

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Policy and Steering Committee on Ways and Means

BILL: CS/CS/SB 1516

INTRODUCER: Policy and Steering Committee on Ways and Means, General Government Appropriations Committee, and Senator Baker

SUBJECT: State-owned Lands

DATE: March 25, 2010 **REVISED:** _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Pigott	DeLoach	GA	Fav/CS
2.	Pigott	Coburn	WPSC	Fav/CS
3.				
4.				
5.				
6.				

Please see Section VIII. for Additional Information:

- | | | |
|------------------------------|-------------------------------------|---|
| A. COMMITTEE SUBSTITUTE..... | <input checked="" type="checkbox"/> | Statement of Substantial Changes |
| B. AMENDMENTS..... | <input type="checkbox"/> | Technical amendments were recommended |
| | <input type="checkbox"/> | Amendments were recommended |
| | <input type="checkbox"/> | Significant amendments were recommended |

I. Summary:

This bill provides for the inventory of state-owned lands by requiring all state agencies, the judicial branch, and the water management districts to report certain data annually to the Division of State Lands in the Department of Environmental Protection (DEP).

The bill directs the DEP to submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives, by October 1, 2010, and annually thereafter, a report that lists the state-owned real property recommended for disposition. The bill requires that, prior to disposition, a state-owned building or parcel of land shall first be offered for lease to state agencies, state universities, and community colleges.

The bill directs the DEP to create and maintain a comprehensive state-owned real property database that includes an accurate inventory of all real property leased, owned, rented, occupied or managed by the state or the judicial branch. The bill directs the DEP to submit an updated feasibility study for the Lands Inventory Tracking System, to include in its scope the comprehensive state-owned system, by November 1, 2010.

In addition, the bill requires the DEP to implement a project governance structure with an executive steering committee comprised of the secretary of the DEP, the executive director of the Department of Revenue (DOR), the director of the Division of State Lands, the state Chief Financial Officer, a property appraiser appointed by the Florida Association of Property Appraisers, Inc., a property appraiser appointed by the Property Appraisers, Inc., and the executive director of the Agency for Enterprise Information Technology. The bill directs the executive steering committee to complete a business process analysis and documentation of both the detailed system requirements and the overall system architecture and submit to the Governor and the Legislature by February 1, 2011.

This bill is consistent with the intent of CS/CS SB 1238, which reorganizes the current structure of the Department of Management Services (DMS) and reassigns certain divisions and programs to other departments within the executive branch.

The bill amends the following sections of the Florida Statutes: 193.023, 193.085, 213.053, 216.0152, 253.03, and 253.034.

The bill creates section 253.034 (17), Florida Statutes.

II. Present Situation:

Chapter 2009-77, L.O.F., enacted in 2009, required the DMS to create, administer, and maintain a comprehensive database of all state-owned real property. To facilitate the creation of the database, the legislation directed the DMS to prepare a plan to compile the database that addresses the following issues.

- A method for requiring that specific information be provided for each property in the database in order to determine appropriation valuation.
- A method for maintaining and updating the database.
- A method for identifying and assessing the database properties for potential disposition.
- A method for requiring that the DMS be notified of identified properties for purposes of conducting a strategic valuation and disposition analysis.

The DMS convened a workgroup for the purpose of producing the statutorily-required plan, which was subsequently submitted to the Legislature on January 4, 2010. The plan identified the following findings.

- Multiple real property data sources have disparate data and are not currently integrated because existing data sources were not designed to reconcile.
- State agencies have operational responsibility for their owned facilities, which means property information is scattered among state agencies.
- The physical characteristics of improved real property from 67 county property appraisers, the source for some of the state's real property databases, are inconsistent between the counties and may not properly reflect the current size and condition of improvements.

The plan acknowledged the need for the development and implementation of a comprehensive database for state-owned real property and identified three options for providing the database.

III. Effect of Proposed Changes:

Section 1 includes state-owned real property, in addition to any parcel of taxable property, that the property appraiser must physically inspect upon the request of any taxpayer.

Section 2 removes provisions requiring the DOR to notify property appraisers of state ownership of real property.

Section 3 authorizes the DOR to disclose certain information to the Department of Environmental Protection regarding state-owned lands.

Section 4 requires the Division of State Lands in the DEP, rather than the DMS, to develop and maintain an automated inventory of all facilities owned, leased, rented, or otherwise occupied or maintained by any state agency, the judicial branch, and the water management districts. This section requires that inventory data be submitted to the department on or before July 1 of each year.

Additionally, this section requires the division to annually report to the Governor and the Legislature a list of real property recommended for disposition by October 1 each year.

Section 5 requires the DOR, by September 30th of each year, to electronically furnish the annual current tax roll data for public lands to the Board of Trustees of the Internal Improvement Trust Fund, to be used in compiling the inventory of publicly held lands. This section also requires that the board shall use the tax roll data from the DOR to assist in the identification and confirmation of publicly held lands.

Section 6 removes provisions relating to an inventory of public lands, including federal lands, within the state.

This section requires that, in addition to state agencies and state universities, community colleges must be offered a state-owned building or parcel of land for lease before it is offered for lease, sublease, or sale to a local or federal unit of government or private party. Priority consideration is given to state universities and community colleges, with the exception of the G. Pierce Wood facility, for which priority consideration is to be given to the University of South Florida Polytechnic. This section requires a state university or community college to submit a plan for review and approval by the Board of Trustees of the Internal Improvement Trust Fund regarding the intended use of the building or parcel of land before approval of a lease.

Section 7 directs the DEP to create, administer, and maintain a comprehensive system for all state lands and real property leased, owned, rented, or otherwise occupied or maintained by any state agency, the judicial branch and by the water management districts. The department shall be the statewide custodian of the real property information and shall be accountable for its accuracy.

Additionally, this section:

- Requires all state agencies and the water management districts to enter required real property information into the comprehensive state-owned real property system.

- Requires the system to contain a database that includes an accurate inventory of all real property that is leased, owned, rented, occupied, or managed by the state or the judicial branch.
- Requires that the comprehensive state-owned real property system accomplish the following business objectives.
 - Eliminate the need for redundant collection processes and state agency information systems.
 - Reduce the need to lease or acquire additional real property as a result of annual utilization analysis.
 - Enable regional planning as a tool for cost-effective buy, sell, and lease decisions.
 - Increase state revenues and maximize operational efficiencies through the disposition of properties.
 - Ensure that all state property is identified and integrated with the county property appraisers
 - Allow for state agencies to electronically submit information using a web browser.
- Requires the division, by October 1, 2010, to submit to the Governor and the Legislature a report that recommends state-owned real property for disposition.
- By November 1, 2010, it requires the DEP to submit an updated feasibility study to the Governor and the Legislature, for the Lands Inventory Tracking System.
- Requires by February 1, 2011, the executive steering committee complete a business process analysis and submit to the Governor and the Legislature.
- Requires that the facility inventory components of the system be fully operational by March 1, 2011.
- Requires that the remaining real property and land inventory components of the system must be fully operational by September 1, 2012.
- Prescribes the project governance structure that must be utilized by the DEP for the development of a comprehensive state-owned real property system.

Section 8 provides the act is effective upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None

C. Government Sector Impact:

The Department of Environmental Protection and the Department of Management Services have indicated that no additional resources will be required to implement the provisions of the bill.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)**CS/CS by Policy and Steering Committee on Ways and Means on March 25, 2010:**

This committee substitute does the following:

- Requires water management districts to provide an annual inventory of state-owned real property to the DEP each year.
- Expands the objectives of the comprehensive state-owned real property system to include regional planning as a tool for cost-effective buy, sell, and lease decisions.
- Requires that within 30 days from this act becoming law, a project management team be established and a memorandum of agreement between DEP, DOR and DFS be executed to clearly define the project management teams' role and responsibility.
- Provides technical and clarifying changes.

CS by General Government Appropriations Committee on March 19, 2010:

This committee substitute:

- Includes state-owned real property, in addition to any parcel of taxable property, that the property appraiser must physically inspect upon the request of any taxpayer.

- Removes provisions requiring the Department of Revenue (DOR) to notify property appraisers of state ownership of real property.
- Authorizes the DOR to disclose certain information to the Department of Environmental Protection (DEP) regarding state-owned lands.
- Requires the Division of Real Estate Development and Management (division) in the DEP, rather than the Department of Management Services, to develop and maintain an automated inventory of all facilities owned, leased, rented, or otherwise occupied or maintained by any state agency or by the judicial branch.
- Requires that the owning or operating state agency provide state-owned real property data to the division on or before July 1 of each year.
- Requires the division to submit to the Governor and Legislature by October 1, 2010, and annually thereafter, a report that recommends state-owned real property for disposition.
- Requires the DOR to electronically furnish annual current tax roll data for public lands to the Board of Trustees of the Internal Improvement Trust Fund (board), to be used in compiling the inventory of publicly held lands.
- Requires that the board shall use the tax roll data from the DOR to assist in the identification and confirmation of publicly held lands.
- Removes provisions relating to an inventory of public lands, including federal lands, within the state.
- Requires that, in addition to state agencies and state universities, community colleges must be offered a state-owned building or parcel of land for lease before it is offered for lease, sublease, or sale to a local or federal unit of government or private party. Priority consideration is given to state universities and community colleges, with the exception of the G. Pierce Wood facility, for which priority consideration is to be given to the University of South Florida Polytechnic.
- Requires a state university or community college to submit a plan for review and approval by the board regarding the intended use of the building or parcel of land before approval of a lease.
- Directs the DEP to create, administer, operate, and maintain a comprehensive system for all state lands and real property leased, owned, rented, or otherwise occupied or maintained by any state agency or the judicial branch. The department shall be the statewide custodian of the real property information and shall be accountable for its accuracy.
- Requires all state agencies to enter required real property information into the comprehensive state-owned real property system.
- Requires the system to contain a database that includes an accurate inventory of all real property that is leased, owned, rented, occupied, or managed by the state or the judicial branch.
- Establishes the main business objectives that the comprehensive state-owned real property system must accomplish.
- Requires that the real property components of the system be fully operational by March 15, 2011.
- Requires that the land inventory components of the system must be fully operational by September 1, 2012.

- Requires the completion of the business process analysis and documentation of both the detailed system requirements and overall system architecture by March 1, 2011.
- Prescribes the project governance structure that must be utilized by the DEP for the development of a comprehensive state-owned real property system.
- Directs the DEP to submit an updated feasibility study for the Lands Inventory Tracking System, to include in its scope the comprehensive state-owned system, by October 15, 2010.

B. Amendments:

None.