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Florida Forever: A Program for Conservation Land Acquisition¹

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On June 7, 1999, Governor Jeb Bush signed a bill creating a land conservation initiative called "Florida Forever," which succeeds an earlier program known as Preservation 2000. The governor heralded Florida Forever as "the nation's most progressive effort to conserve and preserve land and natural resources."

History of Florida's Conservation Land Acquisitions

Florida's long tradition of conservation arose nearly forty years ago in response to concerns among the state's leaders that the rapid growth in population and economic activity in Florida was threatening to destroy many of the state's unique natural ecosystems. Since the 1950s, Florida's population has risen at an annual rate of approximately four percent. In the last 50 years, more than eight million acres of forest and wetland habitats (about 24 percent of the state's land area) have been cleared to accommodate the expanding population.

To ensure that some of Florida's natural areas would be protected from development, the state has implemented several programs to purchase land for conservation. Over the years, these programs have included the following:

- 1964: a \$20 million bond program to acquire outdoor recreational lands.
- 1972: an additional \$40 million outdoor recreation bond program.
- 1979: a program called the Conservation and Recreational Lands (CARL) Program.
- 1981: programs called Save Our Coast (SOC) and Save Our Rivers (SOR).

In 1990, Governor Bob Martinez appointed a blue-ribbon commission to evaluate Florida's environment. The commission conducted hearings and investigations, and reported that population growth and related development posed a continuing threat to Florida's remaining natural areas. The commission concluded in its report that "the single most effective way to accomplish large-scale gains in our environmental well being is to substantially increase the level of funding for the state's land acquisition programs."

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Preservation-2000 (P-2000)

Governor Martinez and the Florida Legislature responded by creating Preservation 2000. Preservation 2000 authorized a \$3 billion land preservation fund (based on \$300 million in yearly bonded funds over a 10-year period), approving an increase in the documentary stamp tax to pay for service on the bonds. Preservation 2000 established a mechanism for supplemental funding of existing land acquisition programs. Its funds were allocated in the following manner:

- Conservation and Recreation Lands, 50 percent.
- Water Resources, 30 percent.
- Local Government Comprehensive Plan Implementation, 10 percent.
- Wildlife Management Areas, 2.9 percent.
- State Forests, 2.9 percent.
- State Parks, 2.9 percent.
- Greenways and Trails, 1.3 percent.

During its 10-year history, the P-2000 program enabled the state to acquire one million acres of land for conservation purposes. More than 20 local governments had matched state funds to purchase environmentally sensitive lands to fulfill conservation goals.

The Conservation Amendment

As the sunset of P-2000 approached, environmental leaders in the state actively supported plans for a successor program. In 1998, the Florida Constitution Revision Commission proposed nine revisions for the ballot in statewide elections. Revision 5 was entitled “Conservation of Natural Resources and Creation of Fish and Wildlife Conservation Commission.” This constitutional amendment stated that adequate provision shall be made by law for the conservation and protection of natural resources. It authorized revenue bonds for acquisition and improvements of land and water resource areas for conservation, environmental

restoration, and historic preservation. The proposal allowed for designation of lands for natural conservation and restricted disposition of those lands. The proposal also created a constitutional Fish and Wildlife Conservation Commission with regulatory and executive powers over fish and wildlife (both game and non-game). The new commission was to replace the old Florida Game and Fish Commission. This proposal was important because the authorization for land acquisition is continuous, unlike Preservation 2000 that expired after 10 years.

Florida Forever

The Conservation Amendment was approved by 72 percent of Florida's voters in the 1998 elections. The Florida Legislature responded in 1999 by enacting Chapter 99-247, Laws of Florida, which created the Florida Forever program. Florida Forever authorized bond issues in an amount not to exceed \$3 billion over a 10-year period for the acquisition of land and water. This revenue is to be used for restoration, conservation, recreation, water resource development, historical preservation, and capital improvements on conservation lands. The money for Florida Forever, like the money that went into the Preservation 2000 program, comes from the sale of bonds that loan money to the state. The bonds are then paid back by revenues generated through an excise tax on recording certain documents (mostly real-estate transactions) at the courthouse. When the sale of a house or a piece of property is recorded, the documentary stamp tax puts money into the fund that repays bonds issued under Florida Forever.

Beginning July 1, 2002, proceeds from the bond issues are to be distributed annually from the Florida Forever Trust Fund as follows:

1. Department of Environmental Protection.
 - Florida Forever Lands, 35 percent (\$105 million).
 - Recreation and Parks, 1.5 percent (\$4.5 million).
 - Greenways and Trails, 1.5 percent (\$4.5 million).

2. Water Management Districts, 35 percent (\$105 million).
3. Florida Communities Trust, 24 percent (72 million).
4. Department of Agriculture/Forestry, 1.5 percent (\$4.5 million).
5. Fish and Wildlife Conservation Commission, 1.5 percent (\$4.5 million).

Under Florida Forever, an Acquisition and Restoration Council (ARC) has oversight responsibility for land acquisitions by the state. The ARC consists of the heads of five state agencies as follows:

1. Department of Community Affairs.
2. Department of Environmental Protection.
3. Division of Forestry of the Department of Agriculture and Consumer Services.
4. Florida Fish and Wildlife Conservation Commission.
5. Division of Historical Resources of the Department of State.

Membership on the ARC also includes four people appointed by the governor from disciplines in land, water, or environmental sciences.

Division of State Lands

The Florida Forever Lands program, administered by the Florida Department of Environmental Protection (DEP), has been allocated 35 percent of the Florida Forever funds (\$105 million per year). Land acquisition for the Florida Forever program (within DEP) is the responsibility of the Division of State Lands. The Division of State Lands performs all staff duties and functions related to acquisition, administration, and disposition of Florida Forever Lands. Title to these lands is vested in the Board of Trustees of the Internal Improvement Trust Fund, which is comprised of the governor and cabinet. Since 1980, the Division of State Lands has acquired more than 680,000 acres under the CARL program with funding provided by P-2000. Land

acquisitions by the Division will continue under Florida Forever.

Anyone may nominate a project for state purchase by the Division of State Lands under the Florida Forever program. Federal, state, and local government agencies; conservation organizations; or private citizens are project sponsors. Twice a year the Acquisition and Restoration Council evaluates and selects Florida Forever acquisition projects for the Division of State Lands. The projects are grouped in three lists as follows: full fee projects, less-than-fee projects, and small parcels projects. After projects are approved and grouped, the overall Florida Forever list is submitted for approval to the governor and cabinet (who are the trustees for the Florida Forever Trust Fund).

Upon approval by the governor and cabinet, the Division of State Lands negotiates with owners and buys lands on behalf of the people of Florida. The Division uses independent property appraisals as a basis for negotiations, but it cannot act without the consent of the governor and cabinet. The governor and cabinet oversee the entire program by approving the list of projects recommended each year by the Acquisitions and Restoration Council and by approving specific purchases.

Non-profit organizations (e.g., The Nature Conservancy, the Trust for Public Land, The Conservation Fund, and the Land Trust Alliance) sometimes play a role in helping the Division acquire land for conservation. These organizations may assist private landowners interested in offering their land for acquisition under Florida Forever. Land acquisition by the Florida Forever program is almost exclusively voluntary. The state prefers to work with willing sellers and to avoid resorting to the power of eminent domain.

Water Management

Florida's five water management districts began acquiring land for water management purposes under the Save Our Rivers program in the early 1980s. These acquisitions continued throughout the 1990s under the P-2000 program. Now, under Florida Forever, the state's five water management districts will receive 35 percent, or \$105 million, of the annual

funds from the bond issue. Since the inception of the P-2000 program, the South Florida Water Management District has acquired lands for regional ecosystem management efforts such as Kissimmee River restoration, construction of Storm Water Treatment Area filter-marshes in the Everglades, and restoration of more natural water flows to Everglades National Park and Florida Bay. The St. Johns River Water Management District, like several of the other water management districts, funds its land acquisition program with property taxes and mitigation fees, as well as with money from Florida Forever. The St. Johns Water Management District has an interest in about 530,000 acres of land through ownership, management, or conservation easement rights. The Suwannee River Water Management District has, over time, acquired 98,788 acres of river frontage and wetlands specifically for water resource purposes. The Northwest Florida Water Management District acquired 85,727 acres of generally natural wetland, transition, and upland habitat communities with P-2000 funds. All five water management districts will continue their land acquisitions programs using funds generated by Florida Forever.

Florida Communities Trust

Florida Forever allots 24 percent of bond funds (\$72 million per year) to the Florida Communities Trust. The Florida Communities Trust (FCT), which is housed within the Department of Community Affairs, helps local governments implement their comprehensive plans through the acquisition of land, using funds from P-2000, and now, from the Florida Forever Program. FCT differs from other state land acquisition programs by focusing exclusively on locally important acquisition projects. Moreover, local governments hold title and manage lands purchased with FCT dollars, unlike other state land acquisition programs. FCT has a directive to help communities buy important conservation and recreation lands that do not fit into other state funded land-buying programs. Of the total funds available to the trust and used for land acquisition, 75 percent is to be matched dollar-for-dollar by local governments.

Division of Recreation and Parks

The Division of Recreation and Parks (within DEP) will receive 1.5 percent of Florida Forever funds, or \$4.5 million per year. These funds are to be used for additions and inholdings (land purchases that complement existing recreation lands and park lands). Although only 1.5 percent of Florida Forever funds are allocated for "additions and inholdings" to the Division of Recreation and Parks, the Fish and Wildlife Conservation Commission, and the Division of Forestry, it is important to note that most of the land purchased through Florida Forever by the Division of State Lands becomes state parks, forests, or wildlife management areas.

The Division of Recreation and Parks manages 151 state park properties that encompass more than 500,000 acres of upland and submerged acres. During the 1990s, nearly 100,000 acres and 13 park properties were added to the state park system as a direct result of P-2000 funding.

Fish and Wildlife Conservation Commission

The new Fish and Wildlife Conservation Commission will also receive 1.5 percent (\$4.5 million per year) from Florida Forever. Although the Commission manages private lands as part of its Wildlife Management Area System, only additions or inholdings to public lands under Commission management were acquired through the Preservation 2000 program. The Commission emphasizes acquisition of lands that are critical to wildlife management areas, fish management areas, and wildlife and environmental areas; lands that are critical to protection of rare and endangered fish and wildlife; lands that provide additional opportunities for fish and wildlife related outdoor recreation including hunting and fishing; and lands that aid public access to Commission-managed lands. Under P-2000, the Commission acquired about 30,827 acres at a cost of \$32.7 million. As of July 1998, the Commission's approved acquisition list consisted of 43 projects totaling over 115,000 acres.

Division of Forestry

The Division of Forestry (DOF) of the Department of Agriculture and Consumer Services

will receive 1.5 percent (\$4.5 million) annually under Florida Forever. The DOF is the lead manager of 36 state forests, which total 745,949 acres. Of this, 43,516 acres had been acquired under the inholdings and additions program of P-2000 by 1998. The Division estimates a need to acquire an additional 81,000 acres to improve the management of state forests or to protect important natural resources. The DOF pursues those properties that have willing sellers, and are completely surrounded or are adjacent to a state forest.

Office of Greenways and Trails

The Office of Greenways and Trails (OGT) in the Department of Environmental Protection is slated to receive 1.5 percent of Florida Forever funds (\$4.5 million per year). The OGT was created initially to manage the Cross Florida Greenway State Recreation and Conservation Area, a 100-mile long corridor that was intended for barge transportation across Florida. After the barge canal project was de-authorized, these lands were later returned to the state for the development of a multiple-use recreational corridor. The OGT also manages the Florida Greenways and Trails System. The Florida Recreational Trails Council, which is staffed by the OGT, acts as the advisory body to the DEP on recreational trail issues. The OGT works in conjunction with the Florida Greenways Coordinating Council (FGCC), a council appointed by the governor, speaker of the house, and president of the senate to advise DEP in establishing a statewide greenways system. Under P-2000, the OGT developed a number of recreational trails such as the Cross Seminole Trail (which traverses Winter Springs, Oviedo, and Winter Park) and the Pinellas Trail (which winds through 33 miles of highly developed Pinellas County).

References

The information for this fact sheet was gleaned from several web sites. A good site for further information and for links to other sites is http://www.dep.state.fl.us/lands/carl_ff/index.htm.