

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

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

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 23 Section 1. The Legislature finds and declares:
 24 (1) Land acquisition programs have provided tremendous
 25 financial resources for purchasing environmentally significant
 26 lands to protect those lands from imminent development or
 27 alteration, thereby ensuring present and future generations'
 28 access to important waterways, open spaces, and recreation and

29 conservation lands.

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

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

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

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

48 (b) The public enjoys the lands to their fullest
49 potential; and

50 (c) The state achieves the full benefits of its investment
51 of public dollars.

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

54 (a) The Division of Forestry in the Department of
55 Agriculture and Consumer Services.

56 (b) The Fish and Wildlife Conservation Commission.

57 (c) The Division of Recreation and Parks in the Department
58 of Environmental Protection.

59 (d) The Office of Greenways and Trails in the Department
60 of Environmental Protection.

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

63 (6) Land management expenditures have generally increased
64 over the last 7 years, increasing from approximately \$173
65 million in fiscal year 2001-2002 to approximately \$215 million
66 in fiscal year 2006-2007. The average expenditure per acre
67 managed in fiscal year 2006-2007 was \$66, but expenditures per
68 acre managed varied greatly from agency to agency and parcel to
69 parcel.

70 (7) In its October 2008 report on the methodology and
71 formula for allocating land management funds, the Land
72 Management Uniform Accounting Council, created in s. 259.037,
73 Florida Statutes, concluded that the current level of land
74 management funding clearly will be insufficient to provide for
75 the full funding of land management needs.

76 (8) If the state is to achieve the full benefits of its
77 investment of public dollars in conservation lands, it must
78 manage these lands as effectively and efficiently as possible.

79 (9) With limited financial resources to fund competing
80 priorities and increasing funding needs to manage public lands,
81 the state cannot afford to fund unnecessary duplicative
82 management functions in multiple state agencies and programs.
83 Although the five state agencies and programs that manage the
84 state's conservation lands all have different management

85 approaches to address the missions and purposes of each
86 respective agency and program, the land management approach
87 should be governed by the purposes for which the conservation
88 lands were acquired.

89 (10) In order to ensure that the state achieves the full
90 benefits of its investment of public dollars in conservation
91 lands and that the ongoing, substantial expenditure of tax
92 dollars on the management of these lands is cost-effective, the
93 Legislature declares it is necessary to:

94 (a) Examine options to consolidate land management
95 functions in a single state agency to allow the Legislature to
96 better evaluate the effectiveness and efficiency of the state's
97 land management activities by:

98 1. Identifying and achieving cost efficiencies and
99 reductions in administrative and operating costs; and

100 2. Reducing duplication.

101 (b) Conduct a pilot project to provide a basis to compare
102 the cost-effectiveness of public and private land management
103 approaches.

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

CS/CS/HB 1355

2009

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

115 Section 3. Subject to specific annual appropriation, the
116 Department of Environmental Protection, in consultation with the
117 Fish and Wildlife Conservation Commission and the Department of
118 Agriculture and Consumer Services, shall issue a request for
119 proposals or invitation to negotiate for a public-private
120 conservation land management demonstration pilot project for a
121 period of 5 years. The request for proposals or invitation to
122 negotiate must clearly state the management goals for the
123 conservation lands and allow private contractors to propose how
124 these goals would be met within the prescribed budget. In
125 addition, the Legislature is particularly interested in how a
126 contractor would account for and report costs, activities, and
127 achievements and innovate the manner in which management plans
128 are formulated, presented, and implemented. A performance bond
129 of no more than \$1 million shall be required for the contract.
130 The pilot project area shall be no more than 200,000 acres and
131 shall consist of existing nonsubmerged conservation lands where
132 the primary focus is not on developed recreation. To the maximum
133 extent practicable, the project area shall be proportionately
134 distributed across lands that are currently managed by the
135 Department of Environmental Protection, the Fish and Wildlife
136 Conservation Commission, and the Department of Agriculture and
137 Consumer Services and are located within a reasonable proximity
138 to each other. Subject to specific annual appropriation, the
139 contract shall be awarded no later than December 31 of the year
140 in which the appropriation is made. The cost of the 5-year pilot

CS/CS/HB 1355

2009

141 project may not exceed \$4.5 million annually. Once awarded, the
142 contractor shall prepare a land management plan consistent with
143 the duties and responsibilities of the Department of
144 Environmental Protection, the Fish and Wildlife Conservation
145 Commission, and the Department of Agriculture and Consumer
146 Services and the certification standard of the Forest
147 Stewardship Council, submit the plan to the Acquisition and
148 Restoration Council pursuant to s. 253.034, Florida Statutes,
149 and provide a copy of the plan to the Legislative Budget
150 Commission. Any funds appropriated for the land management pilot
151 project shall be held in budget reserve until such time as the
152 Department of Environmental Protection submits and the
153 Legislative Budget Commission approves a plan which includes a
154 recommended request for proposals or invitation to negotiate
155 regarding the expenditure of the funds. The contractor shall be
156 responsible for all land management activities except for law
157 enforcement, wildfire suppression, derelict vessel removal,
158 manatee surveys, water sampling, unless required for potable
159 water sources, or any other regulatory activity not specifically
160 related to the management of state conservation lands. Any
161 current full-time employees managing lands encompassed by the
162 pilot project who are directly impacted shall be given first
163 preference for continued employment by the contractor. The state
164 shall make all reasonable efforts to find suitable job
165 placements for employees who wish to remain within the state
166 personnel system. The Department of Environmental Protection
167 shall hire an auditor certified by the Forest Stewardship
168 Council to review and accurately and fairly compare the pilot

CS/CS/HB 1355

2009

169 project to other state land management results and provide
170 recommendations to fully certify the project for all state
171 lands. The Acquisition and Restoration Council shall review and
172 evaluate the auditor's report and provide comments. The auditor
173 shall submit a report to the Governor, the President of the
174 Senate, the Speaker of the House of Representatives, the
175 Acquisition and Restoration Council, and the Legislative Budget
176 Commission.

177 Section 4. This act shall take effect July 1, 2009.