



COMMITTEE ON CONSERVATION & STATE LANDS

**WEDNESDAY, FEBRUARY 20, 2008
8:30 AM – 10:00 AM
216 THE CAPITOL**

**Marco Rubio
Speaker**

**Rep. Will Kendrick
Chair**

Committee Meeting Notice

HOUSE OF REPRESENTATIVES

Speaker Marco Rubio

Committee on Conservation & State Lands

Start Date and Time: Wednesday, February 20, 2008 08:30 am

End Date and Time: Wednesday, February 20, 2008 10:00 am

Location: 216 Capitol

Duration: 1.50 hrs

Consideration of the following bill(s):

HB 819 Hunter Safety Course Requirements by Kendrick

Presentation of interim project-"State Lands Acquisition and Management."



NOTICE FINALIZED on 02/13/2008 15:45 by SIMS-DAVIS.LINDA

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 819
SPONSOR(S): Kendrick
TIED BILLS:

Hunter Safety Course Requirements

IDEN./SIM. BILLS:

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Environment & Natural Resources Council		Palmer 	Zeiler 
2) Policy & Budget Council			
3)			
4)			
5)			

SUMMARY ANALYSIS

The bill provides that a resident of Florida born on or after June 1, 1975, who is an active duty member of the United States Armed Forces, the United States Armed Forces Reserves, the National Guard, the United States Coast Guard, or the United States Coast Guard Reserve, upon submission of a valid military identification card, may satisfy the Fish and Wildlife Conservation Commission's (FWC) hunter safety course requirements by successfully completing an online military hunter safety course or a hunter safety workbook and written test provided by the FWC.

The bill does not appear to have a significant fiscal impact on state or local governments.

The bill would become effective on July 1, 2008.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Safeguard Individual Liberties: This bill provides that individuals who, as a result of their military training, are well versed in the use of firearms and firearm safety an additional option to satisfy FWC's hunting license hunter safety course requirements.

B. EFFECT OF PROPOSED CHANGES:

Present Situation

In accordance with s. 372.5717, F. S., the Fish and Wildlife Conservation Commission (FWC) has instituted and coordinates a statewide hunter safety course that is offered in every county. Instruction is provided by FWC staff and approved volunteers. The hunter safety course covers the knowledge, skills and attitude needed to be a safe hunter, and includes, but is not limited to, instruction in the competent and safe handling of firearms, conservation, and hunting ethics. The traditional course requires twelve hours of classroom instruction, a written exam and three hours of hands-on instruction at a shooting range.¹ The twelve hour classroom requirement may be completed by way of an alternative on-line study course with a four hour classroom segment.² The FWC issues a permanent hunter safety certification card to each person who has attended and successfully completed the hunter safety course.

To be issued a license to take wild animal life in Florida with the use of a firearm, gun, bow, or crossbow, any person born on or after June 1, 1975, must have a FWC issued, permanent hunter safety certification card or have a hunter safety certification card issued by a wildlife agency of another state, or any Canadian province, which shows that the holder of the card has successfully completed a hunter safety course approved by FWC. The FWC is currently working with other states to develop a revised hunter safety course that would be used by all the participating states.³

The FWC hunter safety course is offered without charge to the participants.

Effect of Proposed Changes

The bill provides that a resident of Florida born on or after June 1, 1975, who is an active duty member of the United States Armed Forces, the United States Armed Forces Reserves, the National Guard, the United States Coast Guard, or the United States Coast Guard Reserve, upon submission of a valid military identification card, rather than attending a FWC hunter safety course, may satisfy the course requirements by successfully completing an online military hunter safety course or a hunter safety workbook and written test provided by the FWC. This course would differ from the traditional course in that the three hour shooting range requirement of the traditional course is not required.⁴

FWC will utilize current hunter safety course materials.⁵

¹ <http://myfwc.com/huntered/program.htm>

² Id.

³ FWC, 2008. Personal communication with Nick Wiley, Director, Division of Hunting and Game Management.

⁴ Id.

⁵ Id.

C. SECTION DIRECTORY:

Section 1: Creates s. 372.5717(2)(c), F.S., relating to hunter safety course requirements.

Section 2: Creates an effective date of July 1, 2008.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

The hunter safety course program is funded by a federal grant and uses no state funds.

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:

No rulemaking authority is granted to implement the provisions of this bill.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

D. STATEMENT OF THE SPONSOR

This legislation is a way to honor our current military personnel and show them our appreciation for their dedication and service to our State. We understand their training and abilities with regard to handling firearms responsibly and feel it is a disservice to require they have additional shooting range time in order to enjoy the hunting resources available to them on public and private lands in Florida.

IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES

1 A bill to be entitled
 2 An act relating to hunter safety course requirements;
 3 amending s. 372.5717, F.S.; providing that certain hunter
 4 safety course requirements for resident active duty
 5 members of the military may be satisfied by completion of
 6 certain coursework or testing; providing an effective
 7 date.

8
 9 Be It Enacted by the Legislature of the State of Florida:

10
 11 Section 1. Paragraph (c) is added to subsection (2) of
 12 section 372.5717, Florida Statutes, to read:

13 372.5717 Hunter safety course; requirements; penalty.--
 14 (2)

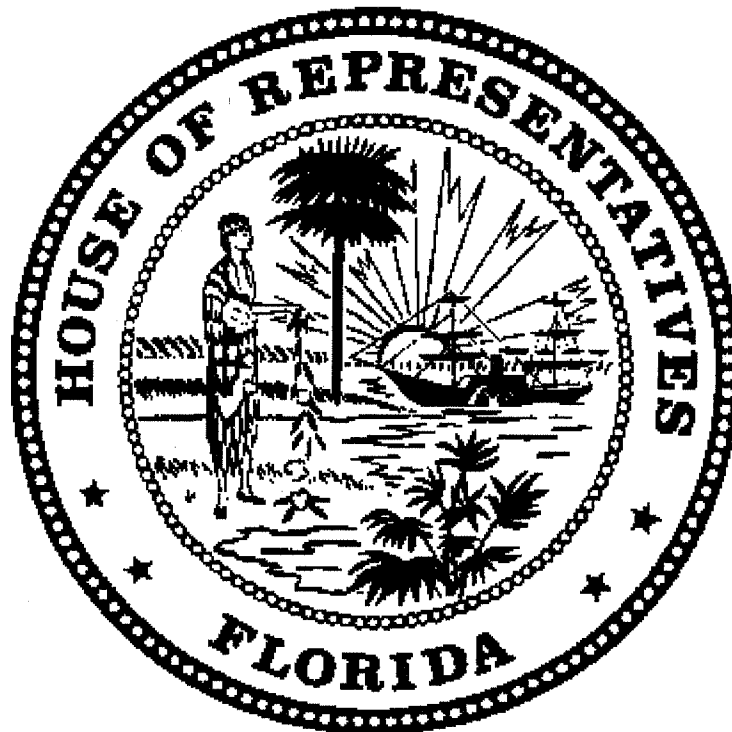
15 (c) A resident of this state born on or after June 1,
 16 1975, who is an active duty member of the United States Armed
 17 Forces, the United States Armed Forces Reserves, the National
 18 Guard, the United States Coast Guard, or the United States Coast
 19 Guard Reserve, upon submission of a valid military
 20 identification card, may satisfy the requirements of this
 21 section by successfully completing an online military hunter
 22 safety course or a hunter safety workbook and written test
 23 provided by the commission.

24 Section 2. This act shall take effect July 1, 2008.

**Committee
Interim Project**

Florida House of Representatives
Environment & Natural Resources Council

State Lands
Acquisition and Management



Committee on Conservation & State Lands

January 2008

STATE LANDS ACQUISITION AND MANAGEMENT

Introduction

Over the past thirty years, Florida has invested more than \$6 billion to conserve approximately 3.6 million acres of land for environmental, recreational and preservation purposes. Florida Forever is the state's most recent blueprint for conserving natural. It replaced the highly successful Preservation 2000 program, the largest program of its kind in the United States. The Florida Forever Act, implemented in 2000, reinforced Florida's commitment to conserve its natural and cultural heritage, provide urban open space, and better manages the land acquired by the State. Florida Forever is more than an environmental land acquisition mechanism. It encompasses a wide range of goals including: environmental restoration; water resource development; increased public access; public lands management; and increased protection of land through conservation easements.

Section 259.1051, F.S. establishes Florida Forever Trust Fund and provides a cumulative \$3 billion bonding limit. Section 215.15(1)(a), F.S. establishes an annual \$300 million bonding limit and provides an intent statement that bonds issued for Florida Forever purposes be retired by December 31, 2030. As of the date of this report, the state has issued \$1.8 billion in bonds for Florida Forever purposes. Under current statutes, a \$1.2 billion in bonding capacity exists for Florida Forever purposes and it will take four years to fully utilize the authorized bonding capacity.

Prior to the 2007 Legislative Session, a consortium of environmental groups proposed doubling the bonding capacity of a successor program to Florida Forever. During the fall of 2007, the Department of Environmental Protection held workshops regarding a successor program, and recent Senate announcements have indicated that legislation regarding a successor program is likely to be proposed.

Despite the success of past programs, future acquisitions face increased land costs, budget constraints, and land management duties. As Florida plans for the successor to the Florida Forever Program, it must address these challenges. The long-term management of conservation lands and public access to such lands has been of particular concern to the House of Representatives.

Purpose of the Project:

The purpose of this interim report is to assist members in evaluating current state lands use policies and practices and to provide policy options to improve the management of state lands. The interim report also is intended to assist members who may develop legislation for a Florida Forever successor program by developing policies options for such a program with an emphasis on the role of land management in the acquisition decisions and long-term land management planning.

Methodology

The research methodology employed in gathering information presented in this interim report included:

- A review of the history of the state's land acquisition programs and their objectives, and a review of Chapters 253 and 259, F.S., and related department rules was conducted to identify current land management requirements and reporting mechanisms.
- In August 2007, a questionnaire was prepared that sought to elicit information regarding practices and expenditures with regard to land management activities, and public access to the state's lands. This questionnaire was sent to the state agencies and agencies of

the state that are responsible for management of state and public lands. The responses to these questions led to numerous requests for additional information.

- A review of the current Acquisition and Restoration Council's process and the Land Management Advisory Council activities and reports was conducted.
- Two opinion surveys of the state's land management agencies and staff were developed in conjunction with OPPAGA and several meetings with OPPAGA staff were held to discuss the resulting information.
- A review of current funding allocation methodologies was conducted.
- Periodic meetings were held with agency staffs to discuss and clarify issues relating to state land management.

Public Land Acquisition

The State of Florida has a history of land acquisition programs, each with differing goals, objectives and funding. Since 1963 there has been a series of land acquisition programs, including Outdoor Recreation and Conservation (1963), Environmentally Endangered Lands (EEL, 1972), Conservation and Recreation Lands (CARL, 1979), Save Our Rivers (SOR, 1981), Save Our Coast (SOC, 1981), Florida Communities Trust (FCT, 1989), Preservation 2000 (P2000, 1990), and Florida Forever (2000).

The land acquisition process for state lands, title to which will vest in the Board of Trustees of the Internal Improvement Trust Fund (BOT), is provided in Chapters 253 and 259, F.S., and ch.18-24, F.A.C. The Department of Environmental Protection (DEP) is charged to staff the BOT. This function is provided by the DEP, Division of State Lands (DSL). The DSL is, therefore, charged to acquire and oversee management of state lands as directed by the BOT.

State Goals, Policies and Legislative Intent

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 187.201, F.S., adopts the State Comprehensive Plan and s. 187.201(9), F.S., provides specific goals and policies regarding natural systems and recreational lands.

Goal.—Florida shall protect and acquire unique natural habitats and ecological systems, ... and restore degraded natural systems to a functional condition.

Policies.—

- Conserve forests, wetlands, fish, marine life, and wildlife to maintain their environmental, economic, aesthetic, and recreational values.
- Acquire, retain, manage, and inventory public lands to provide recreation, conservation, and related public benefits.
- Prohibit the destruction of endangered species and protect their habitats.
- Establish an integrated regulatory program to assure the survival of endangered and threatened species within the state.
- Promote the use of agricultural practices which are compatible with the protection of wildlife and natural systems.

- Encourage multiple uses of forest resources, where appropriate, to provide for timber production, recreation, wildlife habitat, watershed protection, erosion control, and maintenance of water quality.
- Protect and restore the ecological functions of wetlands systems to ensure their long-term environmental, economic, and recreational value.
- Promote restoration of the Everglades system and of the hydrological and ecological functions of degraded or substantially disrupted surface waters.
- Develop and implement a comprehensive planning, management, and acquisition program to ensure the integrity of Florida's river systems.
- Emphasize the acquisition and maintenance of ecologically intact systems in all land and water planning, management, and regulation.
- Expand state and local efforts to provide recreational opportunities to urban areas, including the development of activity-based parks.
- Protect and expand park systems throughout the state.
- Encourage the use of public and private financial and other resources for the development of recreational opportunities at the state and local levels.

Section 259.032, F.S., establishes the Conservation and Recreation Lands Trust Fund and provides its purpose and the policy of the state regarding public lands:

...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.

Florida Statutes further state that a high priority be given to the acquisition of such lands in or near counties exhibiting the greatest concentration of population and that a high priority be given to acquiring lands or rights or interests in lands within any area designated as an area of critical state concern under s. 380.05, F.S., which, in the judgment of the Acquisition and Restoration Council, cannot be adequately protected by application of land development regulations adopted pursuant to s. 380.05, F.S. Finally, the section provides that lands acquired be managed in such a way as to protect or restore their natural resource values, and provide the greatest benefit, including public access, to the citizens of this state.

Authorized Land Purchases for Public Purposes

Section 259.032, F.S., authorized the Board of Trustees of the Internal Improvement Trust Fund to allocate moneys from the Conservation and Recreation Lands Trust Fund to acquire for fee simple or any lesser interest in lands for the following public purposes:

- To conserve and protect environmentally unique and irreplaceable lands that contain native, relatively unaltered flora and fauna representing a natural area unique to, or scarce within, a region of this state or a larger geographic area;
- To conserve and protect lands within designated areas of critical state concern, if the proposed acquisition relates to the natural resource protection purposes of the designation;
- To conserve and protect native species habitat or endangered or threatened species, emphasizing long-term protection for endangered or threatened species designated G-1 or G-2 by the Florida Natural Areas Inventory, and especially those areas that are

special locations for breeding and reproduction; (*G-1 and G-2= Sustainable Forest Management*)

- To conserve, protect, manage, or restore important ecosystems, landscapes, and forests, if the protection and conservation of such lands is necessary to enhance or protect significant surface water, groundwater, coastal, recreational, timber, or fish or wildlife resources which cannot otherwise be accomplished through local and state regulatory programs;
- To promote water resource development that benefits natural systems and citizens of the state;
- To facilitate the restoration and subsequent health and vitality of the Florida Everglades;
- To provide areas, including recreational trails, for natural resource based recreation and other outdoor recreation on any part of any site compatible with conservation purposes;
- To preserve significant archaeological or historic sites; or
- To conserve urban open spaces suitable for greenways or outdoor recreation which are compatible with conservation purposes.

Florida Forever

Section 259.105, F.S., establishes the Florida Forever Act and provides the declarations of the Legislature. It was the intent of the Legislature to change the focus and direction of the state's major land acquisition program. One distinct difference between Florida Forever and Florida's preceding land acquisition programs was the inclusion of performance based budgeting as a tool to evaluate the achievements of the program. The Legislature also recognized a competitive selection process can best select those projects that meet the goals of the Florida Forever program. The Legislature acknowledged a need for a long-term financial commitment to managing Florida's public lands in order to achieve protection of natural resources that provide the public the opportunity to enjoy lands to their fullest potential

Under the Florida Forever program, bonds may be issued for more or for less than \$300 million per year. However, the entire program is limited to \$3 billion. In each year that bonds are issued, the bond proceeds are distributed¹ as shown in Table 1.

¹ s. 259.105, F.S.

Table 1

Florida Forever Funding Recipients
 (percent of each years bonds proceeds and dollars at \$300 million per year)

Title vested in Board of Trustees of the Internal Improvement Trust Fund — \$129 million

Department of Environmental Protection

Division of State Lands	35%.....	\$105,000,000
Division of Recreation and Parks	1½%.....	\$4,500,000
Office of Greenways and Trails	1½%.....	\$4,500,000
Florida Recreation Development Assistance Program	2%.....	\$6,000,000

Florida Fish and Wildlife Conservation Commission.....	1½%.....	\$4,500,000
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Department of Agriculture and Consumer Services

Division of Forestry.....	1½%.....	\$4,500,000
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Title vested in local government or non-profit organization — \$66 million

Department of Community Affairs

Florida Communities Trust	22%.....	\$66,000,000
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Title vested in Water Management District Governing Boards — \$105 million:

Northwest Florida Water Management District.....	7½%.....	\$7,875,000
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Suwannee River Water Management District.....	7½%.....	\$7,875,000
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Southwest Florida Water Management District.....	25%.....	\$26,250,000
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St. Johns River Water Management District.....	25%.....	\$26,250,000
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South Florida Water Management District.....	35%.....	\$36,750,000
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The Florida Forever program is a willing seller program where an applicant proposes an acquisition through a process established by statute and rules. Section 259.105(7), F.S., requires the Acquisition and Restoration Council (ARC) to receive applications for project proposals. Section 259.105(9), F.S., requires the ARC to recommend rules to the BOT that competitively evaluate, select and rank projects eligible for Florida Forever Funding. Section 259.105(9), F.S., provides further guidance to the ARC's recommendations by requiring weight be given to projects that:

- Meet multiple Florida Forever goals.
- Are part of an ongoing governmental effort to restore, protect, or develop land areas or water resources.
- Enhance or facilitate management of properties already under public ownership.
- Has significant archaeological or historic value.
- Have funding sources that are identified and assured through at least the first two years of the project.
- Contribute to the solution of water resource problems on a regional basis.
- Have a significant portion of its land area in imminent danger of development, in imminent danger of losing its significant natural attributes or recreational open space, or in imminent danger of subdivision which would result in multiple ownership and make acquisition of the project costly or less likely to be accomplished.
- Implement an element from a plan developed by an ecosystem management team.
- Are a component of the Everglades restoration effort.
- May be purchased at 80 percent of appraised value.
- May be acquired, in whole or in part, using alternatives to fee simple, including but not limited to, purchase of development rights, hunting rights, agricultural or silvicultural rights, or mineral rights or obtaining conservation easements or flowage easements.
- Are a joint acquisitions, either among public agencies, nonprofit organizations, or private entities, or by a public-private partnership.

Florida Forever Goals & Performance Measures

As presented in the Florida Forever application, s. 259.105(4), F.S., the goals and measures are as follows (note; ** = 2001 baseline established and included in the Florida Forever Natural Resource Acquisition Progress Report):

- Goal A — Enhance the Coordination and Completion of Land Acquisition Projects
 - Measure A1: The number of acres acquired through the state's land acquisition programs that contribute to the completion of Florida Preservation 2000 projects or projects begun before Preservation 2000.
 - Measure A2: The number of acres protected through the use of alternatives to fee simple acquisition.
 - Measure A3: The number of shared acquisition projects among Florida Forever funding partners and partners with other funding sources, including local governments and the federal government.
- Goal B — Increase the Protection of Florida's Biodiversity at the Species, Natural Community, and Landscape Levels
 - Measure B1: The number of acres acquired of significant Strategic Habitat Conservation Areas. **
 - Measure B2: The number of acres acquired of highest priority conservation areas for Florida's rarest species. **

- Measure B3: The number of acres acquired of significant landscapes, landscape linkages, and conservation corridors, giving priority to completing linkages. **
 - Measure B4: The number of acres acquired of under-represented native ecosystems. **
 - Measure B5: The number of landscape-sized protection areas of at least 50,000 acres that exhibit a mosaic of predominantly intact or restorable natural communities established through new acquisition projects, or augmentations to previous projects.
 - Measure B6: The percentage increase in the number of occurrences of endangered species, threatened species, or species of special concern on publicly managed conservation areas.
- Goal C — Protect, Restore, and Maintain the Quality and Natural Functions of Land, Water, and Wetland Systems of the State.
 - Measure C1: The number of acres of publicly-owned land identified as needing restoration; acres undergoing restoration; and acres with restoration activities completed.
 - Measure C2: The percentage of water segments that fully meet, partially meet, or do not meet their designated uses as reported in the Department of Environmental Protection's State Water Quality Assessment 305(b) report.
 - Measure C3: The percentage completion of targeted capital improvements in surface water improvement and management plans created under s. 373.453 (2), regional or master stormwater management system plans, or other adopted restoration plans.
 - Measure C4: The number of acres acquired that protect natural floodplain functions. **
 - Measure C5: The number of acres acquired that protect surface waters of the State. **
 - Measure C6: The number of acres identified for acquisition to minimize damage from flooding and the percentage of those acres acquired.
 - Measure C7: The number of acres acquired that protect fragile coastal resources. **
 - Measure C8: The number of acres of functional wetland systems protected. **
 - Measure C9: The percentage of miles of critically eroding beaches contiguous with public lands that are restored or protected from further erosion.
 - Measure C10: The percentage of public lakes and rivers in which invasive, non-native aquatic plants are under maintenance control.
 - Measure C11: The number of acres of public conservation lands in which upland invasive, exotic plants are under maintenance control.
- Goal D — Ensure that Sufficient Quantities of Water are Available to Meet the Current and Future Needs of Natural Systems and the Citizens of the State
 - Measure D1: The number of acres acquired which provide retention and storage of surface water in naturally occurring storage areas, such as lakes and wetlands, consistent with the maintenance of water resources or water supplies and consistent with district water supply plans.
 - Measure D2: The quantity of water made available through the water resource development component of a district water supply plan for which a water management district is responsible.

- Measure D3: The number of acres acquired of groundwater recharge areas critical to springs, sinks, aquifers, other natural systems, or water supply. **
- Goal E — Increase Natural Resource-Based Public Recreational and Educational Opportunities
 - Measure E1: The number of acres acquired that are available for natural resource-based public recreation or education. **
 - Measure E2: The miles of trails that are available for public recreation, giving priority to those that provide significant connections including those that will assist in completing the Florida National Scenic Trail.
 - Measure E3: The number of new resource-based recreation facilities, by type, made available on public land.
- Goal F — Preserve Significant Archaeological or Historic Sites.
 - Measure F1: The increase in the number of and percentage of historic and archaeological properties listed in the Florida Master Site File or National Register of Historic Places which are protected or preserved for public use.
 - Measure F2: The increase in the number and percentage of historic and archaeological properties that are in state ownership. **
- Goal G — Increase the Amount of Forestland Available for Sustainable Management of Natural Resources
 - Measure G1: The number of acres acquired that are available for sustainable forest management. **
 - Measure G2: The number of acres of state owned forestland managed for economic return in accordance with current best management practices.
 - Measure G3: The number of acres of forest land acquired that will serve to maintain natural groundwater recharge functions.
 - Measure G4: The percentage and number of acres identified for restoration actually restored by reforestation.
- Goal H — Increase the Amount of Open Space Available in Urban Areas.
 - Measure H1: The percentage of local governments that participate in land acquisition programs and acquire open space in urban cores.
 - Measure H2: The percentage and number of acres of purchases of open space within urban service areas.

The rules adopted by the BOT, Chapter 18-24.002, F.A.C., require projects to meet at least two of the Florida Forever goals and measures with some limited exceptions. Current Florida Forever goals and measures address land management activities to some degree, but only one is measured and reported formally: “Measure E2: The miles of trails that are available for public recreation, giving priority to those that provide significant connections including those that will assist in completing the Florida National Scenic Trail.” Also, Florida Statutes and Florida Administrative Code do not provide a weight to Florida Forever goals or measures which would facilitate a numeric scoring of Florida Forever applications or acquisitions.

The Acquisition and Restoration Council

Section 259.035, F.S., establishes the nine-member Acquisition and Restoration Council (ARC). The Council is comprised of the Secretary of the Department of Environmental Protection, the

Director of the Division of Forestry of the Department of Agriculture and Consumer Services, the Executive Director of the Fish and Wildlife Conservation Commission, the Director of the Division of Historical Resources of the Department of State, the Secretary of the Department of Community Affairs, or their respective designees, and four members appointed by the Governor who have backgrounds in scientific disciplines related to land, water, or environmental sciences. The council is charged with competitively evaluating, selecting, and ranking Florida Forever projects. An affirmative vote of five members of the council is required in order to change a project boundary or to place a proposed project on the acquisition list. The BOT reviews the recommendations and approves the results of this process.

The ARC also provides assistance to the BOT in reviewing the recommendations and plans for state-owned lands, including both the Land Management Prospectus (pre-acquisition) and the Land management Plan (post acquisition). In reviewing such recommendations and plans, the ARC is to consider the optimization of multiple-use and conservation strategies.

The Land Acquisition Process

When a sponsor proposes a state land acquisition project, applications are submitted to the DEP's Division of State Lands' (DSL) Office of Environmental Services and are initially reviewed for sufficiency of information. Each application requires the project sponsor to recommend a manager and management policy statement.

Applications deemed complete are evaluated by the DSL and the Florida Natural Areas Inventory (FNAI) staffs 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 the management of the project, including multi-use functions and public access. These recommendations are attached to the application and are submitted to the ARC. Affected landowners, local governments, regional planning councils and water management districts are notified of the application and staff recommendations.

The ARC is responsible for evaluating, selecting and ranking state land acquisition projects for submission to the BOT for approval. 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 DSL 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. This in turn leads to a set of management objectives that can be pursued by the manager based on the geographic or physical characteristics of the land and how it may fit into a larger landscape objective of the manager, and negotiations among possible secondary, cooperating 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; 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 management 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 at a regularly scheduled Florida Cabinet Meeting for approval. Once approved, DSL begins efforts to acquire parcels within the approved project boundaries.

The state lands acquisition process is depicted graphically in Figure 1.

Florida Forever Five Year Work Plan

Section 259.04, F.S., requires the BOT to develop and execute a comprehensive, statewide 5-year plan to conserve, restore, and protect environmentally endangered lands, ecosystems, lands necessary for outdoor recreational needs, and other lands. The plan is prepared by the DSL and updated biennially following the development, reevaluation, and revision of the Florida Forever list.

ARC — STATE LANDS ACQUISITION PROCESS

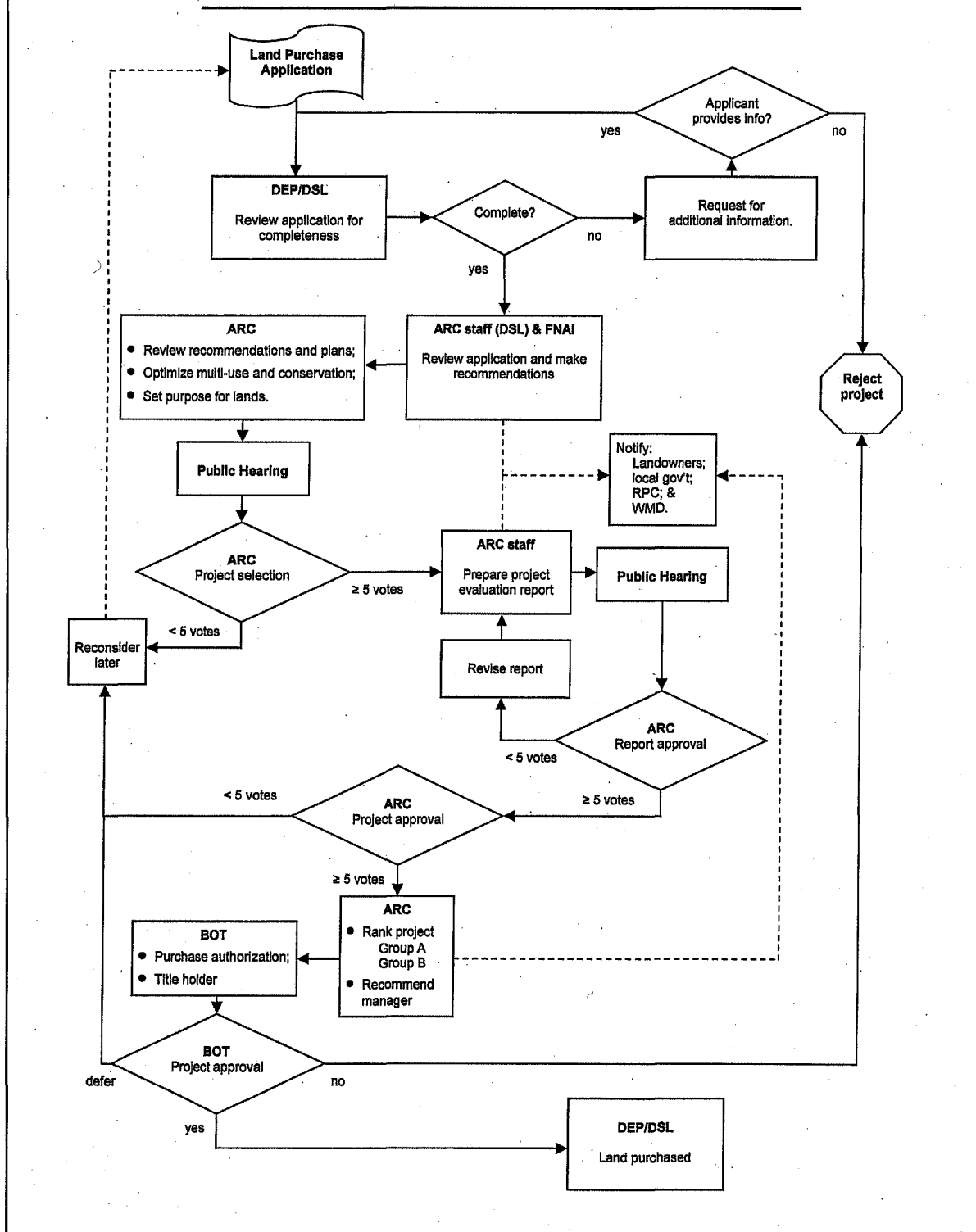


Figure 1: Acquisition process for state lands, title to which will vest in the BOT.

Land Management Objectives

The health of Florida's ecosystems depends on dynamic natural processes associated with fire, hydrology, and a delicate ecological balance among native species. The state's resource management policy² is to conserve, restore and preserve the natural landscapes of Florida by protecting and, where needed, reestablishing natural processes. Natural resource management involves four major activities: prescribed burning, invasive exotic species control, hydrological restoration and preservation, and habitat restoration and preservation. It is also the policy³ of the state that all multiple use land management strategies address public access.

Fire

Although early wild lands management practices encouraged fire suppression, the critical role that fire plays in maintaining many ecosystems is now widely recognized. Largely because more lightning strikes occur per square mile in Florida than any other place in North America, fire is one of the primary natural forces under which Florida's natural upland ecosystems have evolved. However, fire suppression practices resulted in significant alterations to these ecosystems and accumulations of litter that resulted in an excess of fuel for wildfires. Restoration and maintenance of such fire-dependent habitats requires careful prescribed burning - the mimicking of naturally occurring fires by introducing fire according to detailed control plans called "prescriptions."⁴

With prolonged fire exclusion, fire-resistant species begin to invade and dominate many fire-dependent communities. Over time, the entire structure and species composition of such areas change, often with much less species diversity. Of Florida's forty-four land-based natural community types, seventeen depend on periodic fire for their continued existence and sixteen others benefit from an occasional fire. Without fire, applied at appropriate frequencies and intensities, many of Florida's rare and endangered species of animals and plants - such as the Florida scrub jay, Sherman's fox squirrel, red-cockaded woodpecker, and white-top pitcher-plant - would gradually disappear. The proper burning of natural lands is also known to increase the abundance and health of many non-endangered wildlife species, including native game species such as deer, turkey, and quail.⁵

Exotic Species

Florida's native species have long co-existed, gradually developing the state's various natural ecosystems. However, in recent history many exotic plant and animal species have been introduced to Florida, some of which are heavily invading our natural habitats. These exotic species are no longer only a major agricultural problem - such as the Mediterranean fruit fly and Argentine fire ant - but constitute a major factor in the degradation and alteration of Florida's natural environment. Invasion and disruption of native habitats by certain rapidly spreading non-native species is recognized as one of the greatest threats to maintaining the state's healthy and diverse ecosystems. In the worst cases, invasive exotic plants completely displace the native communities resulting in single-species stands. Also, exotic animals can severely impact vast areas of native groundcover, directly consume rare and endangered native species and destroy the food source for many native animal species. These exotic animals often have no

² s. 253.034(1), F.S.

³ Id.

⁴ SFWMD and SWFWMD comments submitted in support of responses to August 2007, questionnaire.

⁵ Id.

predator that can effectively prey upon them while they can be a significant predatory threat to native wildlife. In some instances, these animals can pose a direct danger to public safety.⁶

If left unchecked, invasive exotic plants and animals could eventually completely alter the character, productivity, and conservation values of Florida's natural areas. Successful land management practice continues to require the active removal of invasive exotic species with priority being given to those causing the most ecological damage. In the case of plants, most removal involves burning or selectively applying herbicides that are carefully chosen to have very low toxicity to wildlife and humans, and very short environmental persistence. Animals are removed according to established guidelines that insure humane treatment.⁷

Hydrological Restoration

Most of Florida's native ecosystems are precisely adapted to natural drainage patterns and seasonal water fluctuations. Depth to water table and the timing and duration of flooding determine the type of natural community that occurs on a site. Even minor changes to the natural hydrology can result in the loss of plant and animal species from a site or disruption to the natural progression of ecosystem evolution. The localized use of ditches, berms, roads and controlled lake levels, and excessive water use can have unintended detrimental consequences to natural lands by altering both the amount of water present and the timing of its availability.⁸

In its early history as a state, much of Florida was thought to have too much water and development pressures resulted in a large scale draining of the state's swamps and overflowed lands, the canalization of streams and rivers, and the holding back of floodwaters with major engineering projects. Over fifty percent of the state's original wetlands have been drained; the water quality of rivers, lakes and springs are often stressed and for many is in decline. Present state lands management objectives involve actively restoring the original hydrology to the lands. Accomplishing this restoration requires filling or plugging ditches, removing obstructions to overland sheet flow, installing culverts under roads, and installing water control structures to manage water levels at historical depths and durations.⁹

Habitat Restoration

Habitat restoration is a complex process often involving a combination of activities including the removal of invasive exotic species, reintroduction of missing natural species, beach and hydrological restoration, prescribed burning, and wildlife management. Monitoring programs are applied to survey imperiled wildlife and to gather information for development of innovative techniques to recover high-risk populations, and to enhance critical habitat.¹⁰

Public Access

All lands managed under chs. 253 and 259, F.S., are to be managed in a manner that will provide the greatest combination of benefits to the public and to the resources. The manager is to include provisions for public use and recreational opportunities on publicly owned conservation lands and provide adequate access 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.

⁶ SFWMD and SWFWMD comments submitted in support of responses to August 2007, questionnaire.

⁷ SFWMD and SWFWMD comments submitted in support of responses to August 2007, questionnaire.

⁸ SFWMD and SWFWMD comments submitted in support of responses to August 2007, questionnaire.

⁹ Id.

¹⁰ FWC, 2007. Personal Communication, Mike Brooks. E-mail.

Managing Agencies

Lands purchased by the Department of Environmental Protection, Fish and Wildlife Conservation Commission or Department of Agriculture and Consumer Services are titled in the name of the Board of Trustees of the Internal Improvement Trust Fund (BOT). Lands purchased by a water management district (WMD) vest in the name of that WMD. Lands purchased under the Florida Communities Trust (FCT) program, 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 through a reversion of title to local or state government, a conservation easement, or another appropriate mechanism should that non-profit organization cease to manage the lands for public use.

Section 259.034, F.S., requires the managers of state-owned land to protect the public interest by conserving the state's natural resources. Further, the land is to be managed to provide natural resource based recreation and to ensure the survival of plant and animal species and the conservation of finite and renewable natural resources. Each agency manages land based on its legislatively mandated responsibilities and the permitted activities on individual parcels. State-owned lands vary greatly in the purpose of the acquisition and mission of the managing agency.

Agencies Managing Lands Vested in the BOT

Division of State Lands (DSL), Department of Environmental Protection (DEP)¹¹

The DSL acquires and manages lands as directed by the BOT. The Division provides oversight of public lands, including islands and 700 freshwater springs. The Division also provides upland leases for state parks, forests, wildlife management areas, historic sites, educational facilities, vegetable farming, and mineral, oil and gas exploration

Division of Recreation and Parks (DRP), DEP¹²

The DPR provides resource based recreation while preserving, protecting and restoring the state's natural and cultural resources. The diverse nature of the parks include aquatic preserves, ornamental gardens, springs, beaches, forts, museums and lighthouses and offer a wide range of activities including hiking, biking, swimming, horseback riding, canoeing and kayaking, primitive and cabin camping, picnicking, viewing of threatened plant and animal species or quiet relaxation.

Office of Greenways and Trails (OGT), DEP¹³

The OGT is responsible for coordinating the development of a statewide system of greenways and trails for recreational and conservation purposes. The vision is for a statewide system that will help conserve wildlife and protect Florida's native biological diversity. The system will offer multi-use trails the length and breadth of the state, promote appreciation of the state's natural and working landscapes, provide routes for alternative transportation and protect cultural and historical sites.

¹¹ DSL website. <http://www.dep.state.fl.us/mainpage/programs/lands.htm>

¹² DRP website. <http://www.dep.state.fl.us/mainpage/programs/parks.htm>

¹³ OGT website. <http://www.dep.state.fl.us/mainpage/programs/gwt.htm>

The OGT works directly with local communities, developers, private landowners and state and federal agencies to facilitate the establishment of the statewide system of greenways and trails.

*Office of Coastal and Aquatic Managed Areas (CAMA), DEP*¹⁴

The CAMA is responsible for the management of Florida's forty-one Aquatic Preserves, three National Estuarine Research Reserves, one National Marine Sanctuary, and the Coral Reef Conservation Program. These protected areas are comprised of submerged lands and select coastal uplands.

The Florida Coastal Management Program is based on a network of agencies implementing twenty-three statutes that protect and enhance the state's natural, cultural and economic coastal resources. The goal of the program is to coordinate local, state and federal agency activities to ensure that Florida's coast is as valuable to future generations as it is today.

*Fish and Wildlife Conservation Commission (FWC)*¹⁵

The Terrestrial Habitat Conservation & Restoration Section (THCR), Division of Habitat and Species Conservation (DHSC), provides wildlife and land management expertise for the state's managed wildlife lands referred to as the Wildlife Management Area (WMA) program. The WMA's are a blend of lands in public and private ownership over which THCR exerts the agency's lead management authority. The primary emphasis is to manage for the benefit of the entire spectrum of plant and wildlife populations and to support delivery of quality wildlife based public use. Additionally, THCR actively engages in the restoration of degraded plant and wildlife communities and the acquisition of new public lands that provide vital additions or linkages within the WMA's to provide sufficient habitat for the conservation of imperiled wildlife.

Habitat management programs involve use of prescribed burning on fire dependent plant communities, chemical and mechanical vegetation treatment to control exotic or invasive plant infestations, and hydrologic and ground cover restoration of lands impacted by past anthropological activities. Wildlife conservation is the primary focus of this activity and monitoring programs are established to survey imperiled wildlife. This data is used to develop innovative techniques to aid the recovery of high risk populations and to enhance critical wildlife habitat.

*Division of Forestry (DOF), Department of Agriculture and Consumer Services (DACS)*¹⁶

The DOF manages the state's forests for multiple public uses — including timber, recreation and wildlife habitat — and oversees essential functions of acquisition and management of state lands managed by the DOF as well as providing support functions to other state agencies in their efforts to acquire and manage forested timberlands.

The DOF land management programs include prescribed burning, road maintenance and upkeep, reforestation and restoration (upland and wetland), water resource management, control of non-native invasive species, and wildlife management — both game and non-game species. The DOF further provides services for public use and recreation program management,

¹⁴ CAMA website. <http://www.dep.state.fl.us/mainpage/programs/cama.htm>

¹⁵ Personal communication, Mike Brooks, 2007. E-mail. FWC.

¹⁶ DOF website. <http://www.fl-dof.com/index.html>

law enforcement, fixed capital outlay projects, maintenance of existing capital improvements, and other multiple-use activities.

The Friends of Florida State Forests Program, authorized by s. 589.012, F.S., provides for cooperation between the DOF and private partners for the funding and conduct of programs and activities related to environmental education, fire prevention, recreation and forest management. These private partners may fund and install infrastructure such as trails and corrals, but all such activities are done with the oversight and prior approval of the DOF.

*Florida Communities Trust (FCT), Department of Community Affairs (DCA)*¹⁷

FCT is a state land acquisition grant program that provides funding to local governments and eligible non-profit environmental organizations. These grants provide 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. Title of the land acquired rests with the awarded applicant with a reverter clause to the state.

A management plan is required for all project sites acquired under the Program. The management plan lays out the short and long range management objectives, site development plans, resource protection activities and long term monitoring of the project site. The management plan must set forth the following:

- How the site will be managed to further the purpose of the project;
- Description of planned improvements to the project site;
- Costs and funding sources; and,
- The management entity and its funding source.

Costs associated with managing the land are the responsibility of the awarded applicant.

*Division of Historical Resources (DHR), Department of State (DOS)*¹⁸

The Director of the DHR serves as Florida's State Historic Preservation Officer (SHPO), providing a liaison with the national historic preservation program conducted by the National Park Service. Also, the DHR is the primary agency for directing historic preservation in Florida, but the state park system administered by the DRP is the principle manager of public historic property sites in the state.

Agencies Managing Lands Vested in the WMD's¹⁹

The state's five water management districts are authorized to acquire lands for water management, water supply and the conservation and protection of water resources. Titles to these lands are vested in the governing board of the WMD that acquired the land.

Section 373.1401, F.S., provides that the governing board of each WMD may contract with a nongovernmental person or entity, any federal or state agency, a county, a municipality, or any other governmental entity, or environmental nonprofit organization to provide for the

¹⁷ DCA website. <http://www.floridacommunitydevelopment.org/fct/index.cfm>

¹⁸ DOS/DHR website. <http://www.flheritage.com/>

¹⁹ Personal communication, 2007. Water Management Districts, E-Mail.

improvement, management, or maintenance of any real property owned by or under the control of the district. The DOF manages one tract of land as a state forest that is owned by a WMD.

Land Management Review Process

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 DSL where it is reviewed for completeness and, if necessary, is returned to the designated land manager for additional information.

Once the purchasing of land for an approved project commences, the DSL establishes a management review team²⁰ (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 the 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 DSL 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. Upon final approval of the LMP by the ARC, the DSL 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 Council²¹ (LMUAC). The LMUAC is located within the DEP and consists of the DEP's Director of the DSL, 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. Each state agency represented on the council has one vote. The chair of the council rotates annually in the foregoing order of state agencies. The agency of the representative serving as chair of the council provides staff support for the council and the DSL serves as the recipient and repository for the council's documents. 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). A copy of the report is sent to the ARC for inclusion in their annual report to the President and the Speaker.

²⁰ s. 259.036, F.S.

²¹ s. 259.037, F.S.

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 takes 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.

The state lands management review process is depicted graphically in Figure 2.

Lands Vested in Water Management District Governing Boards²²

The land acquisition and management review process for public lands, title to which will vest in the water management district governing boards, is handled through the WMD staff who are charged to evaluate lands considered for acquisition and oversee management of acquired lands as directed by the governing board.

When a sponsor proposes a state land acquisition, an acquisition application is filed with the WMD. The WMD staff will then determine a partnership relationship which establishes the lead for development of a land management plan (LMP). This determination is based on proximity to the management agent and adjacent state lands, size of the project, land resources to be managed, financial requirements, human resource needs, and degree of anticipated public use.

The goal of the land management planning process is to establish tangible performance measures and is outcome oriented. The LMP is developed with public comment and then governing board approval. During the LMP development process, public workshops are held and at least two governing board hearings are conducted at which public comment is also received.

The amount of time needed to develop a LMP varies based on the complexities of the resources being evaluated. The LMP is designed to include mechanisms for continuous public feedback and involving a network of volunteers to help maintain recreation amenities such as trails and camps. The LMP is evaluated and updated by a land management review team.

The water management district lands acquisition and management review process is depicted graphically in Figure 3.

²² Personal communication. WMD's comments on land acquisition process, E-mails.

WMD — STATE LANDS ACQUISITION & MANAGEMENT REVIEW PROCESS

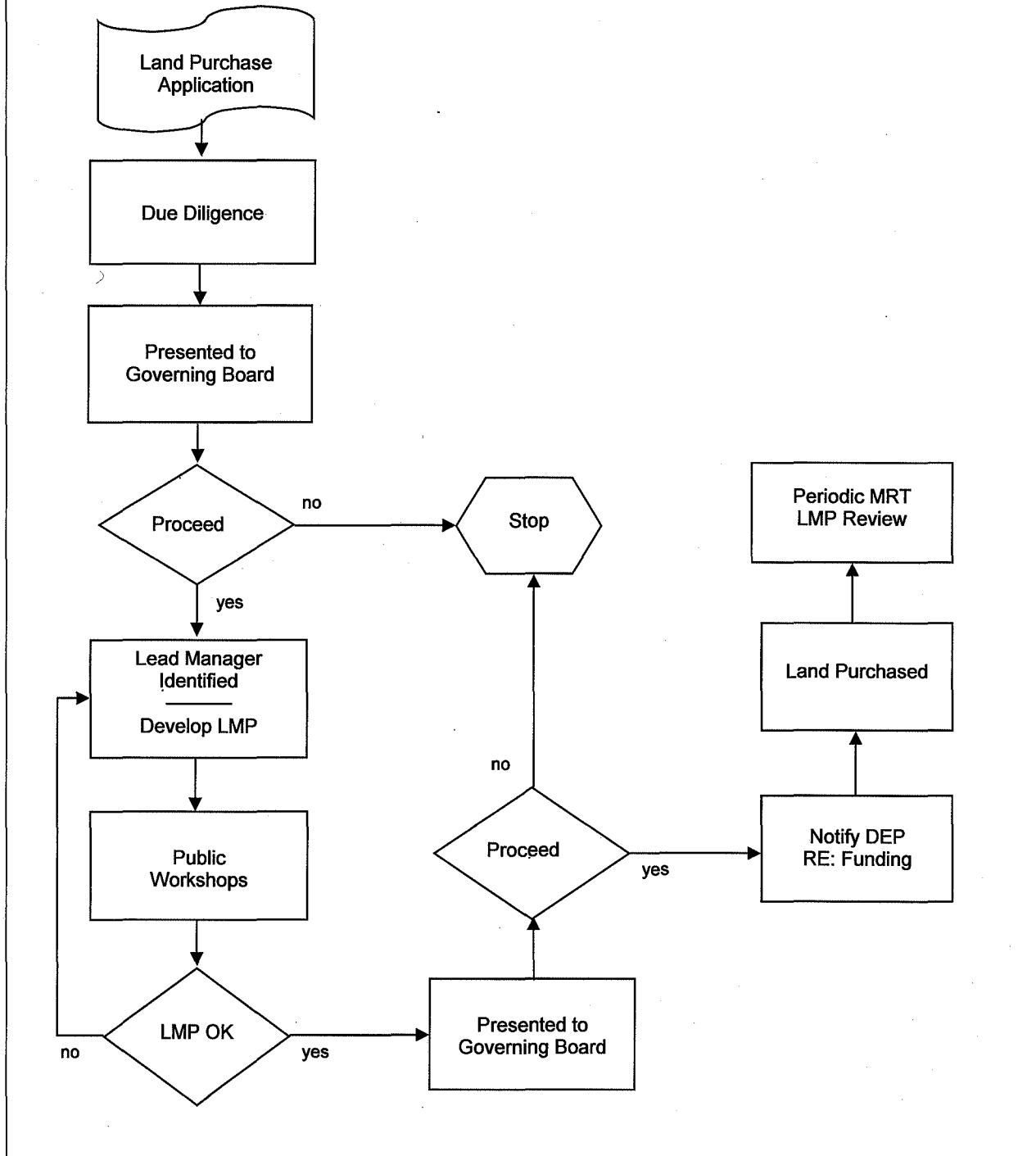


Figure 3: Land acquisition and management review process for public lands, title to which will vest in the WMD

Surplus of State Lands

All lands associated with tracts purchased as conservation lands prior to July 1, 1999, are designated by statute as conservation lands. For tracts purchased after July 1, 1999, the BOT determines, prior to the purchase, which parcels of the tract are conservation lands. The BOT may determine that a parcel of land acquired by the state for conservation is no longer needed for that purpose and may authorize the surplus of that land. The non-conservation lands associated with a latter conservation land purchase may be considered surplus. With the consent of the BOT, surplus lands may be sold or exchanged for conservation lands.²³

State Lands Management Cost Accounting

Funding for management, maintenance, capital improvement activities, and debt service for BOT lands is provided by the 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, under the FWC, (in prior years it was 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 Florida Forever Trust Fund (FFTF) 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, under the DACS, 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. Any unencumbered monies in the CARL Trust Fund may be used for land acquisition, subject to appropriation.

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.²⁴ 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 and 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.

Interim management 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

²³ s. 253.034(6), F.S.

²⁴ s. 259.032(11)

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 and 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). If more funds were needed in the last quarter of the previous fiscal year than were available, that short fall is paid first from the new fiscal year's funds.

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 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 (low-need) tracts, one for moderate-need tracts and three for high-need tracts (high intensity public use). 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. The fiscal year 2008-09 long-term management acres for the agencies managing BOT lands are presented in Table 2.

Table 2

Weighted Acreages for Agency Long-term Management — Fiscal Year 2008-09.

	Acres* Average Total	Acres Weight 0.5	Acres Weight 1.0	Acres Weight 3.0	Acres Weighted Total
FWC	572,615.80	41,605.50	519,003.30	12,007.00	575,827.05
DOF	674,437.82	0.00	669,574.48	4,863.34	684,164.50
DRP	372,363.52	0.00	114,553.68	257,809.84	887,983.20
OGT	23,419.27	0.00	0.00	23,419.27	70,257.81
CAMA	32,634.07	0.00	29,986.91	2,647.16	37,928.39
Total	1,675,470.48	41,605.50	1,333,118.37	300,746.61	2,256,160.95

* Does not include acres in the "other" category in Table 3.

The variation of interim and long-term management funding over the life of the Florida Forever program are depicted in Figure 4.

In the August 2007 questionnaire, the various agencies operating as managers of state lands were questioned regarding their role as a manager. Question one asked each agency: for all state lands under their control or oversight, to identify the total acres acquired and list acres acquired under each statutory authorization (Florida Forever, P2000, etc.). A summary of the acres of state lands purchased through the various statutory authorizations is shown in Table 3. They were also asked to identify the total acres acquired and list acres acquired, purpose of acquisition (conservation, preservation, etc.) and cost of management.

Table 4 shows the dollars spent by each agency on land management for which that agency is the principle manager. The average cost per acre is \$42.89 with a range from \$13.17 per acre to \$176.29 per acre. The variation in cost per acre is generally due the overall mission of the managing agency. The DPR has the highest per acre cost due to an agency mission that is primarily directed to a high public usage rate for its facilities, while the water management districts' mission is directed primarily at resource conservation with the consequence of lower per acre costs.

The distribution of expended management funds by agencies managing lands titled to the BOT is reported each fiscal year by the Land Management Uniform Accounting Council (LMUAC). These expenditures are classified by category. These categories are ²⁵:

- Resource Management (exotic species control, prescribed burning, cultural resource management, timber management, hydrological management, other);

²⁵ LMUAC, 2007. 2006 Annual Report to the Legislature.

- 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.

Expenditures reported by the LMUAC for each fiscal year are shown in Table 5. The total funds expended per fiscal year and total acres under management are depicted in Figure 5. The increase in DPR's numbers in FY 2004 and decrease in CAMA's numbers in FY 2005 are the result of a transfer of approximately 130,000 acres from CAMA to DPR in FY 2004 – the land transfer appears in the reporting for DPR in FY 2004 and for CAMA in FY 2005.

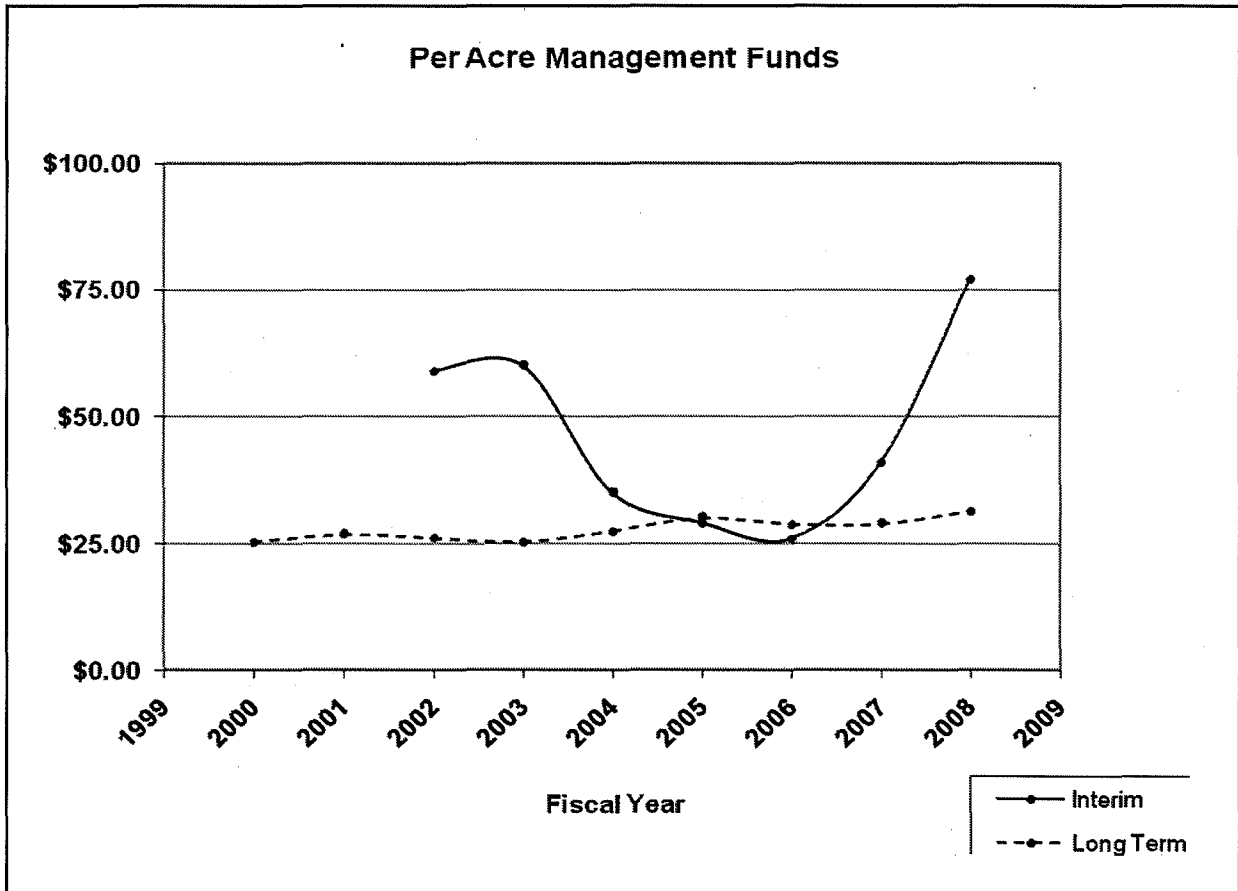


Figure 4. Interim and long-term dollars per acre during Florida Forever program.

Table 3

(a) Managing Agency Acquisition Acres by Statutory Authorization — Title Vested in BOT

	FWC	DOF	DRP	OGT	CAMA	Total
LATF	1,480.00	0	94,666.00	0	0	96,146.00
EEL	102,970.00	17,109.52	131,770.00	0	2,910.00	254,759.52
CARL	89,751.00	30,587.03	53,632.00	0	19,297.00	193,267.03
SOC	0	0	7,175.00	0	0	7,175.00
WMLTF (SOR)	0	0	0	0	0	0
SOETF	0	0	0	0	0	0
P2000	216,485.00	444,943.95	175,537.00	13,305.00	3,228.00	853,498.95
FLORIDA FOREVER	131,917.00	158,505.32	25,774.00	4,813.00	7,394.00	328,403.32
Other*	860,112.00	339,245.75	210,093.00	65,722.00	23,118.00	1,498,290.75
Total	1,402,715.00	990,391.57	698,647.00	83,840.00	55,947.00	3,231,540.57

(b) Managing Agency Acquisition Acres by Statutory Authorization — Title Vested in WMD

	SFWMD	SWFWMD	SJRWMD	SRWMD	NFWWMD	Total
LATF	94,061.76	0	0	0	0	94,061.76
EEL	0	0	0	0	0	0
CARL	54,944.86	0	0	0	0	54,944.86
SOC	0	0	0	0	0	0
SOR	98,749.99	116,969.00	125,976.00	86,136.00	91,947.50	519,778.49
SOETF	46,331.44	0	0	0	0	46,331.44
P2000	98,364.15	156,916.00	234,791.00	140,329.00	95,309.74	725,709.89
FF	20,521.58	32,229.00	57,410.00	59,919.00	14,623.95	184,703.53
Other**	20,653.46	115,141.00	254,034.00	1,225.00	11,265.93	402,319.39
Total	433,627.24	421,255.00	672,211.00	287,609.00	213,147.12	2,027,849.36

* Donations, exchanges, Swamp and Overflow Act, Pittman Roberson Act, U.S. Department of the Interior, Cross-Florida Barge Canal lands, settlements, etc.

** Donations, exchanges, mitigation, ad valorem, special appropriations, federal programs, etc.

Table 4

(a) Agency Management Costs – Title Vested in BOT

	FWC	DOF	DRP	OGT	CAMA	Total
Interim	\$1,154,151					
Staffing (FTE & OPS)	\$8,325,726		\$49,874,539	\$1,961,971	\$1,139,050	
Recurring	\$15,550,309		\$28,640,492	\$1,564,612	\$1,355,586	
Non-recurring	\$482,000		\$44,650,000	\$6,000,000	\$1,159,086	
Total	\$25,512,186	\$29,860,306	\$123,165,031	\$9,526,583	\$3,653,722	\$191,717,828
Cost per acre	\$18.19	\$30.15	\$176.29	\$113.63	\$65.31	\$59.33

(b) Agency Management Costs – Title Vested in WMD

	SFWMD	SWFWMD	SJRWMD	SRWMD	NFWWMD	DOF*	Total
Interim							
Staffing (FTE & OPS)							
Recurring							
Non-recurring							
Total	\$7,679,538	\$5,549,119	\$10,580,601	\$5,900,000	\$3,395,904	\$772,954	\$33,878,116
Cost per acre	\$17.71	\$13.17	\$15.74	\$20.51	\$15.93	\$30.15	\$16.71

* DOF manages 25,636.95 acres of WMD lands as a state forest.

Table 5

Land Management Uniform Accounting Council Reported Data

FWC		2001	2002	2003	2004	2005	2006
Year	Acres						
		1,246,926	1,286,090	1,290,852	1,344,195	1,346,391	1,346,391
Resource Management		\$4,905,670.00	\$8,883,419.00	\$13,209,385.00	\$21,120,073.00	\$12,420,738.25	\$13,831,238.09
Administration		\$10,283,353.00	\$9,322,375.00	\$8,784,845.00	\$10,323,857.00	\$9,604,826.07	\$9,799,251.51
Support		\$3,411,048.00	\$7,258,399.00	\$8,688,121.00	\$8,651,026.00	\$11,269,713.25	\$10,093,833.75
Capital Improvements		\$917,780.00	\$4,282,223.00	\$4,389,221.00	\$4,630,238.00	\$5,194,817.64	\$4,424,256.30
Visitor Service/Recreation		\$2,569,624.00	\$2,482,321.00	\$2,357,137.00	\$2,416,033.00	\$1,775,879.08	\$1,375,648.19
Law Enforcement		\$6,740,178.00	\$5,922,549.00	\$5,643,170.00	\$5,441,503.00	\$8,918,059.02	\$9,717,941.43
Total		\$28,827,653.00	\$38,131,286.00	\$43,071,879.00	\$52,582,730.00	\$49,184,033.31	\$49,242,169.27

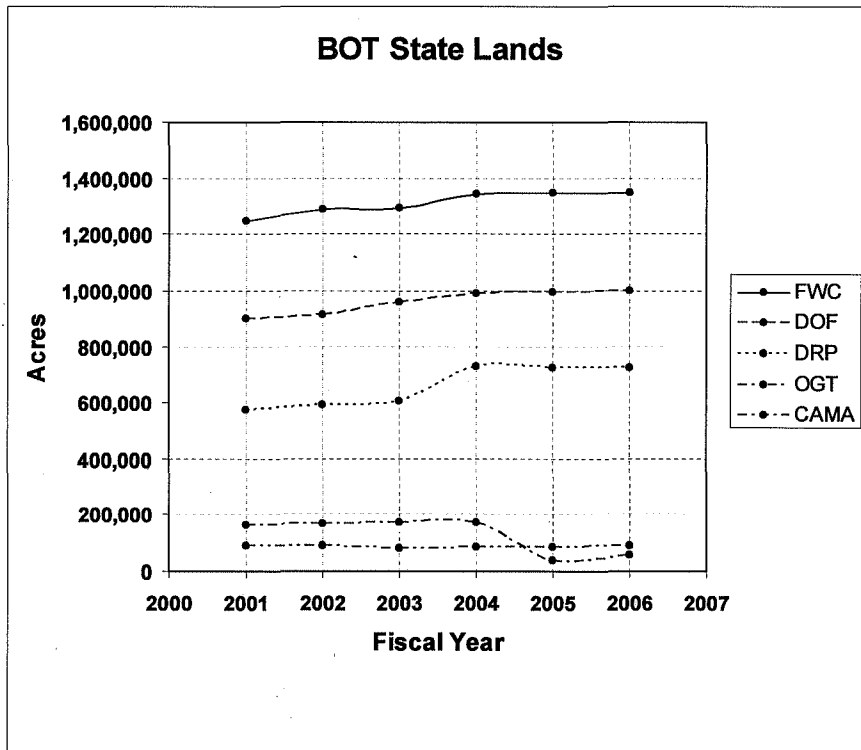
DOF		2001	2002	2003	2004	2005	2006
Year	Acres						
		897,950	910,497	958,136	991,393	993,924	1,001,668
Resource Management		\$3,126,512.00	\$2,791,214.00	\$6,648,566.00	\$7,723,640.00	\$10,999,285.00	\$9,054,596.00
Administration		\$5,639,748.00	\$5,637,957.00	\$6,535,118.00	\$7,450,019.00	\$6,832,812.00	\$6,039,883.00
Support		\$6,257,907.00	\$5,726,564.00	\$6,532,388.00	\$6,297,857.00	\$7,609,144.00	\$6,880,233.00
Capital Improvements		\$7,791,696.00	\$7,140,007.00	\$6,149,416.00	\$7,193,651.00	\$6,461,337.00	\$4,908,728.00
Visitor Service/Recreation		\$2,407,013.00	\$2,144,843.00	\$2,245,339.00	\$3,312,750.00	\$3,126,530.00	\$2,821,227.00
Law Enforcement		\$154,321.00	\$378,546.00	\$527,064.00	\$639,663.00	\$591,753.00	\$536,007.00
Total		\$25,377,195.00	\$23,819,131.00	\$28,637,891.00	\$32,617,580.00	\$35,620,661.00	\$30,240,662.00

DRP		2001	2002	2003	2004	2005	2006
Year	Acres						
		571,211	593,459	603,953	730,573	723,852	724,629
Resource Management		\$4,487,365.00	\$5,480,984.00	\$5,248,683.00	\$5,772,665.00	\$5,754,834.00	\$4,792,964.00
Administration		\$15,425,392.00	\$18,584,555.00	\$18,354,917.00	\$19,582,874.00	\$21,515,041.00	\$19,715,087.00
Support		\$5,680,132.00	\$3,929,614.00	\$5,254,550.00	\$4,459,167.00	\$5,520,524.00	\$5,423,659.00
Capital Improvements		\$22,211,921.00	\$30,501,429.00	\$37,823,456.00	\$42,653,351.00	\$30,407,619.00	\$22,575,314.00
Visitor Service/Recreation		\$27,770,466.00	\$25,803,938.00	\$24,362,949.00	\$25,355,505.00	\$26,229,592.00	\$25,655,468.00
Law Enforcement		\$5,460,898.00	\$5,409,550.00	\$6,074,069.00	\$6,763,052.00	\$6,881,233.00	\$7,074,043.00
Total		\$80,996,174.00	\$89,510,070.00	\$97,118,634.00	\$104,586,614.00	\$96,308,943.00	\$85,236,533.00

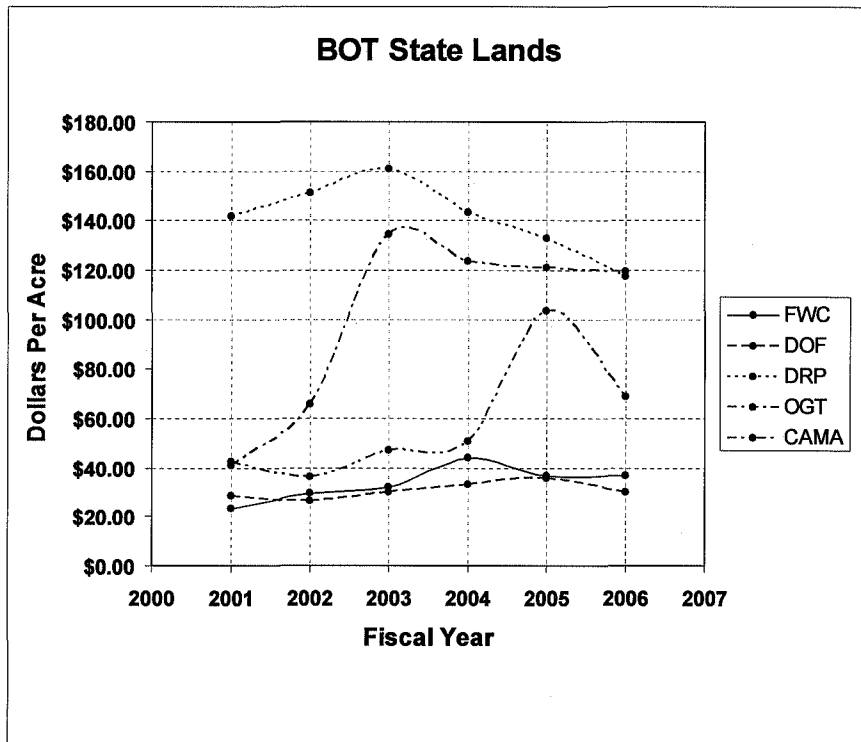
OGT		2001	2002	2003	2004	2005	2006
Year	Acres						
		86,282	86,295	77,213	81,909	80,904	86,964
Resource Management		\$1,671,548.00	\$2,769,637.00	\$5,711,173.00	\$3,635,287.00	\$3,677,821.02	\$3,689,262.40
Administration		\$930,688.00	\$572,820.00	\$457,823.00	\$707,715.00	\$714,947.28	\$719,537.43
Support		\$0.00	\$184,590.00	\$283,106.00	\$234,010.00	\$276,134.73	\$315,777.94
Capital Improvements		\$647,679.00	\$1,782,938.00	\$3,413,089.00	\$5,084,769.00	\$4,611,928.13	\$5,110,135.96
Visitor Service/Recreation		\$287,052.00	\$341,834.00	\$509,559.00	\$478,212.00	\$492,486.99	\$541,480.72
Law Enforcement		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Total		\$3,536,965.00	\$5,651,809.00	\$10,374,750.00	\$10,139,993.00	\$9,773,318.15	\$10,376,194.45

CAMA		2001	2002	2003	2004	2005	2006
Year	Acres						
		160,349	163,293	168,875	168,875	38,579	55,949
Resource Management		\$1,981,775.00	\$1,345,373.00	\$2,193,985.00	\$1,751,593.00	\$1,920,714.00	\$817,776.00
Administration		\$1,387,016.00	\$1,476,043.00	\$1,746,982.00	\$1,665,943.00	\$1,093,392.00	\$1,081,528.00
Support		\$913,242.00	\$888,530.00	\$689,863.00	\$545,198.00	\$327,927.00	\$282,518.00
Capital Improvements		\$2,212,091.00	\$1,779,077.00	\$2,453,551.00	\$3,185,871.00	\$533,718.00	\$844,301.00
Visitor Service/Recreation		\$366,880.00	\$426,084.00	\$849,049.00	\$1,398,144.00	\$409,837.00	\$809,843.00
Law Enforcement		\$0.00	\$9,783.00	\$12,549.00	\$12,549.00	\$7,244.00	\$3,549.00
Total		\$6,841,004.00	\$5,924,890.00	\$7,945,979.00	\$8,559,298.00	\$3,992,832.00	\$3,839,515.00

* Source: Land Management Uniform Cost-Accounting Council, 2001, 2002, 2003, 2004, 2005, and 2006 Annual Reports.



(a)



(b)

Figure 5: Per fiscal year: (a) total acres under management; and (b) dollars per acre expended.

Public Access and Recreation

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 (see Table 6), 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 acres closed to public use are listed in Table 7.

Table 6

Acres of State Lands Leased by Lead Manager

	Total Acres Managed	Acres Leased to Public Entities	Acres Leased to Private Entities
FWC	1,402,716.00	0	119,748
DOF	1,016,028.52*	0	23698**
DRP	698,516.83	--	--
OGT	81,663.33	--	--
CAMA	55,948.00	--	--
SFWMD	1,512,214.03	946,566	101,470***
SWFWMD	417,282.00	144,217	14,658
SJRWMD	672,211.00	357,446	65,823
SRWMD	136,048.00	22,700	0
NWFWMD	213,147.36	0	0
Total	6,205,775.07		

* Includes 990,391.57 acres of BOT lands and 25,636.95 acres of WMD lands.

** Includes 22,925 acres that are open to public access as well as lessee use.

*** Includes 51,604 acres of interim leases until project construction is initiated.

Table 7

Acres of State Lands Closed to Public Use by Lead Manager

	Total Acres Managed	Acres Closed to Public	% Closed
FWC	1,402,716.00	1,305.00	0.09
DOF	1,016,028.52*	437.80	0.04
DRP	698,516.83	130.17	0.02
OGT	81,663.33	2,225.92	2.73
CAMA	55,948.00	0.00	0.00
SFWMD	1,512,214.03	220,765.03	14.60
SWFWMD	417,282.00	1,181.00	0.28
SJRWMD	672,211.00	110,527.00	16.44
SRWMD	136,048.00	3,562.00	2.62
NWFWMD	213,147.36	100.00	0.05
Total	6,205,775.07	340,233.92	5.48

* Includes 990,391.57 acres of BOT lands and 25,636.95 acres of WMD lands.

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 agency's 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 provides 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.

Furthermore, when a large parcel of land is acquired, it may have frontage on several different roads yet have limited access points due to the physical nature of the land. Also, an obscure access point may be the only legal access that the state was able to acquire. Travelers on roadways without an access point or trail head could be left with the impression that the area is closed because all they would see is fencing. In many cases, access points to natural lands are not easily identifiable since lands purchased by the state are often still in a natural condition because they had poor access even when they were in private hands.

The Florida Park Service and the Division of Forestry provide directional signs from major highways guiding visitors to their facilities. However, many of the other agencies do not make a

general practice of this. An effort to increase signage across the agencies could make a significant improvement in alleviating the perception that areas are closed.

The 2006 Legislature enacted legislation that committed the state to preserve hunting lands and hunting opportunities. Under the provisions of s. 372.0025(4), F.S., land management decisions and actions, including decisions made by private owners to close hunting land managed by the state and WMD's, are not to result in any net loss of acreage available for hunting. When lands are closed, other lands are to be opened which are, to the greatest extent possible, to be located within the same region of the state and are to be consistent with the hunting discipline that was allowed on the closed land.

Recreational opportunities provided by a managing agency depend on 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, etc., dramatically increase land management costs. Facilities require increased 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, for water management districts, it would mean surrendering the liability protection provided through s. 373.1395, F.S.²⁶

As reported in their responses to the August questionnaire, recreational services and education are provided by the managing agencies as follows:

- Fish and Wildlife Conservation Commission

Rules governing access vary depending on individual wildlife management areas. Access is normally afforded to a range of user groups at levels that are consistent with management objectives contained within the Conceptual Management Plan. In most cases, the public may access areas by motorized vehicle. The level of vehicle access varies with the season and the sensitivity of area resources. The FWC is also developing trail systems on most areas to provide access for a variety of recreational activities.

FWC hosts public meetings, produces annual brochures and handbooks, issues news releases, installs information signs and kiosks, and maintains a website that contains all pertinent location and access information for all lands within the WMA system. FWC also produces articles in its Florida Wildlife magazine, and a feature in Florida Monthly magazine, and writes articles for publication in magazines of user groups. The agency also works with news media to promote new public access projects and makes presentations to recreational user groups around the State.

- Division of Forestry

There are approximately 6,300 miles of state forest roads, access to those roads are available using County, State and Federal highways, and public waterway, and there are 1,165 miles of trails that they may use to access the state forests.

²⁶ This section limits a water management district's liability to persons going on the district's lands or for harm caused by another person on the district's lands if the district has made the lands available for public use without charging user fees.

The public is made aware of the thirty-three state forests by the Division of Forestry internet web page, signage along County, State and Federal highways, local tourist centers, local outfitters, presentations to civic organizations, liaison groups, management plan advisory group and public hearings, Division of Forestry state forest brochures, Florida Fish and Wildlife Conservation hunting regulation brochures and the FWC website, working with local schools, and many other media venues.

- **Division of Recreation and Parks**

Public access to state parks is normally provided through an entrance facility where fees are collected, information is provided, campers are registered and visitor questions are answered. Parks are open each day from 8:00 am until sundown.

Information on public access is provided by highway signage, a statewide brochure, brochures for individual parks, an Internet website and other public education.

- **Office of Greenways and Trails**

OGT lands are accessed through trailheads or access points that include parking, signage, information kiosks, and other appropriate facilities. However, because of the narrow, linear nature of OGT's trail properties, there are other areas of open access along the corridors. With the exception of campground facilities on the Cross Florida Greenway, there are no fees to access OGT managed lands.

There is signage that identifies properties and provides directional information to trailheads and access points. Kiosks are at trailheads and access points that provide details about recreational opportunities. DEP's website provides maps and descriptions of OGT managed properties. OGT's toll-free information line provides a way for the public to request information about recreational opportunities. Printed publications, such as the Visit Florida Biking, Paddling and Hiking guides, include information about the State Trails and the Cross Florida Greenway. Articles are submitted to periodicals, such as Florida Monthly, to promote recreational opportunities on OGT managed trails and greenways. Displays are taken to events that provide information about OGT managed trails and greenways.

- **Office of Coastal and Aquatic Managed Areas**

CAMA allows open access on most areas which it manages. Designated improved access points are established at high use areas. Evaluation of access needs is part of the management planning process.

Highway signs are at major entry points. Use information is posted at common access points and on the DEP website. Brochures are available at all sites. Staff frequently engages the public with one-on-one outreach efforts. Articles and calendar announcements are provided to local media.

- South Florida Water Management District

The public primarily accesses district land at established parking/trailhead areas (vehicle, foot, bicycle, and equestrian) or by boat (including airboat, and canoe/kayak).

The public is made aware of district lands available for public access by information made available through the district's Recreational Guide, recreation website, recreation hotline, public dedications, press releases, partnering agencies, and discussions/presentations conducted at stakeholder and outreach meetings.

- Southwest Florida Water Management District

Access to district lands, whether it be lands managed by the district or managed by its partners, includes well-designated access points and walk-throughs, trailheads for hiking, biking and equestrians, watercraft landing areas, controlled motorized access in partnership with agencies such as FWC wildlife management areas, and campgrounds. Recreation opportunities on district lands include fishing, hiking, horseback riding, boating, biking, camping, hunting, picnicking, bird watching, inline skating, and where appropriate other activities such as radio-controlled airplanes. The district has established methods to monitor recreational use, such as on-line requests for camping that ensure a high customer satisfaction and avoid conflicts among users and land management operations.

A Recreational Guide is available in print media, on CD and through the district's internet website. The district is currently instituting a signage improvement project and has recently conducted a constituent survey to increase public awareness of recreational opportunities on conservation lands. The district's partners employ various methods to make the public aware, such as those utilized by the State Parks and local environmental lands and parks programs.

- St. Johns River Water Management District

Public access to SJRWMD-managed lands is by hiking, equestrian, bicycling, from the water (boating, canoeing, or kayaking), and at appropriate parcels and times by vehicle.

*SJRWMD publishes a *Recreation Guide* every few years that includes maps, general site information, and recreational activities found at various sites. On the SJRWMD internet website is an enhanced *Recreation Guide* that includes recreational trail maps and images. SJRWMD convenes seven Recreational Public Meetings each year throughout the eighteen county district.*

- Suwannee River Water Management District

Most access is by personal vehicles, on foot if hiking, and others by boat along our river corridors.

The District publishes a Recreational Guide that is available to the public. The guide is on the district's internet website.

- Northwest Florida Water Management District

Access to district lands varies by area, but in general, district lands can be accessed at appropriate locations by one or more primary access roads suitable for travel by 2 x 4 vehicles. Foot-travel is allowed district-wide. Many individuals, especially hunters, fisherman and nature lovers, access district lands at numerous locations, primarily at unimproved woods roads or old logging road locations where public vehicular access would adversely impact natural resources or the roads are unsafe for vehicular traffic and are not suitable for repair and improvement. District floodplain lands can be accessed by foot and by boat, canoe or kayak at numerous launch locations. The public can also access district lands via numerous hiking, equestrian and nature trails. Bicycling is also allowed and, in limited areas, all terrain vehicles (ATV's) or other appropriate off-highway vehicles (OHV's) are allowed on an established mobility-impaired hunting area during established hunting periods.

The district produces brochures, maps, signage, website information, magazine articles, and kiosks. They also receive/answer numerous calls from the public inquiring about access. Also, the FWC prepares wildlife management area brochures and has information on their website about recreation activities on district lands via their wildlife management area program.

Land Management Needs

The costs associated with managing lands is minimized when a site is in a condition where large acre burns can be conducted on fire dependent communities, and invasive-exotics control measures are reduced to levels that involve identifying and treating sporadic re-occurrences once or twice a year after an initial infestation is cleared. For lack of a better term, this condition can be called a maintenance-level condition. The SFWMD estimates that managing land in this condition would average to about \$17.00 per acre per year in today's dollars. With the presence of public recreation facilities this figure would climb to about \$22.00 per acre per year or about \$80,000,000 across all state lands if they were all in such a condition.²⁷

The two largest resource management expenses are invasive-exotics control and prescription burning. With exotics the cost of treating the problem increases significantly as an infestation gets thicker. A mature forest of exotic trees (greater than 7 years growth) in a wet area can cost between \$8,000 and \$20,000 dollars per acre to clear in an initial treatment. Conversely, when exotics are young and sporadically occurring (1 year growth) they can be treated for between \$10 and \$50 per acre. Moderate infestations (2 – 3 years growth) cost about \$150 to \$400 dollars per acre. Waiting a decade between treatments could cost up to two-hundred times more than the cost of treating a site yearly in a maintenance-level condition.²⁸

Prescribed fire, similar to exotics control, has an escalating cost factor associated with the condition of the land. An area with lighter fuel loads, adequate fire control lines, and a corridor free from smoke sensitive infrastructure can be burned much less expensively than an area without them. Approximately 683,000 acres need to be burned each year in order to burn all of

²⁷ SFWMD comments submitted in support of responses to August 2007, questionnaire.

²⁸ Id.

the fire-dependant communities that are being managed by the state agencies and WMD's with the needed frequency. Even if 15% of those acres end up burning in wildfires, it will still require the agencies to burn 580,000 acres per year. The costs associated with prescribed burns relate to the number of fires it takes to cover a particular area. If a 1,000 acre unit can be burned in a single burn day, it would cost about ten times less than it would cost if it were burned in a series of 10 fires of 100 acres each.²⁹

In addition to the lands that are fire-dependent, Florida has 8.7 million acres of natural lands that are not fire dependent. These plant communities include swamps, hammocks, hardwood forests, and mangroves. Approximately 3.5 million acres are in managed lands or conservation lands, and nearly 5.3 million acres remain outside of such protections. Just over 1.7 million acres of these lands are managed by state agencies or WMD's.³⁰

In the August questionnaire, each agency was asked to elaborate on their land management needs and to estimate what the costs associated with these land management needs would be. On November 14, 2007, the agencies were again asked to answer these questions. It was explained that the questions were intended to elicit comments regarding the level of funding that would be needed above and beyond what is currently available for land management. Additionally, agencies were asked: could the lands you oversee be managed for additional purposes (e.g. more public use infrastructure) without interfering with the primary management goals? How much do you estimate this would cost? Agency responses were as follows:

- Fish and Wildlife Conservation Commission³¹

CARL management funding, which is given to agencies for the lands on which they are the lead manager, has traditionally varied between \$26 and \$32 per acre per year. Recently, FWC performed an in-house assessment that evaluated funding needs for three Wildlife Management Area (WMA) scenarios: a small acreage site (Guana River WMA ~9,000 acres); a large acreage site (Three Lakes WMA ~50,000 acres); and a high need/high cost site (Dinner Island WMA ~20,000 acres). According to the assessment, satisfying basic land management objectives for the three areas listed above would require recurring CARL funding levels of \$58, \$39, and \$89 per acre per year, respectively. The amount required to satisfy initial start-up funding (Interim, non-recurring dollars) for these three areas was estimated at \$235, \$101, and \$492 per acre, respectively - certain management activities were found to be significantly under funded such as exotic species control, restoration of disturbed lands, prescribed burning, resource monitoring, planning, and public use management.

Insufficient staffing continues to be a primary obstacle towards delivering a desired level of resource protection and public use. FWC has established an optimum staffing standard of one Full Time Equivalent (FTE) per 5,000 acres. However, FWC's current staffing of 72 FTEs on 541,123 acres of CARL lead areas equates to one FTE per 7,500 acres, which is only two-thirds of the recommended standard.

²⁹ SFWMD comments submitted in support of responses to August 2007, questionnaire.

³⁰ Id.

³¹ FWC response to November request for information.

Current CARL funding levels, which have remained relatively constant for about the last 12 years, have not matched pace with inflation and cannot support desired levels of resource management or the increasing demand for recreational infrastructure and use by the public. This leaves FWC inadequately prepared to handle other looming issues such as new exotic plant infestations, incompatible adjacent land uses from new growth and development, increased public demand for public recreation, and threats to plant and wildlife communities posed by climate change.

To meet desired or optimum levels of resource management and public use, FWC recommends that the annual CARL management level be raised to \$75 per acre, and that the one-time Interim funding level be increased to \$200 per acre.

Four major initiatives are outlined below that would significantly elevate FWC's capability to deliver quality public access and recreational opportunities and ensure the long-term stewardship of Florida's fish and wildlife heritage.

Outdoor Skill Development Centers

These would be multi-use centers designed to appeal to and engage a broad spectrum of outdoor recreational enthusiasts and forge a stronger connection between the public, Florida's rich wildlife resources, and stewardship of Florida's public lands. Five centers would be developed on Wildlife Management Areas that are near major metropolitan areas. Each center would provide classroom facilities for outdoor skills and hunter safety training, public shooting ranges for archery and firearms practice, and trails and field sites designed to develop and enhance outdoor skills such as hunting/shooting sports, outdoor survival and orienteering, nature study, birding and other forms of wildlife viewing. These centers also would serve as a focal point for developing strong volunteer programs and efforts aimed at strengthening awareness and support for fish and wildlife conservation and the importance of Florida's public conservation lands. Hours of operation would be tailored to meet peak demand periods such as weekends, afternoons, and summer months. Centers would accommodate both indoor and field instruction. Outdoor amenities associated with these centers might include archery and sporting clay courses, native plant landscapes and interpretive trails. Programs would focus heavily on skill development across a range of experience levels extending from novice through expert. There is strong recognition that appealing to today's society requires a high degree of action, interaction, and "hands-on" involvement; therefore all programs would have a strong field element. Total estimated startup funding required for this program is \$32 million. Each Center would require \$3.6 million for indoor infrastructure, \$2.8 million for outdoor course development, eight FTE's, and \$2.5 million in recurring budget.

Public Shooting Ranges

In addition to shooting ranges that would be developed in association with Outdoor Skill Development Centers, there is a need for additional facilities for safe and supervised public shooting on Wildlife Management Areas in more rural areas of the State. Such facilities could provide a diversity of shooting opportunities for the public that could include a place to learn how to safely use firearms, sight in firearms for hunting, sharpen shooting skills, develop and practice archery skills, and develop and practice wingshooting skills using clay targets. These ranges

would be open to the public with established hours of operation. Range safety officers would be present to provide supervision and support. FWC would evaluate the need for public shooting ranges in various parts of the state relative to the location of Wildlife Management Areas and suitability of sites that may be able to accommodate this type of public use. Each facility of this type would cost approximately \$2.4 million in infrastructure, 2 FTEs, and \$350,000 in recurring budget.

Enhanced Capability to Plan, Develop, and Manage Public Recreational Use Opportunities

FWC is currently developing the simple infrastructure (2-wheel drive accessible roads, trailheads, trail systems and wildlife viewing structures) necessary to support a quality recreational experience across the management area system. Additional personnel resources would allow the agency to: 1) monitor and maintain this infrastructure, 2) monitor and manage this use to ensure a satisfactory recreational experience while preventing wildlife disturbance and resource degradation, 3) provide an increased level of programming for the public by developing concessions, volunteers and other partnerships such as citizen support organizations. Enhancing this ability would require 8 FTEs, \$1.2 million in start up funding and \$800,000 in recurring budget.

Resource Monitoring and Recovery

This would be a technical assistance program administered by FWC to aid other CARL land managing agencies (Dept. of Agriculture and Consumer Services' Division of Forestry; Dept. of Environmental Protection's Division of Parks and Recreation and the Office of Greenway and Trails; water management districts; local governments) apply evolving conservation technologies to lands they manage. Products of this program include the implementation of standardized monitoring protocols so that the effects of land management actions and various forms of public use could be measured and evaluated against predetermined objectives. A centralized statewide data base would be created to store, analyze, and distribute results and products. This program would provide decision support for targeted land management actions, assist with identifying land management needs and budget development, and provide policy and budget analysts with performance-based accountability tools. It would also house an imperiled species recovery unit so that conservation planning tools could be employed to identify which state lands and which management practices are best suited to improve habitat conditions and achieve recovery goals for listed wildlife. Program development would require 12 FTEs, \$2.4 million in start up funding, and an annual recurring budget of \$1.4 million.

- Division of Forestry³²

Land management needs and programs include prescribed burning; road maintenance and upkeep; reforestation and restoration (upland and wetland); water resource management; implement silviculture related activities that result in better forest health; provide for public use and recreation program management; law enforcement, attempt to control non-native invasive species; wildlife management both game and non-game species, fixed capital outlay projects, maintenance of existing capital improvements, and other multiple-use activities.

In addition to the funding identified in the 2005-06 Land Management Uniform Cost Accounting Council's Report that had us [DOF] spending \$30,240,662 to manage 1,001,668 acres, the additional funding increases are needed:

*\$ 2,802,750 for prescribed burning per year;
\$ 2,445,800 per year for maintaining the approximately 6,300 miles of roads;
\$ 1,000,000 for the treatment of non-native invasive species;
\$ 720,000 for new recreation facility construction;
\$ 300,000 for law enforcement;
\$ 700,000 for wetland restoration;
\$ 1,500,000 in operating funds and implementation of other multiple use strategies; and
\$ 773,500 per year to enhance recreation services for visitors.*

\$ 10,242,050 additional need

NOTE: Of the \$30.2 million spent on State Forest Lands, only \$18.8 million was funded from CARL program funds.

The Division has not been successful in obtaining additional General Revenue funds for the management of state lands. Additional funding has been primarily received from the CARL Program through transfers from DEP, which is calculated by using the number of acres the Division manages with an amount per acre as the basis for the formula. The funding is for the total CARL program, not activity-based. The funding received is not sufficient to pay for all of our land management needs.

³² DOF response to August questionnaire.

- Division of Recreation and Parks ³³

Division of Recreation and Parks needs are:

<i>State Park Land Acquisition</i>	<i>\$173,000,000</i>
<i>State Park Development</i>	<i>\$329,225,687</i>
<i>State Park Repairs/Renovations</i>	<i>\$51,437,141</i>
<i>State Park Historical/Cultural Repairs</i>	<i>\$19,829,679</i>
<i>State Park Resource Management Needs</i>	<i>\$48,013,756</i>
<i>State Park Operations Need</i>	<i>*</i>

** State Park operating needs would be several million dollars if all land identified is purchased and all items (cabins, camping, visitor centers, etc...) contained in the unit management plans of all parks are built. Staff needs and associated costs are not documented at this time, but would be significant.*

- Office of Greenways and Trails ³⁴

<i>Resource management, restoration and monitoring</i>	<i>\$ 1,904,042</i>	<i>recurring</i>
<i>Law Enforcement – 2.0 FTE</i>	<i>\$ 80,000</i>	<i>recurring,</i>
	<i>\$ 120,000</i>	<i>non-recurring</i>
<i>Trail Maintenance, Repair, and Construction</i>	<i>\$ 6,000,000</i>	<i>non-recurring</i>
<i>Convert OPS to FTE (5)</i>	<i>\$ 42,000</i>	<i>recurring</i>
<i>Prescribed Fire Management – 1.0 FTE</i>	<i>\$ 253,993</i>	<i>recurring</i>
<i>Prescribed Burning and Wildlife Overtime</i>	<i>\$ 30,000</i>	<i>recurring</i>
<i>Vehicle replacement</i>	<i>\$ 70,000</i>	<i>non-recurring</i>
<i>Inglis Lock Closure</i>	<i>\$ 4,000,000</i>	<i>non-recurring</i>

OGT manages over 83,000 acres that must serve over 3 million visitors and also be managed for resource protection and restoration. Only 23,378 acres of our total managed acres receives land management funding due to the fact that over 60,000 acres are former Cross Florida Barge Canal lands that were transferred to the state from the federal government.

³³ DRP response to August and November questionnaire.

³⁴ OGT response to August and November questionnaire.

- Office of Coastal and Aquatic Managed Areas ³⁵

<i>Complete land acquisition</i>	\$ 28,000,000	<i>non-recurring</i>
<i>Support increased visitor use – 1.0 FTE</i>	\$ 120,500	<i>recurring</i>
<i>Capital Outlay projects</i>	\$ 610,000	<i>non-recurring</i>
<i>Law Enforcement – 2.0 FTE</i>	\$ 150,000	<i>recurring</i>
	\$ 120,000	<i>non-recurring</i>
<i>Invasive plant control</i>	\$ 7,500,000	<i>initial over 5 years</i>
	\$ 500,000	<i>recurring</i>
<i>Prescribed fire management – 2.0 FTE</i>	\$ 120,000	<i>recurring</i>
	\$ 75,000	<i>non-recurring</i>
<i>Resource management, restoration and monitoring 3.0 FTE</i>	\$ 162,000	<i>recurring</i>
	\$ 35,000	<i>non-recurring</i>
<i>Convert OPS to FTE (10)</i>	\$ 84,000	<i>recurring</i>
<i>Vehicle replacement (3)</i>	\$ 75,000	<i>non-recurring</i>

- Water Management District's ³⁶

Being agencies of the state rather than state agencies the WMD's do not make legislative budget requests. Rather their governing boards adopt resolutions requesting reimbursement of funds from the Water Management Lands Trust Fund (WMLTF) to fund their conservation land management programs.

In addition to funds from the WMLTF, they receive funds from sustainable resource management leases such as cattle grazing and forestry and by entering into management agreements with partners including State and local governments. In the case where lands are leased to the State, the WMD's follow State funding protocols for land management. In the case of local governments, land management funds are derived through ad valorem taxes, user fees or other methods.

The WMD's claim to have adequate funding for their management needs except where significant acres are involved with the need for prescribed burning or exotics control.

Office of Program Policy Analysis and Government Accountability Review of State Lands Management

To support the Sunset Review Process, the Legislature directed the Office of Program Policy Analysis and Government Accountability (OPPAGA) to assess state lands management activities by the agencies responsible for managing BOT conservation lands. Two surveys regarding state lands, developed in cooperation with House staff, were conducted by OPPAGA. The results of these surveys were received by OPPAGA staff and findings have been discussed with House staff. These surveys addressed public access and management activities associated with state lands.

³⁵ CAMA response to August and November questionnaire.

³⁶ WMD's responses to August and November questionnaire.

OPPAGA Policy Option

The OPPAGA report provided numerous recommendations and four policy options that are listed below (Options 1-4):³⁷

1. *Maintain the current system of land management by three separate agencies.*
(See Appendix, Exhibit 7 for Advantages/Disadvantages)
2. *Create a council to coordinate and oversee land management activities.*
(See Appendix, Exhibit 7 for Advantages/Disadvantages)
3. *Centralize land management under one state agency.*
(See Appendix, Exhibit 7 for Advantages/Disadvantages)
4. *Centralize all land management activities under a new entity.*
(See Appendix, Exhibit 7 for Advantages/Disadvantages)

Policy Options

1. *Revise current Florida Forever goals and assign numeric weights to goals to assist the ARC and DSL in prioritizing land acquisition projects.*

Current statutes provide broad conservation and recreational goals for publically held lands. These goals are located in various chapters of statute and create broad goals with the intent of establishing program flexibility to meet almost any need. However, given limited resources that are far exceeded by the needs proposed under current acquisition plans, a revision of the Florida Forever goals could provide clearer legislative direction and allow for a more focused land acquisition strategy. A scoring system, as used in the ranking of Florida Community Trust projects, would provide a competitive foundation that prioritizes projects in an objective, transparent format that lends itself to participant input. As part of the numeric scoring, public access could be assigned a value that encourages land acquisition with a strong focus on public use. As acquisitions are completed, the Legislature could routinely evaluate progress and reprioritize needs as it deems necessary.

2. *Require a more complete land management prospectus during the evaluation cycle of Florida Forever applications.*

Current DSL practices provide a cursory evaluation of land management needs during the evaluation of Florida Forever applications. A more complete picture of land management requirements could be developed early in the process allowing decision makers to better assess financial needs associated with an acquisition. The assessment could encompass a parcel by parcel evaluation to ensure the achievement of a final project that is both measurable and feasible. The evaluation could provide an assessment of invasive and exotic species and an estimate of the cost to remove them immediately following acquisition. Capital facilities requirements envisioned to provide public access should be addressed. An estimate, based on previous experience, that provides a practical time-line for implementation should be included in the evaluation.

³⁷ OPPAGA, 2007. *Conservation Land Management Options for Legislative Consideration*. Sunset Memorandum Report to the Florida Legislature.

These estimates could identify an existing funding source or establish a basis for requesting additional funding.

Anticipated management cost should have a greater weight in the evaluation, selection and ranking of Florida Forever projects. Consideration of projects protecting similar resources should favor those providing the most public access and those with lesser management cost.

3. *Expand the role of the Land Management Uniform Accounting Council Report to better capture and report land management activities.*

Currently, the LMUAC report is utilized to capture historic expenditures. The requirements of the report could be revised to identify and accumulate land management needs/costs. Such an accumulation of land management data could be accomplished through the current land management plans with some suggested modifications. An expanded report would provide the Legislature a more comprehensive view of land management needs and allow for the allocation of financial resources to targeted activities.

Additionally, the LMUAC report resource management sub-category *other* includes all resource management activities not captured in the existing listed sub-categories. This includes natural community and habitat restoration through other than existing sub-category 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 better explain the expenditure of funds, the Legislature could amend the resource management category in s. 259.037(3), F.S., to include an expanded list of sub-categories based on those currently used in the LMUAC report. Another difficulty that occurs with reporting to the LMUAC is that field representatives often report all of their time to the resource category when in actuality some of that time should be reported in the administration or support categories³⁸. This latter issue is one of education and training and should be an ongoing task of agency management administrators. Also, the LMUAC report could contain a category that includes acres managed and funds expended on sites for which an agency is a secondary or supporting manager. Such a sub-category list would allow for an enhanced measurement of accomplishments and accounting for expenditures.

Currently, the total acreage managed by an agency is reported in the LMUAC report but the actual acres associated with a particular management activity are not identified (e.g., how many acres were subject to prescribed burning). Including the actual acres involved would facilitate assessment of dollars per acre needed for land management.

The LMUAC oversees expenditures by agencies managing BOT lands and utilizing monies from the CARL Trust Fund. Expanding the authority of the LMUAC to track and report on all state and WMD lands management expenditures, whether title is vested in the BOT or in the WMD's and regardless of the funding sources for acquisition and management, would enhance the overall evaluation process.

³⁸ Personal communication, 2007. DOF.

The format of the LMUAC report and land management review reports could be revised to improve readability. This would allow anyone unfamiliar with the state lands process to be able to review the status and progress of land management initiatives.

4. *Revise the land management plans to include a cost estimate and time lines that identify anticipated results with measurable performance criteria, identify specific impediments to land management goals and incorporate cross-agency coordination and resource sharing.*

Currently, post acquisition land management plans are prepared by the designated lead manager in cooperation with the DSL and then reviewed and approved by the ARC. The land management plan associated with a particular acquisition is often vague and lacking in specificity with regard to management objectives based on the land management review goals. The Legislature could develop or direct the land management agency to develop a uniform plan development format that includes cost estimates, time-lines, and specific management objectives with associated performance measures. The costs identified in the land management plans could be accumulated in a central depository for inclusion in the LMUAC.

Each LMP could then contain an action plan describing anticipated results with specified performance criteria and an anticipated time-line for accomplishing those results. The LMP could also address cross-agency coordination with a clear assignment of management responsibilities. This would allow for application of differing management expertise and minimize duplication of efforts with an objective measurement of accomplishments.

A LMP could also be utilized to identify the intensity of land management activities required for each acre of land within the LMP. This information could then be used in providing an allocation of resources based on a level of effort rather than the current per acre distribution.

5. *Revise the current methodology utilized to allocate long term management funds and codify the long-term land management funds allocation formula.*

Section 259.032(11)(c), F.S, provides three categories of land management needs. These categories are loosely utilized by the land management agencies to allocate long-term land management funds. The present application of the formulas in the MOA is an attempt to follow the intent of the statutory requirement which is non-specific with regard to application. Rather than assessing the needs of individual parcels of public land, each managing agency is assigned a level of need based on the typical activities carried out by the managing agency. The statutes could be amended to specify which land management activities qualify for a specific level of effort funding allocation, as well as, the funding distribution formula for interim and long-term management funds.

Also, some state lands produce revenues either through timber sales, leases, entry fees, fines, etc. These revenues are often directed to trust funds set aside for use by the lead manager but are not accounted for in the existing allocation formulas. In developing a revised formula, the allocation should account for other available funding sources.

Currently, management funds are allocated to lands designated as CARL lands. This designation appears to have outlived its usefulness and ignores the needs on other

state-owned lands. Long-term land management dollars could be made available for all state-owned lands regardless of designation.

Furthermore, two of the four agencies that were signatories to the MOA no longer exist while two agencies that were created subsequent to the MOA are major state lands managers.

6. *Raise the priority of public access and create a measurement for public access.*

Currently, most state owned lands are open for public access. However, the allowable public uses vary from tract to tract. A tract of land may or may not be open to off highway vehicles, open to hunting or fishing, available for camping, have trails for horseback riding, etc. A tract of land that is open to a large variety of activities likely serves a greater number of users, but a greater intensity of use results in greater management costs. While each member of the public may have competing interest, many of activities can coexist. A need exists to measure what public access is being granted on public land, and the benefit of this public use could be utilized in prioritizing acquisition, as well as, allocating resources.

If, during the acquisition evaluation for a tract of land, it is determined that the lead manager should limit or deny public access to a certain parcel of that tract, an additional public hearing could be made available. To ensure adequate public input, this hearing could be requested by the local government or an affected citizen's group and held in the county most affected by the determination.

7. *Incorporate all state conservation lands into single management funding and reporting process.*

Currently, funding for state lands management is provided through several trust funds. Often money for one trust fund originates in another trust fund and a given tract may receive funds from more than one trust fund. These expenditures are reported in several different reports but no single report contains all expenditures. This leads to confusion in reconciling the money spent on land management activities and the total acreage being managed. A unified long-term management funding process applied to all state lands and operating from a common trust fund would help expedite the review of management practices and the efficient distribution of funds for land management. All state lands managers should report annually in a common report such as the LMUAC report. This could apply to both BOT and WMD lands managers.

8. *Establish a single web-site identifying all state lands available for public recreational use.*

Each lead manager maintains an Internet web page that identifies the lands that manager oversees. However, these sites are not always sufficiently instructive for the general public as to how one can not obtain access to the land nor for which activities the lands may be used. Although someone familiar with searching the Internet may have little trouble finding these sites, there is no uniform guidance for structuring or locating them. A single source web site that identifies all state lands, the lead manager, public access points, activities allowed, restricted uses, facilities available, etc. would greatly facilitate public use of the state's lands for recreation.

9. *Increase and enhance highway signage and access point identification.*

Much of the difficulty associated with accessing state lands is due to a relative obscurity of the access points. Often these access points are along secondary (or less) roads and the access points themselves are not clearly marked. The DRP has a good signage plan that informs motorists on primary roads as well as secondary roads of the location of area state parks and clearly identifies the entrance to those parks. Several of the other managing agencies have begun to incorporate a similar approach and all agencies should be encouraged to implement such a program for all lands under their management.

OPPAGA

APPENDIX I

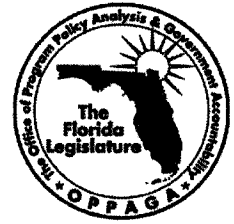
Office of Program Policy Analysis and Government Accountability

**Conservation Land Management Options for Legislative Consideration
Sunset Memorandum Report to the Florida Legislature**



The Florida Legislature

OFFICE OF PROGRAM POLICY ANALYSIS AND GOVERNMENT ACCOUNTABILITY



SUNSET MEMORANDUM

Conservation Land Management Options for Legislative Consideration

December 20, 2007

Summary

To support the Sunset Review process, the Legislature directed OPPAGA to assess land management activities conducted by the Department of Agriculture and Consumer Services, the Department of Environmental Protection, and the Fish and Wildlife Conservation Commission. Separate memos address land management activities conducted by the state's five water management districts and the state's land acquisition activities.

This memo provides information about public access to the state's conservation lands and assesses the agencies' effectiveness in managing these lands. It also presents four policy options for the Legislature to consider regarding state conservation land management. These options include maintaining the current system of land management by three separate state agencies (Option 1); creating a council to coordinate and oversee land management activities (Option 2); centralizing land management activities under one state agency (Option 3); and centralizing all land management activities under a new entity (Option 4). The memo discusses the advantages and disadvantages of each option.

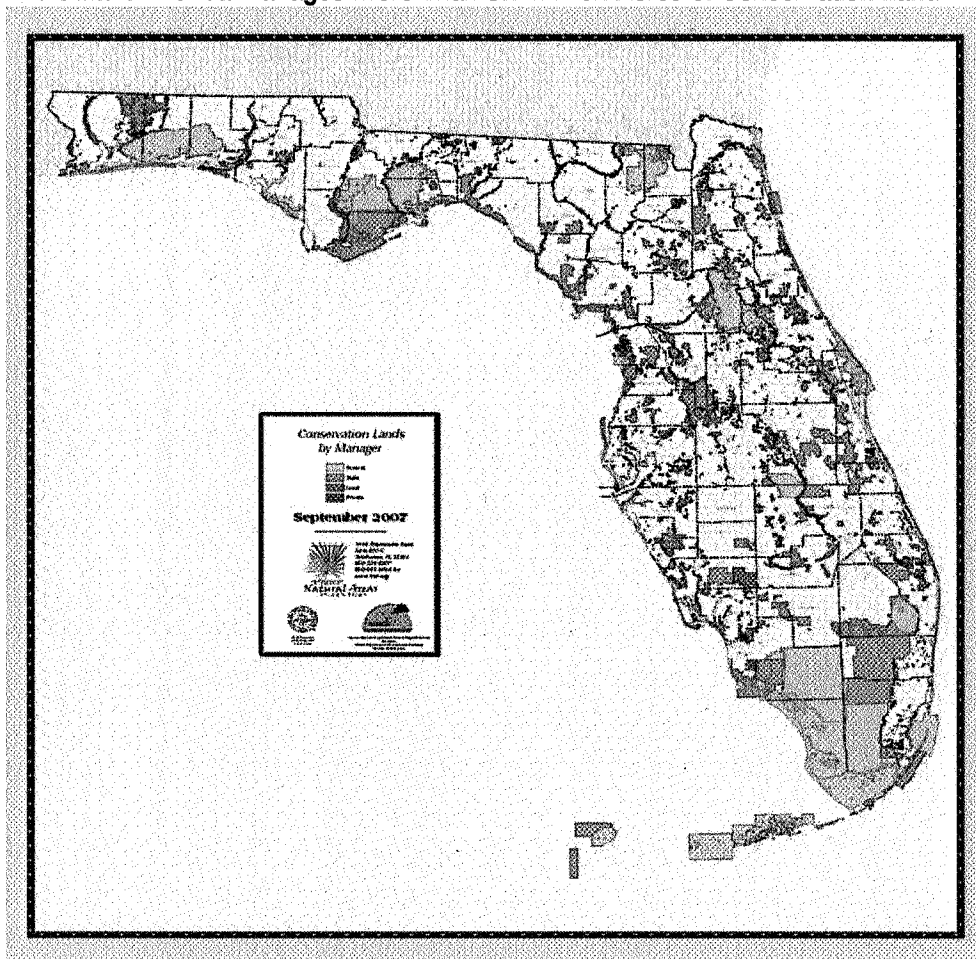
Gary R. VanLandingham, Ph.D., Director

111 West Madison Street ■ Room 312 ■ Claude Pepper Building ■ Tallahassee, Florida 32399-1475
850/488-0021 SUNCOM 278-0021 FAX 850/487-9083
www.oppaga.state.fl.us

Agency Responsibilities

The state of Florida manages more than 3.7 million acres of conservation lands. These lands include state parks, preserves, forests, wildlife management areas, and other conservation and recreation lands that are managed to protect important natural and cultural resources and for public use and enjoyment.¹ In addition to these state conservation lands, the federal government manages 4.0 million acres, the water management districts manage 1.4 million acres, and county and municipal governments manage 386,161 acres (see Exhibit 1 for a map of all state, federal, and local conservation land in Florida).

Exhibit 1
The State of Florida Manages More Than 3.7 Million Acres of Conservation Land



Source: Florida Natural Area Inventory.

¹ Section. 253.034, (2)(c), *F.S.*, provides that conservation lands are lands that are currently managed for conservation, outdoor-based recreation, or archaeological or historic preservation.

Exhibit 2
Three State Agencies Manage the Majority of State Conservation Lands

Agency	Program	Management Purpose	Acres Managed
Department of Agriculture and Consumer Services	Forestry	Provide multiple use and sustainable forest management (including silviculture and fire management)	1,016,029
Department of Environmental Protection	Recreation and Parks	Protect natural and cultural resources and provide outdoor recreational opportunities	724,629
	Coastal and Aquatic Managed Areas	Manage Aquatic Preserves, National Estuarine Research Reserves, National Marine Sanctuary, and Coral Reef Conservation Programs	55,948
	Greenways and Trails	Manage statewide system of greenways and trails for recreational and conservation purposes	83,840
Fish and Wildlife Conservation Commission	Wildlife Management Areas	Provide fish and wildlife protection and conservation, public recreation including and hunting, fishing and other outdoor activities	1,402,278
	Wildlife and Environmental Areas	Protection and enhancement of habitat important to upland listed wildlife	
TOTAL			3,282,724

Source: Department of Agriculture and Consumer Services, Department of Environmental Protection, and the Fish and Wildlife Conservation Commission.

As shown in Exhibit 2, the state's system for managing conservation land is decentralized. Three state agencies primarily have management responsibilities: the Department of Agriculture and Consumer Services; the Department of Environmental Protection; and the Fish and Wildlife Conservation Commission. Each of these agencies manages conservation lands differently based on its legislatively mandated responsibilities. For example, the Fish and Wildlife Conservation Commission primarily manages lands to conserve and protect fish, wildlife, and their habitats and to provide hunting opportunities. However, it allows other recreational activities, such as camping and hiking, when compatible with these primary purposes.

The Acquisition and Restoration Council, administratively housed in Department of Environmental Protection, is responsible for recommending which state agency should become the primary manager of newly acquired state lands.² The council bases its recommendation primarily on the land acquisition goals the parcel is intended to meet, and how these goals match the agencies' missions and roles in conservation land management. The Governor and Cabinet make the final decision on which agency will be the manager when they approve the land purchase. Depending on which agency is designated as the lead manager, the amount and types of land management activities conducted and recreational opportunities that will be available to the public will vary. For example, hunting is not allowed in state parks, so this recreational activity may not be available if a parcel is assigned to the Department of Environmental Protection to become a new park; in contrast, hunting may be allowed if the parcel is assigned to the Fish and Wildlife Conservation Commission or the Department of Agriculture and Consumer Services.

² The Acquisition and Restoration Council is responsible for evaluating, selecting, and ranking state land acquisition projects for the Florida Forever program, subject to approval or modification by the Board of Trustees. The council annually reviews Florida Forever acquisition proposals, decides which proposals should receive further evaluation, and determines the final project boundaries. Exceptions to this are lands purchased by the in-holding and addition programs of, the Department of Agriculture and Consumer Services, the Department of Environmental Protection and the Fish and Wildlife Conservation Commission.

The *Florida Statutes* require that agencies facilitate multiple uses for conservation lands, such as public access and enjoyment; resource conservation and protection; ecosystem maintenance and protection; and protection of threatened and endangered species.³ Agencies conduct a variety of land management activities to achieve these multiple uses, including facility construction and maintenance, prescribed burning, wildlife management, control of exotic species and invasive plants, preserving historical and cultural resources, managing visitors, and restoration of natural habitats. Agencies often coordinate their activities to facilitate these multiple uses. For example, the Department of Agriculture and Consumers Services is the primary manager of timber lands, but it will often be assisted by the Fish and Wildlife Conservation Commission to manage hunting activities on these lands.

Each of the agencies also participate in land management planning and reviews. Land management plans provide guidelines for managing each state land parcel. Managing agencies are statutorily required to submit a land management plan to the Acquisition and Restoration Council within a year of acquisition and at least once every 10 years for each parcel they manage.⁴ At a minimum, the land management plan must include a

- statement of the purpose for which the lands were acquired;
- list of key management activities necessary to preserve and protect natural resources and restore habitat;
- specific description of how the managing agency plans to identify, locate, protect, and preserve, or otherwise use fragile, nonrenewable natural and cultural resources;
- priority schedule for conducting management activities;
- cost estimates for conducting priority and other management activities; and
- determination of the public uses and public access.

The Department of Environmental Protection is required to coordinate land management reviews to determine whether conservation lands owned by the state are being managed in accordance with land management plans.^{5,6} The reviews are conducted by interagency teams that include one individual from the county or local community where the land is located, state agency representatives (i.e., Department of Agriculture and Consumer Services, Department of Environmental Protection, and Fish and Wildlife Conservation Commission staff), a private land manager, a member of the local soil and water conservation, and a member of a conservation organization. Department staff reported that, in Fiscal Year 2006-07, there were approximately 379 parcels managed by state agencies that had management plans, of these 156 are statutorily required to be reviewed every 5 years, and the department completed 25 land management reviews.

³ Section 253.034(1), *F.S.*

⁴ Section 253.034(5), *F.S.*

⁵ Chapter 259.036, *F.S.*

⁶ Specifically, the statute requires review teams to assess the extent to which 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 extent to which the land is being managed in accordance with the purposes for which it was acquired, and the extent to which actual management practices, including public access, are in compliance with the adopted management plan.

Exhibit 3

State Agencies Spent Nearly \$220 Million on Land Management Activities in Fiscal Year 2006-07

Program	General Revenue	Trust Funds	Total	FTE
Department of Agriculture and Consumer Services	\$9,001,890	\$ 26,064,266	\$ 35,066,156	506 ¹
Fish and Wildlife Conservation Commission	0	23,641,461	23,641,461	89 ²
Department of Environmental Protection	0	161,128,386	161,128,386	1,090.5
Total	\$9,001,890	\$210,834,113	\$219,836,003	1,685.5

¹ The Division of Forestry also has 765 FTE positions for fire prevention and management.

² The Fish and Wildlife Conservation Commission has an addition 90 positions that include biological, acquisition, planning, and administrative support.

Source: The Department of Agriculture and Consumer Services, Department of Environmental Protection, and the Fish and Wildlife Conservation Commission.

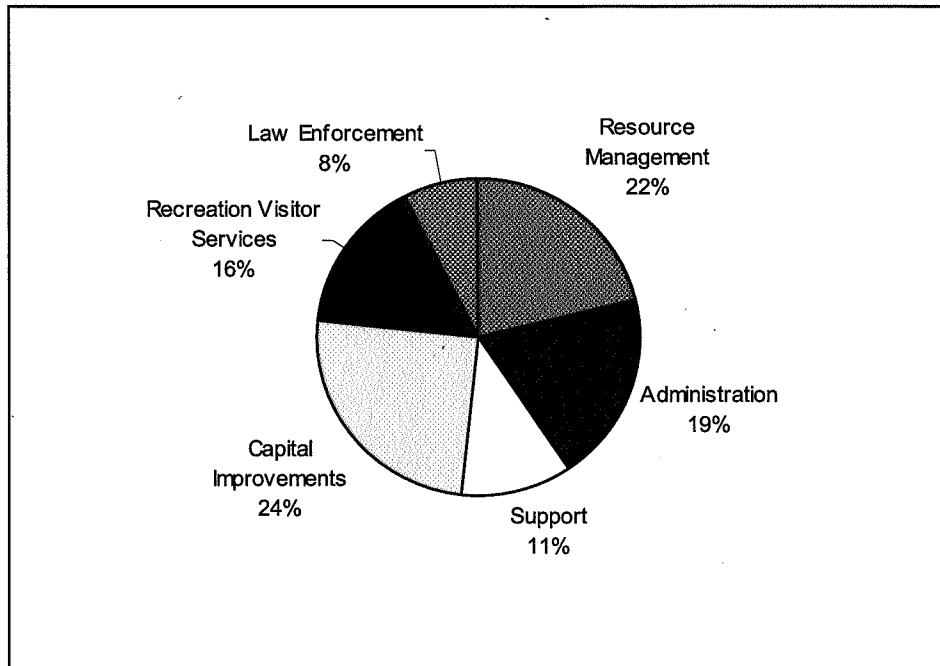
Resources

The three state agencies with land management responsibilities receive funding for these activities from a variety of sources, including General Revenue and trust funds.⁷ Land management expenditures have generally increased over the last six years from \$173 million in Fiscal Year 2001-02 to approximately \$220 million in Fiscal Year 2006-07. The amount of funds expended by each agency is primarily determined by the number of acres managed and the level of management required, based on the statutory mission of the agency. The Department of Environmental Protection expended the highest amount of funds on land management activities, \$161.1 million, in Fiscal Year 2006-07. See Exhibit 3.

Over the Fiscal Year 2003-04 to Fiscal Year 2005-06 period, the largest percentage of these expenditures was for capital improvements, which includes new facility construction and facility maintenance. As shown in Exhibit 4, over the three-year period, these expenditures accounted for an average of approximately a quarter of the state's total land management expenditures. The next highest expenditures were for resource management (22%); these activities include prescribed burning, invasive plant control, and hydrological management.

⁷ Trust funds include the Conservation and Recreation Land Trust Funds, the State Park Trust Fund, Incidental Trust Fund, and the State Game Trust Fund.

Exhibit 4
On Average, From Fiscal Year 2003-04 to Fiscal Year 2005-06, Capital Improvements Were the Largest Land Management Expense



Source: Land Management Uniform Cost-Accounting Councils Annual Reports 2004, 2005, 2006.

Most conservation land is accessible to the public, but authorized uses vary

The *Florida Statutes* require conservation land managers to provide public access to natural resource-based recreation where feasible and consistent with the goals of protection and conservation of natural resources.⁸ Most state conservation land is open to the public for a wide variety of recreational activities. Specifically, 3,279,551 acres or 99.9% of state lands managed by the three agencies are accessible to Florida citizens and visitors. However, the permitted activities on individual parcels vary greatly based on the land's characteristics and the missions of the managing agencies.

Each agency manages lands based on its legislatively mandated responsibilities. Therefore, available recreational activities on land managed by the three agencies vary (see Exhibit 5). For example, the Fish and Wildlife Conservation Commission provides hunting access on most of the wildlife management areas it manages, which is consistent with its responsibility for hunting regulation and game management. Conversely, the Department of Environmental Protection does not allow hunting within most state parks, greenways, and state trails it manages due to safety concerns for visitors, but does allow hunting in some coastal and aquatic management areas and a portion of the Cross Florida Greenway. The Department of Agriculture and Consumer Services allows hunting in most state forests. Fishing is authorized in slightly over half of the state forests, about two-thirds of the parks and recreation lands, and over three-quarters of the wildlife management areas.

⁸ Section 253.034, *F. S.*

**Exhibit 5
 A Variety of Recreational Opportunities Are Allowed on State Conservation Lands**

Recreational Opportunity ¹	Number of Managed Areas that Are Open to the Public					
	33 State Forests (1,016,029 Acres)	160 Parks and Recreation Lands (724,629 Acres)	11 Greenways and Trails (83,840 Acres)	51 Coastal and Aquatic Managed Areas (55,948 Acres)	37 Wildlife Management Areas (1,402,278 Acres)	Total 292 Areas (3,282,724 Acres)
Biking	23	58	8	7	25	121
Camping	19	65	1	21	16	122
Canoeing/Kayaking	19	85	2	41	20	167
Equestrian Activities	17	31	7	3	18	76
Fishing	20	105	2	48	29	204
Hiking	25	121	8	16	34	204
Hunting	28	0	1	12	27 ²	68
Motorized Boating	8	61	1	46	21	137
Recreational Infrastructure	22	126	3	24	27	202
Swimming and Beach Activities	4	72	0	44	0	120
Tours	7	86	0	0	4	97
Watercraft Access Points	19	34	1	0	15	69
Wildlife Viewing	29	116	1	46	36	228

¹ The types of recreational opportunities provided by the state agencies vary. For example camping may include primitive camping, full facility camping, group camping, campfire circles, and RV camping.

² The 10 Wildlife Management Areas not open to hunting are closed because of local government agreements, small parcel size, or extreme environmental sensitivity.

Source: OPPAGA analysis of information from Department of Agriculture and Consumer Services, Department of Environmental Protection, and Fish and Wildlife Conservation Commission websites and staff.

However, some state lands are not open to the public. The three agencies reported that 3,173 acres of lands they manage are not open to the public.⁹ Most of this acreage (1,430) has been closed by the Department of Environmental Protection primarily because it is currently being repaired or developed for future public use, such as developing new greenways and trails. The Fish and Wildlife Conservation Commission does not allow access to 1,305 acres in wildlife management areas due to acquisition contract provisions, to protect infrastructure or sensitive environments or to help ensure public safety. Finally, the Department of Agriculture and Consumer Services does not allow the public access to 438 acres of land it manages because these areas are not easily accessible by car or foot.

Agencies generally make information on the recreational opportunities available to the public on their websites and brochures. Agencies provide multiple ways for users to search for activities, such as by park, state region, or activity type. For example, the Fish and Wildlife Conservation Commission allows users to search its website by both activity type (e.g., hunting and fishing) and wildlife management area. Similarly, the Department of Environmental Protection Division of Recreation and Parks' website allows users to search by detailed activity categories as well as geographical location.

However, there is no centralized source of information about recreational opportunities on state conservation land. Members of the public must seek information from each state agency to determine

⁹ In addition, the state has purchased development rights to 515,627 acres through less-than-fee acquisitions. These lands remain in private ownership and are typically closed to the public.

what recreational opportunities are available on state recreation lands. The Legislature could address this issue and improve information provided to the public about recreational opportunities by directing the three agencies to standardize the information they provide to citizens and visitors. Alternatively, the Legislature could direct the agencies to work with VISIT FLORIDA to develop a centralized website that provides information on all state conservation lands and the recreational opportunities available on them.¹⁰ The centralized website should be fully searchable by activity type, geographical location, and managing agency and should include property maps.

Agencies demonstrate mixed results in land management

Agencies showed mixed results on their performance measures that relate to land management for Fiscal Year 2006-07. As shown in Exhibit 6, the Department of Agriculture and Consumer Services exceeded its performance standard for the number of state forest visitors during the year, but it did not meet standards for providing forest-related technical assistance to other public land management agencies and for the number of acres authorized for prescribed burning. Similarly, the Department of Environmental Protection exceeded its standard for increasing the percentage of visitors to state parks, but did not meet its standard for the percentage of managed acres with invasive species controlled. The Fish and Wildlife Conservation Commission exceeded its performance standard for the number of acres managed for wildlife.

**Exhibit 6
 In Fiscal Year 2006-07, State Agencies that Manage Conservation Lands Met Standards for 7 of 13
 Performance Measures Related to Land Management**

		Standard Fiscal Year 2006-07	Actual Performance Fiscal Year 2006-07
Department of Agriculture and Consumer Services	Number of acres of state forests managed by the department	1,007,000	1,016,029
	Number of state forest visitors served	650,000	909,122
	Number of hours spent providing forest-related technical assists to public land management agencies	13,300	9,152
	Percentage of state forest timber-producing acres adequately stocked and growing	61%	63%
	Number of acres authorized to be burned through prescribed burning ¹	2.3 million	1.8 million
Department of Environmental Protection	<i>State Park System</i> Percentage change in the number of state parks acres restored or maintained in native state from the prior fiscal year	2%	-17%
	Percentage increase in the number of visitors from the prior fiscal year	1.3%	7.3%
	<i>Greenways and Trails</i> Percentage of managed acres with invasive or undesirable species controlled	35%	25%
	<i>Coastal and Aquatic Areas</i> Total number of degraded acres in National Estuarine Research Reserves enhanced or restored	1,658	3,275
	Percentage change in the number of degraded areas in National Estuarine Research Reserves enhanced or restored from those enhanced or restored in the previous fiscal year	1%	250%
	Percentage change of managed lands infested by invasive plants	1%	17%
	Percentage increases in the number of visitors	3%	-7.4%
Fish and Wildlife Conservation Commission	Number of acres managed for wildlife ²	5,539,815	5,663,890

¹ This measure includes all authorized prescribed burning in Florida by county, state, federal, and private land managers.

² The Fish and Wildlife Conservation Commission is lead manager on 1.4 million acres and is a cooperating manager on an additional 4.2 million acres.

Source: Department of Agriculture and Consumer Services, Department of Environmental Protection, and Fish and Wildlife Conservation Commission Fiscal Year 2007-08 Long-range Program Plans.

¹⁰ VISIT FLORIDA is the state's official tourism marketing corporation created in 1996. VISIT FLORIDA is not a government agency, but rather a not-for-profit corporation that carries out the work of the Florida Commission on Tourism, which was created as a public/private partnership by the Florida Legislature in 1996.

The agencies reported several reasons for not achieving performance standards. The Department of Agriculture and Consumer Services cited unfavorable weather conditions as one reason why it did not meet its target for prescribed burns, and indicated that it provided fewer than anticipated hours of forest-related technical assists to public land management agencies due to other priorities such as suppressing wildfires and responding to other emergencies. The Department of Environmental Protection similarly cited drought conditions for limiting prescribed burning and staff shortages for limiting its invasive plant control activities.

Performance measures need improvement. The agencies' current performance measures provide limited information about the condition and uses of the conservation lands they manage. This hinders the state's ability to identify the conservation status of these lands, track progress towards achieving conservation and recreation goals, and assess funding needs. For example, a state park identified the control and removal of invasive plants as a goal, however there are no performance measures that report progress on invasive plant control in state parks. In addition, performance measures do not quantify the availability of recreational opportunities, like miles of trails, days of hunting allowed statewide, and number of fisherman who reach bag limits.

To address this problem, the Legislature could direct agencies to establish and report performance measures on the condition and uses of conservation lands. A more complete set of performance measures would include those noted below.

- Percentage and number of acres of public lands that are open to various recreational uses
- Percentage and number of visitors satisfied with recreational experiences
- Percentage and number of acres identified for restoration activities that attain restoration goals
- Percentage and number of acres of managed lands in good/fair/poor condition
- Percentage and number of acres of public conservation lands on which upland invasive, exotic plant control operations have been conducted
- Percentage and number of acres of public lakes and rivers in which invasive, non-native aquatic plants are in maintenance condition
- Status of endangered/threatened/ special concern species on publicly managed conservation areas
- Percentage and number of acres burned according to the agency's prescribed burning schedule

To develop these measures, the Department of Agriculture and Consumer Services, the Department of Environmental Protection, and the Florida Fish and Wildlife Conservation Commission should jointly develop a system to assess, quantify, and rate the condition of state lands. At a minimum, the system should enable agencies to report annually the condition of state lands on a scale of poor, fair, good, and excellent. These ratings should be based on state and agency management objectives and performance measures.

Land management review process should be enhanced. Agencies' ability to manage conservation lands would also be strengthened if the land management review process were modified. Specifically, land management plans should be improved, more information should be provided to review participants, more time should be provided to conduct the reviews, and the results of the reviews should be better reported to stakeholders.

Our assessment of land management plans found that many do not detail specific needed activities or provide timelines for achieving stated goals. For example, the plans often lack basic information about

the type, amount, and cost of management activities to be conducted. Plans also often lack details on what work needs to be done to meet a goal such as restoring a property's hydrological features or how long it will take to restore it. Without this information, review teams lack benchmarks to assess progress toward achieving land management goals.

In addition, to assess the land management review process, we surveyed persons who had participated in these reviews and observed four review sessions.¹¹ Survey respondents were generally positive about the land management review process, with 79% indicating that the process is useful. However, these respondents also raised several concerns about the review process. For example, many respondents indicated that they did not receive enough information before a review to adequately prepare them to participate in the process. Overall, over one-fifth (22%) of participants reported that additional information on the process or property was needed to facilitate an effective review. Finally, some participants indicated that there was not sufficient time to conduct reviews and that some designated persons do not participate. To improve the land management review process, the Department of Environmental Protection convened a workgroup in September 2007. Conservation land managers and other stakeholders will assist the department in modifying the review process, with the workgroup's top priorities being to

- improve the synthesis of land management review data to a legislative report;
- modify land management plans to include measurable scientific and financial data and modifying the format to be more reader-friendly; and
- assess the appropriateness and improving the expertise of team composition.

Options for Legislative Consideration

The state currently manages over 3.7 million acres of conservation land at a management cost of approximately \$220 million annually. As the state acquires more conservation land, these costs will increase, as will the need to effectively manage these lands and track, and report performance. However, the current management system is decentralized among three agencies, and the existing accountability system needs improvement.

Exhibit 7 presents four policy options for the Legislature to consider. These options include maintaining the current system of conservation land management by three separate state agencies (Option 1); creating a council to coordinate and oversee land management activities (Option 2); centralizing land management activities under one state agency (Option 3); and centralizing all land management activities under a new entity (Option 4). The exhibit summarizes the policy options and describes the advantages and disadvantages associated with each option.

¹¹ We attended land management reviews at Edward Ball Wakulla Springs State Park, Wakulla State Forest, J.R. Alford Greenway, and Alfred B. Maclay Gardens State Park in April 2007. We also surveyed 334 individuals who participated in a land management review between July 2004 and June 2007, with 143 (43%) responding.

Exhibit 7

The Legislature Could Consider Several Options to Modify Management of State-Owned Conservation Lands

Option	Advantages	Disadvantages
Option 1 – Maintain Current System of Conservation Land Management by State Agencies		
Maintain the current organizational structure of land management by the Department of Agriculture and Consumer Services, Department Environmental Protection, and the Fish and Wildlife Conservation Commission.	<ul style="list-style-type: none"> ▪ Agencies would retain the ability to focus on specialized land management activities related to mission and goals ▪ Would preserve the established funding mechanism 	<ul style="list-style-type: none"> ▪ Current structure may not provide adequate mechanisms for coordinating activities across agencies ▪ Agency mission may limit types of land management activities on state lands
Option 2 – Create a Council to Coordinate and Oversee Land Management Activities		
Create an interagency council to coordinate and oversee land management activities undertaken by state agencies. The council would be responsible for creating a system to track land management activities and the condition of state lands.	<ul style="list-style-type: none"> ▪ Current model for an interagency council exists in the Acquisition and Restoration Council ▪ Agencies would retain the ability to focus on specialized land management activities related to their mission and goals ▪ Would maintain current organizational structure of state agencies managing land ▪ Establishing a separate council would increase focus on conservation land management ▪ Council could make recommendations on how to distribute land management funds based on legislative priorities ▪ Would increase accountability and oversight of land management activities 	<ul style="list-style-type: none"> ▪ Would increase administrative costs; based on current expenses of the Acquisition and Restoration Council, these costs could be at least \$70,000 annually ▪ Land management agencies may disagree with council's priorities ▪ Would separate land management from acquisition process and require increased coordination, because the Acquisition and Restoration Council currently oversees both acquisition and management decisions
Option 3 – Centralize Land Management Activities Under One State Agency		
Centralize land management under one of the three current state land managing agencies. Under this model, the land management responsibilities, functions, activities, staff, funding, and equipment of the Department of Agriculture and Consumer Services, the Department of Environmental Protection, and the Fish and Wildlife Conservation Commission would be transferred to one agency. This agency would oversee all state-owned conservation and recreational areas, including state parks, state forests, greenways and trails, water bodies, wildlife management areas, and coastal and aquatic areas. In addition, the agency would undertake all management activities currently conducted by the three agencies, including facility construction and maintenance, prescribed burning, imperiled species recovery, wildlife management, trail maintenance, control of exotic species and invasive plants, restoration of natural habitats, and visitor services. Placement of land management activities with any of the three agencies has advantages and disadvantages, as described below.		
Criteria for Legislative consideration in centralizing land management should include		
<ul style="list-style-type: none"> ▪ Cost efficiencies and reductions in administrative and operating costs ▪ Improved coordination of staff and equipment use ▪ Centralized policy-making ▪ Reduction in duplication 		

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Options	Advantages	Disadvantages
<p>Department of Agriculture and Consumer Services</p>	<ul style="list-style-type: none"> ▪ Department is the second largest manager of state conservation land ▪ Department has the most expertise and resources for timber and fire management ▪ Would consolidate policy and decision-making ▪ Would centralize accountability and oversight of land management activities ▪ Would eliminate duplication of land management activities currently conducted by multiple agencies (e.g., prescribed burning and invasive plant control) 	<ul style="list-style-type: none"> ▪ May be objections from existing agencies ▪ Transition from decentralized to centralized system may be difficult ▪ Could be conflicts from integrating staff from agencies with various statutory missions and goals ▪ Department mission may not be consistent with full range of conservation land uses
<p>Department of Environmental Protection</p>	<ul style="list-style-type: none"> ▪ Department has largest number of visitors to state-owned managed areas - state parks ▪ Staff has expertise in invasive plant management ▪ Department currently staffs the Acquisition and Restoration Council and land management reviews ▪ Would consolidate policy and decision-making ▪ Would centralize accountability and oversight of land management activities ▪ Would eliminate duplication of land management activities currently conducted by multiple agencies (e.g., prescribed burning and invasive plant control) 	<ul style="list-style-type: none"> ▪ May be objections from existing agencies ▪ Transition from decentralized to centralized system may be difficult ▪ Could be conflicts from integrating staff from agencies with various statutory missions and goals
<p>Fish and Wildlife Conservation Commission</p>	<ul style="list-style-type: none"> ▪ Department is the largest land manager of state land ▪ Department performs management activities on the majority of state land acres as primary or coordinating land manager ▪ Department's primary mission is conservation, including fish, wildlife, habitat, recreation, and land management, which is generally consistent with overall land management functions ▪ Currently implementing an objective-based vegetation management approach to resource management that takes into consideration land condition and focuses management activities to improve land ▪ Would consolidate policy and decision-making ▪ Would centralize accountability and oversight of land management activities ▪ Would eliminate duplication of land management activities currently conducted by multiple agencies (e.g., prescribed burning and invasive plant control) 	<ul style="list-style-type: none"> ▪ May be objections from existing agencies ▪ Transition from decentralized to centralized system may be difficult ▪ Could be conflicts from integrating staff from agencies with various statutory missions and goals

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Agency Placement Options	Advantages	Disadvantages
Option 4 - Centralize all land management activities under a new entity		
<p>Under this model, the land management responsibilities, functions, activities, staff, funding, and equipment of the Department of Agriculture and Consumer Services, the Department of Environmental Protection, and the Fish and Wildlife Conservation Commission would be transferred to a new entity. This entity would oversee all state-owned conservation and recreational areas, including state parks, state forests, greenways and trails, water bodies, wildlife management areas, and coastal and aquatic areas. In addition, the entity would undertake all management activities currently conducted by the three agencies, including facility construction and maintenance, prescribed burning, imperiled species recovery, wildlife management, trail maintenance, control of exotic species and invasive plants, restoration of natural habitats, and visitor services.</p>	<ul style="list-style-type: none">▪ Land management activities would be the sole focus of the new entity▪ Would consolidate policy and decision-making▪ Would centralize accountability and oversight of land management activities▪ Would eliminate duplication of land management activities currently conducted by multiple agencies. (e.g., prescribed burning and invasive plant control)	<ul style="list-style-type: none">▪ Would result in increased costs associated with establishing a new administrative structure▪ Would increase the number of state agencies▪ May be objections from existing agencies▪ Transition from decentralized to centralized system may be difficult▪ Could be conflicts from integrating staff from agencies with various statutory missions and goals

Source: OPPAGA analysis.

Land Acquisition in Florida

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Prepared by
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Acronyms

ARC – Acquisition and Restoration Council
Board or Board of Trustees– Board of Trustees of the Internal Improvement Trust Fund
CARL – Conservation and Recreational Lands Program
DACS – Department of Agriculture and Consumer Services
DCA – Department of Community Affairs
DEP – Department of Environmental Protection
DHR – Division of Historical Resources (DOS)
DOF – Division of Forestry (DACS)
DOS – Department of State
FNAI – Florida Natural Areas Inventory
FRDAP – Florida Recreation Development Assistance Program (DEP)
DRP – Division of Recreation and Parks (DEP)
DSL – Division of State Lands (DEP)
FCT – Florida Communities Trust Program (DCA)
FWCC – Fish and Wildlife Conservation Commission
LAMAC – Land Acquisition and Management Advisory Council
NFWMD – Northwest Florida Water Management District
OES – Office of Environmental Services (DEP)
OGT – Office of Greenways and Trails (DEP)
P2000 – Preservation 2000 Program
SFWMD – South Florida Water Management District
SJRWMD – St. John’s River Water Management District
SRWMD – Suwannee River Water Management District
SWFWMD – Southwest Florida Water Management District

Summary

Land Acquisition in Florida¹

Florida has a long history of land acquisition dating back to 1855, with the creation of the Board of Trustees, and has the most unique and ambitious land acquisition program in the nation.

Funding for the acquisition of conservation lands began in the 1960's with the establishment of a \$20 million bond program to acquire recreational lands. In the early 1970's, an additional \$40 million outdoor recreational bond program was created as well as the \$200 million Environmentally Endangered Lands Program (EEL). In 1979, the landmark CARL program was established to preserve Florida's unique natural heritage.

In 1990, Florida established the P2000 program in an effort to protect Florida's water resources, wildlife habitat, recreational areas, wetlands, and forests from a rapidly growing population. During the 10-year, \$3 billion program, more than 1.7 million acres were acquired to ensure that future generations can enjoy Florida's unique and fragile ecosystem.

The Florida Forever program was created in 1999 as a successor program to P2000, and 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. As part of Florida Forever, the Legislature provided public land acquisition agencies with the authority to purchase eligible properties using alternatives to fee simple² acquisitions. Since 2001, the Florida Forever program has acquired more than 601,000³ acres of land at a cost of over \$2.6⁴ billion.

Background

Preservation 2000 (P2000)

The P2000 program was created in 1990 as a \$3 billion land acquisition program funded through the annual sale of bonds. Each year for 10 years, the majority of

¹ Information provided by the Department of Environmental Protection

² The legal term for the maximum interest in land available to a person, or the maximum of legal ownership. Equivalent in many ways, for practical purposes to absolute ownership.

³ Total acreage includes acquisitions approved by the Board for the 2007-2008 fiscal year

⁴ Includes funds provided under the Florida Forever Act as well as monies provided from other sources.

\$300 million in bond proceeds (less the cost of issuance) was distributed to the DEP for the purchase of lands prioritized on the CARL list, the five water management districts for the purchase of water management lands, and the DCA for land acquisition loans and grants to local governments under FCT. The remainder of the bond proceeds was distributed to smaller acquisition programs at DEP, DACS, and FWCC. Under P2000, lands purchased by DEP, DACS, and the FWCC were required to be titled in the name of the Board. Lands purchased by the water management districts are titled in the name of the acquiring district. Under FCT, lands acquired by the Trust for permanent state ownership were required to be titled in the name of the Board but lands acquired in partnership with a city or county were titled in the name of the local government.

The first series of P2000 bonds was authorized by the Legislature in 1990 (ch. 90-217, Laws of Florida) and issued in the spring of 1991, and the last series was authorized in 1999 and issued in the spring of 2000. More than \$3 billion in bond proceeds and interest earnings have been distributed to the recipients. The debt service for these bonds comes from documentary stamp tax revenues. Through July 1, 2007, principle and interest payments have totaled more than \$2.9 billion.

Florida Forever

The Florida Forever program was created by the Legislature in 1999 (ch. 99-247, Laws of Florida) as a successor program to P2000, and authorized 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. As part of Florida Forever, the Legislature provided public land acquisition agencies with the authority to purchase eligible properties using alternatives to fee simple acquisitions.

In each year that bonds are issued or other revenues are used, the proceeds are deposited into the Florida Forever Trust Fund to be administered by DEP. The DEP distributes revenues from the trust fund to the five water management districts, DACS, FWCC, and FCT. Lands purchased under the Florida Forever program are titled in the name of the Board, except that lands purchased by a water management district vest in the name of that district. Lands purchased under 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 FCT must remain permanently in public use through a reversion of title to local or state government, a conservation easement, or another appropriate mechanism.

The first series of bonds was authorized by the Legislature in 2000 and issued in the spring of 2001. Through July 2007, the Legislature has authorized a total of \$1.7 billion in bonds, of which \$400 million is left to be sold⁵. In addition to authorized bonding, \$1.01 billion has been spent utilizing general revenue and monies transferred from other trust funds bringing the total Florida Forever expenditures to just over \$2.6 billion while acquiring more than 601,000⁶ acres of land⁷.

Conservation Lands

For the purposes of discussion within this report, the term conservation lands, as defined in Chapter 259.032, Florida Statutes, are lands that meet the following criteria:

- Environmentally unique and irreplaceable lands that contain native, relatively unaltered flora and fauna representing a natural area unique to, or scarce within, a region of the state or larger geographic area;
- Lands within designated areas of critical state concern, if the proposed acquisition relates to the natural resource protection purposes of the designation;
- Native species habitat or endangered or threatened species, emphasizing long-term protection for endangered or threatened species designed G-1⁸ or G-2⁹ by FNAI, and especially those areas that are special locations for breeding and reproduction;
- Important ecosystems, landscapes, and forests, if the protection and conservation of such lands is necessary to enhance or protect significant surface water, groundwater, coastal, recreational, timber, or fish or wildlife resources which cannot otherwise be accomplished through local and state regulatory programs;
- Lands that promote water resource development that benefits natural systems and citizens of the state;
- Facilitation of the restoration and subsequent health and vitality of the Florida Everglades;

⁵ Information provided by the Division of Bond Finance

⁶ Total acreage includes acquisitions approved by the Board for the 2007-2008 fiscal year

⁷ Information provided by the Department of Environmental Protection

⁸ G-1 designations are critically imperiled globally because of extreme rarity (5 or fewer occurrences or less than 1000 individuals) or because of extreme vulnerability to extinction due to some natural or man-made factor.

⁹ G-2 designations are imperiled globally because of rarity (6 to 20 occurrences or less than 3000 individuals) or because of vulnerability to extinction due to some natural or man-made factor.

- Lands that provide areas, including recreational trails, for natural resource based recreation and other outdoor recreation on any part of any site compatible with conservation purposes;
- Lands that preserve significant archaeological or historic sites; or
- Lands that conserve urban open spaces suitable for greenways or outdoor recreation which are compatible with conservation purposes.

Land Acquisition Process and Goals

Under P2000, a list of proposed acquisitions was prepared, on an annual basis, and ranked by the Land Acquisition and Management Advisory Council (Council) for approval by the Board. The Council, which was the predecessor to ARC¹⁰, was composed of the heads of the DEP and DCA, as well as the heads of the former Game and Fresh Water Fish Commission, DOF, DHR, and a designated employee of the DEP. Once approved, acquisitions were made in their order of ranking, to the greatest extent practicable. The information provided by the council included a management prospectus, an interim management budget, and the designated lead management agency or agencies.

Under Florida Forever, a list of proposed acquisitions is developed by ARC on an annual basis. The list includes acquisition applications that meet a combination of conservation goals including, but not limited to, protecting Florida's water resources and natural groundwater recharge. Priority is given to projects that were previously placed on the CARL or P2000 list or for which matching funds were available. Applications for proposed Florida Forever projects and acquisitions must be submitted in writing to the DEP, and must be reviewed by staff within 30 days of receipt to determine if the application contains sufficient information. Within 60 days after the staff review or at the next scheduled meeting, applications deemed sufficiently complete are initially reviewed by the ARC.

After the initial review, a project can only move forward with the approval of at least five ARC members. A Project Evaluation Report is prepared by the staff for ARC approval after a project is approved for full review. In preparing the Project Evaluation Report, department staff confirms or revises the information contained in the initial project application, provides a review of the natural resource and other application components to determine the number of Florida Forever criteria, goals and measures being met, confirms the project boundary as contained in the

¹⁰ The ARC is comprised of 4 Gubernatorial appointees, the Secretary of the Department of Environmental Protection, the Director of the Division of Forestry of the Department of Agriculture and Consumer Services, the Executive Director of the Fish and Wildlife Conservation Commission, the Director of the Division of Historical Resources of the Department of State, and the Secretary of the Department of Community Affairs.

application, and includes a recommended manager for the project along with a management policy statement and a management prospectus.

After a full review has been completed, the ARC develops a list of projects for consideration by the Board. At least five members of the ARC must vote to place a project on the Board's list. Projects of highest priority are on the "A" acquisition list. Projects that are not of the highest priority are ranked on the "B" acquisition list. Three sub-groups of projects are contained in both the "A" and "B" lists:

- Fee simple or large holdings;
- Multi-parcel or small holdings; and
- Less-than-fee acquisitions.

Prior to approval of the list by the board, the ARC must submit a report, with the list of proposed projects, which outlines the following:

- The stated purpose of each included project.
- Costs to achieve the acquisition goals.
- An interim management budget.
- Specific performance measures.
- Plans for public access.
- Identification of the essential parcels within the project boundary.
- Identification of parcels, within each project boundary, which should be acquired by fee simple or less-than-fee simple methods.
- Identification of lands being acquired for conservation purposes.
- A management policy statement and a management prospectus.
- An estimate of land value.
- A map delineating the project boundaries.
- An assessment of the project's ecological, recreational, forest, and wildlife value as well as ownership patterns, utilization and location.
- Identification of alternative uses for the property and what those uses are; and
- A designation of the management agency or agencies.

Upon receipt, the Board of Trustees must provide final approval of the Florida Forever acquisition list each year. The Board may remove projects but may not add projects to the list or rearrange project rankings.

All lands acquired under Florida Forever shall be managed for multiple-use purposes, when compatible with the resource values and management objectives for such lands. In order to achieve the purposes and objectives for which the program was created, it was the intent of the Legislature that projects and acquisitions which received funding achieve the following goals:

- Enhance the coordination and completion of land acquisition projects by:
 - Contributing to the completion of P2000 or earlier programs;

- Increasing acres protected through the use of less-than-fee acquisition; or
- Partnering with other funding sources such as local or federal government interests.
- Increase the biodiversity of species, natural communities and landscape levels.
- Protect, restore and maintain the quality and natural functions of land, water and wetland systems.
- Ensure that sufficient quantities of water are available to meet the current and future needs of natural systems and the citizens of the state.
- Increase natural resource-based public recreational and educational opportunities.
- Preserve significant archaeological and historic sites.
- Increase the amount of forest land available for sustainable management of natural resources.
- Increase the amount of open space in urban areas.

Once projects are approved for placement on the acquisition list by the Board or on a 5-year plan authorized by water management district governing boards¹¹, negotiations may begin with the individual property owners. The active process begins with an appraisal of value for the listed parcel. Each parcel to be acquired shall have at least one appraisal. When parcel values exceed \$1 million in estimated value, two appraisals are required. When two appraisals are required, a third appraisal shall be obtained if the two appraisals differ significantly. Two appraisals shall be considered to differ significantly if the higher of the two values exceeds 120 percent of the lower value. However, a third appraisal shall not be obtained if the decision is made by the director of the DSL to attempt to negotiate an acquisition price of no more than 120 percent of the lower of the two appraisals. If two appraisals are required and their values do not differ significantly, the maximum amount that may be paid by the State for the parcel shall be the higher value indicated in the two approved appraisals. If a third appraisal is obtained and approved, the maximum amount that may be paid for the parcel shall be the value contained in the higher of the two closest appraisals as long as the two closest appraisals do not differ significantly. If the two closest appraisals differ significantly, 120 percent of the lower of the two appraisals shall be the maximum value.

¹¹ The appraisal and acquisition of real property by water management districts is authorized under Chapter 373.139, Florida Statutes, and is substantially similar to that of the DSL.

When a parcel is estimated to be worth \$100,000 or less and the director of the DEP DSL finds that the cost of an outside appraisal is not justified, a comparable sales analysis or other reasonably prudent procedures may be used by DSL to estimate the value of the parcel, provided the public's interest is reasonably protected. The state is not required to appraise the value of lands and appurtenances that are being donated to the state.

The appraisal process is handled through the DSL's Bureau of Appraisal acting in behalf of the Board. The bureau hires independent fee appraisers to conduct the majority of the appraisals and appraisal reviews used in this process. In addition, appraisals are obtained as a decision making tool in the disposition of state owned lands. All appraisals and appraisal reviews conducted for the bureau for acquisition or disposition of state owned lands must be conducted by appraisers on the DSL Approved Appraiser List per DEP rule. The bureau has also been entrusted with obtaining appraisals when land is acquired for various other state agencies and programs such as Florida Fish and Wildlife Conservation Commission, Department of Education, and circuit courts.

When an appraisal is required, a solicitation will be posted on the DEP DSL website briefly describing the property as well as providing full details of the project along with the staff appraiser to contact for additional information. Respondents must be on DSL's Approved Appraiser List and registered with the Department of Management Services. All appraisals for Board acquisitions must conform to the Uniform Standards of Professional Appraisal Practice (USPAP)¹² and the Supplemental Appraisal Standards for Board of Trustees Land Acquisitions¹³. Approved appraisers will be given a stated time to submit a response to the solicitation.

Rules governing the acquisition and management of lands under the Florida Forever program are located in Chapter 18-24 of the Florida Administrative Code. Under these rules, projects and acquisitions proposed for funding must meet at least two of the Florida Forever goals. Exceptions to this requirement include:

- In-holdings and additions for property not exceeding \$500,000 in value.
- Acreage purchased to complete a project removed from the CARL list because at least 90 percent of the property is already in state ownership.
- Emergency acquisitions approved by the Board.

¹² USPAP standards are determined by The Appraisal Foundation per The Financial Institutions Reform, Recovery and Enforcement Act of 1989 authorized by the United States Congress. Information provided at www.appraisalfoundation.org

¹³ As prescribed by Chapters 253 and 259, Florida Statutes.

- De minimis lands which are lands outside of an approved acquisition project boundary when part of the ownership is within an approved project boundary. De minimis lands may or may not have the same resource values as the lands within the approved project boundary, and may not cost more than \$1 million.

Florida Forever funds can be expended for capital improvement projects, including restoration efforts. Applications for capital improvement projects must be submitted to the ARC in writing, and must be included in a land management plan submitted to and approved by the Board in accordance with the provisions of ss. 253.034 and 259.032, F.S. Capital improvement projects proposed for funding are prioritized by ARC and submitted to the Board for approval. Funding for capital improvement projects can not exceed 10 percent of the total annual allocation to the Florida Forever Trust Fund.

Financial Process

In addition to managing the acquisition process described above, the DSL also tracks and maintains financial information detailing the status of the Florida Forever program. This information published monthly, details Board-committed expenditures in relation to available cash and anticipated future commitments. Specifically, these monthly statements provide the following:

- Fiscal year appropriation data;
- Percent distributions to each statutorily defined agency;
- Available appropriation;
- Actual cash expenditures, including total acreage;
- Approved commitments, including total acreage;
- Anticipated acquisitions, including total acreage;
- Estimated cash needs for real estate closings;
- Projected cash needs for acquisitions; and
- Capital project expenditures.

Department of Environmental Protection (DEP)

In each year that bonds are issued, bond proceeds are deposited into the Florida Forever Trust Fund to be administered by DEP. The DEP distributes revenues from the trust fund to the five water management districts, DACS, FWCC, and FCT.

Pursuant to statute, the DEP Division of State Lands (Division) receives annually 35 percent of the Florida Forever funds. These funds, about \$105 million annually, are to be used for land acquisition and capital project expenditures which meet the goals of the Florida Forever program. Lands can be acquired in fee simple or in lesser interests. Acquisitions should enhance the completion of

Land Acquisition in Florida

projects started under P2000 or earlier land acquisition programs, and can include acquisitions to restore environmentally damaged lands and provide increased protection for environmentally sensitive lands.

Capital expenditures¹⁴ are activities deemed necessary to accomplish the purpose of the acquisition and may not exceed 10 percent of the bond funds allocated. Capital improvements or expenditures are to be identified prior to acquisition or approval of the project for the one time expense of completing such improvements. Bonds proceeds for capital projects cannot be used for continued expenditures necessary for such improvements.

The division usually negotiates with willing sellers, but is not authorized to act without the consent of the Board. There are rare instances when the state does use the power of eminent domain to acquire critical environmentally endangered lands. However, the use of the condemnation process must be approved by a majority vote of the Board.

The Office of Greenways and Trails at DEP receives approximately \$4.5 million annually (1.5 percent) of Florida Forever funds to acquire greenways and trails for the Florida Greenways and Trails System, a statewide system to provide open space for the benefit of environmentally sensitive lands and wildlife, and to provide access to people for outdoor recreational opportunities such as horseback riding, hiking, canoeing and jogging.

The Division of Recreation and Parks at DEP receives approximately \$4.5 million annually (1.5 percent) of Florida Forever funds to identify and acquire in-holdings and additions to Florida's state parks, and for capital expenditures which may not exceed 10 percent of the Florida Forever funds designated for the division's use.

The Florida Recreation Development Assistance Program at DEP was created to provide grants to qualified local governments to acquire or develop land for public outdoor recreation purposes. The maximum grant amount is limited to \$200,000 and the local match requirements are based on the total project cost. In addition to funding from other sources, this program receives approximately \$6 million annually in Florida Forever funds (2 percent).

¹⁴ Capital expenditure projects include but are not limited to the initial removal of invasive plants, the construction, improvement, enlargement, or extension of facilities' signs, fire lanes, access roads, and trails, or any activities that serve to restore, conserve, protect, or provide public access, recreational opportunities or necessary services for land and water areas.

Water Management Districts

Florida's five water management districts together receive \$105 million each year in Florida Forever funds (35 percent) for land acquisition and capital project expenditures to implement each water management district's Florida Forever 5-year work plan. Each district must spend at least 50 percent of the funds received on land acquisition. Funding is split among the districts under the following formula:

- The South Florida Water Management District receives \$36.75 million annually (35 percent). In the first two years of the program, \$50 million of those funds were directed to the Save Our Everglades Trust Fund.
- The Southwest Florida Water Management District receives \$26.25 million annually (25 percent).
- The St. Johns River Water Management District receives \$26.25 million annually (25 percent).
- The Suwannee River Water Management District receives about \$7.875 million annually (7.5 percent).
- The Northwest Florida Water Management District receives about \$7.875 million annually (7.5 percent).

Department of Community Affairs – Florida Communities Trust¹⁵

The Florida Communities Trust is an integral part of efforts to help Florida's communities meet the challenges of growth management, reduce the effects of natural disasters, invest in community revitalization, and protect the state's natural and cultural resources.

The FCT is dedicated to working with communities throughout the state to accomplish a collective goal: acquiring lands for recreation and open spaces while furthering their comprehensive plans. The FCT partners with local governments and environmental non-profit organizations to make this goal a reality. Every project funded by FCT is a partnership; always between the FCT and the applicant, but many times with other partners as well. FCT grants foster partnerships among local governments during the acquisition process and, frequently, for management of the properties. Local government applicants often collaborate with environmental non-profit organizations when submitting grant applications. Such partnerships allow communities to better leverage state and local dollars, distribute project management responsibilities, and preserve locally significant lands.

¹⁵ Information provided by the Department of Community Affairs at www.dca.state.fl.us

The FCT receives approximately \$66 million in Florida Forever funds each year (22 percent) to be used by local governments and nonprofit organizations for the acquisition of community-based projects, urban open spaces, and parks and greenways to implement local government comprehensive plans¹⁶. Emphasis is placed on funding projects in low income or otherwise disadvantaged communities. A dollar for dollar local match is required for 75 percent of these funds, and the local government match can consist of federal grants or funds, private donations, or environmental mitigation funds.

Department of Agriculture and Consumer Services – Division of Forestry

The division receives approximately \$4.5 million (1.5 percent) in Florida Forever funds each year. These funds are used to implement the DACS in-holdings and additions land acquisition program designed to assist in the management of state forests by providing for the purchase of lands identified as important to the successful management of state forests. Funds for capital project expenditures may not exceed 10 percent of the funds allocated to the agency.

Fish and Wildlife Conservation Commission

The FWCC receives approximately \$4.5 million in Florida Forever funds each year (1.5 percent) to fund the acquisition of in-holdings and additions to lands managed by the FWCC for the conservation of fish and wildlife. Funds for capital project expenditures may not exceed 10 percent of the funds allocated to the agency.

Florida Natural Areas Inventory (FNAI)¹⁷

FNAI is a non-profit organization founded in 1981 by The Nature Conservancy. Now part of the Florida State University's Florida Resources and Environmental Analysis Center at the Institute of Science and Public Affairs, it is funded through contracts and grants primarily with DEP, but also with the FWCC and other state and federal agencies.

FNAI builds and maintains a GIS database of Florida's biological resources for mapping and analysis. The database includes more than 28,000 occurrences of rare plant and animal species, high-quality natural communities such as state parks

¹⁶ The appraisal and acquisition of real property through the FCT, authorized under Chapter 380, Florida Statutes, and implemented under Department of Community Affairs Rule 9K-8, is substantially similar to the DSL.

¹⁷ www.fnai.org

and wildlife refuges, conservation lands managed by public and private entities, environmental land acquisition project boundaries, and lands with natural habitat potential.

FNAI reviews new proposed land acquisition applications and prepares a preliminary report for each proposal to be considered by the ARC during every six-month Florida Forever review cycle. The review includes establishing a Biological Conservation Priority of high, medium or low, developing a Natural Resource Description, listing rare species on proposed acquisition areas, mapping the proposed site, and preparing a Florida Forever Measures Evaluation.

The Florida Forever Measures Evaluation is a demonstration of how a proposed project meets 15 Florida Forever performance criteria, and is based on the Florida Forever Conservation Needs Assessment developed by FNAI when the Florida Forever program was created. The Legislature directed that the former Florida Forever Advisory Council provide a report containing recommendations for the development and identification of performance measures to measure the progress of meeting the goals established under the Florida Forever program. The DEP was authorized to contract with FNAI to fulfill the requirements of developing the goals and measures.

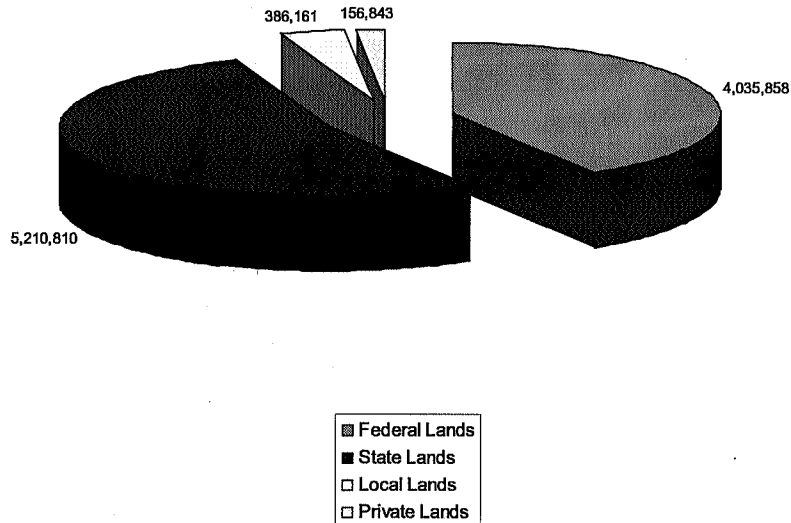
The Florida Forever Conservation Needs Assessment¹⁸ documents natural resource distribution and resource-based land uses for increased conservation attention as required by the Legislature when the Florida Forever program was created. This documentation provides baseline data necessary to create a starting point to measure the future progress of conservation efforts, and to identify program priorities. The Needs Assessment also identifies lands which meet current conservation needs and lands that meet multiple conservation goals, provides a monitoring mechanism to evaluate conservation needs, and tracks and documents the progress of the Florida Forever program on an annual basis.

After an application is approved by the ARC, FNAI prepares a Resource Planning Boundary which recommends boundary modifications to ensure protection of the resources associated with the proposed project, and conducts a field assessment which is incorporated into a multi-agency evaluation report prepared by DEP. The DEP evaluation report and a final ecological summary prepared by FNAI are presented to ARC prior to final vote and project ranking for each cycle.

¹⁸ *"Florida Forever Conservation Needs Assessment, Summary Report to the Florida Forever Advisory Council"*, prepared under the direction of the Division of State Lands, Florida Department of Environmental Protection, by the Florida Natural Areas Inventory, December 2000

In March 2007, FNAI published a new "Summary of Florida Conservation Lands" which provided the following breakdown of conservation lands in Florida:

Managed Conservation Lands



A little less than 28 percent of Florida's 34,721,280¹⁹ acres of land are state or federally managed lands. Of the more than 9 million acres of non-submerged conservation land in Florida, 515,627 acres (5.3 percent of total conservation lands) are less-than-fee lands.

In May 2007, FNAI published the eleventh *Florida Forever Natural Resource Acquisition Progress Report*²⁰ at the request of DEP. The reports are used to document the progress of the Florida Forever program in meeting the goals and measures established by the Legislature when the program was created. This report, covering the period of time from July 2001 through March 2007, found that excluding the FCT, all entities had acquired 529,583 acres of land.

¹⁹ Source: Atlas of Florida, 1996. E.A. Fernald and E.D. Purdum, eds., University Press of Florida, Gainesville, FL

²⁰ Acreage calculations in this report do not include acreage purchased under the Florida Communities Trust Program at the Department of Community Affairs. Also, no distinction is made in projects acquired with funds other than Florida Forever dollars.

This report also contains an acreage baseline of natural resource measures protected on conservation lands beginning at the start of the Florida Forever program in 2001. The report also measures the success of the Florida Forever program in acquiring additional acreage for each resource measure. Through March 2007, the findings include the following increases of the natural resource measure over the baseline:

- A 10 percent increase in Strategic Habitat Conservation Areas (SHCA)²¹
- A 4 percent increase in FNAI Habitat Conservation Priorities.
- A 4 percent increase in Ecological Greenways.
- A 3 percent increase in Under-represented Natural Communities.
- A 3 percent increase in Natural Floodplain Function lands.
- A 3 percent increase in Surface Water Protection lands.
- A 4 percent increase in Fragile Coastal Resource lands.
- A 4 percent increase in Functional Wetlands.
- A 6 percent increase in Aquifer Recharge lands.
- A 2 percent increase in Recreational Trails.
- A 2 percent increase in Archaeological Sites.
- A 4 percent increase in Sustainable Forestry.

Every six months, FNAI produces a Project Evaluation Report used by the ARC when voting on Florida Forever projects. The report includes an overview of the natural resource values contained in each existing and proposed Florida Forever project. In the May 2007 report, FNAI calculated that 570,600 acres of land are expected to be acquired on Board projects over the life of the Florida Forever program. The estimated acreage likely to be acquired from the report date through the remaining life of the program is approximately 228,600 acres.

Land Management²²

The Office of Environmental Services within the DEP conducts land management reviews under the provisions of s. 259.036, F.S., for the purpose of determining if conservation, preservation and recreation lands owned by the state are being properly managed. Land management review teams evaluate whether or not a management plan is providing an appropriate level of protection to threatened or endangered species, and to significant natural or physical features including geological or hydrological features; evaluates if lands are being managed for the

²¹ Prioritized SHCAs were delineated only outside of Conservation Lands as they existed in June 2000, thus the baseline only reflects lands added to the FNAI database between June 2000 and Oct. 2001.

²² Although this report is directed at evaluating the acquisition process, the issue of managing lands that we have acquired is just as critical and could be the subject of its own report.

purposes for which they were acquired; and assesses whether or not actual management activities are in compliance with the management plan.

The Board is authorized to designate an agency or agencies to manage state-owned lands, and management plans are developed and adopted by the state, regional or local entity designated as the lead manager. For parcels of property more than 160 acres in size, management plans are developed with input from an advisory group that includes the lead managing agency and local private property owners. For properties acquired after 1995, a management plan must be adopted and in place within one year from acquisition of the property. The plans are required to be reviewed and updated every 10 years except that management plans for parcels exceeding 1,000 acres in size must be reviewed by the DEP every 5 years.

The DEP published "*Land Management Review Team Reports, July 2005 – June 2006*" which is a review of the management of 31 properties, involving more than 497,000 acres of land, to determine if the lands were being managed for the purposes for which they were acquired, and in accordance with their management plans. The findings of the reviews include the following:

- On twelve sites (39 percent), over 30 percent of the fire dependent lands had been treated according to prescription. On thirteen sites (42 percent), over 60 percent of the fire dependent lands had been treated according to prescription.
- Six sites (19 percent) have no fire dependent communities;
- On five sites (16 percent), the teams found the burn frequency inadequate to preserve, restore, or maintain the natural communities. On twenty sites (65 percent), the team found fire quality to be excellent (each managing agency is responsible for prescribed burning the lands they manage);
- Control of non-native invasive plants was a management issue on most of the lands reviewed, and the team found control measures inadequate on two sites (6 percent), adequate on two sites (6 percent), and excellent on twenty-seven (87 percent) of the sites reviewed;
- Twenty-one sites (68 percent) had plans that adequately covered testing for degradation of surface waters, and twenty-six sites (84 percent) had adequate testing for groundwater;
- Twenty-one sites (68 percent) were found to be excellent, seven sites (23 percent) were adequate, and three sites (9 percent) were inadequate in actual management practices to protect listed plants and animals on site. For fifteen sites (48 percent), the teams found the management plans inadequate for on-site protection of listed plants and animals or inventories of listed plants and animals;

- On twenty-five sites (81 percent), law enforcement was adequate to excellent to protect the resources; and
- On twenty five sites (81 percent), the public education and outreach programs were found to be adequate to excellent.

For purposes of this review, management review team members included representatives from the county or local government in which the property was located, state agencies, a private land manager, the local Soil and Water Conservation Board, and a conservation organization. Water management district representatives were also included for state properties abutting district lands, and for properties involving joint ownership with a water management district.

In a recent presentation to the Senate Committee on General Government Appropriations, the DEP provided results of the combined reviews of land management activities completed during Florida Forever. Each activity was measured on a scale of below average, average, above average and excellent to ensure compliance with the management plans. The activities measured included:

- | | |
|---------------------|-----------------|
| -Public Access | -Exotic Species |
| -Outreach/Education | -Restoration |
| -Law Enforcement | -Surface Water |
| -Fire Quality | -Ground Water |
| -Fire Frequency | -Funding |
| -Burn Area | -Staffing |
| -Listed Species | -Equipment |

In a review of more than 140 sites, for each of the above activities, results indicated that 98 percent of the sites are managed in accordance with their individual management plans²³ receiving an above average to excellent rating. However, the DEP indicated that in two of the activities listed above, funding and staffing, management review team results were well below average for a majority of the 140 sites reviewed.

Methodology

The first objective of the interim project was to review and analyze all data related to the current state land acquisition program, Florida Forever. This included:

- Evaluation of the effectiveness of the program in meeting its statutory goals and objectives;
- Evaluation of acquisition methods and incentives utilized;

²³ <http://dep.state.fl.us/lands/oes/landmgmt/default.htm>

- Review of acquisition list development; and
- Review of methods used for financing acquisitions.

To assist staff with acquiring the necessary information regarding Florida Forever, all entities receiving funds from the program were asked to provide the following:

- An accounting of all monies received from the Florida Forever Trust Fund;
- A list of all lands acquired utilizing Florida Forever funding; and
- Methods of acquisition.

The second objective of the interim project was to review acquisition programs utilized by the federal government, local governments, and other states. Information was requested from the Legislative Committee on Intergovernmental Relations to assist staff with this objective.

The third objective of the interim project was to compile data on the state's funding methods and history. With the assistance from the Committee on General Government Appropriations, staff compiled a spreadsheet comparing Florida Forever outstanding and authorized debt to the state's overall bonding capacity.

To assist with the completion of the project, staff interviewed representatives from various interest groups to gather information regarding the success of the current program as well as recommendations for the establishment of a successor program.

Findings

Florida Forever 2001 – 2007²⁴

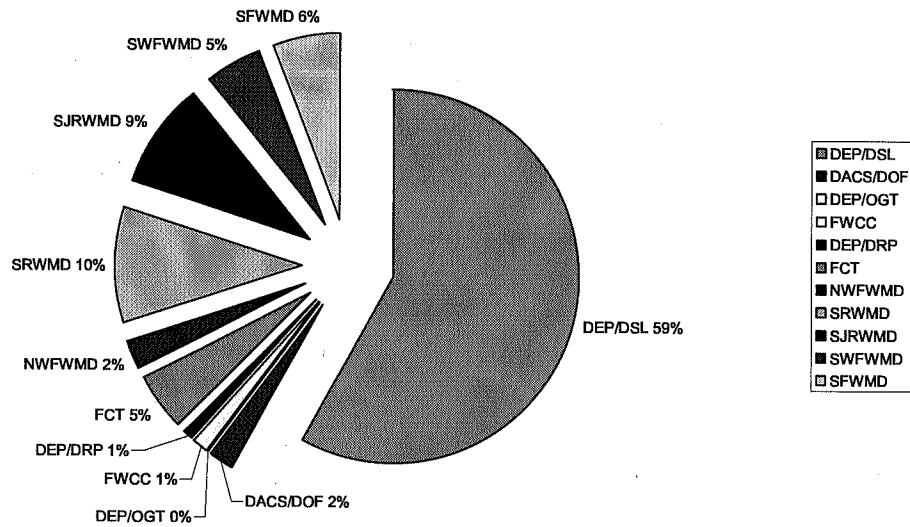
In reviewing the information provided from each source, staff noted the following:

- ❖ 601,640 total acres were acquired under Florida Forever in both full fee and less-than-fee acquisitions. Total acreage acquired by each agency which expended Florida Forever funds is listed below²⁵:

²⁴ Information obtained from the DEP, DCA/FCT, and each of the five water management districts for acquisitions through September 2007. Dollar, percentage, and acreage amounts rounded up or down as appropriate.

²⁵ Percentages represent the portion of the total amount of land acquired by each agency rounded up or down as appropriate.

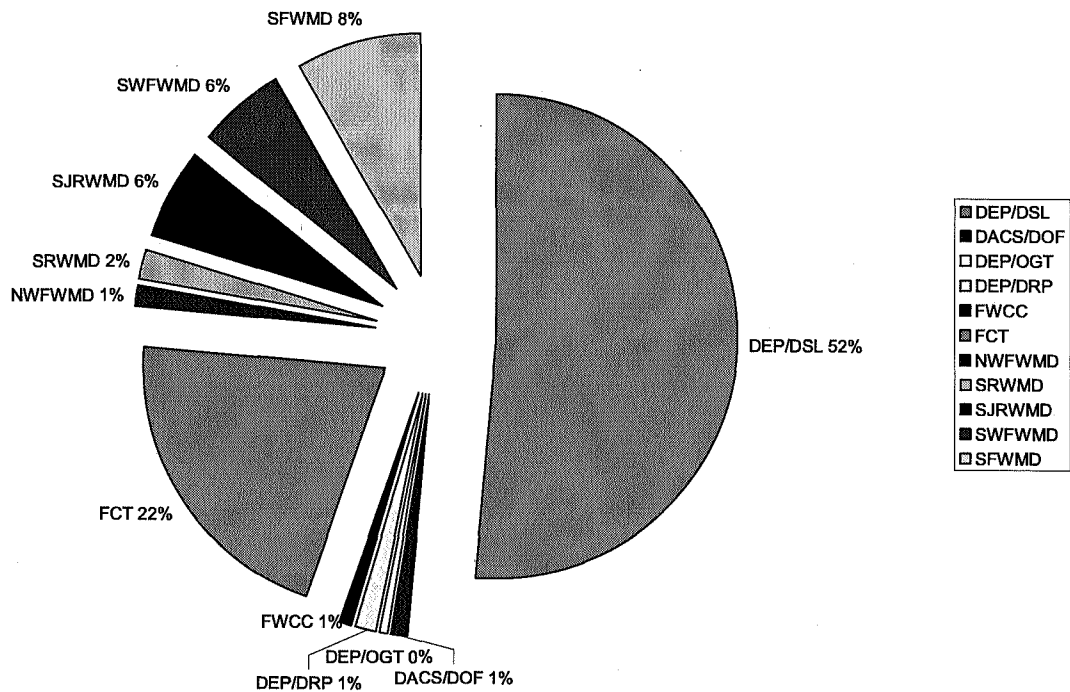
601,640 Total Acres Acquired Under Florida Forever



- DEP/DSL – 349,372
- DACS/DOF – 12,686
- DEP/OGT – 1,381
- FWCC – 7,589
- DEP/DRP – 5,023
- FCT – 30,573
- NFWWMD – 14,624
- SJRWMD – 55,119
- SRWMD – 59,919
- SFWMD – 30,660
- SFWMD – 34,694

Florida Forever funds expended by each agency are listed below²⁶:

\$1,887,932,206 Florida Forever Funds Expended by Agency



- DEP/DSL - \$970,420,129
- DACS/DOF - \$20,004,780
- DEP/OGT - \$8,822,480
- DEP/DRP - \$26,971,125
- FWCC - \$19,754,188
- FCT - \$394,140,060
- NFWWMD - \$27,709,337
- SJRWMD - \$116,262,921

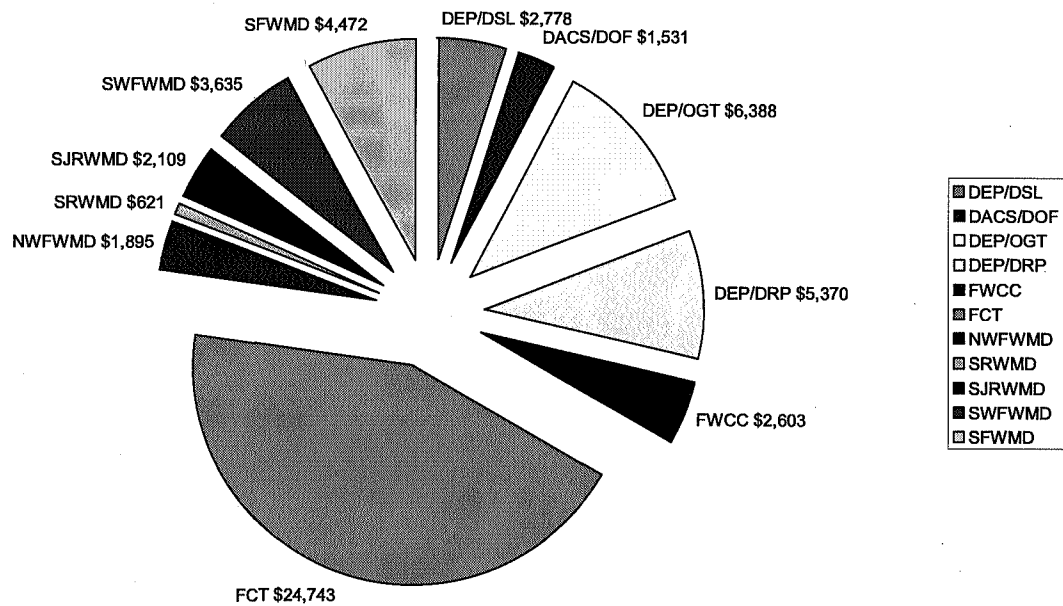
²⁶ Dollar values and percentages represent the portion of the Florida Forever funds expended by each agency rounded up or down as appropriate.

Land Acquisition in Florida

- SRWMD - \$37,246,933
- SWFWMD - \$111,434,217
- SFWMD - \$155,166,036

As identified by the above charts, some agencies were able to acquire land at a much greater value than others. The corresponding chart below outlines the average per acre price paid by each agency:

Average Cost Per Acre



As shown above, the greatest cost per acre is \$24,743 for lands purchased through the FCT program while the least cost per acre is \$621 for lands purchased by SRWMD. These land values appear to follow Florida land value trends when comparing the cost of urban lands to that of rural lands.

Board of Trustees²⁷

- 376,051 acres acquired that required Board approval.
- 63 percent of all Florida Forever lands acquired.
 - 314,558 acres in fee simple or full fee title.
 - 61,493 acres in less-than-fee simple or conservation easement.
- \$1,045,972,702 of Florida Forever funds expended that required Board approval at an average of \$2,781 per acre.
- A complete breakdown for each agency requiring Board approval, which received funding under Florida Forever, is listed below:

	DEP/DSL	DACS/DOF	DEP/OGT	DEP/DRP	FWCC
Fee simple acreage	287,879	12,686	1,381	5,023	7,589
Less-than-fee acreage ²⁸	61,493	0	0	0	0
Funds expended for fee simple acreage	\$914,842,423	\$20,004,780	\$8,822,480	\$26,971,125	\$19,754,188
Funds expended for less-than-fee acreage	\$55,577,706	0	0	0	0
Average per acre	\$2,778	\$1,531	\$6,388	\$5,370	\$2,603

Water Management Districts

- 195,016 acres acquired in fee simple or less-than-fee acquisitions.
- 32 percent of all Florida Forever lands acquired.
- \$447,819,444 funds expended in fee simple or less-than-fee acquisitions at an average of \$2,296 per acre representing 24 percent of all Florida Forever Funds expended.

²⁷ No information was provided or distinction made regarding the expenditure of funds under the FRDAP program at DEP.

²⁸ No information was provided regarding the breakdown of less-than-fee acreage for DOF, DEP/OGT, DEP/DRP or FWCC from the DEP.

Land Acquisition in Florida

- \$54,426,903 funds were expended for capital improvement projects representing 12 percent of all Florida Forever funds expended by the water management districts.
- A complete breakdown of each water management district acquisitions and expenditures under Florida Forever is listed below:

	NFWWMD	SRWMD	SJRWMD	SWFWMD	SFWMD
Total acreage	14,624	59,919	55,119	30,660	34,694
Fee simple acreage	11,760	39,910	32,260	25,567	22,141
Less-than-fee acreage	2,864	20,009	22,859	5,093	12,553
Total state funds expended for acquisitions ²⁹	\$27,709,337	\$37,246,933	\$116,262,921	\$111,434,217	\$155,166,036
Funds for fee simple acquisitions	\$24,848,491	\$26,704,127	\$74,814,864	\$106,559,269	\$112,802,204
Funds for less-than-fee acquisitions	\$2,860,847	\$10,542,806	\$19,388,345	\$4,874,948	\$42,363,832
Capital improvement expenditures ³⁰	\$22,237,967 ³¹	\$250,000 ³²	\$22,059,711	\$451,927 ³³	\$9,427,298 ³⁴

DCA – FCT

- 30,573 acres acquired in fee simple.
- 5 percent of all Florida Forever lands acquired.

²⁹ This represents the total amount of allocated Florida Forever funds expended for land acquisitions under Florida Forever. This does not include any additional funds expended by the districts or local partners.

³⁰ Capital improvement project funds are expended on a reimbursement basis with contractors and may or may not be utilized, depending on completion of individual projects.

³¹ This includes \$13,298,352 of committed funds for incomplete projects.

³² All funds expended for the Upper Santa Fe emergency watershed protection project.

³³ All funds expended for the Lake Hancock restoration project.

³⁴ SFWMD is unable to provide capital improvement expenditure data for the first 4 years of the program as they did not separate capital improvements from acquisition expenditures.

Land Acquisition in Florida

- \$756,463,960 funds expended in fee simple acquisitions at an average of \$24,743 per acre.
 - \$394,140,060 of Florida Forever funds representing 21 percent of all Florida Forever funds expended.
 - \$362,323,900 of local matching funds expended.

Land Inventory³⁵

- Under the Florida Forever Act, identification of land needs and subsequent acquisition should be based on a comprehensive assessment of Florida's natural resources and planned so as to protect the integrity of ecological systems and provide multiple benefits.
- In 2000, the Florida Forever Advisory Council, with the assistance of the Florida Natural Areas Inventory, developed and approved 15 resource types as the focus of Florida Forever's conservation actions. The assessment of the 15 resource types is an objective science based analysis and represents the consensus of natural resource experts. The resource types have been refined and combined into 12 measures represented below:

³⁵ Information provided by the Florida Natural Areas Inventory www.fnai.org.

Land Acquisition in Florida

Measures	Total Acres	Baseline Acres Protected	Protected by Florida Forever	Protection by Other Lands	Percent of Total Protected	Remaining Acres
Strategic Habitat	4,037,580	296,360	235,960	137,840	17%	3,367,420
FNAI Habitat Priorities	18,001,130	6,977,070	382,930	299,650	43%	10,341,480
Ecological Greenways	21,565,150	3,853,860	523,680	407,700	22%	16,779,910
Under-represented Natural Communities	2,989,840	1,395,120	51,270	39,490	50%	1,503,960
Natural Floodplain Function	2,517,640	970,690	57,620	41,460	42%	1,447,870
Surface Water Protection	28,574,970	3,111,520	541,220	435,380	14%	24,486,850
Fragile Coastal Resources	863,170	661,500	5,080	34,710	81%	161,870
Functional Wetlands	10,610,300	5,160,700	240,180	231,000	53%	4,996,500
Aquifer Recharge	12,043,220	6,397,700	536,320	120,330	59%	4,988,870
Recreational Trails	10,386,220	2,477,570	87,860	134,430	26%	7,686,350
Archaeological Sites	203,920	54,610	2,720	2,470	29%	144,130
Sustainable Forestry	11,580,380	2,366,270	265,340	138,960	24%	8,809,820

- Total acres represent the total amount of conservation lands that exist which satisfies each measure. These lands can overlap with other measures providing multiple conservation benefits.
- Baseline acres protected represents the total amount of protected conservation lands when the Florida Forever program began.
- Protected by Florida Forever represents the amount of acreage protected by the Florida Forever program that satisfies each conservation measure. These lands can overlap with other measures providing multiple conservation benefits.
- Protection by other lands represents conservation lands protected by efforts other than the Florida Forever program.

- Percent of total protected represents the percentage of total acres, for each measure, in public or private conservation ownership.
- Remaining acres represents the amount of acres still available for conservation in each measure.

Federal, State and Local Land Acquisition Programs³⁶

- Between 2000 and 2005, the federal government provided more than \$1.3 billion of funding to states to purchase more than 4 million acres of conservation land.
- From 1998 to 2005, Florida ranked last in federal land acquisition spending (\$7,306,410 per year) for acquisition of conservation lands.
- From 1998 to 2005, Florida ranked first in state land acquisition spending (\$444,862,555 per year) for acquisition of conservation lands; easily outpacing second place California (\$316,159,160 per year) and third place New Jersey (\$106,466,644 per year).
- Florida ranks second in total federal conservation lands (5,634,413 acres) behind only Alaska (6,213,490 acres) but has only one-tenth the total land area of Alaska.

➤ **California³⁷**

- In California, the acquisition program is administered pursuant to the original enabling legislation, "The Wildlife Conservation Law of 1947" and land acquisition is a component of all *Wildlife Conservation Board* (WCB) programs.
 - The WCB acquires real property or rights in real property on behalf of the Department of Fish and Game and can also grant funds to other governmental entities or nonprofit organizations to acquire real property or rights in real property.
 - All acquisitions are made on a "willing seller" basis pursuant to a fair market value appraisal. The acquisition activities are carried out in conjunction with the *California Department of Fish and Game* (DFG), with the DFG recommending priorities for proposed acquisitions. Following the DFG site

³⁶ Information regarding federal land acquisitions was provided by The Trust for Public Land. Professional staff found very little information readily available for other state or local programs. The states and local programs selected for this report were done so to support the data provided by The Trust for Public Lands as well as to highlight some unique approaches to land acquisition.

³⁷ Information provided at <http://www.wcb.ca.gov/>

evaluations, recommendations are submitted to the WCB for consideration for funding.

- In 2002, the California Legislature passed the *Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act* which provided almost \$6 billion dollars for land acquisition programs.
- As of January 2007, all the funds under the Act have been utilized³⁸.

➤ **New Jersey**³⁹

- The New Jersey Green Acres Program was created in 1961 to meet growing recreation and conservation needs. From 1961 through 1995 New Jersey voters overwhelmingly approved nine bond issues, earmarking over \$1.4 billion for land acquisition and park development.
- In 1998 New Jersey voters approved a referendum which creates a stable source of funding for open space, farmland, and historic preservation and recreation development, and on June 30, 1999, the Garden State Preservation Trust Act was signed into law. The bill establishes a stable source of funding for preservation efforts.
- The Garden State Preservation Trust Act dedicates \$98 million annually for ten years and authorizes the issuance of up to \$1 billion in revenue bonds.

➤ **Rhode Island**⁴⁰

- In Rhode Island, the state Department of Environmental Management (DEM) operates to define, assess, develop plans and acquire land consistent with the responsibility to provide recreational lands and save environmentally sensitive open space for future generations. There are four programs designed to accommodate public land acquisitions. They are:
 - Agricultural Land Preservation Program - this program preserves land through the purchase of farmland development rights.
 - State Land Acquisition - this program uses state, federal and foundation funds to acquire property for recreation, hunting, fishing and other outdoor activity.

³⁸ Data regarding the types and size of acquisitions not available.

³⁹ Information provided at <http://www.state.nj.us/dep/greenacres/index.html>

⁴⁰ Information provided at <http://www.dem.ri.gov/programs/bpoladm/plandev/landacq/index.htm>

- Forest Legacy - this program uses federal funds to acquire easements or fee simple title for the purpose of protecting the state's forest resources.
- North American Wetland Conservation Act - this program uses federal funds to acquire easements or fee title to protect waterfowl habitat.
- In 2006, the DEM acquired more than 1428 acres of land at a cost of almost \$20 million (approximately \$14,000 per acre).
- Only 154.5 acres were acquired utilizing full fee or fee simple purchase. The remaining 1273 acres were acquired either by an easement or through the purchase of agricultural development rights.

➤ **City of Portland, Oregon⁴¹**

- The City of Portland, Oregon, Parks and Recreation (PP&R) acquires property for park purposes utilizing a variety of funding resources. In some cases, funds are obtained for purchase of a specific piece of the property through grants or special one-time allocations from City Council. Previous bond measures have also provided resources for park acquisition. However, the park System Development Charge (SDC) is currently the primary funding source to meet the need created by growth for acquisition of land for future parks and recreation facilities. While acquisition is the priority, the funds can also be used for development.
 - SDC funds are generated by a one-time fee that is charged to new residential development at the time the building permit is issued. Since the funds are generated only when new development occurs, the law requires that SDC acquisitions be made in the parts of town experiencing growth. PP&R tracks building trends on an annual basis and adjusts SDC target areas accordingly.
 - PP&R's Land Acquisition and Strategy provides the framework for determining which potential acquisition projects to pursue.
 - PP&R is continually identifying opportunities and gathering information for potential park acquisitions. Community nominations are one of the ways that PP&R learns about these opportunities. The Site Nomination Form provides staff with the basic information needed to evaluate a suggested site. Once the form is received, preliminary research and

⁴¹ Information provided at <http://www.portlandonline.com/parks/index.cfm?c=42035>

review is completed. Then the site information is added to the overall acquisition inventory and the nomination is acknowledged.

➤ **Hillsborough County, Florida⁴²**

- In 1987, a referendum providing for the collection of a .25 mil tax, for four years, for the purchase or protection of environmentally sensitive lands was approved by the voters of Hillsborough County creating the Environmental Lands Acquisition and Protection Program (ELAPP).
- In 1990, a subsequent referendum was passed to extend the program for an additional 20 years.
- The ELAPP program was founded on the basis of citizen involvement. Volunteer citizens, as the Environmentally Sensitive Lands Committee, worked with county staff to develop nomination criteria, program policies, and procedures.
- In order to proceed with the implementation of the ELAPP, Site Assessment Teams, Site Review Teams, and Site Selection Teams were established to evaluate, select, and recommend potential sites for acquisition.
- The program has acquired or participated in the preservation of nearly 43,500 acres at a cost of approximately \$184.4 million.
- A portion of ELAPP revenues, phosphate severance taxes, lease revenues, and restoration grants funds the county's Conservation Services Section consisting of twenty-seven permanent members. This section carries out a variety of land management activities including site security, prescribed burning, exotic plant control, protected species recovery, and public access.

Florida Bond Authorizations⁴³

- Total bonding authorization for Florida Forever to date is \$1,700,000,000.
 - Fiscal year 2000-2001, \$300 million authorized (\$300 million sold)

⁴² Specific data regarding the Hillsborough County ELAPP was obtained from the *Report to the Board of County Commissioners, Recommendations Concerning: Hillsborough County's Environmental Lands Acquisition and Protection Program, 2006 Annual Report*, Parks, Recreation and Conservation Department, Real Estate Department; February 2007.

⁴³ Information provided by the Division of Bond Finance.

- Fiscal year 2001-2002, \$300 million authorized (\$300 million sold)
- Fiscal year 2002-2003, \$300 million authorized (\$300 million sold)
- Fiscal year 2003-2004, \$200 million authorized (\$200 million sold)
- Fiscal year 2004-2005, no bonds authorized, acquisitions funded wholly from cash.
- Fiscal year 2005-2006, \$300 million authorized (\$200 million sold)
- Fiscal year 2006-2007, no bonds authorized, acquisitions funded wholly from cash.
- Fiscal year 2007-2008, \$300 million authorized (\$0 sold)
- There are currently \$400 million of unsold authorized Florida Forever bonds.
- Annual Florida Forever debt service will peak at \$174,366,325 in fiscal year 2012-2013 on all sold bonds then slowly decline until debt service is paid in fiscal year 2025-2026.
- For fiscal year 2007 - 2008, the total annual debt service is approximately \$366 million and will continue until the P2000 bonds begin maturing in fiscal year 2012-2013.

Florida Forever Funding 2008 - 2010⁴⁴

It has been widely perceived that the Florida Forever program sunsets in 2010. However, s.259.1051, F.S., which provides the specific financial authority for the program, explicitly states that the programs only limitation is the existing \$3 billion bonding capacity. Neither this specific statute, nor s.259.105, F.S., which created Florida Forever, provide for a specific sunset date.

Through the course of authoring this report, professional staff compiled fiscal data on Florida Forever through 2010. To assist us in the review of the Florida Forever fiscal data, the Committee on General Government Appropriations provided the following information:

- For fiscal year 2007 – 2008;
 - Approved commitments⁴⁵ total \$179,990,665
 - Anticipated acquisitions⁴⁶ total \$209,160,537

⁴⁴ Funding information provided by the Committee on General Government Appropriations.

⁴⁵ Approved commitments are those acquisitions that have been approved by the Board.

- Although total approved commitments and anticipated acquisitions exceed legislatively authorized bonding by \$89,151,202, DSL anticipates utilizing a portion of the \$400 million of unsold bonds to make up the difference.
- Including previous years commitments, DSL anticipates there will be an approximately \$112 million cash balance at the end of the 2007 – 2008 fiscal year.
- For fiscal year 2008 – 2009;
 - Approved commitments total \$58,610,422
 - Anticipated acquisitions total \$369,187,309
 - Total approved commitments and anticipated acquisitions exceed the available cash balance by \$315,350,016
 - If the 2008 – 2009 Legislature approves Florida Forever funding at the current \$300 million level, the program is still over committed by \$15,350,016 for that fiscal year.
- For fiscal year 2009 – 2010;
 - Approved commitments total \$23,312,179
 - Anticipated acquisitions total \$61,391,315
 - Since the program carries a negative cash balance from the previous fiscal year, the total approved commitments and anticipated acquisitions add an additional \$84,703,494 to the negative balance.
 - If the 2009 – 2010 Legislature approves Florida Forever funding at the current \$300 million level, the program will have a cash balance of approximately \$199 million.
 - There are approximately \$195 million in statutorily defined disbursements to DACS, DCA/FCT, FWCC, DEP Division of Recreation and Parks, DEP Office of Greenways and Trails, FRDAP, and the five water management districts.
 - This leaves a balance of approximately \$4 million of uncommitted funds for the remainder of the program.

Although Chapter 259.041, Florida Statutes, authorizes the DEP to enter into option agreements or contracts with the landowner to buy the property, the state is under no obligation to execute such contracts.

Climatic Impacts

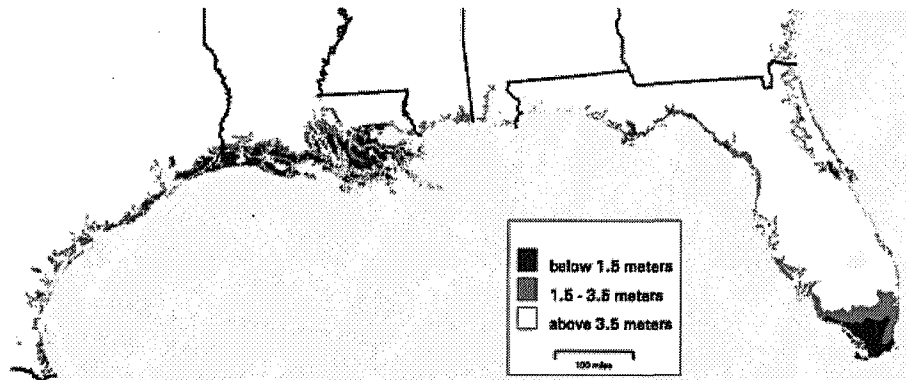
Although the focus of this report is on the successes of the Florida Forever program, professional staff found that there should be at least some level of

⁴⁶ Anticipated acquisitions are those that DSL has indicated there is some level of contractual agreement between the state and the landowner for the state to acquire the property.

discussion on the potential affects of sea level rise to any conservation lands acquisition program. This discussion will not debate the merits or demerits of climate change or sea level rise, but merely state the facts regarding potential impacts to conservation lands should sea levels rise in Florida.

In reviewing relevant data regarding the impacts of sea level rise in Florida, professional staff found:

- Based on measurements obtained from the United States Environmental Protection Agency (USEPA), Florida could expect sea levels to rise up to 60cm (2 feet) in the next century⁴⁷.
- Sea levels could rise by 70cm in the next 120 years.
- With the inclusion of tidal fluctuations and a 70cm sea level rise, the USEPA indicates that areas below a 1.5-meter (5 feet) contour may be impacted by sea level rise.
- Florida has approximately 12,000 square kilometers of land below the 1.5 meter elevation contour.



Conclusions and Recommendations

⁴⁷ *The Probability of Sea Level Rise*, James G. Titus and Vijay Narayanan. 1995. Washington, D.C.: U.S. Environmental Protection Agency. 186 pp. EPA 230-R95-008.

Methodology Objective I

Evaluation of the effectiveness of the program in meeting its statutory goals and objectives:

In reviewing the data provided by each agency, staff concluded that, overall, the Florida Forever program has met its statutory goals. However, there were some inconsistencies in how appraisals of certain parcels were obtained and whether the appraisal price was influenced in any way by DEP. In particular, four such inconsistencies were noted in Auditor General Report No. 2008-109, *Department of Environmental Protection Land Acquisitions Operational Audit*, dated September 2007, which found the following:

- Documentation supporting the Babcock Ranch acquisition gave an appearance of influence of the appraisal amounts by the DEP in the establishment of value estimates on contracted fee appraisers.
- The DEP relied on hypothetical conditions in the appraisal of the Norfolk Southern acquisition; even though it was demonstrated in the appraisal reports that it was unlikely the hypothetical conditions would occur.
- Inconsistencies and deficiencies in the highest and best use analysis and conclusions on appraisals for the Overstreet Ranch and Tiger Island acquisitions may have impacted the value estimates for those parcels.
- There was a lack of documentation of the DEP's appropriate consideration of the prior sale, the value estimates in the appraisal reports, and the negotiation process of the Three Rivers acquisition.

In the report, each finding had a detailed management response from the DEP; however, in each case, the Auditor General found no reason to amend his findings following the response.

Evaluation of acquisition methods and incentives used:

In reviewing the data provided by each agency regarding types of acquisition methods utilized, professional staff concluded the following:

- Overwhelmingly, the method of choice for the acquisition of lands under the Florida Forever program has been full fee or fee simple.
- 84 percent of all acreage acquired by the Board has come with fee simple purchase.
- Collectively, the water management districts have done a better job utilizing less-than-fee alternatives with only 68 percent of lands acquired utilizing full fee options.

As land values and land management costs continue to escalate, less-than-fee alternatives need to be utilized to their advantage. However, the state needs to weigh those costs with the benefits of land conservation and public access before considering less-than-fee options.

Review of acquisition list development:

In reviewing the information provided by DEP regarding how the Florida Forever acquisition list is developed, professional staff concluded the following:

- The development of the acquisition list has been completed within statutory guidelines and goals of prioritizing lands that meet a combination of conservation goals.
- With the assistance of FNAI, the DEP has continued to refine how projects are placed on the list ensuring that they meet specific conservation values.
- The process for ranking certain parcels based on conservation values and needs is not adequately defined in statute.
- The benefit of the State's acquisition of certain parcels, based on conservation values and needs, is not adequately defined in statute.

Although statute clearly defines that acquisitions should be based on the State's expectation of meeting a combination of conservation and resource goals, those goals are too broadly defined with no clear direction as to how they can ever be achieved. Specific targets should be identified for certain conservation values so that the State can meet definable needs.

Review of methods used for financing acquisitions:

In reviewing the methods used for financing acquisitions, professional staff concluded the following:

- The majority of financing for land acquisitions comes from the sale of bonds. Annually, this requires the Legislature to provide approximately \$22 million in additional funds to pay bond debt services.
- For fiscal year 2007 – 2008, the total debt service for all P2000 and Florida Forever bonds is approximately \$366 million.
- On two occasions Florida Forever acquisitions were funded wholly from cash provided from general revenue⁴⁸.

The state should consider using alternatives to bond financing for conservation land acquisitions. Although bond financing provides a quick infusion to a land conservation trust fund, the debt service on those bonds can bind future legislature's ability to finance other programs through recurring debt service.

Methodology Objective II

Review of acquisition programs utilized by the federal government, local governments, and other states:

In attempting to gather information regarding other acquisition programs, staff requested feedback from the Legislative Committee of Intergovernmental Relations as well as from outside land acquisition groups such as Trust for Public

⁴⁸In fiscal years 2004/2005 and 2006/2007, \$300 million was appropriated from general revenue into the Florida Forever Trust Fund for land acquisition.

Lands and the Nature Conservancy. Very little information was readily available regarding other acquisition programs, however most of the federal land acquisition data was provided by the Trust for Public Lands via their online data portal⁴⁹.

In reviewing the information regarding other federal, state and local land acquisition programs, professional staff noted the following:

- Florida ranks last in federal land acquisition funding of all states that received such funds. This could be attributed to:
 - Florida ranking first in state funded acquisition programs limiting the need for federal acquisition dollars; or
 - The states lack of effort in seeking federal land acquisition dollars.
- Although bonding is utilized as financing in other acquisition programs, it does not appear to be the only source for the majority of programs. Other sources of funding such as individual foundations, development impact fees, land trusts, agricultural and conservation easement donations, and federal funding are all utilized in lieu of bonding.

Methodology Objective III

Compile data on the state's funding methods and history:

In reviewing the data compiled on Florida Forever funding methods professional staff noted the following:

- The state has purchased more than 601,000 acres of land at a cost in excess of \$2.3 billion.
- Of the \$2.3 billion authorized, \$1.7 billion has come from bonds.
- Including existing bonds from the P2000 program, the state's annual debt service is approximately \$366 million.
- Although the legislature has not yet appropriated funds for the 2008-2009 and 2009 – 2010 fiscal years, the Board has approved approximately \$82 million in acquisitions for those years.
- DSL has approximately \$430 million of additional anticipated acquisitions for fiscal years 2008 – 2009 and 2009 – 2010.
- Based in the data provided from DSL, the Florida Forever program is almost completely committed through the 2009 – 2010 fiscal year leaving approximately \$4 million for unanticipated acquisitions through the remainder of the program.

The information indicates that certain statutorily designated entities for which Florida Forever funds are disbursed may be overcommitted in fiscal years 2008 -

⁴⁹ Data portal is not yet active for public viewing. Access was provided by Trust for Public Lands staff.

2009 and 2009 – 2010. For example, the DSL has more than \$31 million in Board approved commitments in 2008 – 2009 and \$9 million in 2009 – 2010 even though they indicate an anticipated cash balance of approximately \$16.5 million at the end of fiscal year 2007 – 2008. Although none of the approved commitments are binding unless funds are appropriated by the Legislature, there is at least an appearance of the willingness of the state to acquire real property without Legislative authorization.

Recommendations

The success of Florida's land acquisition programs is unquestioned. Preservation 2000 and its successor Florida Forever have acquired in excess of 2 million acres of environmentally important lands. The programs have been and still are national models for environmental protection.

However the purpose of this interim project is to evaluate the state's progress and make recommendations on the potential future of land acquisition efforts. In reviewing the findings, professional staff concluded there were three options for the completion of the current program and development of a successor program. These options include:

Option 1:

- Allow the Florida Forever land acquisition program to end and shift the acquisition of conservation lands to federal, local, or private efforts.
 - Such programs could be funded through various federal grants or private donations.
 - The state could still participate in the acquisition of highly valued "target" parcels that meet multiple needs. Those could be financed through one-time appropriations on an as-needed basis.
 - The state could create a land acquisition grant program funded by dedicated revenue sources such as documentary stamp taxes or by a mechanism similar to that of the City of Portland's park system development charge.
 - Converting a conservation lands acquisition program over to federal, local, or private efforts could save the state approximately \$22 million annually in debt service payments.

Option 2:

- Modification of the existing Florida Forever program to include:
 - A reworking of the entire acquisition list. The current list, although it follows statutory guidelines, does not provide any mechanism for achieving conservation goals.
 - The development of specific targets for each conservation measure so that acquisition efforts can be tracked and goals can be reached.

- The creation of additional oversight in the acquisition of mega-parcels. As identified in the Auditor General's report, there was some concern over how appraisals were obtained for the Babcock Ranch acquisition, raising the question of should it have required additional legislative oversight. The legislature could put a limit on the size or cost of certain acquisitions that do not require legislative approval thus minimizing the likelihood of departmental influence on mega-parcel appraisals.
- Limiting DSL's ability to enter into any contractual agreements with property owners without prior legislative appropriation or authorization.
- Prohibit the acquisition of or commitment to, purchase lands before adequate legislative authorization or appropriations are provided.
- An increased emphasis on using less-than-fee alternatives. Rising land values and land management issues are significant reasons to seek less-than-fee acquisitions. Types of methods could include conservation contracts, land trusts, and easement donations.
- Consideration of the effects of sea level rise on conservation lands currently in state ownership and any future acquisitions that are located at or below five feet above sea level.
- A sustained funding source for land management. Evaluate sovereignty submerged land leases to determine the potential for dedicating some portion of the lease fees to land management.
- Requiring managing agencies to take advantage of capital improvement dollars available during the time of acquisition. Closer coordination is needed between managing agencies and DSL to identify potential improvements during the appraisal process.
- Expanding land management options that allow for revenue opportunities to pay for the management of the land while not interfering with the intended purpose of the acquisition. Options can include any activities that took place on the land prior to state acquisition such as hunting and agricultural leases, or timber harvesting.
- Developing a database system to track all acquisition activity associated with Florida Forever. One agency should be charged with housing the acquisition data whether it falls on DSL, on another agency currently associated with the program, or an entity created solely for this purpose.

Option 3:

- Creation of an entirely new conservation lands program that includes:
 - Allowing for the completion of the current Florida Forever program to assess conservation land holdings.
 - Identifying additional conservation lands through scientifically definable measures such as those utilized by FNAI.

Land Acquisition in Florida

- Establishing measurable goals for each measure.
- Creating a mix of fiscally responsible funding options for the new program. Such a mix could include bonding, cash, federal grants, donations, development charges, and land trusts. Additional sources could come from the sale of surplus lands that hold minimal or no conservation values.
- Other recommendations also listed in Option 2.

