

STORAGE NAME: h1119s1.wrm

DATE: April 16, 1997

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

BILL #: CS/HBs 1119 and 1577

RELATING TO: Public Lands

SPONSOR(S): Committee on Water and Resource Management, Representative(s) Laurent, Minton, Sembler and others

STATUTE(S) AFFECTED: Amends sections 253.03, 253.034, 253.68, 253.7825, 259.032, 259.035, 259.041, 259.101, 373.139, and 373.59, Florida Statutes (F.S.) Creates s. 259.036, and s.369.255, F.S. Repeals s. 253.022, F.S.

COMPANION BILL(S): SB 710 (c), SB 1262 (c) and PCS/SB 1412 (c)

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

- (1) WATER & RESOURCE MANAGEMENT YEAS 8 NAYS 2
- (2) GENERAL GOVERNMENT (Fiscal)
- (3)
- (4)

I. SUMMARY:

CS/HBs 1119 and 1577 shifts the current emphasis of managing publicly-owned conservation, preservation and recreational lands from a primarily single-use strategy to that of a multiple-use stewardship strategy.

In addition, the bill merges the Land Management Advisory Council (LMAC) with the Land Acquisition Advisory Council (LAAC), and combines their duties. The land management planning process is changed to encourage more community involvement.

CS/HBs 1119 and 1577 also initiates the process of winding down the Florida Preservation 2000 acquisition process. Beginning this cycle of ranking projects for the 1998 Conservation and Recreation Lands (CARL) list, the new Land Acquisition and Management Advisory Council can only add new projects to the list that meet certain criteria. The bill also increases by up to 50 percent the amount of management funding set aside in the CARL Trust Fund each year for land management. In fiscal year 1997-1998, that change could make available an additional \$10 million, for a total of \$31.5 million, to state agencies responsible for managing conservation, preservation and recreational lands.

Under the bill, "management review teams" comprised of representatives of state land managing agencies, the communities where state lands are purchased, and the local Soil and Water Conservation Districts would review whether state-owned lands are being appropriately managed and determine the level of management funding.

The bill directs the Governor and Cabinet, sitting as the Board of Trustees of the Internal Trust Fund, to consider contracting with a soil and water conservation district board to manage or monitor those acquisitions in fee or less-than-fee interests in land that are or will be used for agriculture.

Finally, the bill authorizes large-population counties to create by local option "green utility fees"-to pay for removal of melaleuca and other exotic plants, and to conduct other land management activities, on their lands.

CS/HBs 1119 and 1577 would take effect upon becoming a law.

II. SUBSTANTIVE RESEARCH:

A. PRESENT SITUATION:

Land Acquisition Issues

In 1990, the Legislature and then-Governor Bob Martinez created the Florida Preservation 2000 program, conceived as a 10-year land-acquisition program to purchase lands for preservation, conservation and recreational purposes. The acquisitions are made with bond proceeds of \$300 million annually, for a total of \$3 billion. The Florida Preservation 2000 (or P2000) program remains the most ambitious land acquisition program of its type in the United States.

Seven agencies receive P2000 funding:

- o **The CARL program** within the Department of Environmental Protection's (DEP's) Division of State Lands. CARL receives 50 percent of the P2000 allocation, of which it must spend one-fifth on coastal property acquisitions. Traditionally, CARL has focused on acquiring large, pristine parcels, or environmentally sensitive parcels.
- o The five WMDs share 30 percent of the P2000 bond proceeds, which are deposited in the Water Management Lands Trust Fund to finance the **Save Our Rivers (SOR) land-acquisition program**. Created in 1981, SOR is controlled by the five district governing boards, although DEP retains administrative oversight. Each district adopts a five-year SOR land acquisition and management plan, which is updated annually. SOR focuses on purchasing lands within watersheds and along shorelines which are categorized by the WMD's as being "necessary" for management, protection, and conservation of Florida's water resources.
- o **The Florida Communities Trust (FCT)** was created in 1989 within the Department of Community Affairs and receives a 10-percent allocation of P2000 funds. FCT was created to assist local governments in implementing their conservation, recreation and open space, and coastal elements of their comprehensive plans. The Legislature also intended FCT to provide technical assistance to local governments with the identification, purchase and management of natural resources and recreational lands. P2000 provides the money needed by FCT to make land-acquisition grants to local governments, whose projects are selected and ranked by a five-member governing board. Title to these lands generally vests in the name of the local government.
- o **The Game and Fresh Water Fish Commission** receives a 2.9-percent allocation of P2000 bond funds, which equals \$8.7 million annually, less costs associated with bond financing. The game commission typically uses these funds for acquisition of inholdings and additions to lands managed by the commission. New land purchases are intended to better protect and manage the game commission's existing parcels. The Division of State Lands oversees the acquisition of these lands, and their title vests in the Board of Trustees.
- o DEP's **Division of Recreation and Parks** focuses on purchasing property either adjacent to, or surrounded by state park lands. It also receives a 2.9 percent

allocation of P2000 funds. The Division of State Lands reviews the final projects selected for addition, and oversees their acquisition. Title to these lands vests in the trustees.

- o Similarly, the Department of Agriculture and Consumer Services' **Division of Forestry** uses its 2.9 percent share of P2000 funds for inholdings and additions to the state forest system. Title to these lands vests in the trustees.
- o Finally, **the Florida Greenways and Trails Program** designates purchases of abandoned railroad corridors with the potential for recreational activities such as hiking, bicycling, horseback riding and nature study. Until this year, the Division of Recreation and Parks was responsible for selecting and prioritizing the projects for acquisition; currently, the DEP's Office of Greenways and Trails has that responsibility. However, the Division of State Lands is required to oversee the acquisition of each project, and title to these lands vests in the trustees.

So far, the state has funded the issuance of six P2000 bond series, for a total of \$1.8 billion, less closing and other administrative costs. A seventh series will be issued later this spring. Through February 28, 1997, the state and the water management districts (WMDs) have acquired 819,926 acres, at a cost of \$1.34 billion in P2000 bond proceeds. About \$407 million remains unspent from the first six bond issues, but more than half of that is encumbered or otherwise obligated for future acquisitions.

The CARL projects which are acquired with the \$150 million in P2000 funds are selected the Land Acquisition Advisory Council (LAAC), created pursuant to s. 259.035, F.S. Serving on the LAAC are the DEP secretary and a designee; director of the Division of Forestry in the Department of Agriculture and Consumer Services; director of the Division of Historical Resources in the Department of State; executive director of the game commission; and the secretary of the Department of Community Affairs. In a year-long process, the LAAC reviews and ranks projects, and submits the amended acquisition list to the Board of Trustees for its approval in February of each year.

Land Management Issues

With the acquisition of more than 800,000 acres of land over a period of six years has come problems with managing all that acreage. Management of conservation, preservation and certain recreational lands owned by the state is financed by the CARL Trust Fund, which receives documentary stamp tax revenues and \$10 million annually from the phosphate severance tax. The CARL Trust Fund receives between \$45 million and \$51 million a year, and some of that money is used to acquire lands that don't meet the P2000 criteria and to pay for the operations of the Division of State Lands. Land management funding from the CARL Trust Fund is tied to 1 percent of all bond proceeds ever deposited into the Preservation 2000 (P2000) Trust Fund. Since six series of P2000 bonds have been sold, roughly \$1.8 billion has been deposited in the P2000 Trust Fund. Approximately \$18 million of CARL Trust Fund dollars was made available in fiscal year 1996-1997 for land management.

The WMDs primarily pay for land management out of the Water Management Lands Trust Fund. The five districts spent a total of \$8.12 million in fiscal year 1994-1995 for land management; \$5.13 million of that was documentary stamp tax revenue; \$1.49 million was from lease fees and related revenue; and \$1.5 million was ad valorem tax revenue.

A number of reports written over the last five years have concluded that funding land management activities has been deferred in favor of land acquisition, because of the perception that environmentally sensitive lands must be acquired now before they are irretrievably lost to development. The reports also concluded that ignoring land management increases the risk of losing unique and irreplaceable natural resources, not only to development but to displacement by invasive, non-native species.

Also, there is continuing criticism of land managing agencies which either have not completed a management plan, or which are behind on updating the plans they do have every five years. The Land Management Advisory Council (LMAC), pursuant to s. 253.034, F.S., reviews land management plans for all agencies that manage properties whose title vests in the Board of Trustees; final approval of the plans officially rests with the Board of Trustees. Serving on LMAC are: the Commissioner of Agriculture; the Secretary of State; the executive director of the game commission; the secretary of DEP and a designee; the secretary of the Department of Education; the secretary of the Department of Community Affairs; and the secretary of the Department of Corrections.

Further concerns have been raised over the perception that the state and the water management districts are buying land, and either not managing it, or managing it for a single purpose. Some legislators have contended for years that more public lands should be managed for multiple uses -- some mix of conservation, recreation and revenue-generating activities such as timber harvesting or pasturing, where appropriate. They also have sought to promote public-private partnerships to share in the costs of land management -- a concept called "stewardship."

Currently, state land-managing agencies are required to consider whether multiple uses and revenue-generating activities are compatible with the properties under their jurisdictions, and to address that in their management plans. The Division of Forestry and the GFC for many years have derived revenues from their lands -- timbering sales in the case of Forestry, and recreational use fees for GFC. Typically, the water management districts have taken the lead in leasing lands to private entities. In fiscal year 1994-1995, four districts had signed a total of 50 leases, most of them for livestock grazing, which generated in excess of \$295,000 in revenues for the districts.

For the most part, revenue-generating activities are uncommon on the state's CARL acquisitions. One reason the state and the districts have been reluctant to explore that option is uncertainty about what is allowable under the P2000 bond covenants. DEP bond counsels have taken an extremely conservative position on allowable activities, because any activity which jeopardizes the tax-exempt status of the interest earned on P2000 bonds could result in serious consequences for Florida, such as having to immediately repay the bonds.

To address some of these issues, in 1994 the Legislature passed HB 161 (Chapter 94-240, Laws of Florida (L.O.F.)), which sought in part to emphasize accountability of land management. The bill freed up more money for land management, and emphasized more intensive planning, at an earlier stage in the process, for lands acquired by state agencies. It created the "management prospectus," which was in effect a mini-management plan for lands placed on the CARL list.

In addition, the legislatively created Water Management District Review Commission has spent the last two years researching such issues as land management. Its reports

indicate that WMDs spend an average of \$9.36 an acre to manage lands which are not water conservation areas. Those conservation areas, primarily owned by the South Florida Water Management District, require minimal management dollars.

A survey of agencies which manage state-owned lands primarily for conservation purposes revealed:

- o the Division of Forestry's management cost, on the average, is \$11.71 for CARL lands and \$13.65 an acre for state forest lands.
- o the GFC's management cost, on the average, is 43 cents an acre for its lands and \$5.65 an acre for CARL lands.
- o the DEP's Division of Marine Resources spends, on the average, \$10.81 an acre to manage aquatic preserves.

An 1996 interim research project by the House Natural Resources Committee on land management issues found that many of the state land-managing agencies were not complying with statutory guidelines and deadlines for management plans; that some agencies have incorporated multiple-use management strategies into their overall management activities, but that it is difficult to measure and track those activities; and that there is a lack of data on long-term managing funding needs.

Meanwhile, city and county governments generally use ad valorem tax revenues, or recreational user fees, to pay for managing the lands they own. Local governments also rely on volunteers to help clean up, restore, improve or otherwise perform management activities.

Local Soil and Water Conservation Districts

Florida has 63 soil and water conservation districts, created pursuant to Chapter 582, F.S., with elected boards of supervisors who serve without pay. Monroe and Pinellas counties are the only counties in the state without soil and water conservation districts. Most of the districts have been in existence since the 1920s and 1930s. Their primary role is to assist farmers and other large landowners in developing conservation plans, which are designed to prevent soil erosion and degradation of water quality caused by agricultural or silvicultural operations on the properties. The districts also act as liaisons between private landowners and the U.S. Department of Agriculture in obtaining grant money and technical assistance. The districts do not receive state funding, but rely on local and federal dollars to operate.

Aquaculture leasing

In order to encourage the development of marine aquaculture and to create jobs, the State of Florida has actively engaged in the leasing of sovereign submerged lands, making them available for specific aquacultural activities. The 1996 Legislature recognized that it is in the state's economic, resource enhancement, and food production interests to promote aquaculture production of food and nonfood aquatic species. Legislatin passed in 1996 facilitates the review and approval processes for leasing sovereignty submerged land or the water column; simplifies environmental permitting; and assists certain local governments in developing aquaculture as a means to promote economic development.

Aquaculture leases are authorized by the Governor and Cabinet, sitting as the Board of Trustees, pursuant to Chapter 253, F.S. The board is authorized to lease state submerged lands for commercial or experimental aquaculture activities to the extent that the aquaculture activity is not contrary to the public interest and as long as there are no objections from the county where the lease is located. The county must file a resolution of objection with the board within 30 days of the date of the first publication of notice.

Lease applicants must file a written application with the board. The application must include a description of the lease location, and after the lease is approved, a field survey of the leased area and assurances that the lease is properly posted pursuant to certain state and federal regulations. When the board has determined that the proposed lease is not incompatible with the public interest and that the applicant has demonstrated his or her capacity to perform the operations upon which the application is based, a lease contract is prepared that specifies the amount of rental fee per acre of leased bottom. To promote the development of aquaculture, annual lease fees have been established at less than commercial rates so that start-up costs will not burden the emerging shellfish aquaculture industry. The board and the legislature have deemed that the greater benefit is derived by encouraging the ultimate success of this industry instead of immediately generating revenues through rent. The rental fees are deposited into the Marine Resource Conservation Trust Fund. The county in which the lease lies receives none of the rental fees.

B. EFFECT OF PROPOSED CHANGES:

Under the provisions of CS/HBs 1119 and 1577:

- ▶ All lands acquired by the state would be managed under a multiple-use strategy, emphasizing public access, resource conservation and protection, ecosystem maintenance and protection, and protection of endangered or threatened species, and optimizing economic returns where consistent with the above strategies.
- ▶ Unless there is a compelling reason to manage for single-use, all lands acquired by the state would be managed under a multiple-use strategy.
- ▶ "Single-use" is re-defined to mean management for one specific purpose to the exclusion of all other uses, and cites as examples lands with unique resources that would be destroyed if managed under multiple-use; an area of intense public use; improved sites; prisons and other institutional uses; archeological sites; and submerged lands.
- ▶ For lands acquired by the state in fee or in less-than-fee, the Board of Trustees and the WMD governing boards shall consider contracting with a soil and water conservation district to manage or monitor those acquisitions that are or will be used for agriculture.
- ▶ The amount of CARL Trust Fund dollars available each year for managing state-owned lands would be increased by up to 50 percent. Specifically, an amount up to 1.5 percent (rather than the current 1 percent) of the cumulative total of funds ever deposited in the P2000 Trust Fund would be set aside in the CARL

Trust Fund for land management. When the seventh series of P2000 bonds are sold later this spring, an approximate total of \$2.1 billion will have been deposited in the P2000 Trust Fund. Under the bill, a maximum of \$31.5 million could be made available in the CARL Trust Fund for land management.

- ▶ “Management review teams” would be created to evaluate and determine management needs of lands acquired by the state, and to determine whether land-managing agencies are in compliance with their plans. Serving on each team would be a representative of the Department of Agriculture and Consumer Services’ Division of Forestry; a representative of DEP’s Division of Recreation and Parks and a second DEP employee assigned to one of the agency’s district offices; a representative of the game commission; a private land manager; a person appointed by the county commission in the county where the land is located; and a representative of the local Soil and Water Conservation District board of supervisors.
- ▶ The lead land-managing agencies are directed to contract out management activities to other government entities or the private sector which have greater expertise, or when it would prove more costly to perform the tasks in-house. In particular, the bill encourages the lead land-managing agencies to work cooperatively with local governments, as well as soil and water conservation districts, to help manage state lands, and to be compensated with CARL Trust Fund dollars.
- ▶ Distribution of CARL land management funds would be suspended to those agencies with more than one-third of their management plans overdue. If the agencies came into compliance they could apply under the budget amendatory process for release of those funds. In addition, the agencies can access the withheld funds to help pay for completing their overdue plans.
- ▶ Revenues earned by an agency through multiple-use activities shall remain with that agency for land-management activities only. The agency also won’t be forced to turn any unspent funds back to the Treasury at the end of each fiscal year.
- ▶ Legislative intent that counties eligible for the 10-year payment in lieu of taxes program will receive 10 years worth of tax-loss reimbursement is clarified.
- ▶ LMAC is merged with the LAAC, to create the new “Land Acquisition and Management Council.” The two offices currently represented on LMAC but not on LAAC -- the Department of Education and the Department of Corrections -- would not sit on the new council. However, the management plans for state-owned lands managed by the departments of Education and Corrections would not have to go before the new council. Instead, they would be available for public comment for 90 days, and if no objections are filed, shall be deemed approved. Such plans where objections were filed would be forwarded to the Board of Trustees for review, modification and approval.

The management plan adoption process for all other state lands also would be modified, to include the development of a community-based advisory group. The

plans still would be reviewed by the new council, and the Board of Trustees would have final approval.

- ▶ A process to close out the P2000 program, in its final years, would be implemented. The new council would have to be more particular about the projects it adds to the annual CARL list. Such projects should have natural resource features that are not represented among the lands the state already owns, and can be acquired within three years.

The council also is directed to focus on acquiring those projects on the current CARL list where an initial acquisition has been made and there are essential parcels necessary to complete it. In addition, the council should remove projects from DEP's acquisition workplan before adding new ones.

- ▶ The Board of Trustees would have the discretion to pay 100 percent of the highest approved appraised value to a potential seller, if the seller donates at least 5 percent back to the agency with land-management responsibilities. The agency will invest the contribution in a special endowment account created specifically for these types of contributions.
- ▶ Added to the P2000 criteria would be those lands where a significant portion serves to preserve important archeological or historical sites.
- ▶ Owners of structures which have received a federal or state historical designation and who do not have riparian rights would be allowed to apply for submerged land leases, or to renew their current leases. This affects fewer than a dozen structures in Charlotte Harbor.
- ▶ The ability of counties to object to the leasing of state-owned sovereign submerged lands for aquaculture purposes would be deleted from law.
- ▶ Counties with a minimum population of 500,000 would be able to levy a local-option "green utility fee" for land-management activities, such as exotic plant removal, creation of urban greenspaces, or establishment of grants for stewardship programs. By definition of a fee, the green utility fee would be adopted through an ordinance.

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?

No.

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

Yes. CS/HBs 1119 HB and 1577 would foster intergovernmental cooperation to achieve multiple-use land management strategies. It also is designed to facilitate local involvement in the development of public land management plans.

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

No.

- 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?

The Land Management Advisory Council and the Land Acquisition Advisory Council would be combined, in an effort to better link the decision-making process of why the state is buying a particular piece of property, and what it plans to do with it after acquisition. This actually removes a layer of bureaucracy, but probably will not result in any cost savings, since the staff assigned to the current LMAC likely would be re-assigned to work with the new council.

CS/HBs 1119 and 1577 also give certain county governments the authority to assess "green utility fees" to help pay for exotic-plant removal and other land-management activities. Only counties with populations of at least 500,000 would be eligible to collect this local-option fee, and they could not require non-governmental entities (such as privately owned utilities) within their boundaries to help collect it.

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

Not applicable.

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

Not applicable.

2. Lower Taxes:

Not applicable from the state perspective. However, residents of the seven counties whose individual populations exceed 500,000 people may pay a green utility fee for

local land management activities. The amount of the fee is not addressed in CS/HBs 1119 and 1577.

3. Personal Responsibility:

Not applicable.

4. Individual Freedom:

Not applicable.

5. Family Empowerment:

Not applicable.

D. SECTION-BY-SECTION RESEARCH:

Section 1: Amends s. 253.03, F.S., to provide an opportunity for owners of structures which are on the National Register of Historic Places on the State Inventory of Historic Places, and who have no riparian ownership rights, to apply for submerged land leases.

Section 2: Amends s. 253.034, F.S., to express legislative intent that all state-owned lands should be managed under a stewardship ethic that ensures the resources will be available for the benefit and enjoyment of all Floridians. Specifies that all lands who title vests in the Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees) shall be managed for multiple use, unless there is a compelling reason to manage the lands for single-purpose use. Provides that all multiple-use managed lands shall emphasize public access and enjoyment, resource conservation and protection, ecosystem maintenance and protection, and protection of threatened and endangered species. Promotes optimizing the economic benefits of multiple-use management strategies of state-owned lands. Redefines "single use." Requires all management plans for parcels larger than 1,000 acres to include an analysis of the multiple-use potential, potential to generate revenues, and potential for private land managers to facilitate restoration and/or management of the parcel. Specifies process for public review of management plans. Specifies procedures for review and adoption of management plans for properties under the responsibility of the Department of Education and the Department of Corrections. Makes technical changes throughout.

Section 3: Amends s. 253.68, F.S., to delete authority of county commissions to block state leasing of submerged lands for aquaculture purposes.

Section 4: Amends s. 253.7825, F.S., to correct a cross-reference.

Section 5: Amends s. 259.032, F.S., to direct lead land managing agencies to contract with other governmental entities or the private sector for assistance. Directs the Board of Trustees to consider having a Chapter 528, F.S., soil and water conservation district manage and monitor those fee or less-than-fee interests in land that is or will be used for agricultural purposes. Expresses legislative intent that lands acquired under Chapter 259, F.S., be managed using a stewardship ethic that ensures the resources will be available for the benefit and enjoyment of all Floridians. Specifies that all lands who title vests in the Board of Trustees shall be managed for multiple use, unless there is a

compelling reason to manage the lands for single-purpose use. Provides that all multiple-use managed lands shall emphasize public access and enjoyment, resource conservation and protection, ecosystem maintenance and protection, and protection of threatened and endangered species. Promotes optimizing the economic benefits of multiple-use management strategies of state-owned lands. Directs that if the state contracts with a local government or a soil and water conservation district for management services, those entities shall be compensated with CARL Trust Fund management dollars. Provides that CARL Trust Fund management funds shall be withheld from any agency with more than one-third of its management plans overdue, except that the agency may access those funds to help complete the overdue plans. Provides process for the release of those funds. Increases land-management funding from 1 percent to a maximum 1.5 percent of the cumulative total of funds ever deposited in the Florida Preservation 2000 Trust Fund. Allows agencies to keep monies from revenue-generating activities. Clarifies intent of payment in lieu of taxes program. Deletes obsolete language.

Section 6: Amends s. 259.035, F.S., to rename the Land Acquisition Advisory Council the Land Acquisition and Management Advisory Council. Initiates the close-out of the Florida Preservation 2000 program, as it applies to the CARL list. Specifies process and conditions.

Section 7: Creates s. 259.036, F.S., to create management review teams. Specifies duties of the team. Specifies membership.

Section 8: Amends s. 259.041, F.S., to allow the Board of Trustees to offer 100 percent of the highest approved appraised value to sellers who agree to donate at least 5 percent of the amount to an endowment account for management purposes.

Section 9: Amends s. 259.101, F.S., to add to the P2000 criteria that fact that a significant portion of a property preserves important archeological or historical sites.

Section 10: Amends s. 260.015, F.S., to allow the Office of Greenways and Trails to acquire lands under the procedures of Chapter 259, F.S., rather than Chapter 253, F.S.

Section 11: Creates s. 369.255, F.S., to allow counties with a minimum population of at least 500,000 to levy a "green utility fee." Specifies uses of such fees. Prohibits counties from requiring any non-governmental entities to collect the fee on their behalf.

Section 12: Amends s. 373.139, F.S., to provide that lands acquired by the WMDs shall receive multiple-use management and be open to the general public unless shown to be detrimental to the water protection function for which the lands were purchased. Directs the WMD governing boards to consult with DEP's Division of Recreation and Parks, the Division of Forestry within the Department of Agriculture and Consumer Services, and the Florida Game and Fresh Water Fish Commission when developing multiple-use strategies for WMD lands. Specifies that WMDs may enter into memoranda of agreement with such agencies to achieve multiple-use management.

Section 13: Amends s. 373.59, F.S., to direct WMDs to consider having a soil and water conservation district manage or monitor those lands acquired in fee, or in less-than-fee, if they are or will be used for agricultural activities. Encourages WMDs to use volunteers for management activities. Provides for liability waiver.

Section 14: Repeals s. 253.022, F.S., related to creation of LMAC.

Section 15: Provides this act shall take effect upon becoming a law.

III. FISCAL RESEARCH & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

None.

2. Recurring Effects:

Indeterminate. At least an additional \$10 million would be available annually for state land-managing agencies from the CARL Trust Fund. While beneficial for land managers, that means fewer dollars will be available for acquiring lands that don't meet some of the strict environmental criteria of the P2000 program.

Another element of the bill likely will result in a net gain of dollars. If state agencies responsible for managing public lands are able to derive more economic returns from revenue-generating activities, where appropriate, as part of multiple-use management strategies, that means more funds will be available for improved management.

There also will be some costs associated with the management audit teams, and with opening up the management planning process to the public. These costs are unknown.

3. Long Run Effects Other Than Normal Growth:

Indeterminate.

4. Total Revenues and Expenditures:

See A.2.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

None.

2. Recurring Effects:

Indeterminate, but likely positive. For example, WMDs may be able to defray land management costs through implementation of revenue-generating activities, where appropriate, as part of their multiple-use management strategies.

Eligible counties may decide to assess a "green utility fee" to fund land-management activities, such as exotic plant removal. The amount of the fee, and how it will be assessed and collected, is left to the discretion of each county. The eligible counties, based on the most recent U.S. Census data, are: Broward, Dade, Duval, Hillsborough, Orange, Palm Beach and Pinellas.

3. Long Run Effects Other Than Normal Growth:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

Residents of the seven eligible counties which decided to levy a green utility fee would pay an additional cost to help manage local public lands. The amount of the fee is unknown.

2. Direct Private Sector Benefits:

The bill's emphasis on multiple-use management of publicly-owned conservation lands could include, where appropriate, contracts with private entities for management assistance or participation in revenue-generating activities.

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

Indeterminate.

D. FISCAL COMMENTS:

The bill does not specifically address whether the local soil and water conservation districts would be compensated by the WMDs for managing or monitoring agricultural activities on WMD lands. Soil and water conservation districts contracted by the state for land-management assistance would be compensated from the CARL Trust Fund.

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

A. APPLICABILITY OF THE MANDATES PROVISION:

The mandates provision is not applicable to a review of CS/HBs 1119 and 1577 because the bill does not require counties or municipalities to spend funds, or to take actions requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

Not applicable.

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

Not applicable.

V. COMMENTS:

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

The Committee on Water and Resource Management on April 15, 1997, adopted one strike-everything-after-the-enacting clause amendment and six amendments to the amendment. The strike-everything amendment incorporated into the bill 13 amendments received prior to the committee meeting and primarily were clarifying, although one did allow those land-managing agencies who stand to lose their CARL management funding because too many of their management plans are overdue could access those funds to help complete those plans.

The amendments to the strike-amendment which were adopted did the following:

- o Directed the Board of Trustees and the WMD governing boards to also consider contracting with the local Soil and Water Conservation Districts to manage public lands acquired in full fee;
- o Made the Soil and Water Conservation Districts eligible for CARL management funding.
- o Allows the Office of Greenways and Trails to operate under the acquisition procedures of Chapter 259, F.S., rather than Chapter 253, F.S., so it can potentially take advantage of the waiver procedures in the first chapter. The Office of Greenways and Trails hopes to be able to convince the Board of Trustees to waive appraisal confidentiality requirements when acquiring lands that will receive federal dollars.
- o Gives counties of at least 500,000 population the option to levy a "green utility fee" on residents to finance the removal of melaleuca and other exotics, or perform other land management duties, on their public lands. Eligible counties can not require non-governmental entities to collect the fee.
- o Corrects the title to the strike amendment.

The Committee adopted the bill, as amended, by a vote of 8-2.

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VII. SIGNATURES:

COMMITTEE ON WATER & RESOURCE MANAGEMENT:

Prepared by:

Legislative Research Director:

Joyce Pugh

Joyce Pugh