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LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
03/31/2009	.	
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The Committee on Environmental Preservation and Conservation
(Dockery) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. The Legislature finds and declares:

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



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12 conservation lands.

13 (2) Over the past 30 years, Florida has invested more than
14 \$6 billion to conserve approximately 3.8 million acres of land
15 for environmental, recreational, and preservation purposes. Of
16 that amount, 2.4 million acres were purchased under the Florida
17 Forever and Preservation 2000 programs. Most of these lands are
18 open to the public for recreation, including more than 500 state
19 parks, preserves, forests, wildlife management areas, and other
20 conservation and recreation areas.

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

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

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

30 (b) The public enjoys the lands to its fullest potential;
31 and

32 (c) The state achieves the full benefits of its investment
33 of public dollars.

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

36 (a) The Division of Forestry in the Department of
37 Agriculture and Consumer Services.

38 (b) The Fish and Wildlife Conservation Commission.

39 (c) The Division of Recreation and Parks in the Department
40 of Environmental Protection.



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41 (d) The Office of Greenways and Trails in the Department of
42 Environmental Protection.

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

45 (6) Land management expenditures have generally increased
46 over the last 7 years, from approximately \$173 million in the
47 2001-2002 fiscal year to approximately \$215 million in the 2006-
48 2007 fiscal year. The average expenditure per acre managed in
49 the 2006-2007 fiscal year was \$66, but expenditures per acre
50 managed vary greatly from agency to agency and parcel to parcel.

51 (7) In its October report on the methodology and formula
52 for allocating land management funds, the Land Management
53 Uniform Accounting Council concluded that the current level of
54 land management funding clearly will be insufficient to provide
55 for the full funding of land management needs.

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

59 (9) With limited financial resources to fund competing
60 priorities and increasing funding needs to manage public lands,
61 the state cannot afford to fund unnecessary duplicative
62 management functions in multiple state agencies. Although the
63 five state programs that manage the state's conservation lands
64 all have different management approaches to address the missions
65 and purposes of each respective program, the land management
66 approach should be governed by the purposes for which the
67 conservation lands were acquired.

68 (10) A privatization pilot program for land management
69 would allow the Legislature to better evaluate the effectiveness



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70 and efficiency of the state's land management activities by:

71 (a) Identifying and achieving cost efficiencies and
72 reductions in administrative and operating costs; and

73 (b) Reducing duplication.

74 Section 2. The Office of Program Policy Analysis and
75 Government Accountability is directed to conduct a study of the
76 Department of Agriculture and Consumer Services, the Department
77 of Environmental Protection, the Fish and Wildlife Conservation
78 Commission, and any related state law enforcement officer
79 positions to determine the most efficient means of centralizing
80 the land management activities of the state, including, but not
81 limited to, recommendations for restructuring or subdividing
82 acquisition and management responsibilities. The study shall be
83 submitted to the President of the Senate and the Speaker of the
84 House of Representatives by December 1, 2009.

85 Section 3. Conservation land management demonstration pilot
86 project.-

87 (1) The Department of Environmental Protection, in
88 consultation with the Fish and Wildlife Conservation Commission
89 and the Department of Agriculture and Consumer Services, shall
90 issue a request for proposals or invitation to negotiate for a
91 5-year, public-private conservation land management
92 demonstration pilot project. The Legislature is particularly
93 interested in how a contractor would account for and report
94 costs, activities, and achievements and the manner in which
95 management plans would be formulated, presented, and
96 implemented.

97 (a) The request for proposals or invitation to negotiate
98 must clearly state the management goals for the conservation



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99 lands and allow private contractors to propose how these goals
100 would be met within the prescribed budget.

101 (b) The pilot project area must be no more than 200,000
102 acres and consist of existing nonsubmerged conservation lands
103 that do not have a primary focus on developed recreation. To the
104 maximum extent practicable, the project area must be
105 proportionately distributed across lands currently managed by
106 the Department of Environmental Protection, the Fish and
107 Wildlife Conservation Commission, and the Department of
108 Agriculture and Consumer Services and located within a
109 reasonable proximity to each other.

110 (c) The selected contractor shall be responsible for all
111 land management activities except for law enforcement, wildfire
112 suppression, derelict vessel removal, manatee surveys, water
113 sampling unless required for potable water sources, or any other
114 regulatory activity that is not specifically related to the
115 management of state conservation lands.

116 (d) A performance bond of no more than \$1 million must be
117 required for the contract. The Department of Environmental
118 Protection, the Fish and Wildlife Conservation Commission, or
119 the Department of Agriculture and Consumer Services may not
120 cancel the contract unless the contractor is in default of the
121 contract.

122 (e) To achieve cost savings to the state, proposals may not
123 exceed an annual management cost of \$4.5 million.

124 (2) Any funds appropriated for the land management pilot
125 project shall be held in budget reserve until the Department of
126 Environmental Protection submits, and the Legislative Budget
127 Commission approves, a plan that includes a recommended request



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128 for proposals or invitation to negotiate regarding the
129 expenditure of the funds. The contract must be awarded by
130 December 31, 2009.

131 (3) Once awarded, the contractor shall prepare a land
132 management plan consistent with the duties and responsibilities
133 of the Department of Environmental Protection, the Fish and
134 Wildlife Conservation Commission, and the Department of
135 Agriculture and Consumer Services and with the certification
136 standard of the Forest Stewardship Council. The contractor shall
137 submit the plan to the Acquisition and Restoration Council for
138 review and approval and provide a copy of the plan to the
139 Legislative Budget Commission. The final cost of the 5-year
140 pilot project may not exceed \$4.5 million annually.

141 (4) The Department of Environmental Protection shall hire
142 an auditor certified by the Forest Stewardship Council to review
143 and accurately and fairly compare the pilot project to other
144 state land management results and provide recommendations to
145 fully certify the project for all state lands. The Acquisition
146 and Restoration Council shall review and evaluate the auditor's
147 report and provide comments. The auditor shall submit a report
148 to the Governor, the President of the Senate, the Speaker of the
149 House of Representatives, the Acquisition and Restoration
150 Council, and the Legislative Budget Commission.

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

152
153 ===== T I T L E A M E N D M E N T =====

154 And the title is amended as follows:

155 Delete everything before the enacting clause
156 and insert:



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157 A bill to be entitled
158 An act relating to state conservation lands; providing
159 legislative findings; directing the Office of Program
160 Policy Analysis and Government Accountability to
161 conduct a study of state land management activities
162 and submit the study to the Legislature; directing the
163 Department of Environmental Protection to issue a
164 request for proposals or invitation to negotiate for a
165 public-private land management demonstration pilot
166 project for conservation lands; specifying
167 requirements for the project; requiring the
168 Legislative Budget Commission to approve a plan for
169 the proposal; requiring the selected contractor to
170 prepare a land management plan, submit the plan to the
171 Acquisition and Restoration Council for review and
172 approval, and provide a copy to the Legislative Budget
173 Commission; providing for a limit on the final cost of
174 the pilot project; requiring a third-party certified
175 auditor to prepare and submit a report on the project
176 to the Governor, the Legislature, the Acquisition and
177 Restoration Council, and the Legislative Budget
178 Commission; requiring the Acquisition and Restoration
179 Council to review, evaluate, and comment on the
180 report; providing an effective date.