



## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. HOUSE PRINCIPLES ANALYSIS:

Provide Limited Government: The bill extends the Florida Forever program an additional 10 years through 2040, standardizes land management activities, and provides for more detailed accountability reporting by land managers.

#### B. EFFECT OF PROPOSED CHANGES:

##### Present Situation

##### *Florida Communities Trust*

The Florida Communities Trust (FCT) is a state land acquisition grant program that provides funding to local governments and eligible non-profit environmental organizations for acquisition of community-based parks, open space and greenways that further outdoor recreation and natural resource protection needs identified in local government comprehensive plans. The FCT governing board consists of six members, including the Secretary of the Department of Community Affairs (DCA), the Secretary of the DEP, and four members appointed by the Governor. The four appointed members must represent a former elected official of a metropolitan municipality, the development community, a former elected county official, and a 501(c)(3) non-profit organization. The FCT program is organizationally housed within the Division of Housing and Community Development of the DCA and administered by a Community Program Manager.

##### *Land Acquisition and Management -- Florida Forever*

Section 7, Article II, of the State Constitution provides that:

*It shall be the policy of the state to conserve and protect its natural resources and scenic beauty. Adequate provision shall be made by law...for the conservation and protection of natural resources.*

Section 259.032, F.S., states in part that:

*It is the policy of the state that the citizens of this state shall be assured public ownership of natural areas for purposes of maintaining this state's unique natural resources; protecting air, land, and water quality; promoting water resource development to meet the needs of natural systems and citizens of this state; promoting restoration activities on public lands; and providing lands for natural resource based recreation.*

Land acquisition has long been recognized as critical for the protection of water and ecological resources. Over the past thirty years, the State of Florida has invested more than \$6 billion to obtain control over approximately 3.5 million acres of land for conservation, recreation, preservation, and restoration. Since 1963 there have been a series of land acquisition programs authorized by statute. These include Outdoor Recreation and Conservation (1963), Environmentally Endangered Lands (1972), Conservation and Recreation Lands (1979), Save Our Rivers (1981), Save Our Coast (1981), Florida Communities Trust (1989), Preservation 2000 (1990), and Florida Forever (2000).

Florida Forever is the state's most recent land acquisition and management blueprint for protecting the state's natural resources. Implemented in 2000 and scheduled to continue through the year 2010, Florida Forever replaced the highly successful P2000 program which was the largest program of its kind in the United States. The Florida Forever Program authorizes the issuance of not more than \$3 billion in bonds for land acquisition, water resource development projects, the preservation and restoration of open space and greenways, and for outdoor recreation purposes. It provides public land acquisition agencies with the authority to purchase eligible properties and authorizes alternatives to fee simple acquisitions.

The procedures for state land acquisitions, titles to which will vest in the BOT, are provided in chapters 253 and 259, F.S., and rule 18-24, F.A.C. The DEP is charged to be staff to the BOT. This function is provided by the DEP, Division of State Lands (DSL). The DSL is charged to acquire and designate the land managers for state lands as directed by the BOT. Under the Florida Forever program, lands are purchased by:

- the division and are managed by:
  - DEP –
    - Division of Recreation and Parks (DRP);
    - Office of Greenways and Trails (OGT); and
    - Office of Coastal and Aquatic Managed Areas (CAMA);
  - Fish and Wildlife Conservation Commission (FWC);
  - Department of Agriculture and Consumer Services' (DACS) Division of Forestry (DOF);
  - Department of State's (DOS) Division of Historical Resources (DHR)
- the water management districts and are managed by –
  - South Florida Water Management District (SFWMD);
  - Southwest Florida Water Management District (SWFWMD);
  - St. Johns River Water Management District (SJRWMD);
  - Suwannee River Water Management District (SRWMD); and
  - Northwest Florida Water Management District (NFWWMD);
- the Department of Community Affairs' (DCA), Florida Community Trust Program (FCT) grants and are managed by –
  - county or city government; and
  - non-profit organizations.

Lands acquired by the DSL are titled in the name of the BOT. Lands purchased by one of the five water management districts are titled in the name of the district making the acquisition. Lands purchased under the FCT, in partnership with a county or city, vest in the name of the acquiring local government. Lands purchased by a nonprofit organization using grant funds provided by the FCT must remain permanently in public use. Should a non-profit organization cease to manage lands purchased with an FCT grant, the title to those lands reverts to local or state government, a conservation easement, or another appropriate mechanism.

The Florida Forever program is a willing seller program where a land acquisition proposal may be sponsored by a state agency, local government or private citizen. When a sponsor proposes a state land acquisition, an acquisition application is filed with the DSL. In the application the sponsor recommends a manager, and provides an associated management policy statement. These application documents are reviewed by the DSL staff for completeness. If the application is deficient the sponsor is notified and requested to submit additional information.

Once an application is deemed complete, the lands proposed for acquisition are evaluated by the staff of the DSL and the Florida Natural Areas Inventory (FNAI) for value and suitability with regard to conservation, preservation and recreation attributes. These assessments form the basis for a set of recommendations by the DSL that identify the primary purpose for which the lands would be managed and establish a strategy to optimize that management to incorporate multi-use functions, including public access. The recommendations are attached to the application and are submitted to the Acquisition and Restoration Council (ARC). Affected landowners, local governments, regional planning councils and water management districts are notified of the application and of staff recommendations.

The ARC is responsible for evaluating, selecting and ranking state land acquisition projects for submission to the BOT for approval. The ARC is composed of nine voting members, four of whom are appointed by the Governor. These four appointees are from scientific disciplines related to land, water, or environmental sciences. The five remaining members are the Secretary of the DEP, the director of the Division of Forestry of the DACS, the executive director of the FWC, the director of the Division of

Historical Resources of the DOS, and the secretary of the Department of Community Affairs, or their respective designees.

There are two evaluation cycles that each application goes through before a final vote by the ARC is taken to determine if it is to be included on the acquisition list. These evaluations are a preliminary review and a final assessment. A public hearing regarding the application is held after the preliminary review. The ARC then votes to accept or reject the application. If the application is rejected, it is returned to the sponsor for possible later consideration. If the application is accepted, the division prepares a final project evaluation report (PER).

The PER includes a management recommendation and a recommended manager. These recommendations are derived from consideration of the character of the resource and recreational attributes of the land, which in turn leads to a set of management objectives that can be pursued by the land manager, the geographic or physical characteristics of the land and how it may fit into a larger landscape objective of one of the possible managers, and negotiations among possible managers where two or more agencies want management of the same proposed acquisitions.

Once a manager has been identified, the managing agency prepares a management prospectus that addresses the purpose for the acquisition and associated uses. The management prospectus delineates the management goals for the property, the conditions that will affect the intensity of management, an estimate of any revenue-generating potential of the property, a timetable for implementing the various stages of management and for providing access to the public, a description of potential multiple-use activities, provisions for protecting existing infrastructure and for ensuring the security of the project upon acquisition, the anticipated costs of management including legislative appropriations, recommendations as to how many employees will be needed to manage the property, and recommendations as to whether local governments, volunteer groups, the former landowner or other interested parties can be involved in the management. This prospectus then becomes part of the PER. The ARC then votes whether to accept the report or to seek additional information.

When the PER is accepted by the ARC, affected landowners, local governments, regional planning councils and water management districts are notified, and a public hearing regarding the PER is held. ARC then takes a final vote for project approval. Upon approval the ARC places the proposed acquisition into group-A or group-B lands and ranks the project with respect to other listed approved projects within the assigned group.

Group-A lands are those acquisition projects that the ARC believes make the greatest contribution to achieving the *Florida Forever Act* goals and measures. The number of projects within this group is limited by the total estimated funds available during the acquisition cycle for which the projects are scheduled for consideration by the BOT and the anticipated success of acquiring the targeted lands. Group-B lands are those acquisition projects deemed important but not of the highest priority.

At least twice each year, the projects listed by the ARC are presented to the BOT. Each project receiving a majority affirmative vote by the BOT remains on the ARC priority list. The DSL begins acquiring the project lands.

Once the purchasing of land for an approved project commences, the designated land manager has twelve months to develop a detailed land management plan (LMP) for the project. When the proposed LMP is prepared, it is sent to the division where it is reviewed for completeness and if necessary is returned to the designated land manager for additional information.

Also, once the purchasing of land for an approved project commences, the division establishes a management review team (MRT) that will be responsible for oversight and periodic review of the designated land manager's implementation of the LMP. The MRT is composed of eight members: one person from the local community (or county) within which project is located – this person is selected by the county commission of the county most impacted by the acquisition; one person from the DRP; one person from the DOF; one person from the FWC; one person from the DEP district office in whose

jurisdiction the project is located; one person who is a private land manager; one person who is a member of the local soil and water conservation district board of supervisors; and one person who is a member of a conservation organization.

When the LMP is accepted as complete, and the parcel of land being purchased is less than 160 acres in size, the division prepares a letter of delegation of authority to the land manager who then begins implementing the LMP. If the size of the parcel is 160 acres or greater, the LMP is sent to the ARC for review and a public hearing is held to receive comments on the LMP. If, after the public hearing, the ARC finds the LMP deficient, the land manager is required to correct the deficiencies. The ARC submits its recommendations to the BOT which approves the LMP, approves the LMP with modifications, or rejects the plan. Upon final approval of the LMP by the ARC, the division is directed to prepare a letter of delegation of authority to the land manager who then begins implementing the LMP.

Each year, after the LMP is implemented, the land manager is required to submit a report of expenditures to the Land Management Uniform Accounting Council (LMUAC). The LMUAC is located within the DEP and consists of the DEP's director of the division, director of the DRP, director of the CAMA and director of the OGT, the director of the DOF, the executive director of the FWC, and the director of DHR, or their respective designees.

The LMUAC is charged with oversight of land management costs. The Auditor General and the director of the Office of Program Policy Analysis and Government Accountability (OPPAGA), or their designees, are directed to advise the LMUAC to ensure that appropriate accounting procedures and uniform methods are used in collecting and reporting cost data. The LMUAC assigns a set of cost accounting categories for each project – no cost is to be assigned more than one category – and prepares an annual report on land management costs for the President of the Senate (President) and the Speaker of the House of Representatives (Speaker). These categories are:

- Resource Management (exotic species control, prescribed burning, cultural resource management, timber management, hydrological management, other);
- Administration (central office headquarters, districts/regions, units/projects);
- Support (land management planning, land management reviews, training/staff development, vehicle purchase, vehicle operations and maintenance, other);
- Capital Improvements (new facility construction, facility maintenance);
- Visitor Service/Recreation (information/education, operations); and
- Law Enforcement.

The resource management sub-category "other" includes all resource management activities not captured in the other sub-categories. This includes natural community and habitat restoration through other techniques, biological community surveys, monitoring and research, listed species management, technical assistance, and evaluating and commenting on impacts to state lands from resource utilization.

To determine whether a state land acquisition titled in the name of the BOT is being managed for the purposes for which it was acquired and in accordance with the LMP the land manager submits to a management review by the MRT. This review take place no less than every five years for a project of 1,000 acres or more and no less than every ten years for a project less than 1,000 acres. In conducting the review, the MRT evaluates the extent to which the existing management plan provides sufficient protection to threatened or endangered species, unique or important natural or physical features, geological or hydrological functions, or archaeological features. The review also evaluates the extent to which the land is being managed for the purposes for which it was acquired and the degree to which actual management practices, including public access, are in compliance with the adopted management plan. A copy of the review, including recommendations for changes to the LMP, is provided to the manager, the DSL and the ARC. The manager incorporates the findings and recommendations in finalizing a required update of the LMP. The ARC includes these reports in their annual report to the President and the Speaker.

Funding for management, maintenance, capital improvement activities, and debt service for BOT lands are provided by the Conservation and Recreation Lands (CARL) Trust Fund. Each year \$10 million dollars from the phosphate rock severance taxes, 3.96 percent of document excise tax revenues (prior years were at 4.2 percent and beginning in 2008 will reduce to 3.52 percent), income from interest on investment of idle CARL Trust Fund monies, and proceeds from the sale of surplus lands are deposited into the CARL Trust Fund. Ten and five-hundredths percent of the annual CARL Trust Fund document excise tax deposit is then transferred to the State Game Trust Fund (prior years were at 9.5 percent and beginning in 2008 will increase to 11.15 percent) to be used for land management activities. An additional transfer from the annual CARL Trust Fund deposit, as necessary but not to exceed \$20 million, is deposited to the Land Acquisition Trust Fund to be used to fund debt service and other obligations with respect to bonds issued to acquire lands through the P2000 or Florida Forever programs. An amount up to 1.5 percent of the cumulative total of funds ever deposited into the P2000 Trust Fund and the FF Trust Fund is to be made available for management, maintenance, and capital improvement activities not eligible for funding by bonds that obligate dedicated state tax revenue. Each year \$250,000 of these funds are transferred to the Plant Industry Trust Fund for the purpose of funding the Endangered or Threatened Native Flora Conservation Grants Program. CARL Trust Fund monies are also used to reimburse qualifying counties and local governments for tax revenue losses resulting from state land acquisition through the P2000 or Florida Forever programs. In addition, funds are available for state lands management and are distributed to a lead managing agency for interim and long term management in accordance with a memorandum of agreement (MOA) negotiated by the managing agencies. Unencumbered monies in the CARL Trust Fund may be used for land acquisition.

Interim management is a short term effort needed to open a new land acquisition for immediate public use and to provide for necessary activities while the land management plan is being finalized. Up to one-fifth of the available CARL Trust Fund monies are to be set aside for interim management. Each year \$4.5 million of CARL Trust Fund monies are set aside for this purpose. This funding is separated into two categories — ninety percent to the acreage category for land management activities and ten percent to the special needs category for emergencies and historical sites. The special needs funds are held separate for the first three quarters of the fiscal year. After the first three quarters, any unexpended special needs funds are moved to the acreage category.

Acreage category funds are distributed to the designated managing agency at the time of closing on a new property according to an estimated needs formula. This formula calculates a per acre dollar amount as directed by the MOA by averaging the acres acquired in the previous fiscal year and the acres anticipated to be acquired in the current fiscal year, then dividing that acreage average into the current fiscal year's total available interim management funds. Upon designation as lead manager of a newly acquired land parcel, an agency receives interim management funds in an amount equal to the acres of the acquired parcel times the formula's calculated dollars per acre value (\$77.00 per acre for fiscal year 2007-08).

The annual long term management funds are provided to the managing agencies on the basis of a dollar per acre value calculated by a weighted acreage formula from the MOA. The use of weights as applied in the MOA formula is to some extent based on the directive of s. 259.032(11)(c), F.S.:

*(c) In requesting funds provided for in paragraph (b) for long-term management of all acquisitions pursuant to this chapter and for associated contractual services, the managing agencies shall recognize the following categories of land management needs:*

- 1. Lands which are low-need tracts, requiring basic resource management and protection, such as state reserves, state preserves, state forests, and wildlife management areas. These lands generally are open to the public but have no more than minimum facilities development.*
- 2. Lands which are moderate-need tracts, requiring more than basic resource management and protection, such as state parks and state recreation areas. These lands generally have extra restoration or protection needs, higher concentrations of public use, or more highly developed facilities.*

3. *Lands which are high-need tracts, with identified needs requiring unique site-specific resource management and protection. These lands generally are sites with historic significance, unique natural features, or very high intensity public use, or sites that require extra funds to stabilize or protect resources, such as lands with heavy infestations of nonnative, invasive plants.*

The allocation formula assigns a weight of one-half for conservation easement monitoring and private management assistance tracts, one for low need tracts and three for high need tracts. For the lands for which they have been identified as the lead manager, each agency identifies how many acres of each weight class they manage. The dollar per acre value (\$31.37 per acre for fiscal year 2007-08) is equal to the current fiscal year's total available long-term management funds ( \$71.5 million for fiscal year 2007-08) divided by the sum over the weight classes of the appropriate weight, times the total of all agency reported acres in that weight class. An agency's allocation of funds is then determined by multiplying this dollar per acre value times the weight, times the reported acres in each weight class and summing over the weight classes. In the acreage reporting for this formula, when an agency evaluates a tract regarding the weight to be assigned, the total acres for that tract are assigned the highest weight that would apply to any portion of the tract. For example, if ten percent of a tract area rates a weight of three and ninety percent rates a weight of one, one-hundred percent of the tract area would be reported as having a weight of three.

Since its inception in July 2001, through March 2007, the state's Florida Forever land acquisition program has preserved (Note: These acreages often overlap, and thus should not be added together.):

- 235,960 acres of Strategic Habitat Conservation Areas;
- 382,930 acres of rare species habitat conservation areas;
- 523,680 acres of ecological greenways;
- 51,270 acres of under-represented natural communities;
- 57,620 acres of natural floodplains;
- 541,220 acres important to significant water bodies;
- 5,080 acres of fragile coastline;
- 240,180 acres of functional wetlands;
- 524,833 acres of significant groundwater recharge areas;
- 87,860 acres of land to support priority recreational trails;
- 265,340 acres of sustainable forest land; and
- 2,720 acres of archaeological and historic sites.

Public use is allowed on almost all conservation lands with most of the exceptions being associated with structures supporting either flood control or water supply, lands leased for activities such as agriculture, or during times of infrastructure construction. Although most conservation lands are open to public use. There is often a perception that this is not the case. The perception of areas not being open for public use may be based on difficulty in finding access points or to areas closed to particular uses but not to others. Certain uses, such as hunting, are restricted by seasonality or they may be limited due to incompatibility with management goals or other ongoing public uses.

The challenge associated with providing public use and recreational opportunities on publicly owned conservation lands is to provide adequate access and suitable use opportunities to satisfy the public's needs without compromising the managing agencies mission or the natural resource values that led to the acquisition of those lands. For example, the Florida Communities Trust program is designed to acquire lands that are associated with urban open space and provide for an intensive use by the public. The State Parks provide for an intensive use on a limited footprint within a larger landscape. A wildlife management area has limited access and is usually managed to minimize impacts from human activities.

Recreational opportunities provided by a managing agency are a choice of how many services can be provided given their cost. Expanding recreation facilities to levels similar to those found in State Parks,

including campgrounds, boat ramps, bathrooms, running water, to name a few, dramatically increase land management costs. Facilities require more maintenance as they age, security and law enforcement expenses increase, as well as utility, commodity, and staffing costs. Privatizing concessions can help, but they are only financially feasible in areas that have high visitation, like beach parks. User fees can be implemented, but increase staffing and administration costs.

### Effect of Proposed Changes

#### *Florida Communities Trust*

The bill creates an executive director position to administratively serve the FCT. The executive director will be recommended by the Secretary of DCA, appointed by the BOT and confirmed by the Senate. The executive director shall have all the powers and duties necessary to carry out the provisions of ss.380.504 -- 380.515, F.S. The executive director will report directly to the BOT and serve exclusively at their pleasure.

#### *Division of State Lands*

The bill provides for the appointment of the Director of the DSL. The director will be recommended by the Secretary of DEP, appointed by the BOT and confirmed by the Senate.

#### *Florida Forever*

The bill extends the current Florida Forever (FF) program for a period of ten years. The retirement date for all Florida Forever bonds is extended from December 31, 2030 to December 31, 2040. The aggregate limit on the amount of bonds issued for Florida Forever purposes is increased from \$3 billion to \$5.3 billion. Beginning July 1, 2010, the bill requires the Legislature to analyze the state's debt ratio in relation to projected revenues prior to the authorization of any bonds for Florida Forever land acquisition and directs the Legislature to complete an analysis of potential revenue sources for the Florida Forever program by February 1, 2010.

#### *Land Acquisition and Management*

The bill amends s. 253.025, F.S., transferring rulemaking authority relating to the requirements for selecting appraisers for proposed state lands acquisitions from the DSL to BOT. The bill removes the requirement for a review appraiser to perform a general field inspection of the subject property prior to accepting or rejecting an appraisal. The bill also transfers rulemaking authority relating to waiving the requirements for an appraisal report to contain a sales history of the subject property from the DSL to ARC.

Section 253.0325, F.S., is amended to require the DSL to inventory all lands acquired under the Preservation 2000 (P2000) and the Florida Forever programs – including water management district and FCT lands, as well as all lands to which title is vested in the BOT.

The bill amends s. 253.034, F.S., to provide a definition for “public access” that includes access to state land and water, including vessel access made possible by boat ramps, docks and associated support facilities, where compatible with conservation and recreation objectives.

Additionally, the bill amends s. 253.034, F.S., to revise the requirements for land management plans (LMP). State lands are to be managed to ensure the conservation of the state's plant and animal species, and to assure the accessibility of all public lands for the benefit and enjoyment of all people of the state, both present and future. Land management agencies are to prepare LMP's for state lands – each LMP is to provide a desired outcome with both short-term and long-term goals, and measurable objectives designed to achieve the goals and desired future condition. Short-term and long-term goals must have measurable objectives for the following:

- Habitat restoration and improvement.
- Advancement of imperiled species, both plants and animals.
- Public access and recreational opportunities.
- Hydrological preservation and restoration.
- Sustainable forest management.

- Exotic and invasive species maintenance and control.
- Capital facilities and infrastructure.
- Financial sustainability of land management activities.
- Imperiled species habitat maintenance, enhancement, restoration, or population restoration.

The LMP is to include the following elements:

- a physical description of the property;
- a quantitative data description of the property including a survey of forest resources, exotic and invasive plants, hydrological features, and capital facilities including recreational facilities. The description shall be of such detail that objective measures and benchmarks can be established for each tract of land and monitored during the lifetime of the plan, all quantitative data collected will be aggregated, standardized, collected and presented in an electronic format to allow for management reporting and analysis. The information collected pursuant to s. 253.0325(2), F.S., must be available to the land manager and its assignee;
- a detailed description of each land management objective and the activities to be performed to meet the land management objectives -- each land management objective must be addressed by the land management plan but no land management objective shall be performed to the detriment of the other land management objectives;
- a schedule shall be prepared that contains a timeline, quantitative measures, detailed expense and manpower budgets for each activity; and
- a summary budget for the land management activities of the LMP which is to be prepared in such a manner that it facilitates an aggregation of land management costs for all state lands.

Upon completion, the LMP must be transmitted to the ARC for review. The ARC has 90 days to review and prepare a recommendation for the BOT. If the ARC fails to make a recommendation, the DACS, DEP and FWC shall submit the LMP to the BOT. The LMP becomes operational upon approval by the BOT.

Beginning July 1, 2010, and biennially thereafter, state lands with an approved land management plan must be monitored by a monitoring team comprised of three members, one from each of agency (DACS, DEP, and the FWC). The monitoring team must prepare a monitoring report that assesses progress toward achieving land management goals and proposes corrective actions for identified deficiencies. The monitoring report must be submitted to the managing agency and the ARC. The ARC must to review the monitoring report and determine whether the deficiencies warrant a corrective action plan or revisions to the land management plan. Significant and recurring deficiencies must be brought before the BOT, which must determine whether the corrective actions being proposed by the land manager and the ARC sufficiently address the identified deficiencies.

The bill provides for a second appraisal of surplus state lands and Murphy Act<sup>1</sup> lands, and provides that the entity requesting the purchase must pay for the second appraisal.

The bill requires DSL to contract for an inventory of all state lands acquired with P2000 and FF funds to determine the value of carbon capture and carbon sequestration. The inventory is due to the BOT by July 1, 2009.

The bill requires the FWC to prepare a report on the efficacy of utilizing state lands to protect, manage and restore habitat for native and imperiled species. This provision expires July 1, 2014.

The bill amends s. 253.0341, F.S., authorizing counties and local governments to request from the BOT surplus land for the purpose of providing alternative water supply and water resource development projects, and other public infrastructure such as schools, fire and police facilities.

The bill amends s. 253.111, F.S., providing consistency in provisions for noticing local governments by increasing the notice time from 30 days to 45 days.

<sup>1</sup> Chapter 18296, Laws of Florida, 1937.

The bill amends s. 253.82, F.S., removing the requirement to conduct one appraisal for Murphy Act lands estimated to be valued at \$250,000 or less.

The bill amends s. 259.032, F.S., providing flexibility for the use of funds in the Conservation and Recreation Lands (CARL) Trust Fund, including the expenditure of monies for restoration, enhancement and management of public lands. The bill prioritizes the acquisition of lands that advance the goals and objectives of the FWC's approved species or habitat recovery plans. The bill adds the acquisition of less-than-fee interest in lands the preserve agricultural lands under threat of conversion as a public purpose and therefore an authorized use of CARL funds. The bill also changes the current ceiling of 1.5% of CARL funds for land management purposes to a floor of 1.5% and provides that the DEP may utilize up to 5% of the funds credited to the CARL trust fund in one year for purposes of maintaining the land records information system.

The Land Management Uniform Accounting Council must prepare a report on methodology and formula for allocating land management funds and deliver it to the ARC. The ARC must review, modify as appropriate, and submit the report to the BOT. The BOT shall review, modify as appropriate, and submit the report to the President of the Senate and the Speaker of the House of Representatives no later than December 31, 2008. The report should contain an interim management formula and a long-term management formula, and the methodologies used to develop the formulas, which must be used to allocate land management funds provided for the interim and long-term management of all state lands. The methodology and formula for interim management funds must be based on the estimated land acquisitions for the fiscal year in which the interim funds will be expended. The methodology and formula shall recognize, but not be limited to, the following:

- the assignment of management intensity associated with the managed habitat and natural communities and the related management activities to land management goals provided in 253.034(5), F.S.:
  - The acres of land that require minimal effort for resource preservation or restoration,
  - The acres of land that require moderate effort for resource preservation or restoration,
  - The acres of land that require significant effort for resource preservation or restoration,
- the assignment of management intensity associated with public access, including but not limited to:
  - the acres of land which require minimal effort — these lands generally are open to the public but offer no more than minimally developed facilities,
  - the acres of land which require moderate effort — these lands typically have a high degree of public use and offer highly developed facilities, and
  - the acres of land which require significant effort — these lands generally are sites with historic significance or unique natural features, and a very high degree of public use,
- the acres of land with a secondary manager contributing to the over-all management effort;
- the anticipated revenues generated from management, restoration and repopulation of the lands;
- The acres of land with infestations of non-native or invasive plants, animals, or fish.

The bill repeals the existing provisions of statute that provide the categories of efforts utilized to request long-term land management dollars.

The proposed funding formulas for interim and long-term management shall be reviewed by the Legislature during the 2009 regular legislative session. The Legislature may reject, modify, or take no action relative to the proposed funding formulas. If no action is taken, the funding formulas shall be used in the allocation and distribution of land management funds.

The bill provides that the state is to make payment to county or local governments for lost ad valorem tax revenues from lands acquired by the state. These payments are to apply only to those counties or local governments that have a population less than 150,000 residents. For qualifying governments, payments will continue until the population reaches or exceeds 150,000 residents.

The bill amends s. 259.035, F.S., revising the membership of the ARC by expanding it to eleven members. The two additional members will be appointed by the Commissioner of Agriculture and the Executive Director of the FWC, one each respectively. One of the Governor's existing appointments shall be filled with an individual who has experience in managing lands for both active and passive types of recreation. The bill removes the compensation provisions for ARC members.

The bill requires the ARC, with the assistance of recipients of Florida Forever funds, to develop and adopt rules that provide specific acquisition criteria and numeric performance measures to prioritize land acquisitions by December 1, 2009. These rules must be reviewed and adopted by the BOT, then submitted to the Legislature for consideration by February 1, 2010. The Legislature may reject, modify, or take no action relative to the proposed rules. If no action is taken, the rules must be implemented. Subsequent to the approval of these rules, each recipient of Florida Forever funds must annually report to the DSL on each of the numeric performance measures accomplished during the previous fiscal year.

The bill amends s. 259.037, F.S., revising the reporting requirement of each land manager's annual report to the LMUAC. The grouping of land management activities is revised to include support, visitor services, and law enforcement.

Each reporting entity is to report the following, in addition to the data currently required:

- List the acres of land requiring minimal management effort, moderate management effort, and significant management effort pursuant to s. 259.032(11)(c), F.S. For each category they must include the amount of funds requested, the amount of funds received and the amount of funds expended for land management.
- Include a report of the available public use opportunities for each tract of state land and the total management cost for public access and public use, and the cost associated with each use option.
- List acres managed and cost of management for each park, preserve, forest, reserve, or management area.
- List acres managed, cost of management and lead manager for state lands tracts for which secondary management activities were provided.

Biennially, each reporting agency shall also submit an operational report for each management area along with an approved management plan. The report should assess the progress toward achieving short-term and long-term management goals of the approved management plan, including all land management activities, and identify any deficiencies in management and corrective actions to address identified deficiencies as appropriate. This report shall be submitted to the ARC and the DSL for inclusion in its annual report required pursuant to s. 259.036.

The bill requires that if the contribution of the acquiring agency exceeds \$100 million in any one fiscal year, the agreement must be submitted to and approved by the Legislative Budget Commission

The bill diminishes the threshold for requiring two appraisals by raising the threshold from \$500,000 to \$1 million dollars.

The bill requires option contracts presented to the BOT for final purchase price approval must explicitly state that payment of the final purchase price is subject to an appropriation from the Legislature.

The bill revises s. 259.105, F.S., and amends the "Florida Forever Act". The bill revises the legislature declaration including statements regarding:

- recognizing the Florida's population growth has contributed to the continued alteration of rural areas and the diminishment of working landscapes;
- protecting the state's ecosystems by promoting a more efficient use of land, to ensure opportunities for viable agricultural activities on working lands, and to promote vital rural and

urban communities that support and produce development patterns consistent with natural resource protection is essential;

- protecting springs and springsheds, and vital aquifer recharge areas;
- providing additional emphasis on less-than fee acquisitions;
- the State's role in the recovery and management of imperiled species and their habitat; and
- prioritizing land acquisitions based on a comprehensive science based assessment;

The bill recognizes the acquisition of perpetual rural land protection easements, rural land stewardship and sector planning, and mitigation as means to meet the goals and objectives of the Florida Forever program.

The bill requires entities receiving Florida Forever funds to coordinate their expenditures so that, when combined, the acquisitions form more complete patterns of protection for natural areas, ecological greenways, and functioning ecosystems, to better accomplish the intent of the Florida Forever program.

The bill requires that land management plan and management prospectus must accompany any land acquisition to ensure that the natural resource values of such lands are restored, enhanced, managed, and protected, that the public can enjoy the lands to their fullest potential, and that the state achieves the full benefits of its investment of public dollars. The bill requires innovative strategies such as public-private partnerships and interagency planning and sharing of resources to be used to achieve the state's management goals.

The bill revises the allocation and uses of Florida Forever funds as follows:

- The water management district allocation is reduced from 35% to 30%.
- The bill establishes a 1% to a 3% floor and a 10% ceiling for capital projects identified at the time of acquisition that will provide for public access.
- The bill provides legislative intent that an emphasis be placed on FCT projects that provide public access to water.
- The bill provides a 3.5% allocation to the DACS to fund perpetual easements of agricultural lands and a 1.5% allocation to DACS to fund fee simple acquisitions and perpetual easements of working waterfronts pursuant s. 570.71, F.S.

The bill revises the goals and performance measures of the Florida Forever program to include specific acquisition criteria and numeric performance measures used to prioritize land acquisitions.

The Board of Trustees of the Internal Improvement Trust Fund is required to adopt rules that pertain to the use of state lands for carbon sequestration, carbon mitigation, or carbon offsets and that provide for climate-change-related benefits.

The bill requires the DSL to prepare an annual workplan that prioritizes FF projects. The workplan must consider the following categories of expenditures for land conservation projects already selected for the Florida Forever list:

- A critical natural lands category including functional landscape-scale natural systems, intact large hydrological systems, lands with significant imperiled natural communities, and corridors linking large landscapes as identified and developed by the best available scientific analysis.
- A partnerships or regional incentive categories, including:
  - projects where local and regional cost-share agreements provide a lower cost and greater conservation benefit to the people of the state; additional consideration shall be provided under this category where parcels are identified as part of a local or regional visioning process and are supported by scientific analysis;
  - bargain and shared projects where the state will receive a significant reduction in price for public ownership of land as a result of the removal of development rights or other interests in lands, or receives alternative or matching funds.
- A substantially complete category of projects where mainly inholdings, additions and linkages between preserved areas will be acquired and where eighty-five percent of the project is complete.

- A climate change category lists of lands where acquisition or other conservation measures will address the challenges of global climate change, such as through protection, restoration, mitigation and strengthening of Florida's land, water and coastal resources. This category includes lands which provide opportunities to sequester carbon, provide habitat, protect coastal lands or barrier islands, and otherwise mitigate and help adapt to the effects of sea level rise, and meet other objectives of the program.
- A less-than-fee category for working agricultural lands that significantly contribute to resource protection through conservation easements and other less-than-fee techniques, tax incentives, life estates, landowner agreements, and other partnerships including conservation easements acquired in partnership with federal conservation programs, that will achieve the objectives of Florida Forever while allowing the continuation of compatible agricultural uses on the land.

Projects within each category must be ranked by order of priority. The work plan may only be adopted by the ARC after at least one public hearing. A copy of the work plan shall be provided to the BOT no later than October 1 of each year.

The ARC must recommend adoption of rules by the BOT necessary to develop the workplans and the provisions relating to: solicitation, scoring, selecting, and ranking of Florida Forever project proposals; disposing of or leasing lands or water areas selected for funding through the Florida Forever program; and the process of reviewing and recommending for approval or rejection the land management plans associated with publicly owned properties. Rules promulgated pursuant to this subsection shall be submitted to the President of the Senate and the Speaker of the House of Representatives, for review by the Legislature, no later than 30 days prior to the 2010 Regular Session and shall become effective only after legislative review. In its review, the Legislature may reject, modify, or take no action relative to such rules. The BOT shall conform such rules to changes made by the Legislature, or, if no action was taken by the Legislature, such rules shall become effective.

The bill amends 373.089 regarding the sale or exchange of lands, or interests or rights in WMD lands. The bill requires the WMD governing boards to first offer to the BOT any lands in whole or in part with the Florida Forever with the following exceptions:

- lands to be used for linear facilities, including electric transmission and distribution facilities, telecommunication transmission and distribution facilities, pipeline transmission and distribution facilities, public transportation corridors, and related appurtenances;
- the disposition of the fee interest in the land where a conservation easement is retained by the district to fulfill the conservation objectives for which the land was acquired;
- an exchange of the land for other lands that meet or exceed the conservation objectives for which the original land was acquired; and
- lands to be used by a governmental entity for a public purpose.

The bill amends ss.373.1391 and 373.199, S.S., requiring DEP to ensure the water management districts provide consistent levels of public access on district owned lands and requiring the water management districts to provide clear and concise costs estimates of water resource development projects and identification of uses of Florida Forever funds.

The bill amends s. 373.59 extending payments in lieu of taxes until the population reaches or exceeds 150,000 residents.

The bill amends s. 570.71 authorizing the acquisition of working waterfronts, both fee and less-than-fee acquisitions.

The bill provides an effective date of July 1, 2008.

## C. SECTION DIRECTORY:

Section 1: amends s. 20.18, F.S.; creating and providing for appointment of an Executive Director of the Florida Communities Trust.

- Section 2: amends s. 20.255, F.S.; providing for appointment of the Director of the Division of State lands.
- Section 3: amends s. 201.15, F.S.; providing a retirement date for Florida Forever bonds.
- Section 4: amends s. 215.618, F.S.; providing a cap for Florida Forever bonds; providing Legislature will analyze debt to revenue ratio before authorizing bond issue.
- Section 5: amends s. 253.025, F.S.; providing for appraisals.
- Section 6: amends s. 253.0325, F.S.; providing for an inventory of certain state lands.
- Section 7: amends s. 253.034, F.S.; amends s. 253.034, F.S.; providing definitions; providing goals and objectives for management plans.
- Section 8: amends s. 253.0341, F.S.; providing for the surplus of state lands for public facilities
- Section 9: amends s. 253.111, F.S.; providing for consistency in notice provisions.
- Section 10: amends s. 253.82, F.S.; providing for appraisals regarding Murphy Act lands.
- Section 11: amends s. 259.032, F.S.; providing for funds allocation.
- Section 12: amends s. 259.035, F.S.; providing for membership of Acquisition and Restoration Council and development of rules for acquiring Florida Forever funds.
- Section 13: amends s. 259.037, F.S.; providing for Land Management Uniform Accounting Council reporting requirements.
- Section 14: amends s. 259.041, F.S.; providing for option agreements relating to state lands.
- Section 15: amends s. 259.105, F.S.; providing for allocation of Florida Forever funds and the development of workplan.
- Section 16: amends s. 259.1051, F.S.; providing for Florida Forever bonds.
- Section 17: amends s. 373.089, F.S.; providing right of first refusal to the Board of Trustees
- Section 18: amends s. 373.1391, F.S.; providing for public access to water management district lands.
- Section 19: amends s. 373.199, F.S.; providing for water management district workplan content.
- Section 20: amends s. 373.59; providing for the extension of payment in lieu of taxes.
- Section 21: amends s. 570.71, F.S.; providing for working waterfronts agreements.
- Section 22: providing an effective date.

## **II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

### **A. FISCAL IMPACT ON STATE GOVERNMENT:**

1. Revenues:  
See Fiscal Comments.
2. Expenditures:  
See Fiscal Comments.

### **B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

1. Revenues:  
See Fiscal Comments.
2. Expenditures:

See Fiscal Comments.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The DEP reports that the bill's provisions may provide \$3 to \$7 million in private sector contract opportunities.

D. FISCAL COMMENTS:

State

The bill appears to have a significant fiscal impact on state government pursuant to the following:

- Authorizes an additional \$2.3 billion dollars to be issued in Florida Forever bonds and extends the retirement date of these bonds to December 31, 2040. New bond issues must have the first year of debt service appropriated before a bond sale can occur. Thus, the bill itself has no fiscal impact. The fiscal impacts of the additional bond sales will accrue to the legislation which appropriates the first year of debt service for each bond issue.

Over the 20 year life of a single \$300 million bond issue at a typical interest rate of 6%, approximately \$523 million in Documentary Stamp Tax collections will be required for debt service (\$300 million in principal repayment and \$223 million in cumulative interest payments.) The tax collections used for debt service are diverted from revenues that would otherwise be deposited in the General Revenue Fund.

- Provides for certain new elements to be required for management plans and the modernization of state lands records. The DEP may need additional resources to comply with these provisions.
- Increases the funding floor within the Conservation and Recreation Lands Trust Fund to not less than 1.5 percent of cumulative total of funds ever deposited into the Florida Preservation 2000 Trust Fund and the Florida Forever Trust Fund for certain land management functions. The funding requirement is subject to annual evaluation by the Legislature in order to ensure that such requirement does not impact the respective trust fund in a manner that would prevent the trust fund from meeting other minimum requirements.
- Requires the development and revision of the land management allocation formula to be reviewed by the Legislature.
- Revises the payment in lieu of taxes for a county, or local government in a county, that has a population less than 150,000 residents to continually receive annual payments for each tax loss until the county has a population of 150,000 or more.

The DEP reports that Florida has 67 counties of which 43 are qualified for payment in lieu of taxes based on a population of 150,000 or less. Current Fiscal Year 07/08 appropriation is \$1,360,000 with anticipated payments this year to the counties to be \$1,300,000. If payment in lieu of taxes are made available to these qualifying counties until they reached the 150,000 population, the department would need an increase in appropriation and would most likely require an additional increase each year as land is purchased by the State for conservation and recreation purposes.

- Revises certain funding distributions within the Florida Forever Act to include-working waterfronts; the restoration, enhancement, restocking and management for imperiled species; and the acquisition of perpetual easements. The bill requires most participating agencies to spend at least 3 percent, and no more than 10 percent, of their funds on capital improvements designed for public access.
- Requires the DEP to contract with an organization which specializes in carbon sinks and emission budgets in order to conduct an inventory of all lands titled in the name of the Board of Trustees to determine the value of carbon capture and carbon sequestration. The cost of such study is unknown at the present time. Similar inventories conducted by other states have cost approximately \$125,000.

The FWCC estimates that it may need additional resources to comply with the provisions of the bill; however, the amount needed is indeterminate.

The DACS estimates that it may need additional resources totaling approximately \$146,375 to comply with the provisions of the bill.

#### Local Government

The bill provides the following fiscal impact on local government:

- Revises the payment in lieu of taxes for a county, or local government in a county, that has a population less than 150,000 residents to continually receive annual payments for each tax loss until the county has a population of 150,000 or more.

The DEP reports that Florida has 67 counties of which 43 are qualified for payment in lieu of taxes based on a population of 150,000 or less. Current Fiscal Year 07-08 appropriation is \$1,360,000 with anticipated payments this year to the counties to be \$1,300,000. If payment in lieu of taxes are made available to these qualifying counties until they reached the 150,000 population, the department would need an increase in appropriation and would most likely require an additional increase each year as land is purchased by the State for conservation and recreation purposes.

### **III. COMMENTS**

#### **A. CONSTITUTIONAL ISSUES:**

##### **1. Applicability of Municipality/County Mandates Provision:**

Not applicable because this bill does not appear to require cities or counties to spend funds or take actions requiring the expenditure of funds, nor does it appear to reduce the authority that cities or counties have to raise revenues in the aggregate, nor does it appear to reduce the percentage of a state tax shared with cities or counties.

##### **2. Other:**

None.

#### **B. RULE-MAKING AUTHORITY:**

Rulemaking authority is granted to the BOT of the Internal Improvement trust Fund to implement the provisions of this bill.

#### **C. DRAFTING ISSUES OR OTHER COMMENTS:**

None.

#### **D. STATEMENT OF THE SPONSOR**

N/A

### **IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES**

On April 11, 2008, the Environment and Natural Resources Council adopted 18 amendments without objections. A series of technical amendments corrected the title, cross-references, spelling and grammar errors. An executive director position is created to administratively serve the FCT program. The executive director is recommended by the Secretary of DCA, appointed by the BOT and confirmed by the Senate. The director of DSL is appointed by, reports directly to and exclusively serves the BOT. The threshold for requiring two appraisals is lowered to \$500,000. The DSL information system is to be property of the state. The definition of "public access" was revised to exclude marinas, fuel dispensing and storage facilities, except for existing facilities and working water front acquisitions. Authorization is provided to use Florida Forever funds for fee simple acquisitions and perpetual easements to preserve working waterfronts and to

fund perpetual easement to preserve agricultural lands. One third of the allocation to DACS for such purposes is designated to fund working waterfront protection agreements. The provision requiring a reverter of title to the BOT clause on deeds to WMD lands acquired with FF funds is removed. The Legislature is provided authority to annually authorize the WMD's power to levy ad valorem taxes. The members of the WMD governing boards are to be nominated through the Public Service Commission Nominating Council. The time period of the WMD fiscal year is changed to match the state's fiscal year. The DACS's authority to protect agricultural lands is expanded to include working waterfronts through fee simple acquisitions and perpetual easements.

On April 21, 2008, the Policy and Budget Council adopted a strike-all amendment (amendment) and one amendment to the strike-all amendment without objection. The strike-all significantly change the provisions of the bill.

|         | <b>HB 7141</b>  | <b>Strike All to HB 7141</b>   |
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| 20.18   | Creates an Executive Director for FCT to be appointed by trustees.  | Same   |
| 20.255  | Providing for appointment of the Director of the Division of State Lands by trustees.   | Same   |
| 201.15  | Extends the retirement date for Florida Forever bonds from 2030 to 2040.  | Same.  |
| 215.618 | Increases the total amount of bonds to be issued from \$3 billion to \$5.3 billion.<br><br>Requires the legislature analyze state's debt ratio in relation to projected revenues prior to authorizing any bonds for land acquisition.   | Same.<br><br>Same.   |
| 253.002 | Revises the duties of FWC and DACS, designating both of them state's primary land managers. Designates DEP and DOS as specialty land managers,<br><br>Provides for managerial duties; provides for investigation of public-private partnerships.<br><br>Provides for a report to the Governor, President of the Senate, and Speaker of the House of Representatives regarding contracting with private entities for land management activities.                                   | Not in Strike-all<br><br>Not in Strike-all.<br><br>Not in Strike-all.  |
| 253.025 | Lowens the threshold for obtaining two appraisals from \$1 million to \$500,000.<br><br>Trustees to promulgate rules for appraisals.<br><br>Requires the Department of Agriculture and Consumer Services to select one of the two appraisers. If the two appraisal differ by 120% or greater a third appraisal is required. The third appraiser is to be selected by the DFS.<br><br>Requires the DFS to select review appraiser.<br><br>Requires the DACS, DFS and Department of | Retains \$1 million threshold<br><br>Same.<br><br>Not in Strike-all.<br><br>Not in Strike-all.<br><br>Not in Strike-all. |

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|          | <p>Environmental Protection to enter into an interagency agreement to provide for the reimbursement of appraisal fees by the DEP.</p> <p>Disallows the current practice that authorizes the payment of up to 150% of the value of a parcel, for joint purchases.</p>   | Not in Strike-all.  |
| 253.03   | Deletes obsolete section.  | Not in Strike-all.  |
| 253.0325 | <p>Requires the Division of State Lands to inventory all lands acquired under P2000 and Florida Forever (includes water management district and Florida Communities Trust lands), as well as all lands held by the trustees, and to include an element that tracks bond covenants and the expiration of bond covenants.</p> <p>Requires DEP to initiate and maintain an information system that will be the basis for land acquisition and land management decision making and modeling. The information system is to map, in an electronic format, the natural communities on each tract of state land and each proposed land acquisition.</p> <p>Natural community is defined as a distinct and recurring assemblage of populations of plants, animals, fungi and microorganisms naturally associated with each other and their physical environment. Each natural community will be partitioned into natural community categories, each natural community category will be partitioned into natural community groups and each natural community group will be partitioned into natural community types.</p> <p>DACS and FWC will assist in the development and standardization of the information system.</p> <p>Allows Department of Environmental Protection to utilize a third party for the development of the information system and its data. However, the information system and its data are to be the property of the state.</p> | <p>Similar, but only addresses all P2000 and Florida Forever lands.</p> <p>Not in Strike-all.</p> <p>Not in Strike-all.</p> <p>Not in Strike-all.</p> <p>Not in Strike-all.</p> |
| 253.034  | <p>Allows all recreational activities on public lands acquired under chapter 259 (P2000 and Florida Forever), not just those designated natural resource based recreation.</p> <p>Provides definition of “imperiled species” and “public access,” which includes docks.</p> <p>Requires lands designated as “multiple-use” to be managed in a manner that enhances public access. Includes alternative water supplies and water resource development.</p>  | <p>Not in Strike-all.</p> <p>Provides definition of “public access,” which is similar but not as expansive.</p> <p>Not in Strike-all.</p>                                       |

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|  | <p>Revises the types of lands designated as single use by removing parks and wild life management areas and included designated preserves.</p> <p>Provides exception for enhancing public access to state waters in designated "single use" lands.</p> <p>Revises the definition of conservation lands to include lands managed by the DACS, FWC and DEP.</p> <p>Allows those lands acquired to facilitate acquisition of conservation lands to be considered conservation lands, if in doing so provides an increase in public recreation opportunities or creates a more efficient land management plan. This ensures all state owned lands are eligible for long-term land management dollars.</p> <p>Requires state lands to be managed to ensure the conservation of the state's plant and animal species and to assure the accessibility of public lands for the benefit and enjoyment all people of the state, both present and future.</p> <p>Parcels less than 1,000 acres are no longer exempted from multiple-use analysis.</p> <p>Land Management Plans (LMP) are to be prepared for all state lands -- each LMP is to provide a desired outcome with measurable short-term and long-term objectives that are the basis for all land management activities conducted to achieve the desired outcome. The measurable objectives:</p> <ul style="list-style-type: none"> <li>• habitat restoration and improvement;</li> <li>• public access and recreation;</li> <li>• hydrological preservation and restoration;</li> <li>• forest management;</li> <li>• exotic and invasive species control; and</li> <li>• Capital facilities and infrastructure</li> <li>• financial sustainability of land management activities.</li> </ul> <p>The LMP is to include the following elements:</p> <ul style="list-style-type: none"> <li>• A physical description of the property;</li> <li>• a quantitative data description of the property to include an inventory of forest resources, exotic and invasive plants, hydrological features, capital facilities including recreational facilities -- the description shall be of such detail that objective measures and benchmarks can be established for each tract of land and monitored during the lifetime of the plan, all quantitative data collected are to be aggregated, standardized, collected and presented in an electronic format to allow for management reporting and analysis,</li> </ul> | <p>Not in Strike-all.</p> <p>Not in Strike-all.</p> <p>Not in Strike-all.</p> <p>Not in Strike-all.</p> <p>Same.</p> <p>Not in Strike-all.</p> <p>Same.</p> <p>Same.</p> |
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|  | <p>and the information collected by the Department of Environmental Protection pursuant to s. 253.0325(2), F.S., is to be available to the land manager and their assignee;</p> <ul style="list-style-type: none"> <li>• a detailed description of each land management objective and the activities that are to be performed to meet the land management objectives-- each land management objective must be addressed by the land management plan but no land management objective shall be performed to the detriment of the other land management objectives;</li> <li>• A schedule shall be prepared that contains a timeline, quantitative measures, detailed expense and manpower budgets for each activity; and</li> <li>• A summary budget for the land management activities of the LMP which is to be prepared in such a manner that it facilitates an aggregation of land management costs for all state lands.</li> </ul> <p>Provides for ARC to review plans within 60 days. If ARC fails to make recommendation, Secretary of DEP, Commissioner of Ag, and Executive Director of FWC to submit plan.</p> <p>Beginning July 1, 2010, provides for biennial monitoring by monitoring teams who submit reports to ARC. Also provides for 3<sup>rd</sup> party audit of management plan implementation.</p> <p>Provides plans are to be updated every 10 years.</p> <p>Requires at least two public hearings within county most affected.</p> <p>Requires the managing agency make available to the public electronic copies of land management plans.</p> <p>Provides trustees may approve or reject, but not modify proposed land management plan.</p> <p>Allows land not currently and actively managed to be managed by a private contractor or leased.</p> <p>Removes an obsolete provision.</p> <p>Requires a second appraisal for surplus lands valued at \$1 million or greater and provides for the payment of the second appraisal. Murphy Acts lands are included in these requirements.</p> <p>Requires inventory of carbon sequestration/sinks with report to trustees by July 1, 2009. Places DACS, Division of</p> | <p>Same</p> <p>Similar, but does not include the 3<sup>rd</sup> party audit.</p> <p>Same.</p> <p>Requires at least one public hearing.</p> <p>Requires Division of State Lands to agency make available to the public electronic copies of land management plans.</p> <p>Not in Strike-all.</p> <p>Not in Strike-all.</p> <p>Not in Strike-all.</p> <p>Strike-all has "may" have second appraisal.</p> <p>Similar, but places DEP, Division of State Lands is in the lead.</p> |
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|          | <p>Forestry in the lead.</p> <p>Requires FWC annual workplan submitted to ARC. ARC may modify. ARC submits approved plan to trustees for approval.</p> <p>Requires FWC to submit a report to the ARC and trustees on imperiled species management by February 1, 2010</p>  | Same.   |
| 253.0341 | Not in HB.   | Authorizes local governments to request state lands to be declared surplus for the purposes of providing alternative water supply and water resource development projects and public facility projects.   |
| 253.036  | DACS/DOF, or a qualified forester appointed by DOF, is to prepare any forest management plan needed for the land management plans.   | Not in Strike-all.  |
| 253.111  | Provides consistency for noticing provisions to local governments from 30 days to 45 days  | Same.   |
| 253.82   | Removes the limitation for one appraisal for Murphy Act lands.   | Same.   |
| 259.032  | <p>Provides flexibility for the use of CARL Trust Fund, including expending monies for restoration, enhancement and management of public lands.</p> <p>Allows the uses of CARL funds for activities related to habitat for species of concern, imperiled, threatened or endangered species, agricultural lands and working waterfronts under treat of development.</p> <p>Emphasis is provided for lead managers to enter into contracts with entities outside state government.</p> <p>Provides conforming changes related to revised requirements of the LMP. Removes lower limit of 160 acres before land management plan is required.</p> <p>Changes the current ceiling of 1.5% of CARL funds for land management purposes to a floor of 1.5%.</p> <p>Requires DACS, FWC and DEP to develop an allocation formula that distributes CARL funds for land management. The formula is to be based on intensity of activities related to land management and public access, as well as, other revenue sources. The formula is to be adopted by the legislature.</p> <p>Extends the time limits related to Payment in Lieu of Taxes provisions from 10 years to perpetual, as long as the governmental entity remains below the population eligibility threshold of 150,000. Retains 10-year minimum payment requirement.</p> | <p>Same.</p> <p>SB provides for agricultural lands.</p> <p>Not in Strike-all.</p> <p>Strike-all keeps 160 acre limit.</p> <p>Same.</p> <p>Similar, but requires the Land Management Uniform Accounting Council to perform the function and provides for legislative review, but does not require legislative adoption to take effect.</p> <p>Same, but deletes minimum 10-year payment requirement.</p> |

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| 259.0322 | Payment in Lieu of Taxes provisions as long as the governmental entity remains below the population eligibility threshold of 150,000.  | Not in Strike-all.  |
| 259.035  | <p>Revises the membership of the ARC. Currently four members are appointed by the Governor. Two members will be appointed by the Governor, one by the Commissioner of Agriculture, and one by the Executive Director of Florida Fish and Wildlife Commission.</p> <p>Removes the compensation provisions for ARC members. Keeps expense and per diem provisions.</p> <p>Requires the ARC to develop and adopt rules that provide specific acquisition criteria and numeric performance measures to prioritize land acquisitions by December 1, 2009. The rules must be submitted to and approved by the trustees and then submitted to the legislature by February 1, 2010. The Legislature may reject, modify, or approve the proposed rules.</p> | <p>Revises membership of ARC by adding two additional members – one appointed by the Commissioner of Agriculture and one appointed by the FWC.</p> <p>Same.</p> <p>Same, except SB provides that if no action taken, the rules take effect.</p> |
| 259.036  | Revises the membership of the management review team by expanding DACS and FWC membership and reducing DEP membership. Requires reviews to consider the reports of monitoring teams and 3 <sup>rd</sup> party audits.  | Not in Strike-all.  |
| 259.037  | <p>Revises the reporting requirements of the LMUAC to include reporting land management cost public use opportunities and cost of public access.</p> <p>Not in HB.</p> <p>Beginning July 1, 2010, all reported costs are to be tied to the land management plan.</p>   | <p>Same.</p> <p>Biennially, each reporting agency must submit an operational report for each management area along with an approved management plan.</p> <p>Not in Strike-all.</p>  |
| 259.04   | Trustees' 5 year statewide conservation lands plan to be consistent with trustees' rules.  | Not in Strike-all.  |
| 259.041  | <p>When an acquisition involves third parties, the state's contribution is not to exceed the appraised value less the third party contributions.</p> <p>When an acquisition of lands for preservation, conservation, and recreation purposes exceeds \$100 million legislative approval of the Legislative Budget Commission is required.</p> <p>The threshold for obtaining two appraisals retained at \$500,000. DACS is to select one of the two appraisers. If the two appraisal differ by 120% or greater a third appraisal is required. The third appraiser is to be selected by the DFS. The DFS is to select the review</p>  | <p>Not in Strike-all.</p> <p>Same.</p> <p>Strike-all increases threshold to \$1 million.</p>  |

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|         | <p>appraiser.</p> <p>Any option contract is to have disclaimer that final purchase price is subject to appropriation from the legislature.</p>   | <p>Same.</p>  |
| 259.07  | <p>Before ARC makes a recommendation to the trustees, two public meetings are required.</p>  | <p>Not in Strike-all.</p>   |
| 259.105 | <p>Expands the intent language of Florida Forever to include activities relating to imperiled species and their habitat, agricultural lands, working waterfronts, protection of uplands and springheads.</p> <p>Revises the intent language regarding specific acquisition criteria and numeric performance measures to prioritize land acquisitions. Provides rule making authority for the trustees. The rules must be approved by the trustees and then adopted by the legislature.</p> <p>Revises the intent language regarding access to waterways, water supplies, springs and springsheds, working landscapes and agriculture. Providing for the inclusion of carbon sequestration as a multiple use.</p> <p>Specific language not included in HB</p> <p>Includes encouragement of sector planning, rural land stewardship.</p> <p>Reduces distribution to DEP for water management district uses from 35% to 30%</p> | <p>Strike-all does not address working waterfronts. Has much less emphasis on imperiled species.</p> <p>Similar.</p> <p>Same.</p> <p>Imperiled Species -- Provides intent language relating to imperiled species, including intention to support programs by providing public and private land managers with incentives. Provides intent that public lands acquired or already acquired that provide habitat for imperiled species be restored, enhanced, managed, and repopulated as habitat consistent with the purposes for which the lands are acquired without restricting other uses identified in the management plan. Provides for additional consideration to be given to acquisitions that address imperiled species habitat. Provides for consideration of restoration, enhancement, management, and repopulation of habitat for imperiled species to be considered in developing land management plans. Provides for use of fees paid to offset impacts to imperiled species to be used by lead management agencies. Provides for FWC and DACS to be included on advisory groups required under ch. 253, F.S., for lands with imperiled species habitat.</p> <p>Similar language is included.</p> <p>Same reduced distribution.</p> |

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|          | <p>and adds restoration of lands as a purpose.</p> <p>Revises the uses of Florida Forever funds allocated to Department of Environmental Protection to include water supply and water resource development. Establishes a 3% floor and a 10% ceiling for capital projects at the time of acquisition that provide public access.</p> <p>Redirects the allocation of Florida Forever funds to DCA for FCT to Department of Environmental Protection to facilitate the transfer of the Florida Communities Trust program. Provides intent that emphasis be placed on projects that provide direct water access and water dependent facilities that are open to the public.</p> <p>Revises the uses of Florida Forever funds allocated to DRP. Establishing a 1% floor and a 10% ceiling for capital projects at the time of acquisition that provide public access.</p> <p>Revises the use of Florida Forever funds allocated to DOF of DACs by establishing a 1% floor and a 10% ceiling for capital projects at the time of acquisition that provide public access.</p> <p>Revises the uses of Florida Forever funds allocated to Florida Fish and Wildlife Commission. Establishing a 1% floor and a 10% ceiling for capital projects at the time of acquisition that provide public access.</p> <p>Revises the uses of Florida Forever funds allocated to DEP for Greenways and Trails by establishing a 1% floor and a 10% ceiling for capital projects at the time of acquisition that provide public access.</p> <p>Authorizes the use of 5% of CARL funds for rural-land protection agreements (2/3) as described in s. 570.71(3), F.S., and working waterfronts (1/3). DACS and DEP are to develop annual worplans for less than fee acquisitions.</p> <p>Not in HB</p> <p>Revises performance goals to include imperiled species and water supply.</p> <p>Deletes obsolete provisions.</p> <p>On annual basis, requires the Division of State Lands to prepare an annual workplan that prioritizes projects on the Florida Forever list and sets forth the funding available in the fiscal year for land acquisitions.</p> | <p>Includes 3% floor and a 10% ceiling for capital projects at the time of acquisition that provide public access.</p> <p>Does not transfer allocation to DEP. Provides intent that emphasis be placed on projects that provide direct water access and water dependent facilities that are open to the public.</p> <p>Same.</p> <p>Same.</p> <p>Same.</p> <p>Same.</p> <p>Same.</p> <p>Same.</p> <p>Not in Strike-all.</p> <p>Includes reference to imperiled species.</p> <p>Same.</p> <p>Same.</p> |
| 259.1051 | Increases bonding authority for the Florida Forever Trust Fund.  | Same.   |

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| 342.201   | Not in HB.   | Not in Strike-all.   |
| 342.2015  | Not in HB.   | Not in Strike-all.   |
| 342.20155 | Not in HB.   | Not in Strike-all.   |
| 373.073   | Provides for WMD board members to be nominated by the Public Service Nominating Council, selected by the Governor and confirmed by the Senate.                                     | Not in Strike-all.   |
| 373.089   | Not in HB.   | Provides WMD land no longer used as conservation land first offered to trustees unless used for linear facilities, a conservation easement is retained, or land is exchanged for other conservation land.          |
| 373.1391  | Provides for public access to WMD lands. Requires annual authorization by the legislature to levy ad valorem taxes.  | Same.  |
| 373.199   | WMD workplans are to give a clear and concise estimate of funds needed and projected sources of funds for Florida Forever projects.  | Same.  |
| 373.503   | Requires annual authorization by the legislature to levy ad valorem taxes. Legislature is to annually review millage rates.  | Not in Strike-all.   |
| 373.536   | WMD proposed budget to be submitted by February 1 of each year. WMD board members to be nominated by the Nominating Council, selected by the Governor and confirmed by the Senate. | Not in Strike-all.   |
| 373.59    | Not in HB.   | Extends the time limits related to Payment in Lieu of Taxes provisions for WMD lands from 10 years to perpetual, as long as the governmental entity remains below the population eligibility threshold of 150,000. |
| 570.71    | Providing for acquisition in fee simple, less than fee or other means of working waterfronts. DACS is to manage the working waterfronts.   | Same.  |
| -----     | Transfer of FCT from DCA to DEP.   | Not in Strike-all.   |