

By the Committee on Environmental Preservation and Conservation;
and Senator Dean

592-03883-09

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1 A bill to be entitled
2 An act relating to state conservation lands; providing
3 legislative findings; directing the Office of Program
4 Policy Analysis and Government Accountability to
5 conduct a study of state land management activities
6 and submit the study to the Legislature; directing the
7 Department of Environmental Protection to issue a
8 request for proposals or invitation to negotiate for a
9 public-private land management demonstration pilot
10 project for conservation lands; specifying
11 requirements for the project; requiring the
12 Legislative Budget Commission to approve a plan for
13 the proposal; requiring the selected contractor to
14 prepare a land management plan, submit the plan to the
15 Acquisition and Restoration Council for review and
16 approval, and provide a copy to the Legislative Budget
17 Commission; providing for a limit on the final cost of
18 the pilot project; requiring a third-party certified
19 auditor to prepare and submit a report on the project
20 to the Governor, the Legislature, the Acquisition and
21 Restoration Council, and the Legislative Budget
22 Commission; requiring the Acquisition and Restoration
23 Council to review, evaluate, and comment on the
24 report; providing an effective date.

25
26 Be It Enacted by the Legislature of the State of Florida:

27
28 Section 1. The Legislature finds and declares:

29 (1) Land acquisition programs have provided tremendous

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30 financial resources for purchasing environmentally significant
31 lands in order to protect those lands from imminent development
32 or alteration, thereby ensuring present and future generations'
33 access to important waterways, open spaces, and recreation and
34 conservation lands.

35 (2) Over the past 30 years, Florida has invested more than
36 \$6 billion to conserve approximately 3.8 million acres of land
37 for environmental, recreational, and preservation purposes. Of
38 that amount, 2.4 million acres were purchased under the Florida
39 Forever and Preservation 2000 programs. Most of these lands are
40 open to the public for recreation, including more than 500 state
41 parks, preserves, forests, wildlife management areas, and other
42 conservation and recreation areas.

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

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

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

52 (b) The public enjoys the lands to its fullest potential;
53 and

54 (c) The state achieves the full benefits of its investment
55 of public dollars.

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

58 (a) The Division of Forestry in the Department of

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59 Agriculture and Consumer Services.

60 (b) The Fish and Wildlife Conservation Commission.

61 (c) The Division of Recreation and Parks in the Department
62 of Environmental Protection.

63 (d) The Office of Greenways and Trails in the Department of
64 Environmental Protection.

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

67 (6) Land management expenditures have generally increased
68 over the last 7 years, from approximately \$173 million in the
69 2001-2002 fiscal year to approximately \$215 million in the 2006-
70 2007 fiscal year. The average expenditure per acre managed in
71 the 2006-2007 fiscal year was \$66, but expenditures per acre
72 managed vary greatly from agency to agency and parcel to parcel.

73 (7) In its October report on the methodology and formula
74 for allocating land management funds, the Land Management
75 Uniform Accounting Council concluded that the current level of
76 land management funding clearly will be insufficient to provide
77 for the full funding of land management needs.

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

81 (9) With limited financial resources to fund competing
82 priorities and increasing funding needs to manage public lands,
83 the state cannot afford to fund unnecessary duplicative
84 management functions in multiple state agencies. Although the
85 five state programs that manage the state's conservation lands
86 all have different management approaches to address the missions
87 and purposes of each respective program, the land management

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88 approach should be governed by the purposes for which the
89 conservation lands were acquired.

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

93 (a) Identifying and achieving cost efficiencies and
94 reductions in administrative and operating costs; and

95 (b) Reducing duplication.

96 Section 2. The Office of Program Policy Analysis and
97 Government Accountability is directed to conduct a study of the
98 Department of Agriculture and Consumer Services, the Department
99 of Environmental Protection, the Fish and Wildlife Conservation
100 Commission, and any related state law enforcement officer
101 positions to determine the most efficient means of centralizing
102 the land management activities of the state, including, but not
103 limited to, recommendations for restructuring or subdividing
104 acquisition and management responsibilities. The study shall be
105 submitted to the President of the Senate and the Speaker of the
106 House of Representatives by December 1, 2009.

107 Section 3. Conservation land management demonstration pilot
108 project.-

109 (1) The Department of Environmental Protection, in
110 consultation with the Fish and Wildlife Conservation Commission
111 and the Department of Agriculture and Consumer Services, shall
112 issue a request for proposals or invitation to negotiate for a
113 5-year, public-private conservation land management
114 demonstration pilot project. The Legislature is particularly
115 interested in how a contractor would account for and report
116 costs, activities, and achievements and the manner in which

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117 management plans would be formulated, presented, and
118 implemented.

119 (a) The request for proposals or invitation to negotiate
120 must clearly state the management goals for the conservation
121 lands and allow private contractors to propose how these goals
122 would be met within the prescribed budget.

123 (b) The pilot project area must be no more than 200,000
124 acres and consist of existing nonsubmerged conservation lands
125 that do not have a primary focus on developed recreation. To the
126 maximum extent practicable, the project area must be
127 proportionately distributed across lands currently managed by
128 the Department of Environmental Protection, the Fish and
129 Wildlife Conservation Commission, and the Department of
130 Agriculture and Consumer Services and located within a
131 reasonable proximity to each other.

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

138 (d) A performance bond of no more than \$1 million must be
139 required for the contract. The Department of Environmental
140 Protection, the Fish and Wildlife Conservation Commission, or
141 the Department of Agriculture and Consumer Services may not
142 cancel the contract unless the contractor is in default of the
143 contract.

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

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146 (2) Any funds appropriated for the land management pilot
147 project shall be held in budget reserve until the Department of
148 Environmental Protection submits, and the Legislative Budget
149 Commission approves, a plan that includes a recommended request
150 for proposals or invitation to negotiate regarding the
151 expenditure of the funds. The contract must be awarded by
152 December 31, 2009.

153 (3) Once awarded, the contractor shall prepare a land
154 management plan consistent with the duties and responsibilities
155 of the Department of Environmental Protection, the Fish and
156 Wildlife Conservation Commission, and the Department of
157 Agriculture and Consumer Services and with the certification
158 standard of the Forest Stewardship Council. The contractor shall
159 submit the plan to the Acquisition and Restoration Council for
160 review and approval and provide a copy of the plan to the
161 Legislative Budget Commission. The final cost of the 5-year
162 pilot project may not exceed \$4.5 million annually.

163 (4) The Department of Environmental Protection shall hire
164 an auditor certified by the Forest Stewardship Council to review
165 and accurately and fairly compare the pilot project to other
166 state land management results and provide recommendations to
167 fully certify the project for all state lands. The Acquisition
168 and Restoration Council shall review and evaluate the auditor's
169 report and provide comments. The auditor shall submit a report
170 to the Governor, the President of the Senate, the Speaker of the
171 House of Representatives, the Acquisition and Restoration
172 Council, and the Legislative Budget Commission.

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