

1 A bill to be entitled
2 An act relating to management of state-owned lands;
3 providing legislative intent; directing the Office of
4 Program Policy Analysis and Government Accountability to
5 conduct a study on centralization of the land management
6 activities of the state and to submit the study to the
7 Legislature; directing the Department of Environmental
8 Protection to issue a request for proposals for a public-
9 private land management demonstration pilot project for
10 state parks and greenways and trails; specifying
11 requirements for the project; requiring the Office of
12 Program Policy Analysis and Government Accountability to
13 prepare and submit a report to the Governor, the
14 Legislature, the Acquisition and Restoration Council, and
15 the Legislative Budget Commission; providing report
16 requirements; providing a limitation for the annual cost
17 of the pilot project; directing the Department of
18 Environmental Protection, in consultation with the Fish
19 and Wildlife Conservation Commission and the Department of
20 Agriculture and Consumer Services, to issue a request for
21 proposals for a public-private land management
22 demonstration pilot project for specified conservation
23 lands; specifying requirements for the project; requiring
24 a certified auditor to prepare and submit a report to the
25 Governor, the Legislature, the Acquisition and Restoration
26 Council, and the Legislative Budget Commission; providing
27 report requirements; providing a limitation for the annual
28 cost of the pilot project; providing an effective date.

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

Section 1. The Legislature finds and declares:

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

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

(3) The Legislature has declared that state conservation lands shall be managed to maintain or enhance the resources the state is seeking to protect by acquiring the land and to accelerate public access to the lands as soon as practicable.

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

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

57 (b) The public enjoys the lands to their fullest
58 potential; and

59 (c) The state achieves the full benefits of its investment
60 of public dollars.

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

63 (a) The Division of Forestry in the Department of
64 Agriculture and Consumer Services.

65 (b) The Fish and Wildlife Conservation Commission.

66 (c) The Division of Recreation and Parks in the Department
67 of Environmental Protection.

68 (d) The Office of Greenways and Trails in the Department
69 of Environmental Protection.

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

72 (6) Land management expenditures have generally increased
73 over the last 7 years, increasing from approximately \$173
74 million in fiscal year 2001-2002 to approximately \$215 million
75 in fiscal year 2006-2007. The average expenditure per acre
76 managed in fiscal year 2006-2007 was \$66, but expenditures per
77 acre managed varied greatly from agency to agency and parcel to
78 parcel.

79 (7) In its October report on the methodology and formula
80 for allocating land management funds, the Land Management
81 Uniform Accounting Council, created in s. 259.037, Florida
82 Statutes, concluded that the current level of land management
83 funding clearly will be insufficient to provide for the full
84 funding of land management needs.

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

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

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

100 (a) Identifying and achieving cost efficiencies and
101 reductions in administrative and operating costs; and

102 (b) Reducing duplication.

103 Section 2. The Office of Program Policy Analysis and
104 Government Accountability is directed to conduct a study of the
105 Department of Agriculture and Consumer Services, the Department
106 of Environmental Protection, the Fish and Wildlife Conservation
107 Commission, and any related state law enforcement officer
108 positions to determine the most efficient means of centralizing
109 the land management activities of the state, including, but not
110 limited to, recommendations for restructuring or subdividing
111 acquisition and management responsibilities. The study shall be

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112 submitted to the President of the Senate and the Speaker of the
113 House of Representatives no later than December 1, 2009.

114 Section 3. The Department of Environmental Protection
115 shall issue a request for proposals for a public-private land
116 management demonstration pilot project for a period of 5 years.
117 The pilot project area shall consist of existing state parks and
118 greenways and trails. The request for proposals shall be awarded
119 no later than December 31, 2009. Proposals shall not exceed an
120 average management cost of \$75 per acre per year. Once awarded,
121 the contractor shall prepare a land management plan consistent
122 with the duties and responsibilities of the department and
123 submit the plan to the Acquisition and Restoration Council for
124 approval, and provide a copy of the plan to the Legislative
125 Budget Commission. Any funds appropriated for the land
126 management pilot project shall be held in budget reserve until
127 such time as the department submits and the Legislative Budget
128 Commission approves a plan which includes a recommended request
129 for proposals regarding the expenditure of the funds. The
130 contractor shall be responsible for all land management
131 activities except for law enforcement. The effectiveness of the
132 project shall be reviewed and compared to other state land
133 management results by the Office of Program Policy Analysis and
134 Government Accountability. The Office of Program Policy Analysis
135 and Government Accountability shall submit a report to the
136 Governor, the President of the Senate, the Speaker of the House
137 of Representatives, the Acquisition and Restoration Council, and
138 the Legislative Budget Commission. The cost of the 5-year pilot
139 project may not exceed \$4.5 million annually.

140 Section 4. The Department of Environmental Protection, in
141 consultation with the Fish and Wildlife Conservation Commission
142 and the Department of Agriculture and Consumer Services, shall
143 issue a request for proposals for a public-private conservation
144 land management demonstration pilot project for a period of 5
145 years. The request for proposals must clearly state the
146 management goals for the conservation lands and allow private
147 contractors to propose how these goals would be met within the
148 prescribed budget. In addition, the Legislature is particularly
149 interested in how a contractor would account for and report
150 costs, activities, and achievements and innovate the manner in
151 which management plans are formulated, presented, and
152 implemented. A performance bond of no more than \$1 million shall
153 be required for the contract, and neither the Department of
154 Environmental Protection, the Fish and Wildlife Conservation
155 Commission, nor the Department of Agriculture and Consumer
156 Services may cancel the contract unless the contractor is in
157 default of the contract. The pilot project area shall consist of
158 the nonsubmerged lands within the following conservation
159 properties: Andrews Wildlife Management Area, Big Bend Wildlife
160 Management Area, Cedar Key Scrub State Reserve, Waccasassa Bay
161 Preserve State Park, Ross Prairie State Forest, Indian Lake
162 State Forest, and Goethe State Forest. The request for proposals
163 shall be awarded no later than December 31, 2009. To achieve
164 cost savings to the state, proposals may not exceed an average
165 management cost of \$25 per acre per year. Once awarded, the
166 contractor shall prepare a land management plan consistent with
167 the duties and responsibilities of the Department of

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168 Environmental Protection, the Fish and Wildlife Conservation
169 Commission, and the Department of Agriculture and Consumer
170 Services and the certification standard of the Forest
171 Stewardship Council, submit the plan to the Acquisition and
172 Restoration Council for review and approval, and provide a copy
173 of the plan to the Legislative Budget Commission. Any funds
174 appropriated for the land management pilot project shall be held
175 in budget reserve until such time as the Department of
176 Environmental Protection submits and the Legislative Budget
177 Commission approves a plan which includes a recommended request
178 for proposals regarding the expenditure of the funds. The
179 contractor shall be responsible for all land management
180 activities except for law enforcement, wildfire suppression,
181 derelict vessel removal, manatee surveys, water sampling, or any
182 other regulatory activity not specifically related to the
183 management of state conservation lands. The Department of
184 Environmental Protection shall hire an auditor certified by the
185 Forest Stewardship Council to review and accurately and fairly
186 compare the pilot project to other state land management results
187 and provide recommendations to fully certify the project for all
188 state lands. The auditor shall submit a report to the Governor,
189 the President of the Senate, the Speaker of the House of
190 Representatives, the Acquisition and Restoration Council, and
191 the Legislative Budget Commission. The cost of the 5-year pilot
192 project may not exceed \$4.5 million annually.

193 Section 5. This act shall take effect July 1, 2009.