

1 A bill to be entitled
2 An act relating to the Department of Environmental
3 Protection; providing legislative intent; transferring the
4 Office of Coastal and Aquatic Managed Areas and related
5 state law enforcement officer positions within the Bureau
6 of Park Police in the Department of Environmental
7 Protection to the Fish and Wildlife Conservation
8 Commission; requiring the Department of Environmental
9 Protection and the Fish and Wildlife Conservation
10 Commission to prepare a specified plan and submit the plan
11 to the Legislature; directing the Office of Program Policy
12 Analysis and Government Accountability to conduct a
13 specified study and submit the study to the Legislature;
14 directing the Department of Environmental Protection to
15 issue a request for proposals for a public-private land
16 management demonstration pilot project for state parks and
17 greenways and trails; specifying requirements for the
18 project; requiring the Office of Program Policy Analysis
19 and Government Accountability to prepare and submit a
20 report to the Governor, the Legislature, the Acquisition
21 and Restoration Council, and the Legislative Budget
22 Commission; directing the Department of Environmental
23 Protection, in consultation with the Fish and Wildlife
24 Conservation Commission and the Department of Agriculture
25 and Consumer Services, to issue a request for proposals
26 for a public-private land management demonstration pilot
27 project for specified conservation lands; specifying
28 requirements for the project; requiring a third-party

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29 certified auditor to prepare and submit a report to the
30 Governor, the Legislature, the Acquisition and Restoration
31 Council, and the Legislative Budget Commission; amending
32 ss. 20.331, 253.86, and 259.037, F.S.; conforming
33 provisions to changes made by the act; providing an
34 effective date.

35
36 Be It Enacted by the Legislature of the State of Florida:

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38 Section 1. The Legislature finds and declares:

39 (1) Land acquisition programs have provided tremendous
40 financial resources for purchasing environmentally significant
41 lands to protect those lands from imminent development or
42 alteration, thereby ensuring present and future generations'
43 access to important waterways, open spaces, and recreation and
44 conservation lands.

45 (2) Over the past 30 years, Florida has invested more than
46 \$6 billion to conserve approximately 3.8 million acres of land
47 for environmental, recreational, and preservation purposes. With
48 a total of 3.8 million acres of conservation land purchased in
49 Florida, 2.4 million acres were purchased under the Florida
50 Forever and Preservation 2000 programs. Much of this land is
51 open to the public for recreation, including a total of more
52 than 500 state parks, preserves, forests, wildlife management
53 areas, and other conservation and recreation areas.

54 (3) The Florida Legislature has declared that state
55 conservation lands shall be managed to maintain or enhance the
56 resources the state is seeking to protect by acquiring the land

57 and to accelerate public access to the lands as soon as
58 practicable.

59 (4) A long-term financial commitment to restoring,
60 enhancing, and managing Florida's public lands is required to
61 implement land management plans to ensure that:

62 (a) The natural resource values of such lands are
63 restored, enhanced, managed, and protected;

64 (b) The public enjoys the lands to their fullest
65 potential; and

66 (c) The state achieves the full benefits of its investment
67 of public dollars.

68 (5) Most of the state's conservation lands are managed by
69 the following state agencies:

70 (a) The Division of Forestry in the Department of
71 Agriculture and Consumer Services.

72 (b) The Fish and Wildlife Conservation Commission.

73 (c) The Division of Recreation and Parks in the Department
74 of Environmental Protection.

75 (d) The Office of Greenways and Trails in the Department
76 of Environmental Protection.

77 (e) The Office of Coastal and Aquatic Managed Areas in the
78 Department of Environmental Protection.

79 (6) Land management expenditures have generally increased
80 over the last 7 years, increasing from approximately \$173
81 million in fiscal year 2001-2002 to approximately \$215 million
82 in fiscal year 2006-2007. The average expenditure per acre
83 managed in fiscal year 2006-2007 was \$66, but expenditures per
84 acre managed varied greatly from agency to agency and parcel to

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85 parcel.

86 (7) In its October report on the methodology and formula
87 for allocating land management funds, the Land Management
88 Uniform Accounting Council, created in s. 259.037, Florida
89 Statutes, concluded that the current level of land management
90 funding clearly will be insufficient to provide for the full
91 funding of land management needs.

92 (8) If the state is to achieve the full benefits of its
93 investment of public dollars in conversation lands, it must
94 manage these lands as effectively and efficiently as possible.

95 (9) With limited financial resources to fund competing
96 priorities and increasing funding needs to manage public lands,
97 the state cannot afford to fund unnecessary duplicative
98 management functions in multiple state agencies. Although the
99 five state agencies that manage the state's conservation lands
100 all have different management approaches to address the missions
101 and purposes of each respective agency, the land management
102 approach should be governed by the purposes for which the
103 conservation lands were acquired.

104 (10) A privatization pilot program for land management
105 would allow the Legislature to better evaluate the effectiveness
106 and efficiency of the state's land management activities by:

107 (a) Identifying and achieving cost efficiencies and
108 reductions in administrative and operating costs; and

109 (b) Reducing duplication.

110 Section 2. All powers, duties, functions, rules, records,
111 personnel, property, and unexpended balances of appropriations,
112 allocations, and other funds of the Office of Coastal and

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113 Aquatic Managed Areas and any related state law enforcement
114 officer positions within the Bureau of Park Police are
115 transferred intact by a type two transfer, as defined in s.
116 20.06(2), Florida Statutes, from the Department of Environmental
117 Protection to the Fish and Wildlife Conservation Commission.
118 Such transfer shall be completed by July 1, 2010.

119 Section 3. The Department of Environmental Protection and
120 the Fish and Wildlife Conservation Commission shall jointly
121 develop a transition plan, including a fiscal analysis, for the
122 transfer of the Office of Coastal and Aquatic Managed Areas and
123 any related state law enforcement officer positions within the
124 Bureau of Park Police from the Department of Environmental
125 Protection to the Fish and Wildlife Conservation Commission. The
126 plan shall be submitted to the President of the Senate and the
127 Speaker of the House of Representatives no later than December
128 1, 2009.

129 Section 4. The Office of Program Policy Analysis and
130 Government Accountability is directed to conduct a study of the
131 Division of Recreation and Parks, excluding the Office of
132 Coastal and Aquatic Managed Areas and any related state law
133 enforcement officer positions transferred pursuant to this act,
134 the Bureau of Park Police, and the Division of State Lands in
135 the Department of Environmental Protection to determine the most
136 efficient means of centralizing the land management activities
137 of the state, including, but not limited to, recommendations for
138 restructuring or subdividing acquisition and management
139 responsibilities. The study shall be submitted to the President

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140 of the Senate and the Speaker of the House of Representatives no
141 later than December 1, 2009.

142 Section 5. The Department of Environmental Protection
143 shall issue a request for proposals for a public-private land
144 management demonstration pilot project for a period of 5 years.
145 The pilot project area shall consist of existing state parks and
146 greenways and trails. The request for proposals shall be awarded
147 no later than December 31, 2009. Proposals shall not exceed an
148 average management cost of \$75 per acre per year. Once awarded,
149 the contractor shall prepare a land management plan consistent
150 with the duties and responsibilities of the agencies and submit
151 this plan to the Acquisition and Restoration Council for
152 approval, and provide a copy of the plan to the Legislative
153 Budget Commission. Any funds appropriated for the land
154 management pilot program shall be held in budget reserve until
155 such time as the department submits and the Legislative Budget
156 Commission approves a plan which includes a recommended request
157 for proposals regarding the expenditure of the funds. The
158 contractor shall be responsible for all land management
159 activities except for law enforcement. The effectiveness of this
160 project shall be reviewed and compared to other state land
161 management results by the Office of Program Policy Analysis and
162 Government Accountability. The Office of Program Policy Analysis
163 and Government Accountability shall submit its report to the
164 Governor, the President of the Senate, the Speaker of the House
165 of Representatives, the Acquisition and Restoration Council, and
166 the Legislative Budget Commission.

167 Section 6. The Department of Environmental Protection, in

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168 consultation with the Fish and Wildlife Conservation Commission
169 and the Department of Agriculture and Consumer Services, shall
170 issue a request for proposals for a public-private conservation
171 land management demonstration pilot project for a period of 5
172 years. The request for proposals must clearly state the
173 management goals for the conservation lands and allow private
174 contractors to propose how these goals would be met within the
175 prescribed budget. In addition, the Legislature is particularly
176 interested in how a contractor would account for and report
177 costs, activities, and achievements; and innovate the manner in
178 which management plans are formulated, presented, and
179 implemented. A performance bond of no more than \$1 million will
180 be required for this contract, and the agency may not cancel
181 this contract unless the contractor is in default of the
182 contract. The pilot project area shall consist of approximately
183 250,000 acres and shall consist of existing state forests, state
184 wildlife management areas, state park lands not primarily
185 managed for recreation, submerged lands, and properties formerly
186 managed as coastal buffer preserves. To the maximum extent
187 practicable, the project area shall be proportionately
188 distributed across lands currently managed by the Department of
189 Environmental Protection, the Fish and Wildlife Conservation
190 Commission, and the Department of Agriculture and Consumer
191 Services and shall be located within reasonable proximity to
192 each other. The request for proposals shall be awarded no later
193 than December 31, 2009. To achieve cost savings to the state,
194 proposals may not exceed an average management cost of \$25 per
195 acre per year. Once awarded, the contractor shall prepare a land

196 management plan consistent with the duties and responsibilities
 197 of the agencies and the certification standard of the Forest
 198 Stewardship Council, submit this plan to the Acquisition and
 199 Restoration Council for review and approval, and provide a copy
 200 of the plan to the Legislative Budget Commission. Any funds
 201 appropriated for the land management pilot program shall be held
 202 in budget reserve until such time as the department submits and
 203 the Legislative Budget Commission approves a plan which includes
 204 a recommended request for proposals regarding the expenditure of
 205 the funds. The contractor shall be responsible for all land
 206 management activities except for law enforcement. The
 207 effectiveness of this project shall be reviewed, compared to
 208 other state land management results, and certified by a Forest
 209 Stewardship Council third-party certified auditor. The auditor
 210 shall submit its report to the Governor, the President of the
 211 Senate, the Speaker of the House of Representatives, the
 212 Acquisition and Restoration Council, and the Legislative Budget
 213 Commission.

214 Section 7. Subsection (4) of section 20.331, Florida
 215 Statutes, is amended to read:

216 20.331 Fish and Wildlife Conservation Commission.--

217 (4) PROGRAM AND RESEARCH SERVICES.--Within the Fish and
 218 Wildlife Conservation Commission, the principal unit for program
 219 services is a "division" or an "office" headed by a "director."
 220 The principal subunit of the division is a "section" headed by a
 221 "leader." The principal subunit of the section is a "subsection"
 222 headed by an "administrator."

223 (a) The following divisions, sections, and office section
 224 are created within the commission:

- 225 1. Division of Freshwater Fisheries Management.
- 226 2. Division of Habitat and Species Conservation.
- 227 3. Division of Hunting and Game Management.
- 228 4. Division of Law Enforcement. There is created within
 229 the division the Boating and Waterways Section and the Coastal
 230 and Aquatic Managed Areas Section with duties and
 231 responsibilities as provided in paragraph (7) (e).
- 232 5. Division of Marine Fisheries Management.
- 233 6. Office of Coastal and Aquatic Managed Areas.

234 (b) The principal unit for research services within the
 235 commission is the Fish and Wildlife Research Institute, which
 236 shall be headed by a director.

237 Section 8. Subsection (1) of section 253.86, Florida
 238 Statutes, is amended to read:

239 253.86 Management and use of state-owned or other uplands;
 240 rulemaking authority.--

241 (1) The Office of Coastal and Aquatic Managed Areas of the
 242 Fish and Wildlife Conservation Commission ~~Department of~~
 243 ~~Environmental Protection~~ shall have the authority to promulgate
 244 rules to govern the management and use of state-owned or other
 245 uplands assigned to it for management. Such rules may include,
 246 but shall not be limited to, establishing prohibited activities
 247 or restrictions on activities, consistent with the purposes for
 248 which the lands were acquired, designated, or dedicated, and
 249 charging fees for use of lands. All fees collected shall be used
 250 for the management of uplands managed by the office.

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251 Section 9. Subsection (1) of section 259.037, Florida
252 Statutes, is amended to read:

253 259.037 Land Management Uniform Accounting Council.--

254 (1) The Land Management Uniform Accounting Council is
255 created within the Department of Environmental Protection and
256 shall consist of the director of the Division of State Lands,
257 the director of the Division of Recreation and Parks, ~~the~~
258 ~~director of the Office of Coastal and Aquatic Managed Areas,~~ and
259 the director of the Office of Greenways and Trails of the
260 Department of Environmental Protection; the director of the
261 Division of Forestry of the Department of Agriculture and
262 Consumer Services; the executive director and the director of
263 the Office of Coastal and Aquatic Managed Areas of the Fish and
264 Wildlife Conservation Commission; and the director of the
265 Division of Historical Resources of the Department of State, or
266 their respective designees. Each state agency represented on the
267 council shall have one vote. The chair of the council shall
268 rotate annually in the foregoing order of state agencies. The
269 agency of the representative serving as chair of the council
270 shall provide staff support for the council. The Division of
271 State Lands shall serve as the recipient of and repository for
272 the council's documents. The council shall meet at the request
273 of the chair.

274 Section 10. This act shall take effect July 1, 2009.