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Florida's Landmark Programs for Conservation and Recreation Land Acquisition

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The State of Florida has had a long and successful history of purchasing land to conserve its unique natural and cultural resources. Buoyed by phenomenal support from the general public, Florida's Legislature, with the support of a succession of both Democratic and Republican governors, has enacted a series of well-funded programs over the past half century that have resulted in the purchase and protection of over six million acres of conservation lands. When combined with substantial federal conservation lands in Florida (including large military bases) and holdings by local governments, Florida has almost ten million acres that are managed for natural resource protection and for resource-based recreation. This is approximately 30 percent of our total land area. Since 1990, we have had an annual land acquisition budget of \$300 million, far exceeding that of any other state or even that of the Federal government for use in all fifty states.

The popular and political support for environmental protection in Florida stems from three primary factors. First, because of its high rate of population growth – over 18 million residents with a net population increase of 960 each day or 350,000 each year – natives and immigrants alike have witnessed the destruction of natural areas that they once took for granted. Second, Florida's natural environment provides the foundation for its annual \$57-billion dollar tourism industry; destruction of our natural environment would seriously harm our state's economy. Finally, environmental protection is beginning to be seen as important economically in its own right both as a means of containing urban sprawl, with its concomitant costs to local governments for providing infrastructure away from population centers, and as an amenity for new development. Because our rapid development is the cause of destruction of our natural areas, funding environmental land acquisition for the past several decades has been predominantly through collection of documentary stamp taxes paid on all real estate transactions.

Land Acquisition 1963 – 1990

Although we do not wish to dwell on the history of environmental land acquisition in Florida, a brief overview is instructive. Our programmatic history illustrates the evolution of the manner in which lands are selected for acquisition and the type of funding sources we have used over the past several decades.

Prior to 1963, Florida had no established acquisition programs. All acquisitions were the result of either direct legislative line-item appropriations for specific parcels or donations from private individuals or the federal government. The latter included several depression-era Civilian Conservation Corps projects that are now our oldest State Parks. In addition, the Florida Division of Forestry purchased over 300,000 acres that are now part of our system of State Forests, and the Florida Fish and Wildlife Conservation Commission purchased over 120,000 acres that are now part of our system of State Wildlife Management Areas.

Land Acquisition Trust Fund (LATF)

In 1963, the Florida Legislature began the first of a series of land acquisition programs for conservation and recreation purposes, all with dedicated funding sources. The Land Acquisition Trust Fund (LATF) was created to fund a newly-created Outdoor Recreation and Conservation Program, designed primarily to purchase land for parks and recreation areas. The source of funds was a five percent tax on outdoor clothing and equipment, including bathing suits, which generated approximately \$1.5 million per year. This was an attempt to fund the program through a tax paid by people who would use the lands after they were purchased. Lands proposed for acquisition were selected by staff of the Division of Recreation and Parks in the Florida Department of Natural Resources (FDNR, now part of the Florida Department of Environmental Protection), with a final list approved by the Executive Director of FDNR.

The tax on outdoor clothing and equipment proved to be very unpopular, referred to derogatorily as the “bathing suit tax.” In 1968, the Florida Legislature did away with the tax and began funding LATF through the sale of recreation bonds in the amount of \$20 million. These bonds were paid for through funds collected from documentary stamp taxes paid on real estate transactions. Thus, the funding was switched from a tax on potential users of conservation and recreation lands to taxes on real estate transactions and financial documents (i.e., mortgages and other loans, stocks, bonds, etc.). The development that was causing a loss of open space in Florida thus became the source of funds for conserving that open space.

Environmentally Endangered Lands Program (EEL)

In 1972, the Florida Legislature passed the Land Conservation Act, which created the Environmentally Endangered Lands (EEL) program. Later that year Florida voters approved a ballot referendum that authorized the sale of \$200 million in EEL bonds and another \$40 million in recreation bonds. Debt service on the bonds for both programs

continued to be paid from proceeds of our documentary stamp tax on real estate transactions.

The EEL program was designed specifically to protect environmentally unique and irreplaceable lands in the state and was not designed to have outdoor resource-based recreation as its primary goal. Proposals for acquisition of specific properties could come from any source and included individual citizens, government agencies, non-profit organizations, and local governments. All projects were evaluated by staff from as many as twelve environmental departments and divisions, and, after field inspections of sites that passed an initial screening and public hearings to hear input from interested parties, department and division heads prepared a ranked list of projects based on the environmental resources. Recommendations were made to the Executive Director of the Department of Natural Resources, who made the final administrative decisions as to which parcels of land to purchase and how to appraise and negotiate the property, with final purchases being approved by Florida's Governor and an independently elected Cabinet.¹

Conservation and Recreation Lands Program (CARL)

Partly in response to a major scandal in which the Executive Director of the Florida DNR was convicted of taking kickbacks from one acquisition transaction, the Florida Legislature replaced and expanded the EEL program in 1979 with the creation of the Conservation and Recreation Lands (CARL) Program. The CARL Program and its authorizing statute (originally Chapter 253, Florida Statutes, but now included in Chapter 259) called for a recurring revenue stream (instead of bond revenues) and significantly altered the administration and oversight of land acquisition activity. From 1979 until 1987, the CARL Trust Fund received funds from an excise tax on mineral extraction (primarily phosphate, but also oil, gas and other solid minerals). From 1987 through 1990, it also received funds from documentary stamp taxes on real estate transactions. From 1979 through 1990, the CARL Program protected approximately 181,000 acres of conservation and recreation lands at a cost of nearly \$356 million.

The significant administrative changes in the Conservation and Recreation Lands Act persist in concept to this day. They included the creation of the Land Acquisition Selection Committee (later renamed the Land Acquisition Advisory Council, then the Land Acquisition and Management Advisory Council when it added the role of overseeing management planning on conservation lands), consisting of six environmental agency heads, to select and rank projects, with the final lists presented directly to our Governor and Cabinet. The Committee consisted of the Executive Directors of the Department of Natural Resources and the Florida Game and Fresh Water Fish

¹ Prior to 1999, Florida had six independently elected Cabinet members: Secretary of State, Commissioner of Education, Commissioner of Agriculture, Insurance Commissioner, Treasurer, and Attorney General. Constitutional revisions approved by voters in 1998 reduced the number to three: Attorney General, Commissioner of Agriculture and Chief Financial Officer, the latter combining the duties of the former Treasurer and Insurance Commissioner. The Secretary of State and Commissioner of Education are now appointed by the Governor.

Commission, the Directors of the Division of Historical Resources and the Division of Forestry, and the Secretaries of the Department of Environmental Regulation and the Department of Community Affairs, the latter being the state land planning agency and containing the Division of Emergency Management². The Governor and Cabinet could accept or reject the entire list or vote to remove individual projects, but they could not alter the acquisition priorities recommended by the Committee.

The other significant administrative changes accompanying the CARL Program were the establishment of the Division of State Lands within the DNR and its separate bureaus for mapping, appraisal and negotiation of acquisitions. Procedures for appraisal, negotiation, and closing were spelled out in detail, with sufficient checks and openness to ensure that there could be no further illegal activities in the acquisition process.

Save Our Coast (SOC)

There were two significant expansions to Florida's ability to purchase conservation lands in 1981, both at the urging of Governor Bob Graham. The first was authorization by the Florida Legislature to sell \$275 million in bonds to purchase lands along Florida's coast, and the second was establishment of the Save Our Rivers program (see below). The debt service on the bonds for coastal land acquisition was paid from documentary stamp taxes dedicated to the LATF program. Although known as the Save Our Coast (SOC) Program, the program for purchasing coastal lands was implemented as part of the LATF Program, which had been reduced to purchasing only small parcels and inholdings and additions to State Parks after the creation of the CARL Program. Save Our Coast was a response to the growing awareness that Florida's beaches are an important recreational asset vital to our tourist economy and the realization that coastal lands were being lost to development at a rate disproportional to loss of other lands. The SOC program resulted in the purchase of more than 73 miles of coastline, a total of more than 73,000 acres, and significantly increased the number of State Parks conserving our valuable coastal resources and providing invaluable recreational opportunities for residents and tourists.

Save our Rivers (SOR)

The State of Florida is divided into five Water Management Districts (WMD) based loosely on major river drainage basins in the state. The Districts are agencies of the state, each overseen by an executive director who answers to a governing board appointed by the Governor. In 1981, the Florida Legislature created the Water Management Lands Trust Fund, also funded from documentary stamp tax revenues from real estate transactions, for the acquisition and restoration of water resources. The funds for this Save Our Rivers (SOR) Program were distributed among the five Water Management Districts based roughly on relative population within the districts: 30 percent to the

² In 1993, the Department of Environmental Regulation and the Department of Natural Resources were combined to form the Department of Environmental Protection (DEP). The DEP had two representatives on the Land Acquisition and Management Advisory Council, one representing the old DNR land acquisition/land management side of the agency, the other representing the water resource and permitting side of the agency.

South Florida WMD, 25 percent to Southwest WMD, 25 percent to St. Johns River WMD, 10 percent to Suwannee River WMD, and 10 percent to Northwest Florida WMD. Funding for the SOR program has been significantly increased since 1990 (see below), with the result that the five Districts have now purchased more than 1.7 million acres of land through this program. Land acquisition for the much-publicized restoration of the Florida Everglades has been funded to a great extent from the SOR program of the South Florida WMD. Title to lands purchased with SOR funds is held by the Districts, not the state.

Preservation 2000 (P-2000) – 1991 - 2000

In 1989, Governor Bob Martinez appointed a Commission on the Future of Florida's Environment to examine threats to Florida's environmental health and suggest potential solutions. The Commission realized that Florida's then-current pace of acquiring conservation lands was not occurring fast enough to keep up with our rapid population increase and concomitant development pressure. There were already more projects on state and regional acquisition priority lists than could be purchased under existing funding levels, and there were many more areas of the state with significant natural communities and listed species that had not yet been proposed for acquisition. Commission staff estimated that there was an unmet acquisition need of more than \$5 billion. The Commission also recognized that land prices were escalating faster than the rate of inflation and that it would be advantageous to sell long-term bonds to fund land acquisition rather than to rely on the year-to-year collection of documentary stamp taxes. They recommended that the state begin a much more aggressive program of land acquisition to protect more of the state's natural environment before it was lost to development.

With the support of the Governor, the Florida Legislature responded in 1990 with passage of the landmark Preservation 2000 Act. This act anticipated the sale of \$3 billion in bonds over a ten-year period, \$300 million per year, from 1991 – 2000. The funds were to be given to the CARL program (50 percent), the Save Our Rivers programs of the five water management districts (30 percent), a newly-created Florida Communities Trust aimed at helping local governments (10 percent), 2.9 percent each to the Division of Recreation and Parks, the Florida Game and Fresh Water Fish Commission, and the Division of Forestry to purchase inholdings and additions to State Parks, Wildlife Management Areas and State Forests, respectively, and finally 1.3 percent for recreational trails. The CARL and SOR programs continued to operate essentially as they had in the past, only with a substantially larger budget. The Rails to Trails Program³ and the three Inholdings and Additions Programs established their own internal agency procedures for selecting lands to be purchased. The Florida Communities Trust, however, was an entirely new program that needs a bit of explanation.

³ Rails to Trails later evolved into our current Greenways and Trails Program

Florida Communities Trust (FCT)

In 1985, the Florida Legislature enacted a significant Growth Management Act that required all local governments in Florida (counties and incorporated municipalities) to prepare a detailed Comprehensive Plan, backed by extensive data and analysis, with goals, objectives and policies to guide development, provide infrastructure, protect natural resources, and provide resource-based recreation for their citizens. The statewide oversight and approval of these comprehensive plans is a function of the Florida Department of Community Affairs.

The Florida Communities Trust (FCT) was actually established in 1989, but it did not receive funding until passage of the Preservation 2000 Act. The program is housed in the Department of Community Affairs and was designed to assist local governments in implementing the conservation, recreation and open space, and coastal elements of their comprehensive plans. Although the enabling legislation contemplates a broader function, funds from P-2000 were restricted to acquisition of lands in furtherance of outdoor recreation and conservation, and not other activities related to local government assistance not directly related to land acquisition.

FCT has a governing board consisting of the Secretaries of the Department of Community Affairs and the Department of Environmental Protection, plus four members appointed by the Governor. Applications for projects may come only from local governments or non-profit organizations, and they are scored using a numerical scoring system that evaluates not only the quality of the natural resources on sites, but also how well the projects satisfy requirements of the local governments' comprehensive plans. Local governments are expected to provide matching funds for land acquisition, although smaller governments are exempt from this requirement. Title to lands purchased through FCT is held by the local government with a reverter clause in the deed that gives title to the state if the local government does not manage the land for the purpose for which it was acquired.

Florida Forever – 2000 to the Present

Preservation 2000 was a phenomenal success. Florida was able to preserve almost two million acres of land for conservation and resource-based recreation through the many programs it funded. We made substantial headway in protecting the state's natural heritage for the future, but it was clear that many plant and animal species and several different natural vegetative communities would still be lost if we did not devote more resources to their protection. There had already been talk among environmental groups of a successor to Preservation 2000, but it became clear in 1998 that the general public also supported continued funding for land acquisition.

The 1968 Florida Constitution required that a Constitution Revision Commission meet in 1978 and again in 1998 to evaluate the Constitution and suggest revisions. The 1998

Commission proposed several substantial changes to our Constitution that would be put before the voters in November, 1998. The one that is relevant to this discussion was Amendment 5, which, among other things, extended indefinitely the state's ability to sell bonds to finance environmental land acquisition and created a more difficult test for the disposal of land purchased for conservation purposes, thereby attempting to ensure that what is bought for conservation, stays in conservation. Even though Florida was becoming increasingly conservative and "property rights" was a frequent topic of discussion, 72 percent of Florida's electorate voted to approve Amendment 5. It was clear that the citizens of Florida were fully behind continued protection of our dwindling natural resources.

The groundwork for a successor program began under Governor Lawton Chiles, and in 1999, the Florida Legislature passed the Florida Forever Act with the support of Governor Jeb Bush. Florida Forever resulted in a major revision and replacement of the Save our Rivers and CARL Programs, which we now call the State and Water Management District Florida Forever Programs, respectively, while continuing funding to the Florida Communities Trust, the three Inholdings and Additions programs, and Greenways and Trails. As did its predecessor, Florida Forever authorizes the sale of up to \$300 million in bonds for ten years, but distributed differently than under Preservation 2000. The Florida Forever Program that replaced CARL receives 35 percent, another 35 percent is divided among the five water management district programs, Florida Communities Trust receives 22 percent, each Inholdings and Additions program receives 1.5 percent, as does Greenways and Trails. The final 2 percent goes to the Florida Recreational Development Assistance Program to fund development of recreational facilities.

The Florida Forever Act made several changes. There is a greater focus on urban and community parks, as illustrated by the increase in funding to Florida Communities Trust. There is a greater emphasis on protecting water resources and water supply, and there is a new emphasis on purchasing conservation easements on lands that do not necessarily need to be held in fee title by the state. Unlike Preservation 2000, Florida Forever allows bond funds to be used for facilities development, for ecological restoration and invasive exotic plant removal, and for conducting species inventories and land management planning. Finally, the Florida Forever Act provides for land management funding through the CARL and SOR trust funds.

The Florida Forever Act set out several specific goals to guide land acquisition throughout the state through its several programs. They include coordination and completion of projects unfinished under previous programs, emphasis on protecting Florida's biodiversity and protecting, restoring and maintaining natural ecological functions. It also calls for ensuring that the state has sufficient quantities of groundwater. There is continued recognition of the need to provide recreational and educational opportunities for citizens and tourists, to protect archaeological and historic sites and to provide forest land for sustainable management. Finally, there is a goal to provide more urban open space.

Unlike earlier statutes governing environmental land acquisition in Florida, the Florida Forever Act provides 34 performance measures under its eight goals. Three deal with acquisition coordination and completion, six are concerned with protecting biodiversity, eleven cover ecological restoration and ecosystem protection, three are concerned with quantities of water, three with public recreation, two with archaeological and historical resources, four with sustainable forestry, and two with urban open space. We are now required to identify priority areas for satisfying these goals and measures and determine the number of acres we have acquired that fulfill each measure. There is thus much more legislative guidance directing land acquisition.

The Florida Forever Act also replaced the old Land Acquisition and Management Advisory Council (LAMAC) with a new nine-member Acquisition and Restoration Council (ARC). This new Council has the heads of the five agencies that were on LAMAC (minus the double representation of the Department of Environmental Protection) plus four private citizens with an environmental background appointed by the Governor.

Project Evaluation and Selection

We will now explain the process by which lands are chosen for purchase under the Florida Forever Program and how the lands are actually purchased. This process has remained basically unchanged since the inception of the CARL program in 1979, although there have been a few substantive changes that we will explain below. We will also introduce our land management planning process.

From 1979 – 1990, the CARL program had one selection cycle per year. We increased this to twice per year under Florida Forever. Anyone may submit an application to ARC to have a project considered for acquisition. We have routinely received applications from private landowners, real estate agents and other representatives, state and federal agencies, local governments, water management districts and conservation groups. The application form and various support materials are available online at www.floridaforever.org. It is very important to note that our program depends on landowners who are willing to have their property considered for purchase by the state. Prior to an application being submitted, all landowners must be contacted by the applicant, and an owner's property must be removed from a project boundary if the owner requests it.

After the application deadlines of January 1 and July 1 of each year, all submittals are distributed to the nine ARC members and to the Florida Natural Areas Inventory (FNAI). FNAI is our state natural heritage program, part of a nationwide Heritage Network that gathers and organizes information relating to the biodiversity of each state (Stein et al., 2000). FNAI provides initial resource information from their databases for each of the new projects. Based on the application materials, FNAI data, and, very importantly, a public hearing with input from citizens, environmental groups, project sponsors and others, ARC members perform an initial evaluation of each new project. If a minimum

of five members vote in a public meeting to move the project forward, it then moves to a more detailed evaluation.

The Florida Natural Areas inventory has developed an iterative modeling tool called F-TRAC (Florida Forever Tool for Efficient Resource Acquisition and Conservation) for identifying projects that contribute the most toward satisfying our conservation needs (Oetting et al., 2006). The model incorporates species, natural communities, high quality watersheds, wetlands and sustainable forestry. It is run every six months in conjunction with each new application cycle and takes into account land currently in public ownership, land in existing projects, and lands proposed for acquisition. Because it evaluates unprotected land in relation to land that we already own, the relative importance of unbought parcels may change as new land is purchased and resources that were underrepresented in our inventory become better protected through public ownership.

The Florida Natural Areas Inventory plays a critical role in the next steps of project development. After a project passes the initial vote, FNAI staff recommend a project Resource Planning Boundary that may vary from the boundaries proposed in the initial application. Property may be added to the Resource Planning Boundary if there are tracts with significant natural resources adjacent to the original proposal or if it makes sense to include entire ownerships when only partial ownerships were proposed. They may also delete areas with known disturbances or development or even recommend that only a part of an ownership be pursued.

After the Resource Planning Boundaries are determined, FNAI and agency staff perform site visits and write a detailed evaluation of the project. The project evaluations contain descriptions of the vegetative communities, listed species found on the property, descriptions of groundwater and surface water resources, historical and archaeological resources, recreation potential, a proposed management concept and suggested managing agency, and recommendations regarding phasing and whether all or part of the project would be appropriate for a conservation easement or should be bought outright.

The completed project evaluations are distributed to the ARC members, who then hold a second public hearing on the projects before a second vote to approve the projects to an acquisition list. Those projects that receive at least five affirmative votes are then voted onto either an "A" or "B" list. "A" list projects are those considered most important for acquisition and may be pursued by the acquisition staff of the DEP Division of State Lands. "B" list projects are a lower priority and may only be worked on if the state can pay no more than 50 percent of appraised value. To be purchased, these projects typically require matching funds from a local government or water management district partner. The cost to purchase all of the projects on our acquisition lists has always substantially exceeded our acquisition budget, so some sort of prioritization is essential.

The separation of projects into two lists, basically high and low priority, is a new phenomenon under Florida Forever. Under the CARL program, from its inception through the end of Preservation 2000, we ranked projects from highest to lowest priority

and developed acquisition work plans based on the relative ranking of individual projects. There was much more certainty about which projects would be worked on in any given fiscal year, but less of an opportunity to respond to changes in landowner willingness to sell, imminent threat of development, and other contingencies unforeseen at the time of ranking. Each method has its advantages. With a formal ranking of the projects from highest to lowest priority, the Council had more of a direct input into acquisition priorities. By lumping projects into just two groups, within which all projects are equal, acquisition priorities are determined to a much greater extent by staff of the Division of State Lands. Ranking reduces the ability to exert political or interest-group influence on which projects are pursued.

We should note that a project may range from a tiny site of less than ten acres (e.g., to protect a historical site like the Key West Customs House or a localized natural resource like a Southeastern Bat maternity cave) to one of more than 200,000 acres (e.g., the Tate's Hell Swamp in Franklin County). They may have one or a few landowners, as is the usual case, to more than 20,000 owners, as was the case in our Save Our Everglades project, which included thousands of individual platted lots in the Southern Golden Gate Estates. Projects are not necessarily designed to be completed in a single year, and some larger projects may take more than two decades to complete (e.g., a large landscape project in the Wekiva River basin in Orange, Seminole and Lake counties, or the Save Our Everglades projects). We are not always successful in negotiating purchases of lands that we consider important, but by maintaining essential parcels on our acquisition list, we are able to respond if an owner's willingness to sell changes or the ownership itself changes. If a parcel within a project is lost to development, we can reevaluate our priorities within a project to determine if the project is still worth pursuing or if priorities within the project need to be adjusted.

The final step in creating the acquisition lists is approval of the final "A" and "B" groupings by our Governor and Cabinet. As with the CARL program, the Cabinet may approve or reject the list or remove individual projects, but it may not move projects from "A" to "B" or vice versa. The lists are submitted in the form of an Annual Report and Interim Report, both of which include project summaries, purposes of acquisition, management concepts, and other pertinent information. By approving the report, the Governor and Cabinet approve both the groupings of projects into two lists as well as the rationale for their inclusion as acquisition projects and the determination of how they will be managed.

Steps to Acquisition

The actual acquisition process occurs in several discrete steps spelled out in detail in Chapter 259, Florida Statutes, and by administrative rule.

After a project is approved by the Governor and Cabinet, and if it is deemed to be sufficiently important for acquisition to begin on at least one of the ownerships within the project, it is given to our Bureau of Survey and Mapping for title research and preparation of an appraisal map. The appraisal map is not a survey, but rather is based on plats, aerial

photointerpretaion and other information available from public records. It typically delineates wetland and upland acreages, known easements on the property, and any other features that might affect the value of the land.

The completed appraisal map is then given to the Bureau of Appraisal. Appraisals are conducted by private-sector professionally-licensed property appraisers under contract to the state. For parcels whose value is estimated to be \$1,000,000 or less, one appraiser is used. For parcels valued above \$1,000,000, two independent appraisers are used. Their appraisals are then submitted to a third review appraiser, also under contract to the state, who evaluates the work to ensure compliance with statutory and rule requirements and to make a professional judgment as to the suitability of comparable sales and other factors. The review appraiser then submits the finished report to the Bureau. If the higher of two appraisals exceeds the lower by more than 20 percent, a third appraiser may be asked to provide another opinion. The higher of the two appraisals or the higher of the two closest appraisals in the event of a third appraisal becomes the maximum price that we are allowed to pay for the property unless a majority of the Governor and Cabinet votes to exceed that maximum. Under Florida law, the results of the appraisals and the establishment of the maximum price we can pay *are not revealed to the potential seller until two weeks prior to the meeting of the Governor and Cabinet at which approval of the purchase will be considered.*

The appraisal results are given to an acquisition agent in our Bureau of Land Acquisition. The agent then develops a negotiation strategy that must be approved by management. This strategy spells out the opening offer and the maximum that we will offer. The Governor and Cabinet typically do not like to pay the full appraised value of property, so the Bureau must balance the importance of the resources we wish to protect with the insistence by our elected officials that we negotiate a good deal for the State. Each step in the negotiation itself (initial offer, counteroffers and final agreed upon price) is done in writing. When the negotiations are complete, the acquisition agent, with our legal staff, prepares a contract for sale that must be agreed to by both parties.

We must emphasize that Florida's acquisition programs depend on willing sellers. Although we have the statutory authority to use the power of eminent domain to acquire conservation land under certain circumstances, we have only done so very rarely, and then very reluctantly. In the vast majority of cases, if an owner is unwilling to sell his or her land, we will not pursue it.

If the final negotiated purchase price exceeds \$250,000, the acquisition must be approved by the Governor and Cabinet at one of their biweekly public meetings. The Cabinet and their staff receive agenda packages with details of the property being acquired, assignment of a manager, negotiation steps, final price, and the results of the appraisals. It is at this time that the maximum price the state could pay is revealed publicly.

When the Cabinet approves the purchase, the acquisition package then goes to our closing agents. It is at this time that a final survey is done, any title problems are resolved, and an environmental site assessment is performed to identify and remove any

potential hazardous substances on site. The survey determines the final acreage, and the purchase price is adjusted to reflect deviations from the acreage estimated from the original appraisal maps. Finally, the state pays the landowner and takes title to the property.

The final step in the acquisition process is to lease the property to the designated manager of the property. This is done by the Bureau of Public Land Administration, which oversees all property the state owns, including conservation lands, submerged lands, and any other land owned by the state for other purposes (schools, prisons, state office buildings, etc.).

Management of State Conservation Lands

Every parcel of state-owned conservation and resource-based recreation land must have a manager assigned to it. We have four primary land managers within the state system. The Division of Recreation and Parks within DEP manages our state park system, which includes state parks, state recreation areas and state preserves. The Office of Coastal and Aquatic Managed Areas, also in DEP, manages aquatic preserves, our three National Estuarine Research Reserves and the Florida Keys Marine Sanctuary. The Division of Forestry, housed in the Department of Agriculture and Consumer Services, manages the state forest system. Finally, the Fish and Wildlife Conservation Commission (formerly the Game and Fresh Water Fish Commission, but now merged with the former Marine Fisheries Commission) manages Wildlife Management Areas, with an emphasis on hunting, and Wildlife and Environmental Areas, with an emphasis on protecting listed species. The Division of Historical Resources within the Department of State also manages a few historical and archaeological sites around the state, and DEP's Office of Greenways and Trails manages the Cross Florida Greenway State Recreation and Conservation Area. .

The purpose for which a project is purchased is identified as part of the project evaluation process, and the manager is confirmed by the Governor and Cabinet when the acquisition is approved. After receiving a lease from DEP's Bureau of Public Land Administration, the land manager has one year to develop a management plan for a new management unit or an amendment to the management plan of an existing unit. The management planning process involves holding public meetings in which citizens living near the park, forest, preserve, reserve or wildlife area are given the opportunity to participate in deciding how a parcel will be managed.

The management plans themselves identify in much greater detail the natural resources on the site, outline the management needs of the site and how those needs will be addressed, provide site plans for any proposed development (cabins, camping areas, ranger residences, trails, roads, bathhouses, etc.), and provide an estimate of the amount of funding and personnel that will be needed for optimal management of the site. Upon completion, the management plan must be submitted to and approved by the Acquisition and Restoration Council, who ensure that the sensitive natural resources on the property will be protected.

Land Management Review Teams

As part of an ongoing process to provide accountability to the public for proper management of state-owned conservation lands, the 1997 Florida Legislature added a new process to inspect parks, forests, wildlife areas and buffer preserves to ensure that they are being managed appropriately in accordance with their acquisition purposes and management plans. The Department of Environmental Protection is responsible for establishing regional Land Management Review Teams to inspect and evaluate management of units of our state-owned conservation lands inventory. The review teams consist of an individual from the county or local community in which the parcel or project is located and who is selected by the county commission in the county which is most affected by the acquisition; individuals from the Division of Recreation and Parks, the Division of Forestry, and the Fish and Wildlife Conservation Commission; an individual from DEP's district regulatory office in which the parcel is located; a private land manager, a member of the local soil and water conservation district board of supervisors; and a member of a conservation organization.

The review teams are required to visit and report on all of our management units greater than 1000 acres in size every five years and may also inspect smaller units as time permits. We currently have approximately 485 State Parks, State Forests, Wildlife Management Areas, State Buffer Preserves, and other environmental and cultural management units in Florida (including several jointly owned with local government, water management district, and other partners), of which 148 are greater than 1000 acres in size. All 148 of these have been inspected at least once, and we are in the process of visiting all of them a second time. We have also inspected approximately 40 of the smaller units.

The Department of Environmental Protection compiles the results of the site inspections into an annual report for the Governor and Cabinet. Prior to being presented to the Cabinet in October, DEP staff also makes a presentation at a public meeting of the Acquisition and Restoration Council. Members of the general public have an opportunity to comment on Land Management Review Team findings at both the ARC and Cabinet meetings.

Management Funding

Funding for land management prior to Preservation 2000 was historically from a hodge-podge of individual trust funds (State Park Trust Fund, Division of Forestry's Incidental Trust Fund, State Game Trust Fund, etc.), unpredictable general revenue appropriations to individual managing agencies, and various other state and federal funds. We were often criticized, perhaps fairly, for purchasing more land than we were able to manage. Certainly management needs exceeded the available funding. It was also difficult for managing agencies to begin to take care of newly-acquired lands and open them to the public because they could not get management money until the next time the legislature was in session.

Management funding became more timely and more stable under Preservation 2000 with a system that continues today. First, with the majority of acquisition funds now coming either from the sale of bonds or directly from general revenue, the old CARL Trust Fund began to be used as a source of funding for land management. Bond funds cannot be used for land management. The old mixture of trust funds and other assorted funds still exists, but there is now a more reliable recurring source of revenue for land management.

The management funds are distributed among managing agencies in accordance with the number of acres they manage, weighted by the intensity of management required by some sites. In particular, the Division of Recreation and Parks receives three times the amount per acre for managing state parks, which typically require more infrastructure and facilities development, more personnel, and more active supervision of visitors. At the beginning of each fiscal year (July 1 of each year), 90 percent of available long-term management funds are distributed among the managing agencies for ongoing management of their lands. Ten percent is held in reserve for managing historical resources and for any special management needs. Any funds from this reserve that are not spent by April 1 of each year are distributed among all managing agencies based on the weighted formula used at the beginning of the fiscal year.

We have also instituted a procedure for allocating interim management funds to land management agencies as soon as they execute their lease from the Division of State Lands. These interim management funds allow the managing agencies to begin taking care of their lands as soon as they receive them in their system rather than having to wait until the lands are included in the next round of long-term management fund allocation. Immediate needs typically include fencing and various activities necessary to prepare a site to accept visitors.

There are still insufficient management funds for ideal management of all of our conservation lands, as outlined in the long-term plans for site development and management in individual land management plans, but we have significantly improved management funding since enacting the Preservation 2000 Act. Although funding shortages are still the primary reason that our parks, forests, wildlife areas and buffer preserves are not managed to their full potential, all of our conservation lands are being adequately managed in conformance with the reasons for which we bought them, and all are open to the public.

Local Governments

We could not tell a complete story of successful land acquisition programs in Florida without mentioning the extraordinary role of local governments. Since 1972, 29 of Florida's 67 counties, eight municipalities, and the Lake County Water Authority have developed their own local land acquisition programs. Most of these have resulted from local referendums in which citizens have voted overwhelmingly to increase their sales taxes or property taxes to fund land acquisition and management. Much of the incentive for these programs has come from the ability of local governments to receive matching

funds from state programs like CARL, Florida Forever the Florida Communities Trust and Water Management Districts to assist in purchasing lands of local and regional significance. Local governments in Florida have raised more than \$2 billion and have been responsible for the purchase of approximately 375,000 acres of conservation and resource-based recreation lands, an astonishing feat in this era of tax reform and private property rights.

Conclusions

Florida continues to lead the nation in purchasing property to protect natural resources and provide resource-based recreation. Our programs have been successful for many reasons, the most important of which is the enthusiastic support, even demands, of our citizenry, who do not have to live in Florida for very long to notice treasured areas being lost to development at the alarming rate of 165,000 acres each year (an average of 453 acres daily) and who are keenly aware of the need to preserve our natural areas to provide a basis for our tourism-based economy. Our political leaders have recognized the popularity of natural resource protection and have responded with a series of land conservation programs spanning more than four decades. Funding for our programs has been based primarily on activities that have resulted in the need for conservation: documentary stamp taxes on real estate transactions, which are becoming increasingly numerous as development continues, and severance taxes on environmentally damaging mineral extraction activities.

Our programs invite public participation throughout the process, beginning with the ability of anyone to submit an application, through the project evaluation and selection process, the development of management plans, and oversight of how the lands are managed. There are public conservation and resource-based recreation lands in each of our 67 counties, with large tracts accessible to all citizens within relatively short distances. Our citizens have clearly been rewarded for their support and participation with a myriad of conservation lands available for their enjoyment.

Finally, and most importantly, we have been successful in preserving for posterity a substantial portion of our natural heritage. Our natural lands contain hundreds of listed species, our most imperiled vegetative communities, significant cultural and historical sites, watersheds and water recharge areas. Our lands contain rivers, lakes, springs, beaches, central Florida scrub, north Florida sandhills, significant wetlands, and an incredible variety of upland habitats. They provide us a myriad of recreational opportunities, including nature study, camping, hiking, swimming, canoeing, hunting and fishing. Our 159-unit system of State Parks has twice been awarded the National Recreation and Parks Association's Gold Medal Award, honoring Florida as the Nation's "Best State Park Service." Through our environmental land acquisition efforts we are able to embark on restoration of large natural areas like the Florida Everglades and north Florida longleaf pine habitat. Our citizens, their descendents, and our visitors have all gained a heightened quality of life.

Jim Farr began working with Florida's land acquisition programs in 1989 as Department of Community Affairs staff person to the CARL program. In 1990 he was hired as the first staff person for the newly-created Florida Communities Trust, where he served for two years, and he continued as staff person to the CARL program until 2000. In 2002 he was hired as Conservation Easement Coordinator in the Office of Environmental Service. Dr. Farr can be contacted at jim.farr@dep.state.fl.us.

Greg Brock began work as a biologist with the Division of Recreation and Parks in 1981 and became the lead staff person for the CARL Program in 1986. He was made Chief of the Office of Environmental Services in 1996. Dr. Brock can be contacted at greg.brock@dep.state.fl.us.

References

Oetting, Jonathan B., Knight, Amy L., and Knight, Gary R. (2006). Systematic reserve design as a dynamic process: F-TRAC and the Florida Forever program. Biological Conservation 128, pp. 37-46.

Stein, Bruce A., Kutner, Lynn S. and Adams, Jonathan S. (Eds.) (2000). Precious Heritage: The Status of Biodiversity in the United States. Oxford University Press, New York.

Web Resources

Florida Department of Agriculture and Consumer Services, Division of Forestry
<http://www.fl-dof.com/>

Florida Department of Community Affairs, Florida Communities Trust
<http://www.floridacommunitydevelopment.org/fct/>

Florida Department of Environmental Protection, Division of Recreation and Parks
<http://www.dep.state.fl.us/parks/>

Florida Department of Environmental Protection, Division of State Lands
<http://www.dep.state.fl.us/lands/>

Florida Department of Environmental Protection, Office of Coastal and Aquatic Managed Areas <http://www.dep.state.fl.us/coastal/default.htm>

Florida Department of Environmental Protection, Office of Greenways and Trails
<http://www.dep.state.fl.us/gwt/>

Florida Fish and Wildlife Conservation Commission <http://www.floridaconservation.org/>

Florida Natural Areas Inventory <http://www.fnai.org/>

Florida Statutes (for Chapter 259 pertaining to acquisition of conservation lands)
<http://www.leg.state.fl.us/Statutes/>

Northwest Florida Water Management District <http://www.nwfwmd.state.fl.us/>

St. Johns River Water Management District <http://sjr.state.fl.us/>

South Florida Water Management District <http://www.sfwmd.gov/>

Southwest Florida Water Management District <http://www.swfwmd.state.fl.us/>

Suwannee River Water Management District <http://www.srwmd.state.fl.us/>