

STORAGE NAME: h1969a.nrep.doc
DATE: April 18, 2001

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
HOUSE NATURAL RESOURCES & ENVIRONMENTAL PROTECTION
ANALYSIS**

BILL #: HB 1969 (PCB NREP 01-03)

RELATING TO: Land Acquisition and Management

SPONSOR(S): Committee on Natural Resources & Environmental Protection and
Representative Harrington

TIED BILL(S):

ORIGINATING COMMITTEE(S)/COUNCIL(S)/COMMITTEE(S) OF REFERENCE:

- (1) HOUSE NATURAL RESOURCES & ENVIRONMENTAL PROTECTION YEAS 10 NAYS 0
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I. SUMMARY:

HB 1969 revises requirements relating to the disposition of state-owned surplus lands with title vested in the Board of Trustees of the Internal Improvement Fund by providing that the state, as well as county or local governments, will have the first option to purchase those lands. PCB 03 further proposes that funds from the sale of non-conservation surplus lands will be deposited into the Internal Improvement Trust Fund, and increases the acreage and market value of the state's Murphy Act lands that are automatically designated as surplus lands

HB 1969 creates the "Citizenship Conservation and Education Program" to assist the state in the management of conservation lands, and amends the Florida Forever Act to codify in statute the performance goals and measures recommended by the Florida Forever Advisory Council. Outdated provisions relating to the Cross Florida Greenways State Recreation and Conservation Area are revised, and counties or cities meeting specific population requirements are authorized to establish a mechanism to provide a dedicated funding source for the management of greenspace areas. The Office of Coastal and Aquatic Managed Areas at the Department of Environmental Protection (DEP) is given authority to govern the management of state-owned or other uplands assigned to the Office for management purposes.

HB 1969 is effective on July 1, 2001.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|------------------------------|--|---|
| 1. <u>Less Government</u> | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | N/A <input type="checkbox"/> |
| 2. <u>Lower Taxes</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

HB 1969 does not propose less government because provisions of the bill authorize state agencies to compete against local governments for the purchase of state-owned surplus lands.

B. PRESENT SITUATION:

Florida Forever Act

The 1999 Legislature created the Florida Forever program as a continuation of the popular Preservation 2000 program. The Florida Forever program is a 10-year, \$3 billion bond program for the acquisition and management of conservation and recreation lands, and to provide for capital improvements associated with Florida Forever acquisitions. Funds can be used for water resource and water supply development projects, and by the Florida Communities Trust (FCT) program. Pursuant to s. 259.105(3), F.S., up to \$300 million annually will be distributed as follows:

35 percent to the DEP

35 percent to the WMDs

22 percent to the FCT

2 percent to the Florida Recreational Development Program

1.5 percent each to the Fish and Wildlife Conservation Commission, Greenways and Trails, Division of Forestry, and the Division of Recreation and Parks programs.

The Legislature expressed concern that the Preservation 2000 program failed to include specific performance measures and goals. To measure the success of the Florida Forever Program, s. 259.105(4)(a), F.S., establishes 19 goals and a performance measure for each goal. The 1999 Legislature also created the Florida Forever Advisory Council (FFAC), composed of seven citizens appointed by the Governor and two ad hoc members of the Legislature, to recommend changes to the legislative list of goals and measures, to create new measures as necessary, to review the basic funding allocation formula, and to make other recommendations concerning the implementation of Florida Forever.

Pursuant to s. 259.0345(7), F.S., the FFAC submitted a report (approved by the Board of Trustees of the Internal Improvement Fund) to the Legislature prior to the 2001 Regular Legislative Session. The report contained recommendations for changes to the statutory goals and measures. The Legislature must take action on the recommendations, or the FFAC's proposed goals and measures (as contained in PCB 03) will automatically be implemented.

Cross Florida Greenways Recreation and Conservation Area

Management of the Cross Florida Greenways Recreation and Conservation Area, formerly the Cross Florida Barge Canal properties, was transferred to the state of Florida in 1990. The area, now managed by DEP's Office of Greenways & Trails, is managed as a multiple-use area, with appropriate recreational uses of greenways lands, and the promotion and development of resource-based activities. Local governments, under the approval of the Department of Environmental Protection, can develop and maintain fishing docks, boat launches, and other user-oriented facilities. Resource-based activities include such things as fishing, camping, hunting, boating, bicycling, nature study, horseback riding, and hiking.

The Greenways Area is approximately 110 miles and stretches from the Gulf of Mexico to the St. Johns River. It crosses a wide variety of natural habitat ranging from rivers and floodplains to ridges and uplands, and contains a variety of plant and animal species. Located within Levy, Citrus, Marion and Putnam counties, the Greenways is now home to the nation's first "Land Bridge", a shared-use trail connector over Interstate 75, that connects the east and west sides of the Greenway.

Surplus Lands

The Florida Forever Act provided procedures for the state's surplus lands to be sold to public or private entities. Lands determined to be surplus are offered first to county or local governments for a period of 90 days, at the price for which the state acquired them. If county or local governments do not pursue a purchase, state agencies have a 30-day period to acquire the surplus lands. Lands determined to be surplus are sold at the greater of the fair market value, or the price paid by the State or a water management district when the lands were originally acquired. A unit of government that acquires title to surplus lands for less than fair market value, may not sell or transfer title to any private property owner for a ten-year period. Any government unit seeking to transfer surplus land must first allow the Board of Trustees of the Internal Improvement Fund to re-acquire the lands for the price at which the Board first sold them.

Any public or private entity or person can make surplus requests. All requests are to be submitted to the lead managing agency for review and recommendation to the Acquisition and Restoration Council (ARC) created in the Florida Forever Act. Surplus requests that have not been acted upon within a ninety-day period are immediately scheduled for hearing at the next ARC meeting.

Lands not surplus are sold on the open market for fair market value. All proceeds from the sale of surplus lands are to be deposited into the funds from which the lands were acquired. If the fund no longer exists, proceeds are deposited in an account available for use by the respective land managing agencies.

Murphy Act Lands

In 1937 after the Depression, the Florida Legislature created the "Murphy Act" (Chapter 18296, Laws of Florida). The Act provided that title for lands against which there remained ad valorem property taxes more than two years delinquent, as of two years after the passage of the Act, would vest in the State.

C. EFFECT OF PROPOSED CHANGES:

HB 1969 provides the following:

- Defines “conservation lands” as lands currently managed for conservation, outdoor resource-based recreation, or archaeological or historic preservation, except for lands acquired solely to facilitate the acquisition of other conservation lands.
- Provides that the state, as well as county or local governments, may have the first opportunity to purchase surplus lands.
- Provides that funds from the sale of non-conservation lands will be deposited into the Internal Improvement Trust Fund
- Increases the acreage and appraised market value of the state’s Murphy Act lands that are automatically declared surplus lands.
- Creates the “Citizenship Conservation and Education Program” to assist the state in the management of conservation and recreation lands, and to educate residents and visitors.
- Codifies in statute the performance goals and measures recommended by the Florida Forever Advisory Council.
- Authorizes the Florida Communities Trust Governing Board to develop by rule goals to measure Florida Forever projects and acquisitions.
- Clarifies provisions relating to the Cross Florida Greenways State Recreation and Conservation Area.
- Authorizes the Office of Coastal and Aquatic Managed Areas at the Department of Environmental Protection to promulgate rules governing the management and use of state owned and other uplands assigned to it for management.
- Authorizes certain counties and cities to implement a funding mechanism for the management of greenspaces.

D. SECTION-BY-SECTION ANALYSIS:

Section 1. Amends s. 253.034, F.S., to define for “conservation lands”. Provides that for land exchanges involving the disposition of conservation lands, the Board of Trustees must determine by at least a two-thirds vote that the exchange will be a net positive conservation benefit. Exempts property conveyed by the Board to the Department of Agriculture & Consumer Services from surplus procedures or requirements. Provides that as part of a land management plan or a land use plan, managing entities will review managed lands every 5 years instead of every 3 years, to evaluate which lands are eligible as surplus lands. Authorizes the state to compete with county and local governments for a 30-day period to have the first right to purchase lands surplus by the Board of Trustees. Authorizes funds from the sale of non-conservation surplus lands to be deposited into the Internal Improvement Trust Fund.

Section 2. Amends s. 253.111, F.S., to provide exemptions from notice requirements for the sale of lands managed pursuant to the provisions of the Cross Florida Greenways State Recreation and Conservation Area.

Section 3. Amends s. 253.115, F.S., to provide that public notice and hearing requirements do not apply to lands managed pursuant to the provisions of the Cross Florida Greenways State Recreation and Conservation Area.

Section 4. Amends s. 253.781, F.S., to update Florida Statutes by conforming the name of the Marjorie Harris Carr Cross Florida Greenway State Recreation and Conservation Area, pursuant to the requirements of section 10, of Chapter 98-336, Laws of Florida.

Section 5. Amends s. 253.7821, F.S., to provide cross-reference corrections.

Section 6. Amends s. 253.7822, F.S., to repeal outdated provisions requiring the greenways managing entity to coordinate management activities with other agencies, or assume lead agency responsibility, if appropriate.

Section 7. Amends s. 253.7823, F.S., to authorize the Board of Trustees to sell or exchange surplus lands within the Greenway, and to give consideration to the sale of lands that are no longer necessary to the creation of recreational and conservation activities for which the Greenway was created.

Sections 8, 9, and 10. Amends ss. 253.7825, 253.7827, and 253.7828, F.S., to provide cross-reference corrections.

Section 11. Amends s. 253.7829, F.S., to reorganize and update provisions related to the management of lands within the Greenway.

Section 12. Amends s. 253.783, F.S., to repeal outdated provisions related to the repayment to counties for the conveyance of lands for the former Cross Florida Barge Canal project

Section 13. Amends s. 253.82, F.S., to increase the acreage and appraised market value of the state's Murphy Act lands automatically declared as surplus lands. Provides that only one appraisal is necessary for those lands to be sold. Provides the Board of Trustees with rule-making authority to implement surplus provisions.

Section 14. Creates s. 253.86, F.S., to authorize the Office of Coastal and Aquatic Managed Areas at the DEP to promulgate rules to govern the management and use of state owned or other uplands above the mean or ordinary highwater line assigned to it for management. The rules must include, but are not limited to, provisions related to prohibited or restricted activities, and establishing fees for the use of the lands.

Section 15. Creates s. 259.0324, F.S., to provide for the "Citizenship Conservation and Education Program". Establishes legislative findings and provides definitions. Provides that "conservation education providers" are organizations that currently or will provide conservation education experiences or destinations.

Provides that at a minimum, providers will be Florida non-profit corporations incorporated under the provisions of chapter 617 and approved by the Department of State. Providers must be organized and operated to conduct programs and activities, and must be consistent with the goals of the appropriate lead managing agency. Provider must be approved in writing by the appropriate land managing agency to operate for the direct or indirect benefit of publicly owned conservation and recreation lands.

Provides that agencies may permit, without charge, appropriate uses of fixed property and facilities on their conservation and recreation lands by conservation education providers. Uses may not interfere with opportunities for the general public to use the property or facilities. Authorizes the

lead managing agency to prescribe by rule conditions with which conservation education providers must comply in order to use fixed property or facilities.

Provides for equal membership and employment opportunities. Provides that agencies may use funds annually appropriated from the Conservation and Recreation Lands Trust Fund for use as state matching funds to match private donations for up to 25 percent of a project's cost.

Section 16. Amends s. 259.035, F.S., to correct a cross-reference.

Section 17. Amends s. 259.105, F.S., to codify in statute the performance goals and measures of the Florida Forever Program as recommended by the Florida Forever Advisory Council. Repeals existing statutory goals and establishes eight new goals with thirty-four measures. Authorizes the Florida Communities Trust Governing Board to adopt by rule goals to measure Florida Forever projects and acquisitions funded through the Florida Communities Trust Program.

Section 18. Amends s. 298.22, F.S., to provide the board of supervisors of any water control district with the authority to construct, manage, or authorize the construction and management of resource-based recreational facilities that may include greenways, trails and associated facilities.

Section 19. Amends s. 369.255, F.S., to authorize certain counties and cities to establish a dedicated funding mechanism to manage greenspace areas.

Section 20. Provides that the bill will take effect on July 1, 2001.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

HB 1969 increases the size and value of lands automatically designated as surplus lands. Presumably the sale of the lands will provide additional revenue for both the Conservation and Recreation Lands Trust Fund and the Internal Improvement Trust Fund.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

Local governments may see increased revenues from authorized recreational activities and uses on surplus lands purchased from the state.

2. Expenditures:

HB 1969 does not direct local governments to expend funds.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

HB 1969 does not require municipalities or counties to spend money or to take action that requires a significant expenditure of money.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

HB 1969 does not reduce the authority that municipalities or counties have to raise revenues.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

HB 1969 does not reduce the percentage of state tax revenues shared with counties or municipalities.

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

HB 1969 provides the Board of Trustees of the Internal Improvement fund with rule-making authority to implement provisions related to the sale of state owned Murphy Act lands.

HB 1969 provides agencies participating in the "Citizenship Conservation and Education Program" with the authority to adopt rules to implement the program.

HB 1969 provides the Florida Communities Trust Governing Board with rule-making authority to develop goals and measurements for Florida Forever projects and acquisitions.

HB 1969 provides the Office of Coastal and Aquatic Managed Areas at DEP with rule-making authority to promulgate rules governing the management and use of state owned or other uplands assigned to the Office for management purposes.

C. OTHER COMMENTS:

None.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

None.

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VII. SIGNATURES:

COMMITTEE ON HOUSE NATURAL RESOURCES & ENVIRONMENTAL PROTECTION:

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