

By Senator Dean

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

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30 specifying requirements for the project; requiring a
31 third-party certified auditor to prepare and submit a
32 report to the Governor, the Legislature, the
33 Acquisition and Restoration Council, and the
34 Legislative Budget Commission; amending ss. 20.331,
35 253.86, and 259.037, F.S.; conforming provisions to
36 changes made by the act; providing an effective date.
37

38 Be It Enacted by the Legislature of the State of Florida:
39

40 Section 1. The Legislature finds and declares:

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

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

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

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59 and to accelerate public access to the lands as soon as
60 practicable.

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

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

66 (b) The public enjoys the lands to their fullest potential;
67 and

68 (c) The state achieves the full benefits of its investment
69 of public dollars.

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

72 (a) The Division of Forestry in the Department of
73 Agriculture and Consumer Services.

74 (b) The Fish and Wildlife Conservation Commission.

75 (c) The Division of Recreation and Parks in the Department
76 of Environmental Protection.

77 (d) The Office of Greenways and Trails in the Department of
78 Environmental Protection.

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

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

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

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

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

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

109 (a) Identifying and achieving cost efficiencies and
110 reductions in administrative and operating costs; and

111 (b) Reducing duplication.

112 Section 2. All powers, duties, functions, rules, records,
113 personnel, property, and unexpended balances of appropriations,
114 allocations, and other funds of the Office of Coastal and
115 Aquatic Managed Areas and any related state law enforcement
116 officer positions within the Bureau of Park Police are

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117 transferred intact by a type two transfer, as defined in s.
118 20.06(2), Florida Statutes, from the Department of Environmental
119 Protection to the Fish and Wildlife Conservation Commission.
120 Such transfer shall be completed by July 1, 2010.

121 Section 3. The Department of Environmental Protection and
122 the Fish and Wildlife Conservation Commission shall jointly
123 develop a transition plan, including a fiscal analysis, for the
124 transfer of the Office of Coastal and Aquatic Managed Areas and
125 any related state law enforcement officer positions within the
126 Bureau of Park Police from the Department of Environmental
127 Protection to the Fish and Wildlife Conservation Commission. The
128 plan shall be submitted to the President of the Senate and the
129 Speaker of the House of Representatives no later than December
130 1, 2009.

131 Section 4. The Office of Program Policy Analysis and
132 Government Accountability is directed to conduct a study of the
133 Division of Recreation and Parks, excluding the Office of
134 Coastal and Aquatic Managed Areas and any related state law
135 enforcement officer positions transferred pursuant to this act,
136 the Bureau of Park Police, and the Division of State Lands in
137 the Department of Environmental Protection to determine the most
138 efficient means of centralizing the land management activities
139 of the state, including, but not limited to, recommendations for
140 restructuring or subdividing acquisition and management
141 responsibilities. The study shall be submitted to the President
142 of the Senate and the Speaker of the House of Representatives no
143 later than December 1, 2009.

144 Section 5. The Department of Environmental Protection shall
145 issue a request for proposals for a public-private land

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

169 Section 6. The Department of Environmental Protection, in
170 consultation with the Fish and Wildlife Conservation Commission
171 and the Department of Agriculture and Consumer Services, shall
172 issue a request for proposals for a public-private conservation
173 land management demonstration pilot project for a period of 5
174 years. The request for proposals must clearly state the

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175 management goals for the conservation lands and allow private
176 contractors to propose how these goals would be met within the
177 prescribed budget. In addition, the Legislature is particularly
178 interested in how a contractor would account for and report
179 costs, activities, and achievements; and innovate the manner in
180 which management plans are formulated, presented, and
181 implemented. A performance bond of no more than \$1 million will
182 be required for this contract, and the agency may not cancel
183 this contract unless the contractor is in default of the
184 contract. The pilot project area shall consist of approximately
185 250,000 acres and shall consist of existing state forests, state
186 wildlife management areas, state park lands not primarily
187 managed for recreation, submerged lands, and properties formerly
188 managed as coastal buffer preserves. To the maximum extent
189 practicable, the project area shall be proportionately
190 distributed across lands currently managed by the Department of
191 Environmental Protection, the Fish and Wildlife Conservation
192 Commission, and the Department of Agriculture and Consumer
193 Services and shall be located within reasonable proximity to
194 each other. The request for proposals shall be awarded no later
195 than December 31, 2009. To achieve cost savings to the state,
196 proposals may not exceed an average management cost of \$25 per
197 acre per year. Once awarded, the contractor shall prepare a land
198 management plan consistent with the duties and responsibilities
199 of the agencies and the certification standard of the Forest
200 Stewardship Council, submit this plan to the Acquisition and
201 Restoration Council for review and approval, and provide a copy
202 of the plan to the Legislative Budget Commission. Any funds
203 appropriated for the land management pilot program shall be held

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204 in budget reserve until such time as the department submits and
205 the Legislative Budget Commission approves a plan which includes
206 a recommended request for proposals regarding the expenditure of
207 the funds. The contractor shall be responsible for all land
208 management activities except for law enforcement. The
209 effectiveness of this project shall be reviewed, compared to
210 other state land management results, and certified by a Forest
211 Stewardship Council third-party certified auditor. The auditor
212 shall submit its report to the Governor, the President of the
213 Senate, the Speaker of the House of Representatives, the
214 Acquisition and Restoration Council, and the Legislative Budget
215 Commission.

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

218 20.331 Fish and Wildlife Conservation Commission.—

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

225 (a) The following divisions, sections, and office ~~section~~
226 are created within the commission:

- 227 1. Division of Freshwater Fisheries Management.
- 228 2. Division of Habitat and Species Conservation.
- 229 3. Division of Hunting and Game Management.
- 230 4. Division of Law Enforcement. There is created within the
231 division the Boating and Waterways Section and the Coastal and
232 Aquatic Managed Areas Section with duties and responsibilities

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233 as provided in paragraph (7) (e).

234 5. Division of Marine Fisheries Management.

235 6. Office of Coastal and Aquatic Managed Areas.

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

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

241 253.86 Management and use of state-owned or other uplands;
242 rulemaking authority.—

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

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

255 259.037 Land Management Uniform Accounting Council.—

256 (1) The Land Management Uniform Accounting Council is
257 created within the Department of Environmental Protection and
258 shall consist of the director of the Division of State Lands,
259 the director of the Division of Recreation and Parks, ~~the~~
260 ~~director of the Office of Coastal and Aquatic Managed Areas,~~ and
261 the director of the Office of Greenways and Trails of the

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262 Department of Environmental Protection; the director of the
263 Division of Forestry of the Department of Agriculture and
264 Consumer Services; the executive director and the director of
265 the Office of Coastal and Aquatic Managed Areas of the Fish and
266 Wildlife Conservation Commission; and the director of the
267 Division of Historical Resources of the Department of State, or
268 their respective designees. Each state agency represented on the
269 council shall have one vote. The chair of the council shall
270 rotate annually in the foregoing order of state agencies. The
271 agency of the representative serving as chair of the council
272 shall provide staff support for the council. The Division of
273 State Lands shall serve as the recipient of and repository for
274 the council's documents. The council shall meet at the request
275 of the chair.

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