

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 1468

SPONSOR: Governmental Oversight and Productivity Committee and Senator Latvala

SUBJECT: The Florida Forever Program

DATE: April 10, 2001 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Gee	Voigt	NR	Fav/1 Amendment
2.	Wilson	Wilson	GO	Favorable/CS
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

This bill revises the goals and performance measures for Florida Forever projects of the Department of Environmental Protection (DEP) and water management districts (WMDs). Additionally, it defines “conservation lands” for purposes of constitutional compliance, permits surplus state lands to be offered to state agencies, raises the dollar and acreage sizes for state lands requiring the receipt of only one appraisal report, and changes the notice requirements for state land sales in the Cross Florida Greenway.

This bill amends s. 259.105, 253.034, 253.82, 253.111, and 253.115, F.S.

II. Present Situation:

In enacting ch. 99-247, L.O.F., the Legislature created the Florida Forever program as a continuation of the popular Preservation 2000 program. The Florida Forever program is a 10-year, up to \$3 billion program for acquisition of conservation and recreation lands and capital improvements that benefit acquisitions. Funds may also be used for water resource and water supply development and by the Florida Communities Trust (FCT). Pursuant to s. 259. 105(3), F.S., up to \$300 million annually will be distributed as follows:

- 35 percent to the DEP
- 35 percent to the WMDs
- 22 percent to the FCT
- 2 percent to the Florida Recreational Development Program
- 1.5 percent each to the Fish and Wildlife Conservation Commission, Greenways and Trails, Division of Forestry, and the Division of Recreation and Parks programs.

In creating the Florida Forever program, the Legislature expressed its concern that the Preservation 2000 program failed to include specific performance measures and goals. In order that the success of the new program could be readily ascertained, s. 259.105(4)(a), F.S., provides 19 goals and a performance measure for each goal. The Legislature intends that Florida Forever projects or acquisitions made by the WMDs and the DEP, for its primary acquisition program, contribute to the achievement of the goals.

The 1999 Legislature also created the Florida Forever Advisory Council (FFAC). The FFAC is composed of seven citizens appointed by the Governor and two ad hoc members of the Legislature.

Pursuant to s. 259.0345(7), F.S., the FFAC must provide a report, by December 15, 2000, to the Secretary of the DEP, who must forward it to the Trustees of the Internal Improvement Trust fund (Trustees). Following approval by the Trustees, the report must be provided to the Legislature prior to the 2001 Regular Legislative Session, for review by the substantive committees from which the Florida Forever Act originated. The report has been provided to the Legislature and must meet the following requirements, but only with respect to the funding provided under s. 259.105(3)(b), F.S., which comprises the 35 percent of each bond issue provided to the DEP for its primary acquisition program:

- Establish specific goals for those identified in s. 259.105(4), F.S.
- Provide recommendations expanding or refining goals identified in s. 259.105(4), F.S.
- Identify specific performance measures that may be used to analyze progress towards the goals established.

The Legislature may reject, modify, or take no action relative to the goals and performance measures established by the report. In the report, the FFAC has grouped the 19 statutory goals into seven new objectives and has created one new objective, i.e., Increase the Amount of Open Space Available in Urban Areas. For each objective, several performance measures have been created. The objectives and performance measures have been reviewed and discussed by the Senate Natural Resources Committee; the members took no action to revise or reject the FFAC's recommendations.

Although the recommended objectives are very similar in substance to the goals set out in s. 259.105(4), F.S., the recommended performance measures differ substantially from the statutory performance measures. Pursuant to s. 259.0345(7), F.S., if the Legislature fails to take action regarding the FFAC's recommendations, they shall be implemented. In the event that takes place, there would be confusion as to which goals/objectives and performance measures would govern the majority of the program. Accordingly, the FFAC's recommendations are implemented in this bill, which also repeals the existing goals and performance measures. It should be noted that the FFAC's recommendations, if not altered by the Legislature, become effective but only to guide the DEP's primary acquisition program. However, if enacted in the Florida Statutes, the goals and performance measures apply to both the DEP and WMDs.

III. Effect of Proposed Changes:

Section 1. Section 259.105(4), F.S., is amended to provide new goals and performance measures for the Florida Forever programs of the DEP and WMDs. They include:

(Goal) (a) Enhance the coordination and completion of land acquisition projects, as measured by:

1. The number of acres acquired through the state's land acquisition programs that contribute to the completion of Florida Preservation 2000 projects or projects begun before Preservation 2000;
2. The number of acres protected through the use of alternatives to fee simple acquisition; or
3. The number of shared acquisition projects among Florida Forever funding partners and partners with other funding sources, including local governments and the federal government.

(Goal) (b) Increase the protection of Florida's biodiversity at the species, natural community, and landscape levels, as measured by:

1. The number of acres acquired of significant strategic habitat conservation areas;
2. The number of acres acquired of highest priority conservation areas for Florida's rarest species;
3. The number of acres acquired of significant landscapes, landscape linkages, and conservation corridors, giving priority to completing linkages.
4. The number of acres acquired of under-represented native ecosystems;
5. The number of landscape-sized protection areas of at least 50,000 acres that exhibit a mosaic of predominantly intact or restorable natural communities established through new acquisition projects, or augmentations to previous projects; or
6. The percentage increase in the number of occurrences of endangered species, threatened species, or species of special concern on publicly managed conservation areas.

(Goal) (c) Protect, restore, and maintain the quality and natural functions of land, water, and wetland systems of the state, as measured by:

1. The number of acres of publicly-owned land identified as needing restoration, acres under going restoration, and acres with restoration activities completed;
2. The percentage of water segments that fully meet, partially meet, or do not meet their designated uses as reported in the Department of Environmental Protection's State Water Quality Assessment 305(b) Report;
3. The percentage completion of targeted capital improvements in surface water improvement and management plans created under s. 373.453(2), F.S., regional or master stormwater management system plans, or other adopted restoration plans;
4. The number of acres acquired that protect natural floodplain functions;
5. The number of acres acquired that protect surface waters of the state;
6. The number of acres identified for acquisition to minimize damage from flooding and the percentage of those acres acquired;
7. The number of acres acquired that protect fragile coastal resources;
8. The number of acres of functional wetland systems protected.

9. The percentage of miles of critically eroding beaches contiguous with public lands that are restored or protected from further erosion;
10. The percentage of public lakes and rivers in which invasive, non-native aquatic plants are under maintenance control; or
11. The number of acres of public conservation lands in which upland invasive, exotic plants are under maintenance control.

(Goal) (d) Ensure that sufficient quantities of water are available to meet the current and future needs of natural systems and the citizens of the state, as measured by:

1. The number of acres acquired which provide retention and storage of surface water in naturally occurring storage areas, such as lakes and wetlands, consistent with the maintenance of water resources or water supplies and consistent with district water supply plans;
2. The quantity of water made available through the water resource development component of a district water supply plan for which a water management district is responsible; or
3. The number of acres acquired of groundwater recharge areas critical to springs, sinks, aquifers, other natural systems, or water supply.

(Goal) (e) Increase natural resource-based public recreational and educational opportunities, as measured by:

1. The number of acres acquired that are available for natural resource-based public recreation or education;
2. The miles of trails that are available for public recreation, giving priority to those that provide significant connections including those that will assist in completing the Florida National Scenic Trail; or
3. The number of new resource-based recreation facilities, by type, made available on public land.

(Goal) (f) Preserve significant archaeological or historic sites, as measured by:

1. The increase in the number of and percentage of historic and archaeological properties listed in the Florida Master Site File or National Register of Historic Places which are protected or preserved for public use; or
2. The increase in the number and percentage of historic and archaeological properties that are in state ownership.

(Goal) (g) Increase the amount of forestland available for sustainable management of natural resources, as measured by:

1. The number of acres acquired that are available for sustainable forest management;
2. The number of acres of state owned forestland managed for economic return in accordance with current best management practices;
3. The number of acres of forestland acquired that will serve to maintain natural groundwater recharge functions; or
4. The percentage and number of acres identified for restoration actually restored by reforestation.

(Goal) (h) Increase the amount of open space available in urban areas, as measured by:

1. The percentage of local governments that participate in land acquisition programs and acquire open space in urban cores; or
2. The percentage and number of acres of purchases of open space within urban service areas.

Finally, the existing goals and performance measures found in s. 259.105(4)(a)-(s), F.S., are repealed.

Section 2. Section 253.034, F.S., is amended to specify the distinction between conservation and non-conservation lands. "Conservation lands," generally are those acquired for specific preservation, recreation, or archeological purposes. Lands acquired for other purposes include those with governmental, public safety, education, or athletic, health care, or agricultural improvements or structures. Lands acquired to facilitate the acquisition of conservation lands may be separately evaluated by the Trustees for conservation designation.

The declaration of state land as surplus for conservation purposes requires a two-thirds vote of the Trustees that the exchange will result in a net positive conservation benefit.

The bill changes from 5 years to 3 years the time interval after which leased management plan lands not used for original lease purposes are to be reviewed for their disposal by the Trustees.

The Trustees may dispose of surplus state lands and determine its best public use following a local government's decision not to purchase in accordance with s. 253.111, F.S, without regard to the thirty-day limitation in current law.

Proceeds from the sale of surplus non-conservation lands or lands acquired by donation or gift shall be deposited into the Internal Improvement Trust Fund.

The sale of lands managed under ss. 253.781-253.785,¹ F.S., is not subject to review by the council.

Section 3. Section 253.82, F.S., is amended to provide that the Board of Trustees may dispose of Murphy Act Lands² with only one appraisal report where the size is less than \$250,000 or 10 acres. Obsolete language providing a 1985 date beyond which a municipality or special taxing district may file a Murphy Act claim is repealed.

Section 4. Section 253.11, F.S., is amended to delete sales notice requirements on Cross Florida Greenways lands or Murphy Act lands different from those that govern the land.

¹ State lands along the route of the former Cross Florida Barge Canal; Cross Florida Greenways; and lands around Lake Rousseau.

² Lands acquired pursuant to ch. 18296, Laws of Florida, 1937.

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:

There is no specific fiscal impact on the public; although revising the goals and performance measures may alter the value of parcels of land in terms of being desirable acquisitions.

Raising the dollar and acreage size requirements on one appraisal report will limit the number of second-opinion appraisals and associated income to these professionals.

C. Government Sector Impact:

Raising the dollar and acreage limits on one-appraisal reports will reduce additional valuation expenses to the agency.

VI. Technical Deficiencies:

The Legislature has used various means to implement tangible measurement of public policy. It has included performance measures in the General Appropriations Act, passed specific implementing legislation to complement appropriated amounts, and set aside a specific chapter for a statement of comprehensive goals and policies, ch. 187, F.S., "State Comprehensive Plan."

VII. Related Issues:

The separate amendment adopted in the Natural Resources Committee has been incorporated into the Committee Substitute. That amendment provides for Florida Forever project measurement by the Florida Communities Trust Governing Board.

VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
