

STORAGE NAME: h3825z.wrm

DATE: June 1, 1998

****FINAL ACTION****

****SEE FINAL ACTION STATUS SECTION****

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
WATER AND RESOURCE MANAGEMENT
FINAL BILL RESEARCH & ECONOMIC IMPACT STATEMENT**

BILL #: HB 3825

RELATING TO: The Board of Trustees of the Internal Improvement Trust Fund

SPONSOR(S): Representative Merchant

COMPANION BILL(S): SB 2478 (i)

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) WATER AND RESOURCE MANAGEMENT YEAS 8 NAYS 0
- (2)
- (3)
- (4)
- (5)

I. FINAL ACTION STATUS:

The House voted 115-0 in favor of HB 3825. The Senate passed the bill by a vote of 38-0. The bill became law without the Governor's signature on May 29, 1998.

II. SUMMARY:

HB 3825 directs the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida (the Trustees) to transfer title to approximately 70 acres used by the Pine Jog Environmental Education Center in Palm Beach County to the Florida Atlantic University Foundation, Inc.

HB 3825 would take effect upon becoming a law.

III. SUBSTANTIVE RESEARCH:

A. PRESENT SITUATION:

Statutory Disposition Process:

Section 253.034 F.S. directs the Board of Trustees of the Internal Improvement Trust Fund to determine which lands, the title to which is vested in the board, are of no benefit to the public and to dispose of such lands. Each state agency indicates to the board which lands, of those managed by that agency, are not being used for the purpose for which they were originally leased. Those lands are reviewed by the Land Acquisition and Management Advisory Council (LAMAC) for its recommendation as to whether such lands should be disposed of by the Trustees. The Trustees, after reviewing the recommendations of LAMAC, determine whether the lands "are to be held for other public purposes or whether such lands are of no benefit to the public. Lands determined to be of no benefit to the public shall be disposed of pursuant to law" pursuant to s. 253.034 (6)(d) F.S. In this process, LAMAC considers whether the lands would be more appropriately owned or managed by the county or another unit of local government in which the land is located. A sale, lease, or other conveyance to the local government may be recommended if it would be in the best interest of the state and local government. Three parcels of land were disposed of through this process during 1997. They were sold for a total of \$331,070.

Pine Jog Environmental Education Center:

Florida Atlantic University (FAU) uses approximately 150 acres within the Pine Jog Subdivision for the Pine Jog Environmental Education Center. This center is a unit of FAU's College of Education, and is used for environmental education purposes. Those 150 acres have three different owners: the Donnell-Kay Foundation, the FAU Foundation, and the Trustees of the Internal Improvement Trust Fund (Trustees). Palm Beach County and the Florida Audubon Society have reverter interests in some parcels held by the Trustees. There are three leases and one lease addendum between the Trustees and the Florida Board of Regents (BOR) that give FAU authority to use the Trustee held lots. The revenue from the leases is \$300 per year.

The Pine Jog Subdivision was originally held by the Mr. and Mrs. Alfred Kay. In the early 1970s, the Kays wanted to give their property to FAU, but the university was prohibited from owning land in its own name and the FAU Foundation was not in effect as it is today. So the land was given to the Trustees with leases to the BOR in order to allow FAU to use the land. Today, the FAU Foundation, as a direct support organization of the University, may hold title to land for the benefit of FAU. The Donnell-Kay Foundation (successor to Mr. and Mrs. Alfred Kay) has donated approximately 33 acres to the FAU Foundation, and would like for the property held by the Trustees to be transferred to the FAU Foundation also. If that transfer is made, the Donnell-Kay Foundation will donate the remaining approximately 47 acres within the Pine Jog Subdivision to the FAU Foundation. All of the property in the subdivision would then be consolidated under the FAU Foundation allowing FAU to more efficiently and effectively manage the property.

Both of the reverter holders, Palm Beach County and the Florida Audubon Society, support the consolidation of ownership.

B. EFFECT OF PROPOSED CHANGES:

The specific parcels of land listed in HB 3825 would be transferred from the Trustees to the FAU Foundation Inc., for the Pine Jog Education Center.

C. APPLICATION OF PRINCIPLES:

1. Less Government:

a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

N/A

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

N/A

(3) any entitlement to a government service or benefit?

N/A

b. If an agency or program is eliminated or reduced:

(1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

N/A

(2) what is the cost of such responsibility at the new level/agency?

N/A

(3) how is the new agency accountable to the people governed?

N/A

2. Lower Taxes:

- a. Does the bill increase anyone's taxes?

N/A

- b. Does the bill require or authorize an increase in any fees?

N/A

- c. Does the bill reduce total taxes, both rates and revenues?

N/A

- d. Does the bill reduce total fees, both rates and revenues?

N/A

- e. Does the bill authorize any fee or tax increase by any local government?

N/A

3. Personal Responsibility:

- a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

N/A

- b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

N/A

4. Individual Freedom:

- a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

N/A

- b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

N/A

5. Family Empowerment:

a. If the bill purports to provide services to families or children:

(1) Who evaluates the family's needs?

N/A

(2) Who makes the decisions?

N/A

(3) Are private alternatives permitted?

N/A

(4) Are families required to participate in a program?

N/A

(5) Are families penalized for not participating in a program?

N/A

b. Does the bill directly affect the legal rights and obligations between family members?

N/A

c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

(1) parents and guardians?

N/A

(2) service providers?

N/A

(3) government employees/agencies?

N/A

D. STATUTE(S) AFFECTED:

N/A

E. SECTION-BY-SECTION RESEARCH:

Section 1: Directs the Board of Trustees of the Internal Improvement Trust Fund to transfer described property to the Florida Atlantic University Foundation, Inc., for the Pine Jog Environmental Education Center for environmental education.

Section 2: Provides that the act shall take effect upon becoming a law.

IV. FISCAL RESEARCH & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

N/A

2. Recurring Effects:

Because the specified tracts of land will no longer be leased by the Board of Regents, there will be a \$300 decrease in annual revenues to the State.

3. Long Run Effects Other Than Normal Growth:

N/A

4. Total Revenues and Expenditures:

There will be a \$300 decrease in annual revenues because the lease fee will no longer be collected for the land leased by the BOR for the Pine Jog Environmental Education Center.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

N/A

2. Recurring Effects:

N/A

3. Long Run Effects Other Than Normal Growth:

N/A

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

N/A

2. Direct Private Sector Benefits:

N/A

3. Effects on Competition, Private Enterprise and Employment Markets:

N/A

D. FISCAL COMMENTS:

N/A

V. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

The mandates provision is not applicable to an analysis of HB 3825 because the bill does not require cities or counties to expend funds, or to take actions which require the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the revenue raising authority of local governments.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill does not reduce the state tax shared with counties and municipalities.

VI. COMMENTS:

The Department of Environmental Protection, in spite of its normal reservations about legislatively transferring state-held lands, has no objections to this transfer as long as the property continues to be used for educational purposes approved by the BOR and FAU.

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VII. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

N/A

VIII. SIGNATURES:

COMMITTEE ON WATER AND RESOURCE MANAGEMENT:

Prepared by:

Legislative Research Director:

Sarah J. Hodges

Joyce Pugh

**FINAL RESEARCH PREPARED BY COMMITTEE ON WATER AND RESOURCE
MANAGEMENT:**

Prepared by:

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