

1989

## Session Law 89-028

Florida Senate & House of Representatives

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**S 474 GENERAL BILL/1ST ENG by Jennings and others (Similar H 484)**

Park Land Dedication/Counties; extends provisions to dedications of land to counties; provides for use of funds from sale of such lands. Amends 95.36. Effective Date: 05/29/89.

03/10/89 SENATE Prefiled  
03/24/89 SENATE Referred to Community Affairs; Natural Resources and Conservation  
04/04/89 SENATE Introduced, referred to Community Affairs; Natural Resources and Conservation -SJ 47; On Committee agenda—Community Affairs, 04/06/89, 1:15 pm, Room-C-(LL-32)  
04/06/89 SENATE Comm. Report: Favorable by Community Affairs -SJ 116  
04/07/89 SENATE Now in Natural Resources and Conservation -SJ 116  
04/14/89 SENATE Extension of time granted Committee Natural Resources and Conservation  
04/17/89 SENATE On Committee agenda—Natural Resources and Conservation, 04/19/89, 1:00 pm, Room-2C-(301)  
04/19/89 SENATE Comm. Report: Favorable by Natural Resources and Conservation, placed on Calendar -SJ 199  
04/27/89 SENATE Placed on Special Order Calendar -SJ 210; Passed as amended; YEAS 33 NAYS 0 -SJ 238  
05/02/89 HOUSE In Messages  
05/09/89 HOUSE Received, placed on Calendar -HJ 419  
05/10/89 HOUSE Placed on Special Order Calendar  
05/11/89 HOUSE Substituted for HB 484; Read second time -HJ 465  
05/16/89 HOUSE Read third time; Passed; YEAS 108 NAYS 0 -HJ 497  
05/17/89 Ordered enrolled -SJ 387  
05/23/89 Signed by Officers and presented to Governor -SJ 448  
05/29/89 Approved by Governor; Chapter No. 89-28 -SJ 495

**NOTES:** Above bill history from Division of Legislative Information's *FINAL LEGISLATIVE BILL INFORMATION, 1989 SESSIONS*. Staff Analyses for bills amended beyond final committee action may not be in accordance with the enacted law. Journal page numbers (HJ & SJ) refer to daily Journals and may not be the same as final bound Journals.

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

BILL NO. SB 474

DATE: April 14, 1989

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SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

<u>ANALYST</u>	<u>STAFF DIRECTOR</u>	<u>REFERENCE</u>	<u>ACTION</u>
1. <u>Buck</u>	<u>Buck</u>	1. <u>CA</u>	<u>Favorable</u>
2. <u>Gee</u>	<u>Voigt</u>	2. <u>NRC</u>	<u>Favorable</u>
3. _____	_____	3. _____	_____
4. _____	_____	4. _____	_____

SUBJECT:

Land Dedicated for Park Purposes

BILL NO. AND SPONSOR:

SB 474 by Senator Jennings and others

I. SUMMARY:

A. Present Situation:

Chapter 95, Florida Statutes, provides for limitations of actions and adverse possession. Section 95.36, F.S., relates to dedications to municipalities for park purposes.

Pursuant to s.95.36, F.S., dedications of land to municipalities for park purposes that have been recorded for 30 years shall not be challenged by the dedicator or any other person when the land has been put to some municipal use, or has been conveyed by the municipality by a deed recorded for 7 years. In such cases, all rights of the dedicator and all other persons in the land are terminated.

This section also provides that when a municipality vacates the park after it has been put to some municipal use and the ordinance vacating it recites that the municipality is surrendering its title, the rights of all persons except the owner of the fee simple title are terminated.

B. Effect of Proposed Changes:

The bill extends the provisions of s.95.36, F.S., to counties and unincorporated areas of counties.

The bill also provides that any funds accruing to a municipality or county from the sale of dedicated lands pursuant to s.95.36, F.S., are to be used for park purposes.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

To the extent that additional funds are used for park purposes the public will benefit.

B. Government:

The bill should provide clarification of disputed land titles for county government.

III. COMMENTS:

HB 484, an identical bill, has been filed in the House of Representatives.

IV. AMENDMENTS:

None.

HB 484

HOUSE OF REPRESENTATIVES  
COMMITTEE ON COMMUNITY AFFAIRS  
STAFF ANALYSIS & ECONOMIC IMPACT STATEMENT

BILL #: HB 484

RELATING TO: Park Land Dedication/Counties

SPONSOR(S): Rep. Crotty

EFFECTIVE DATE: Upon Becoming A Law

COMPANION BILL(S): Identical SB 474

OTHER COMMITTEES OF REFERENCE: (1) Appropriations  
(2)

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I. SUMMARY:

A. PRESENT SITUATION:

Currently section 95.36, Florida Statutes, allows that dedications of land to municipalities for park purposes that have been recorded for 30 years, cannot be challenged by the person who gave it (or any other person) if the land in question has been put to some municipal use during the period of dedication or has been conveyed by the municipality by a deed recorded for 7 years.

If the dedication of land to municipalities for park purposes (which were put to municipal use) was accepted in writing or by actions constituting acceptance, and the municipality decides to vacate the park and the ordinance or resolution vacating it states that the city is surrendering all of its title to the dedicated land, then the fee simple title (which is absolute ownership to the entire property during the lifetime of the owner) cannot be challenged in any action by any person, except in cases of fraud.

B. EFFECT OF PROPOSED CHANGES:

This proposed legislation will add the word "counties" to section 95.36, Florida Statutes, thus affording them the same privileges as cities in the area of accepting and/or vacating land dedications.

It also states that any funds accrued by a city or county from the sale of dedicated lands under this section can be used for park purposes only.

C. SECTION-BY-SECTION ANALYSIS:

Section 1. Provides for counties to be included in the requirements and protections of section 95.36, Florida Statutes, regarding the acceptance of dedicated lands for park purposes and/or the sale of such lands.

The section further provides that any funds accrued by a city or county from the sale of dedicated lands can only be used for park purposes.

Section 2. Provides for an effective date of upon becoming a law.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring or First Year Start-Up Effects:

None

2. Recurring or Annualized Continuation Effects:

None

3. Long Run Effects Other Than Normal Growth:

None

4. Appropriations Consequences:

None

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring or First Year Start-Up Effects:

None

2. Recurring or Annualized Continuation Effects:

Cities or counties which decide to sell or "vacate" the dedicated park land(s) are required to advertise the sale in a newspaper, thus there would be some cost involved in this procedure. There could also be some cost involved in the transfer of the title of the land(s).

3. Long Run Effects Other Than Normal Growth:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

None

2. Direct Private Sector Benefits:

None

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

None

D. FISCAL COMMENTS:

None

III. LONG RANGE CONSEQUENCES:

Upon passage of this proposal, counties would be subject to any profits made by the sale of dedicated lands.

IV. COMMENTS:

The sponsor has stated that certain parcels of lands which are dedicated to counties ("for park purposes") often serve no useful purpose under the existing law and counties cannot dispose of such properties because it is unclear what occurs to the title to the "parks" if they are abandoned of record by the county. This proposal will rectify that problem.


V. AMENDMENTS:

None


VI. SIGNATURES:

SUBSTANTIVE COMMITTEE:

Prepared by:

  
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William B. Hightower  
Legislative Analyst

Staff Director:

  
\_\_\_\_\_  
Maxio L. Taylor

SECOND COMMITTEE OF REFERENCE:  
Prepared by:

Staff Director:

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APPROPRIATIONS:  
Prepared by:

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Staff Director:

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