a county-by-county basis of all federal lands, and all lands titled in the name of the state, a state agency, a water management district or a local government. For state and water management district lands, the Division must identify the land acquisition program that funded the acquisition, and the funding source. Also, the inventory must distinguish between state or water management district lands purchased as part of a core parcel or within original project boundaries, and those lands which were not purchased to meet the essential or necessary conservation purposes of the state acquisition program. The Division is directed to use the same criteria to identify these lands that are used to determine when state conservation lands are no longer needed for the purposes for which they were acquired. In counties where more than 50 percent of land within a county boundary is federal property, or titled in the name of the state, a state agency, or a water management district, lands identified by the Division as those not purchased to meet essential or necessary conservation purposes must be made available for purchase to public or private entities. Priority consideration must be given to purchasers willing to return the property to productive use if the property can be re-entered onto the local tax roll.

This bill amends s. 259.032, F.S., to repeal language authorizing the reversion of unused CARL funds set aside for the PILT program for use in acquiring lands, and to repeal obsolete language authorizing retroactive PILT payments to certain counties.

This bill amends s. 259.041, F.S., to require that the Board of Trustees of the Internal Improvement Trust Fund must unanimously approve state acquisitions in any county where completion of a proposed purchase will mean that at least 50 percent of all lands within the county boundary are federal lands, are titled in the name of the state, a state agency, or a water management district.

Section 373.59, F.S., is amended to repeal the reversion of unused PILT funds to the Water Management Lands Trust Fund, to repeal obsolete language authorizing retroactive PILT payments by water management districts, and a 10-year cap on PILT payments is repealed.

Finally, ss. 259.0322 and 373.5905, F.S., relating to the reinstatement of DEP and WMD PILT payments for a 10-year period are repealed.

### **IV. Constitutional Issues:**

#### **A. Municipality/County Mandates Restrictions:**

None.

#### **B. Public Records/Open Meetings Issues:**

None.

C. Trust Funds Restrictions:

None.

**V. Economic Impact and Fiscal Note:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

**DEP estimates the fiscal impact as follows:**

Non-recurring Costs:

Inventory IT hardware and software:	\$1,000,000
Contracting costs (estimate)	\$ 500,000

Recurring Costs:

5 FTEs (over 3 year period to meet inventory data requirements)	\$ 244,465
3 OPS (over 3 year period to meet inventory data requirements)	\$ 89,419
1 FTE to handle PILT requirements (annual costs)	\$ 30,315

**Local governments**

Local governments may see a positive fiscal impact from ongoing PILT payments, or the return of property to county tax rolls. Committee staff have requested PILT information relating to average annual payment amount, and number of eligible counties from staff of the DEP.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Amendments:**

None.