

## CHAPTER 2010-280

### Committee Substitute for Committee Substitute for Senate Bill No. 1516

An act relating to state-owned lands; amending s. 193.023, F.S.; requiring the property appraiser to physically inspect any parcel of state-owned real property upon the request of the taxpayer or owner; amending s. 193.085, F.S.; removing provisions requiring the Department of Revenue to notify property appraisers of state ownership of real property; requiring local governments to notify property appraisers of lands owned by the local government; amending s. 213.053, F.S.; authorizing the Department of Revenue to disclose certain information to the Department of Environmental Protection regarding state-owned lands; amending s. 216.0152, F.S.; requiring the Department of Management Services to maintain an automated inventory of all facilities owned, leased, rented, or otherwise occupied or maintained by any agency of the state, the judicial branch, or a water management district; requiring that the facilities inventory data be provided to the department on or before a specified date each year by the owning or operating state agency; requiring that the Department of Transportation identify and dispose of surplus property pursuant to ss. 337.25 and 339.04, F.S.; requiring the Department of Management Services to adopt rules; directing the department to update its inventory with information concerning the physical condition of facilities that have 3,000 square feet or more of space; creating s. 216.0153, F.S.; directing the Department of Environmental Protection 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, the judicial branch, or a water management district; providing for a database of all real property owned or leased by the state; requiring all state agencies to enter required real property information into the comprehensive state-owned real property system; requiring the Division of State Lands to submit an annual report to the Governor and Legislature which lists the state-owned real property recommended for disposition; amending s. 253.03, F.S.; requiring the Department of Revenue to furnish, in electronic form, 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 public lands; requiring the board to use tax roll data from the Department of Revenue to assist in the identification and confirmation of publicly held lands; amending s. 253.034, F.S.; removing provisions relating to an inventory of public lands, including federal lands, within the state; requiring that a building or parcel of land be offered for lease to state agencies, state universities, and community colleges before being offered for lease, sublease, or sale to a local or federal unit of government or a private party; requiring that priority consideration for such a lease be given to state universities and community colleges; requiring that a state university or community college submit a plan regarding the intended use of such building or parcel of land for review and

approval by the Board of Trustees of the Internal Improvement Trust Fund before approval of a lease; providing that priority consideration be given to the University of South Florida Polytechnic for the lease of vacant land and buildings located at the G. Pierce Wood facility in DeSoto County; providing for future expiration; implementing the comprehensive state-owned real property system; setting forth the timeframes in which the Department of Environmental Protection must complete the comprehensive state-owned real property system; requiring the department to report to the Governor and Legislature by a specified date; providing for an executive steering committee for management of the comprehensive state-owned real property system; describing the composition of the executive steering committee; setting forth the responsibilities of the executive steering committee; creating a project management team to work under the direction of the executive steering committee; requiring the project management team to be headed by a full-time project manager and to consist of senior managers and personnel appointed by members of the executive steering committee; setting forth the responsibilities of the project management team; providing an appropriation; providing an effective date.

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

Section 1. Subsection (2) of section 193.023, Florida Statutes, is amended to read

193.023 Duties of the property appraiser in making assessments.—

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

Section 2. Paragraph (a) of subsection (3) of section 193.085, Florida Statutes, is amended to read:

193.085 Listing all property.—

(3)(a) ~~The department will coordinate with all other departments of state government to ensure that the several property appraisers are properly notified annually of state ownership of real property. The department shall promulgate regulations to ensure that~~ All forms of local government, special taxing districts, multicounty districts, and municipalities shall provide written annual notification to properly notify annually the several property

appraisers of any and all real property owned by any of them so that ownership of all such property will be properly listed.

Section 3. Paragraph (z) is added to subsection (8) of section 213.053, Florida Statutes, to read:

213.053 Confidentiality and information sharing.—

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

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

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

Section 4. Section 216.0152, Florida Statutes, is amended to read:

216.0152 Inventory of state-owned facilities or state-occupied facilities.

(1) The Department of Management Services shall develop and maintain an automated inventory of all facilities owned, leased, rented, or otherwise occupied or maintained by any agency of the state, ~~or by the judicial branch, or the water management districts, except those with less than 3,000 square feet.~~ The inventory data shall be provided by the owning or operating agency and shall include the location, occupying agency, ownership, size, condition assessment, valuations, operating costs, maintenance record, age, parking and employee facilities, building uses, full-time equivalent occupancy, known restrictions or historic designations, leases or subleases, associated revenues, and other information as required in a rule adopted by the department. The department shall use this data for determining maintenance needs, conducting strategic analyses, including, but not limited to, analyzing and identifying candidates for surplus, valuation, and disposition, and life-cycle cost evaluations of the facility. Inventory data shall be provided to the department on or before July 1 of each year by the owning or operating agency in a format prescribed by the department. The inventory need not include a condition assessment or maintenance record of facilities not owned by a state agency, ~~or by the judicial branch, or a water management district.~~ The term “facility,” as used in this section, means buildings, structures, and building systems, but does not include transportation facilities of the state transportation system. For reporting purposes, the Department of Transportation shall develop and maintain an inventory of transportation facilities of the state transportation system. The Department of Transportation shall also identify and dispose of surplus property pursuant to ss. 337.25 and 339.04. The Board of Governors of the State University System and the

Department of Education, respectively, shall develop and maintain an inventory, in the manner prescribed by the Department of Management Services, of all state university and community college facilities and shall make the data available in a format acceptable to the Department of Management Services. By March 15, 2011, the department shall adopt rules pursuant to ss. 120.536 and 120.54 to administer this section.

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

(3) The Department of Management Services shall, every 3 years, publish a complete report detailing this inventory and shall publish an annual update of the report. The department shall furnish the updated report to the Executive Office of the Governor and the Legislature no later than September 15 of each year.

Section 5. Section 216.0153, Florida Statutes, is created to read:

216.0153 Comprehensive state-owned real property system.—Whereas, the Legislature finds that it is in the best interest of the state to identify surplus property and dispose of such property owned by the state that is unnecessary to achieving the state's responsibilities, that may cost more to maintain than the revenue generated, that does not serve any public purpose, or from which the state may derive a substantially similar public purpose under private ownership.

(1) The Department of Environmental Protection shall create, administer, and maintain a comprehensive system for all state lands and real property leased, owned, rented, and otherwise occupied or maintained by any state agency, by the judicial branch, and by any water management district. The comprehensive state-owned real property system shall allow the Board of Trustees of the Internal Improvement Trust Fund to perform its statutory responsibilities and the Division of State Lands in the Department of Environmental Protection to conduct strategic analyses and prepare annual valuation and disposition analyses and recommendations for all state real property assets.

(a) The comprehensive state-owned real property system must contain a database that includes an accurate inventory of all real property that is

leased, owned, rented, occupied, or managed by the state, the judicial branch, or the water management districts.

(b) The Division of State Lands in the Department of Environmental Protection shall be the statewide custodian of the real property information and shall be accountable for its accuracy.

(c) All state agencies and water management districts shall enter required real property information in the comprehensive system according to standards published by the Division of State Lands.

(2) The comprehensive state-owned real property system must accomplish the following objectives:

(a) Eliminate the need for redundant state real property information collection processes and state agency information systems.

(b) Reduce the need to lease or acquire additional real property as a result of an annual surplus valuation, utilization, and disposition analysis.

(c) Enable regional planning as a tool for cost-effective buy, sell, and lease decisions.

(d) Increase state revenues and maximize operational efficiencies by annually identifying those state-owned real properties that are the best candidates for surplus or disposition.

(e) Ensure all state real property is identified by collaborating and integrating with the Department of Revenue data as submitted by the county property appraisers.

(f) Implement required functionality and processes for state agencies to electronically submit all applicable real property information using a web browser application.

(3) By October 1, 2010, and annually thereafter, the Division of State Lands in the Department of Environmental Protection shall submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives a report that lists the state-owned real property recommended for disposition, including a report by the Department of Management Services of surplus buildings recommended for disposition. The report shall include specific information that documents the valuation and analysis process used to identify the specific state-owned real property recommended for disposition.

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

253.03 Board of trustees to administer state lands; lands enumerated.

(8)(a) The Board of Trustees of the Internal Improvement Trust Fund shall prepare, using tax roll data provided by the Department of Revenue, or the county property appraisers, an annual inventory of all publicly owned lands within the state. Such inventory shall include all lands owned by any unit of state government or local government; by the Federal Government, to the greatest extent possible; and by any other public entity. ~~The board shall submit a summary report of the inventory and a list of major discrepancies between the inventory and the tax roll data to the President of the Senate and the Speaker of the House of Representatives on or before March 1 of each year.~~

(b) In addition to any other parcel data available, the inventory shall 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 legal description or proper reference thereto and the number of acres or square feet shall be determined for all publicly owned submerged lands. For the purposes of this subsection, the term “submerged lands” means publicly owned lands below the ordinary high-water mark of fresh waters and below the mean high-water line of salt waters extending seaward to the outer jurisdiction of the state. ~~By October 31 of each year, the Department of Revenue shall furnish, in machine-readable form, annual, current tax roll data for public lands to the board to be used in compiling the inventory.~~

(c) By September 30 of each year, the Department of Revenue shall furnish to the board, in electronic form, the approved preliminary tax roll data for public lands to be used in compiling the inventory. ~~By November 30~~ December 31 of each year, the board shall prepare and provide to each state agency and local government and any other public entity which holds title to real property, including any water management district, drainage district, navigation district, or special taxing district, a list of the real property owned by such entity, required to be listed on county assessment rolls, using tax roll data provided by the Department of Revenue. By January ~~March~~ 31 of the following year, each such entity shall review its list and inform the appropriate property appraiser and the board of any corrections to the list. The appropriate county property appraiser ~~Department of Revenue shall enter provide for entering~~ such corrections on the appropriate county tax roll.

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

(e) The board shall use tax roll data, which shall be provided by the Department of Revenue, to assist in the identification and confirmation of publicly held lands. Lands that are held by the state or a water management district and lands that are purchased by the state, a state agency, or a water management district and that are deemed not essential or necessary for conservation purposes are subject to review for surplus sale.

Section 7. Subsections (8) and (16) of section 253.034, Florida Statutes, are amended, and subsection (17) is added to that section, to read:

253.034 State-owned lands; uses.—

~~(8)(a) Notwithstanding other provisions of this section, the Division of State Lands is directed to prepare a state 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. To facilitate the development of the state inventory, each county shall direct the appropriate county office with authority over the information to provide the division with a county inventory of all lands identified as federal lands and lands titled in the name of the state, a state agency, a water management district, or a local government. The Legislature recognizes the value of the state's conservation lands as water recharge areas and air filters and, in an effort to better understand the scientific underpinnings of carbon sequestration, carbon capture, and greenhouse gas mitigation, to inform policymakers and decisionmakers, and to provide the infrastructure for landowners, the Division of State Lands shall contract with an organization experienced and specialized in carbon sinks and emission budgets to conduct an inventory of all lands that were acquired pursuant to Preservation 2000 and Florida Forever and that were titled in the name of the Board of Trustees of the Internal Improvement Trust Fund. The inventory shall determine the value of carbon capture and carbon sequestration. Such inventory shall consider potential carbon offset values of changes in land management practices, including, but not limited to, replanting of trees, routine prescribed burns, and land use conversion. Such an inventory shall be completed and presented to the board of trustees by July 1, 2009.~~

~~(b) The state 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, as those terms are used to meet the surplus requirements of subsection (6), and lands purchased by the state, a state agency, or a water management district which are not essential or necessary for conservation purposes.~~

~~(c) In any county having a population of 75,000 or fewer, or a county having a population of 100,000 or fewer which is contiguous to a county having a population of 75,000 or fewer, in which more than 50 percent of the lands within the county boundary are federal lands and lands titled in the name of the state, a state agency, a water management district, or a local government, those lands titled in the name of the state or a state agency which are not essential or necessary to meet conservation purposes may,~~

~~upon request of a public or private entity, be made available for purchase through the state's surplusing process. Rights-of-way for existing, proposed, or anticipated transportation facilities are exempt from the requirements of this paragraph. Priority consideration shall be given to buyers, public or private, willing to return the property to productive use so long as the property can be reentered onto the county ad valorem tax roll. Property acquired with matching funds from a local government shall not be made available for purchase without the consent of the local government.~~

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

(16) Before a building or parcel of land is offered for lease, sublease, or sale to a local or federal unit of government or a private party, it shall first be offered for lease to state agencies, ~~and state universities, and community colleges,~~ with priority consideration given to state universities ~~and community colleges.~~ A state university or community college must 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.

(17) Notwithstanding subsection (16), the Board of Trustees of the Internal Improvement Trust Fund shall transfer all lease interests in lands on which the G. Pierce Wood Hospital is located to the University of South Florida Polytechnic. Included in this transfer shall be any existing subleases. The University of South Florida Polytechnic shall honor the terms and conditions of all current leases and subleases. Current lessees may elect to terminate their leases. This subsection expires July 1, 2012.

Section 8. Implementation of the comprehensive state-owned real property system.—

(1) The development of the comprehensive state-owned real property system must be composed of the following implementation timeframes and initial deliverables:

(a) By November 1, 2010, the Department of Environmental Protection shall submit an updated feasibility study for the Lands Inventory Tracking System, which shall include in its scope the comprehensive state-owned real property system. The feasibility study shall be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

(b) By February 1, 2011, the executive steering committee shall complete the business process analysis and documentation of both the detailed system requirements and the overall system architecture and submit this information to the Governor, the President of the Senate, and the Speaker of the House of Representatives.



(c) By March 1, 2011, the facility inventory components of the comprehensive state-owned real property system must be fully operational.

(d) By September 1, 2012, the remaining real property and land inventory components of the comprehensive state-owned real property system must be fully operational.

(e) Within 12 months after the comprehensive system becomes operational, state agencies shall retire any real property databases or systems that duplicate the functionality or capability of the comprehensive system unless such systems are specifically required by law.

(2) The Department of Environmental Protection shall implement the project governance structure until such time as the comprehensive state-owned real property system is successfully completed, suspended, or terminated.

(3) The project sponsor for the comprehensive state-owned real property system is the Secretary of Environmental Protection or an appointed designee.

(4) The project shall be governed by an executive steering committee composed of the following voting members or their designees:

(a) The Secretary of Environmental Protection, who shall serve as chair of the committee.

(b) The executive director or secretary of the Department of Management Services.

(c) The executive director of the Department of Revenue.

(d) The Chief Financial Officer.

(e) A property appraiser appointed by the Florida Association of Property Appraisers, Inc.

(f) A property appraiser appointed by the Property Appraisers' Association of Florida, Inc.

(g) The executive director of the Agency for Enterprise Information Technology.

(5) The executive steering committee shall take action by majority vote of its members and has the overall management responsibility for ensuring that the system meets the main business objectives identified in s. 216.0153(2), Florida Statutes. The executive steering committee is specifically responsible for:

(a) Providing management direction and support to the project management team.

(b) Reviewing, approving, or disapproving project deliverables and any changes to the project's scope, schedule, or costs.

(c) Preparing an update to the feasibility study for the Lands Inventory Tracking System, including the scope of the real property system. The feasibility study shall include, but need not be limited to, a description of the overall scope of the comprehensive state-owned real property system. In determining the overall scope, the study shall address whether a single, comprehensive database of state-owned real property should replace existing real property databases and whether the comprehensive real property system should accept data from and send data to existing databases. The feasibility study update shall comply with the Schedule IV-B guidelines for the 2010-2011 fiscal year, published by the Technology Review Workgroup pursuant to s. 216.023, Florida Statutes.

1. At a minimum, the following database systems shall be included in this review and analysis:

a. The Public Lands Inventory of the Department of Environmental Protection, the statewide public lands inventory, the Board of Trustees Land Document Systems, and the Lands Information Tracking System.

b. The property tax rolls of the Department of Revenue.

c. The state facilities inventory of the Department of Management Services.

d. The risk management database of the Department of Financial Services.

2. Further functions must include:

a. Identification of the role and responsibilities of the county property appraisers in a comprehensive system of state-owned real property which includes the integration of their real property data.

b. A description of the methods for maintaining and updating the system and conducting strategic analyses, including valuation and real property surplus or disposition analysis.

c. Specifications describing all functional and technical requirements of the comprehensive system.

d. Reliable estimates of the initial and ongoing state and local effort required to implement the comprehensive system of state-owned real property.

e. Identification of the business processes that county property appraisers and state agencies will use to keep the comprehensive system data complete, current, and accurate.

f. Identification of state agency system usage requirements and responsibilities.

g. Cost-benefit analysis documenting the specific direct and indirect costs, savings, and qualitative and quantitative benefits involved in or resulting from the implementation of the comprehensive state-owned real property system.

(d) Identifying and recommending to the Governor and the chair of the House Full Appropriations Council on General Government & Health Care and the chair of the Senate Policy and Steering Committee on Ways and Means any fiscal and substantive policy changes that are needed to implement and maintain the comprehensive system as documented in the feasibility study.

(6) The project management team shall be established no later than 30 days after this act becomes law and shall work under the direction of the executive steering committee. A memorandum of agreement between the Department of Environmental Protection, the Department of Management Services, the Department of Revenue, and the Department of Financial Services may be executed to clearly define the roles and responsibilities of the project management team. The project management team must be headed by a full-time project manager and consist of senior managers and personnel appointed by members of the executive steering committee. The project management team is responsible for:

(a) Providing daily planning, management, and implementation resources and capabilities for the project.

(b) Developing an operational work plan for the project and providing to the executive steering committee proposed updates to the work plan whenever necessary. The plan must specify project milestones, deliverables, a development and implementation schedule, and expenditures necessary to achieve the main objectives identified in s. 216.0153(2), Florida Statutes.

(c) Submitting written monthly project status reports to the executive steering committee which describe:

1. Planned project costs versus actual project costs.
2. Completion status of major milestones and deliverables according to the project schedule.
3. Any issues requiring resolution, the proposed resolution for the issues, and information regarding the status of the resolution.
4. Specific risks that must be managed and methods for their management.
5. Recommendations for necessary changes in the project’s scope, schedule, or costs. All recommendations must be reviewed by project

stakeholders before submission to the executive steering committee in order to ensure that the recommendations meet required acceptance criteria.

(d) Preparing the feasibility study required in subsection (1) under the direction of the executive steering committee.

(e) Preparing project work plans and project status reports, which shall also be provided to the Governor and the chair of the House Full Appropriations Council on General Government & Health Care and the chair of the Senate Policy and Steering Committee on Ways and Means.

Section 9. The Department of Environmental Protection is appropriated spending authority of \$320,000 in contracted services from the Internal Improvement Trust Fund in the Land Administration budget entity for the creation of a comprehensive state-owned real property database.

Section 10. This act shall take effect upon becoming a law.

Vetoed by the Governor May 28, 2010.

Passed the House over the veto November 16, 2010.

Passed the Senate over the veto November 16, 2010.

Filed in Office Secretary of State November 16, 2010.