FLORIDA’S CONSERVATION LANDS:

MONEY, ASSESSMENT, AND SURPLUS

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1. INTRODUCTION

Florida has long been recognized for its successful history of acquiring land to conserve its natural resources. Throughout the past century, Florida’s leaders and constituents have enacted programs to benefit the conservation of natural resources.[[1]](#footnote-2) These programs have purchased land on state and local levels to combat Florida’s growing population and the development that goes along with it.[[2]](#footnote-3) Florida is home to the nation’s first wildlife refuge, Pelican Island National Wildlife Refuge, and the Ocala National Forest, the United States’ first eastern national forest.[[3]](#footnote-4) The past two decades have generated extraordinary programs for land conservation. The great recession which hit in early 2008 substantially affected the posterity of the state’s land conservation programs. The most current land conservation program in place, Florida Forever, was once a $300 million a year project, and now has a drastically decreased budget.[[4]](#footnote-5)

In fiscal year 2013-14, the Florida Forever program was appropriated $70 million for conservation purposes through the General Appropriations Act, Senate Bill 1500, with $50 million of that appropriation being generated from the sale of surplus lands.[[5]](#footnote-6) Surplus is the process of selling state held land determined to be no longer needed.[[6]](#footnote-7) The remaining $20 million dollars was appropriated from general revenue and the Land Acquisition Trust Fund to go towards specific acquisition projects.[[7]](#footnote-8) During this fiscal year the Department of Environmental Protection (“DEP”) was given the authority to sell as surplus currently owned conservation land to generate up to $50 million dollars in revenue.[[8]](#footnote-9) The State derives its general power to surplus land through section § 253.02 F.S.[[9]](#footnote-10) Florida’s conservation lands must be deemed “no longer needed for conservation” to be surplused. To make this determination these lands, held by the Board of Trustees, the Governor and Cabinet, went through a strenuous assessment process to determine if they were in fact “no longer needed for conservation purposes.”[[10]](#footnote-11) Once this determination is made they can be sold as surplus, generating revenue to purchase new, higher quality conservation lands.[[11]](#footnote-12)

The fiscal year 2013-14 legislative appropriation caused a backlash of criticism.[[12]](#footnote-13) The DEP and its affiliates conducted an extensive conservation land assessment procedure to determine if lands were “needed for conservation”.[[13]](#footnote-14) The goal of this process was to sell sites deemed “no longer needed for conservation purposes” upon a final decision by the Board of Trustees.[[14]](#footnote-15) Many attorneys, environmentalists, and individual constituents were concerned this was a politically driven process where the state sought to maximize revenues with little regard for real conservation value.[[15]](#footnote-16) Members of the Florida legislature think this was much simpler and more straightforward than a political agenda.[[16]](#footnote-17) The downturn in the economy has reduced the budget available for conservation land acquisitions. If more conservation land needs to be acquired, the state will have to evaluate currently owned lands to determine if any added revenue can be derived from parcels with little conservation value.[[17]](#footnote-18) Ultimately, this process was terminated after the DEP underwent an extensive assessment process which yielded very few parcels with suitably low conservation value.[[18]](#footnote-19) From this result, the DEP has turned its focus toward the surplus of state held non-conservation lands.[[19]](#footnote-20)

To fully understand fiscal year 2013-14 appropriations and the termination of the current conservation land surplus proposal, an understanding of the parties involved, the history which led to this point, and the assessment process which the DEP, Division of State Lands conducted is crucial. Finally, we will look at the assessment process in detail, its problems as posed by various agencies, counties, and individuals around the state, and also why it was a necessary procedure to evaluate this alternative for potential funding. Many questions were raised because of this process, but Florida’s constituents must remember the DEP was carrying out a procedure directed by the legislature. This assessment was controversial however, if done right, had the potential to protect lands with conservation value and dispose of lands with little to no conservation value. By disposing of these lands, the state could properly update the lands which it is responsible for managing. The acreage of land listed as surplus is a fraction of the state’s total publically held lands. Approximately 3,406 acres of land were on the list for surplus as of early December 2013.[[20]](#footnote-21) The DEP focused on conducting their assessment correctly so that sites, which do have conservation value, would not be sold.[[21]](#footnote-22) This process had two potential outcomes. The state could have determined that many of the currently held lands have conservation value and little needs to be done. On the other hand, the state could have discovered that certain parcels have little conservation value and need to be sold, consolidating state-held lands to those which provide the needed natural resource services, the purpose of these lands in the first place. It is also important to note that the State’s initiative was to raise *up to* $50 million from the sale of these lands.[[22]](#footnote-23) The $50 million mark is was not a mandate, but rather a cap on how much could be sold.[[23]](#footnote-24) Last fall many felt that this number would be hard to meet, and it seems they were correct. The state’s assessment followed the strict scientific criteria and ultimately concluded properties eligible for surplus missed the $50 million mark by a great deal.[[24]](#footnote-25)

1. HISTORY OF FLORIDA CONSERVATIONS LAND
   1. Conservation Programs Prior to 1990

Currently in Florida, private citizens hold about 72% of the state’s land while the remaining 28% of the state’s lands are publically owned.[[25]](#footnote-26) Of that 28%, 9% is held by the Board of Trustees, 8% is federally protected land, 6% is held by the state’s five water management districts, 3% are lands held by local governments, 1% is held by other authorities and special districts, and the last 1% is land held by the Fish and Wildlife Conservation Commission.[[26]](#footnote-27) One of the most important aspects of comprehending the current situation with Florida’s conservation land, is understanding how we got here. Florida created its Board of Trustees of the Internal Improvement Trust Fund in 1855.[[27]](#footnote-28) The early 1900’s provided minimal efforts to preserve our natural resources, however the mid 1900’s produced a plethora of conservation driven programs.[[28]](#footnote-29) Finally, in the past quarter century Florida has administered Preservation 2000, a land conservation project which began in 1990; and Florida Forever, which began in 2000.[[29]](#footnote-30)

Florida gained large tracts of land through the Great Pre-Emption Act of 1841, where Florida was given 500,000 acres of land; and the Swamp and Overflowed Lands Act of 1850, where the State acquired 21,000,000 acres of land for its disposal.[[30]](#footnote-31) There were no major events in relation to conservation land for quite some time, and there were no acquisition programs for new lands prior to 1963.[[31]](#footnote-32) In 1963, the Land Acquisition Trust Fund was created to purchase land for parks and recreation areas through the Outdoor Recreation and Conservation Program.[[32]](#footnote-33) This program was funded by a 5% tax on outdoor apparel and equipment, generating approximately $1.5 million per year.[[33]](#footnote-34) By initiating this program the legislature thought it could fund the program through a tax on those using the lands the state purchased. This 5% excess tax on recreational goods proved to be unpopular, and in 1968 the legislature did away with it and began selling bonds in the amount of $20 million to fund the Land Acquisition Trust Fund.[[34]](#footnote-35) These bonds were paid for through revenues generated from documentary stamps taxes[[35]](#footnote-36) paid on real estate transactions.[[36]](#footnote-37) It is important to note here that the legislature decided to change the funding of the Land Acquisition Trust from a tax on potential users, to a tax on those who were potentially developing areas throughout the state, and therefore, increasing the loss of open space in Florida.[[37]](#footnote-38) This has become common in modern conservation programs.

In 1969, the Department of Natural Resources was created to consolidate some of the state’s agencies.[[38]](#footnote-39) The Environmentally Endangered Lands Program, (“EEL”), was created in 1972, which sold bonds in the amount of $240 million to acquire or protect environmentally unique and irreplaceable lands.[[39]](#footnote-40) These bonds were again paid for through the documentary stamp tax on real estate transactions.[[40]](#footnote-41) The EEL was replaced by the Conservation and Recreation Lands Program, (“CARL”), in 1979.[[41]](#footnote-42) This program is unique in that, initially, it did not generate its funds through the issuance of bonds, but rather it placed an excise tax on mineral extraction such as phosphate, oil, and gas.[[42]](#footnote-43) Later, it also received funding through bonding paid for by the documentary stamp tax.[[43]](#footnote-44) CARL protected 181,000 acres of land from 1979 - 1990.[[44]](#footnote-45) Under this program, Florida created the Division of State Lands as part of the Department of Environmental Protection, which would be responsible for the acquisition, administration, and management of state held lands.[[45]](#footnote-46) CARL has provided concepts that have endured in today’s administration of conservation land.

In 1981, Governor Bob Graham established the ‘Save our Coast’ and ‘Save our Rivers’ programs.[[46]](#footnote-47) These programs were created in a response to the realization that Florida’s coastal lands were important for recreation and were being depleted at a much higher rate than other lands throughout the state.[[47]](#footnote-48) The Save Our Coast program was funded by the sale of bonds paid for by documentary stamp tax revenues dedicated to the Land Acquisition Trust Fund.[[48]](#footnote-49) This program resulted in the purchase of more than 70 miles of coastline.[[49]](#footnote-50) Funding for the Save Our Rivers program was generated from documentary stamp tax revenues and allocated to the five water management districts who have now purchased more than 1.7 million acres of land.[[50]](#footnote-51)

* 1. Conservation 1990 to 2000: Preservation 2000

In 1989, Governor Bob Martinez took a big stand for the preservation of Florida’s natural resources. He appointed a committee to examine the current status of Florida’s environmental health and propose solutions.[[51]](#footnote-52) The committee found that Florida needed to pick up the pace of conserving lands if it was going to combat the steady increase in population and development throughout the state.[[52]](#footnote-53) The committee also noted that land prices were escalating faster than the rate of inflation, making it effective to fund the new program through the sale of long-term bonds.[[53]](#footnote-54)

In 1990, the Legislature enacted the Preservation 2000 program, which proposed the sale of $3 billion in bonds over a ten-year period, or $300 million per year, to buy land and section eight housing with a focus on conservation.[[54]](#footnote-55) The funds were allocated as follows: 50% to the CARL program; 30% to the five water management districts for the Save Our Rivers program; 10% to a new program called Florida Communities Trust, which helped local governments implement conservation within their jurisdiction; 2.9% to each of Division of Recreation and Parks, Florida Game and Freshwater Fish, and the Division of Forestry; and 1.3% to Recreational Trails which will later become the Greenways and Trails Program.[[55]](#footnote-56) CARL operated as it did in the past, in that it employed an advisory council to select and recommend projects and present their final list to the Governor and Cabinet.[[56]](#footnote-57)

Preservation 2000 proved to be a colossal success for the State of Florida. Over a ten-year period, just under two million acres of land were preserved through various programs funded through Preservation 2000.[[57]](#footnote-58) As the conclusion of Preservation 2000 neared, it became clear that not only environmentalists, but also the general public wanted to see funding for land acquisition continue. In 1998, the State was up for a Constitutional Revision meeting.[[58]](#footnote-59) The revision implemented Amendment 5, which extended in perpetuity, the state’s authority to sell bonds to fund land acquisition.[[59]](#footnote-60) This amendment also employed a more difficult test to be conducted before public lands may be disposed.[[60]](#footnote-61) With the support of the legislature and the public, it was clear that conservation programs would not stop here.

1. THE FLORIDA FOREVER PROGRAM THEN AND NOW

The Florida Forever program was enacted by the legislature and Governor Jeb Bush in 1999.[[61]](#footnote-62) Section 259.105 F.S. outlines the goals and premises of Florida Forever.[[62]](#footnote-63) The program’s goals include protection of biodiversity, ecological functions, recreational opportunities, urban open space, archeological and historic sites, and water resources with a special focus on groundwater.[[63]](#footnote-64) The program provides for thirty-four performance measures to account for these goals.[[64]](#footnote-65) Rule 18-24 F.A.C. outlines how lands can be purchased or obtained as a Florida Forever Project.[[65]](#footnote-66) In sum, this rule outlines Florida Forever acquisition goals such as preservation of water resources, preservation of historic sites, protection against impeding development and acquisition of lands which can be purchased for 80% or less of current market value.[[66]](#footnote-67)

a. Acquisition Procedure Under the Florida Forever Program

The State was given authority through the Florida Forever program to sell up to $300 million in bonds over a ten-year period, similar to Preservation 2000, but this funding was to be distributed differently than it was under Preservation 2000.[[67]](#footnote-68),[[68]](#footnote-69) Florida Forever had the support of the state’s constituents, with 78% voter approval.[[69]](#footnote-70) Florida Forever replaced the CARL and Save Our Rivers programs with new State and Water Management Districts Florida Forever Programs.[[70]](#footnote-71)

When Florida Forever was enacted, several changes were made to the then current administration of conservation and recreational land funding.[[71]](#footnote-72) There was a greater interest in urban and community parks and recreational facilities, as seen by the increased funding for the Florida Communities Trust.[[72]](#footnote-73) There was also a greater interest in water resources and the ability to purchase conservation easements on a piece of land without purchasing the land in fee simple.[[73]](#footnote-74) One of the most radical differences between Preservation 2000 and Florida Forever is the ability for the state to use funds allocated from the program for facilities construction; ecological restoration, such as exotic plant removal; and for best management practices, such as planning and species inventory.[[74]](#footnote-75) The Florida Forever program provided for more structure in the administration of conservation and recreation land acquisition and management.[[75]](#footnote-76) This program also replaced the advisory council in place under CARL with the current Acquisition and Restoration Council made up of both agency members and private, at large members.[[76]](#footnote-77) Political influences are restrained with at large members on the council, especially in situations like the assessment for conservation land surplus, where the legislature and DEP have a clearly stated objective.[[77]](#footnote-78) The Acquisition and Restoration Council does not approve land purchases or sales, but rather makes recommendations.[[78]](#footnote-79) In the recent assessment process of conservation land, the Acquisition and Restoration Council received a list of parcels for potential surplus, and went through the parcels site-by-site to make a recommendation on each parcel to the Board of Trustees.[[79]](#footnote-80)

The general project selection and evaluation process has changed slightly under Florida Forever, while still keeping many of the principles employed under the CARL programs and Preservation 2000.[[80]](#footnote-81) With the inception of Florida Forever, two selection cycles were created rather than one.[[81]](#footnote-82) Anyone may submit an application to the Acquisition and Restoration Council to have a piece of land considered as a project for acquisition.[[82]](#footnote-83) The applications are compiled twice per year at the selection meetings.[[83]](#footnote-84) Once the applications are submitted, the Acquisition and Restoration Council gathers data from Florida Natural Areas Inventory[[84]](#footnote-85) (“FNAI”), a program that gathers data on the state’s biodiversity, and is a good resource for the Acquisition and Restoration Council. The Acquisition and Restoration Council relies heavily on FNAI data for evaluation purposes.[[85]](#footnote-86) If five of the nine Council members vote to move the project forward, then the project must undergo a more extensive evaluation.[[86]](#footnote-87) Once this more extensive evaluation is completed and ARC receives more data from FNAI, they must hold another public meeting, and vote again on the project.[[87]](#footnote-88) If the project again receives at least five votes, the project is filtered into one of five categories.[[88]](#footnote-89) The categories consist of a critical natural lands category, a partnerships or regional incentive cost sharing category, a substantially complete linkages category, a climate change category, and a less-than-fee category.[[89]](#footnote-90) Projects within each category are ranked in order of priority.[[90]](#footnote-91) It is important to note that this categorization is essential to the effectiveness of the program as there is never enough funding for all approved projects.[[91]](#footnote-92) The final step in acquiring conservation lands is approval by the Governor and Cabinet.[[92]](#footnote-93) They may approve the entire list or certain projects, but may not move a project from one category to another.[[93]](#footnote-94) Once the Governor and Cabinet have made a final approval, the actual acquisition process outlined in § 259 F.S. can occur.[[94]](#footnote-95) Once the negotiations are complete and the landowner is paid, the state takes title to the property.[[95]](#footnote-96)

Once the state takes title to the land, it must then be managed.[[96]](#footnote-97) After acquisition, the Bureau of Public Land Administration within the DEP leases the land to the appropriate division of the state, which must develop a management plan for the property.[[97]](#footnote-98) The four main land managers in Florida are the Division of Recreation and Parks under DEP, the Office of Coastal and Aquatic Managed Areas also under DEP, the Fish and Wildlife Conservation Commission, and the Forestry Department.[[98]](#footnote-99) Water Management Districts fall under a different category.[[99]](#footnote-100) The Division of Historic Resources also manages some sites around the state, and the Office of Greenways and Trails manages the cross Florida Greenway State Recreation and Conservation Area.[[100]](#footnote-101) The land manager has one year to develop a management plan, which must then be approved by the Acquisition and Restoration Council.[[101]](#footnote-102)

The management of these lands can be more difficult than it seems. Typically management needs exceed available funding.[[102]](#footnote-103) Currently, lands held by the state are not being managed to their full potential.[[103]](#footnote-104) Prior to Preservation 2000, funding was ad hoc and irregular.[[104]](#footnote-105) The state has developed a procedure where land management agencies are able to get funding as soon as they take over a piece of land, instead of having to wait until the next allocation session.[[105]](#footnote-106) Although management funding has improved since the enactment of Preservation 2000, public conservation lands are still not managed as they should be.

b. The Current State of Florida Forever

In 2008, Governor Charlie Crist, in conjunction with the Florida legislature, extended Florida Forever to run through 2020 with the same funding.[[106]](#footnote-107) With the economic downturn in 2008, funding dried up for Florida Forever and its programs. Revenue from documentary stamp taxes plummeted during this time as a result of the recession.[[107]](#footnote-108) Documentary stamp revenues for fiscal year 2005-06 were $4,058,300,000, in year 2008-09 revenues dropped to $1,015,500,460, and as of fiscal year 2012-13 revenues have risen to $1,621,236,867.[[108]](#footnote-109) Moody’s has downgraded Florida Forever bonds to A1 rating from Aa3 rating.[[109]](#footnote-110) Even though this is still an A-rated bond, this downgrade suggests a greater risk of default. Until determined otherwise, there will be no more bonding for the Florida Forever Program due to the 6% cap on debt in the State of Florida.[[110]](#footnote-111)

Since the economic downturn, funding for Florida Forever has been negatively affected. The last year the state issued bonds for Florida Forever was in fiscal year 2008-09.[[111]](#footnote-112) In fiscal year 2008-09, the legislature appropriated $105 million to Florida Forever.[[112]](#footnote-113) In year 2009-10, Florida Forever received no funding,[[113]](#footnote-114) in 2010-11 the program was appropriated $5,250,000[[114]](#footnote-115), and in year 2011-12, it again received no funding.[[115]](#footnote-116) In fiscal year 2012-13, Florida Forever was appropriated $8,377,966 million.[[116]](#footnote-117)

Finally, in fiscal year 2013-14, the program was appropriated $70 million, $10 million from general revenue and $60 million from the Florida Forever Trust Fund for land acquisition.[[117]](#footnote-118) Of this $60 million funded from the Florida Forever Trust Fund, $10 million is funds transferred from the Land Acquisition Trust Fund to the Florida Forever Trust Fund. These funds may only be used for acquisition projects that provide buffer areas surrounding the state’s military installments.[[118]](#footnote-119) The remaining $50 Million appropriated was only to be funded by the sale of surplus lands determined to be “no longer needed for conservation purposes” by the Board of Trustees.[[119]](#footnote-120) These funds were to be used to acquire a less than a fee simple interest in land, such as a conservation easement; to acquire land through a partnership acquisition, where the state pays no more than 50% of the purchase price for the land; or to acquire lands which provide military buffer areas and protect water resources.[[120]](#footnote-121) The legislative appropriations in fiscal year 2013-14 generated criticism over the potential disposal of up to $50 million in conservation lands, and sent the DEP into a strenuous assessment of whether these publically held lands were in fact needed for conservation based on a scientific model.[[121]](#footnote-122)

There are two main views concerning the surplus of conservation land to generate funding for more valuable conservation land acquisition. Members of the environmental community, such as Clay Henderson, an attorney with significant conservation lands experience, are steadfast that this process was politically driven.[[122]](#footnote-123) Conversely, Senator Alan Hays, a Florida senator from district 11 who initiated and worked to pass the bill, says there was nothing political about this.[[123]](#footnote-124) For Senator Hays, the legislature’s goal in the 2013-14 appropriation was to respond to the continuous demand for conservation land acquisition projects by the only means possible in the current economic recession.[[124]](#footnote-125) The funding for Florida Forever was not there in excess of the $20 million for fiscal year 2013-14.[[125]](#footnote-126) If more funding was desired to acquire new projects, this process was an alternate way of doing it.[[126]](#footnote-127) During the assessment process Senator Hays noted that it is unclear how much revenue will actually be generated, but in his opinion the DEP is doing a diligent job of evaluating the States conservation land.[[127]](#footnote-128)

Others such as Clay Henderson, and members of the Florida Wildlife Federation felt this process would fall short of generating $50 million in revenue.[[128]](#footnote-129) They feel this was an arbitrary number with no basis.[[129]](#footnote-130) It seems to be somewhat agreed upon that the $50 million mark was not supported by any substantial data. Many environmental figures think the scientific model used for the analysis of potential surplus lands was fundamentally flawed.[[130]](#footnote-131) Clay Henderson argues that there is no standard for “no longer needed for conservation purposes” and poses the question, “If a parcel was acquired within an approved conservation boundary and still functions for the purposes of that conservation project, how can you say it is still no longer needed for conservation purposes?”[[131]](#footnote-132)

From the legislative prospective, Senator Hays states that although these parcels listed for surplus were purchased as part of various conservation projects, some parcels were only purchased because it was required to purchase the entire tract of land where the desired conservation land was located.[[132]](#footnote-133) All are in agreement that in some instances, when the state attempts to acquire a piece of land intended for conservation purposes, a private property owner often negotiates from an “all or nothing” approach.[[133]](#footnote-134) This approach forces the State to purchase the entire tract when they may have only desired a certain area within the tract for conservation. Sometimes the stray or fragment parcels can become deal breakers.[[134]](#footnote-135) The number of parcels which are merely remnants of old acquisition projects, as discussed above, is heavily disputed. Senator Hays also points out that land changes over time.[[135]](#footnote-136) What may have had conservation value years ago, many now have little to no value due to a variety of changes in the land.[[136]](#footnote-137) In his opinion these changes arise from factors such as increased surrounding development, expansion of road construction, and drainage changes which alter the make up of the land.[[137]](#footnote-138) To others, a piece which once had conservation value years ago, must have even more value now.[[138]](#footnote-139) It is also highly disputed between the environmental community and those who support this process, how much conservation value small parcels have. While some look at these parcels as merely remnants, others look at them as valuable buffer areas.[[139]](#footnote-140)

Those who backed this process feel it was simple. The State of Florida does not have the budget to appropriate more funding toward conservation land acquisition at this time.[[140]](#footnote-141) If the state is going to acquire more lands it must find an alternate means of funding.[[141]](#footnote-142) Surplus of certain parcels determined to be no longer needed for conservation purposes, was an alternate source of funding, in whatever amount it generates.[[142]](#footnote-143) Over the years, Florida has accumulated parcels due to excess purchase of land as part of larger projects, which were not needed, but purchased to facilitate the completion of the acquisition deal.[[143]](#footnote-144) According to senator Hays, as a steward of Florida taxpayer resources, he must make wise decisions about expenditures and our state held lands. He notes that our public lands are not properly maintained as it is.[[144]](#footnote-145)

Dr. Peter Frederick, an at large member of the Acquisition and Restoration Council, takes a more neutral perspective.[[145]](#footnote-146) In his opinion, Florida’s public lands were safe as long as we adhere strictly to the guidance of the legislature, that conservation lands may be sold only if they no longer have conservation value.[[146]](#footnote-147) To determine this the state needed to focus on the procedure of screening proposed surplus sites.[[147]](#footnote-148) He states that mixing this objective with the desire to generate money to purchase new, higher quality conservation lands by disposing of less valuable conservation lands was “getting into the weeds.”[[148]](#footnote-149) Although Dr. Frederick was frustrated that the legislature put the state in this position; he was optimistic stating, “We can look at this as a chance to inventory our portfolio of lands and see whether there is any stuff we really do not need.”[[149]](#footnote-150) He was of the opinion that at the conclusion of the process there would be very few lands which we do not need.[[150]](#footnote-151) Further, the data used to formulate the assessment model is as accurate as possible, but the model, inevitably, still has some holes and inaccuracies.[[151]](#footnote-152) According to Dr. Frederick, one fundamental problem with looking at each parcel on the list individually is that when looking at a large tract project as a whole any particular piece within the project takes on values of the overall property; when looking at parcels individually they may not have high conservation value in and of themselves.[[152]](#footnote-153) At the termination of this process, few of the listed lands had no conservation value, and it was apparent that the DEP had strictly adhered to their scientific assessment model.[[153]](#footnote-154)

The Florida Forever program has been extended to 2020, however, some changes have been made to the underlying fund. As of fiscal year 2013-14, Senate Bill 214 terminates the Florida Forever Program Trust Fund as of July 2014.[[154]](#footnote-155) This is the termination of a specific trust fund within the program which has become obsolete.[[155]](#footnote-156) The Florida Forever Program Trust Fund existed to transfer money to the Florida Communities Trust, when it was a separate program.[[156]](#footnote-157) This program has now become part of the Department of Environmental Protection.[[157]](#footnote-158) Funds from the Florida Forever *Program* Trust Fund will go into the Florida Forever Trust Fund.[[158]](#footnote-159) Appropriations from 2013/2014 will remain in the fund, and will not be lost at the end of this fiscal year.[[159]](#footnote-160) With the termination of the conservation land surplus process these revenues will not be generated however the state is turning its focus toward the sale of other state held non-conservation lands.[[160]](#footnote-161)

1. LANDS FOR SURPLUS
   1. Agency Authority to Dispose of Land

The State derives its power to surplus, or dispose of lands held for conservation through Section § 253.02 F.S.[[161]](#footnote-162) Prior to 1967, Florida’s various state agencies held title to lands they managed.[[162]](#footnote-163) In 1967, the legislature amended Chapter § 253.03 F.S. to require all lands held by a state agency to be titled in the name of the Board of Trustees of the Internal Improvement Trust Fund, with some exceptions.[[163]](#footnote-164) The surplus procedure is outlined in section 253.034 F.S. and Rule 18-2 F.A.C.[[164]](#footnote-165) Property being surplused by the state, must first be offered to state universities and other state agencies to lease prior to being offered for sale.[[165]](#footnote-166) The county in which the property is located must also be offered the land at fair market value prior to it being offered for sale to the public.[[166]](#footnote-167) Local governments and private citizens may apply to purchase a parcel from the state on their own accord as well.[[167]](#footnote-168) The Board of Trustees and its staff review private applications to purchase lands, deny or accept these applications, and determine whether the land should be sold by competitive bid.[[168]](#footnote-169) The property must be sold by competitive bid if more than one party is interested in purchasing the property or if the property has a fair market value more than $100,000.[[169]](#footnote-170) Before the land can be sold as surplus, the Board of Trustees must make a determination that the land is no longer needed for conservation purposes.[[170]](#footnote-171) Generally, proceeds generated from the surplus land sales are deposited into the fund from which the land was sold.[[171]](#footnote-172)

* 1. Assessment Model for Land Surplus

In order to determine if publically held lands are no longer needed for conservation, the state must examine each parcel to determine its conservation value.[[172]](#footnote-173) The 2013-14 legislative appropriation of up to $50 million in revenue generated from surplus required an extensive assessment of conservation lands.

With the level of criticism that surrounded this issue, is it important to remember any revenue generated from surplus would have been deposited into the Florida Forever Trust Fund to be used to acquire new, higher quality conservation land. On the other hand, the state did not have to sell anything if it determined each parcel has some conservation value. The inventory of quality conservation land available for purchase is extensive.[[173]](#footnote-174) Ultimately, the state is not selling anything.[[174]](#footnote-175)

This assessment included lands owned by the Board of Trustees purchased as conservation land.[[175]](#footnote-176) The State took into account the conservation value of the land, marketability and potential buyers, the communities’ concerns, and title issues when selecting which lands to surplus.[[176]](#footnote-177)

The state decided that in order to best evaluate the lands held by the Board of Trustees in accordance with the language of the 2013/2014 legislative appropriation, they would create a Technical advisory group (“TAG”).[[177]](#footnote-178) The TAG was employed to organize scientific data to create a framework for analysis of each property held by the state.[[178]](#footnote-179) The TAG is made up of members from DEP’s Division of State Lands and Division of Environmental Assessment; Florida Natural Areas Inventory; the Forestry Service; and the Fish and Wildlife Conservation Commission.[[179]](#footnote-180) Through a set of workshops held during the summer of 2013, TAG was able to formulate a framework of criteria to determine lands that have the highest and lowest overall conservation value for the State of Florida.[[180]](#footnote-181)

The TAG’s model started with a filter analysis[[181]](#footnote-182) of all lands title in the Board of Trustees.[[182]](#footnote-183) In order to apply these filters, the DEP turned to Florida Natural Areas Inventory where they first queried the FNAI Florida Managed Areas Database to identify all conservation lands owned or co-owned by the Board of Trustees.[[183]](#footnote-184) Once the master list was generated the DEP subdivided the sites into the smallest possible categories supported by FNAI’s Managed Areas Database, removing lands that were previously reviewed in a Land Review Analysis by Division of State Lands in 2012-13.[[184]](#footnote-185) First, the TAG applied a coarse filter analysis to identified sites that qualified as potential surplus sites.[[185]](#footnote-186) Next, the TAG used a medium filter to analyze specific resource characteristics on a site-by-site basis.[[186]](#footnote-187) Finally, a fine filter analysis examined market value to determine if parcels would generate revenue if surplused.[[187]](#footnote-188)

Based on recommendations by the TAG generated from their filter analysis, DEP contracted to have a GIS model created which tested the potential surplus sites for specific criteria.[[188]](#footnote-189) Under the model, each category had an associated relative weight formulated to help provide an accurate overall outcome.[[189]](#footnote-190) Each category, although specific, overlapped with others, giving the impression that the model was thorough.

The first category applied to each site was connectivity.[[190]](#footnote-191) This category analyzed each site’s adjacency to other conservation areas, such military base buffers.[[191]](#footnote-192) The connectivity category also looked at whether the site was acquired recently as part of a Florida Forever project.[[192]](#footnote-193) This category determined the amount of landscape integrity provided by a site to preserve unaltered land uses.[[193]](#footnote-194) The DEP considered natural land cover patch size and land use intensity to prioritize areas that are remote and intact with large tract natural areas.[[194]](#footnote-195) This category prioritized sites which provide a connected set of linear trails for the Florida Greenways and Trails System.[[195]](#footnote-196) It also took into account a sites’ connectivity to privately held conservation lands.[[196]](#footnote-197) Finally this category accounted for the Ecological Greenways Network, looking at sites which are part of core landscapes large enough to maintain sensitive and wide-ranging species’ populations.[[197]](#footnote-198)

Many of the parcels which were listed for surplus were small tracts amid a larger conservation project.[[198]](#footnote-199) Environmentalists concerned with this process feared that the segmentation of our conservation lands would create added problems for management.[[199]](#footnote-200) It is important to note that the process of surplus of parcels acquired from acquisition projects but not needed has been an ongoing practice for many years.[[200]](#footnote-201) Those who criticize this process are concerned with the impact private development will have for surrounding conservation lands, and feel they have conservation value as buffer areas.[[201]](#footnote-202) Environmentalists note that although these parcels may be small they may have value to support certain habitat types.[[202]](#footnote-203) On the other hand, some parcels were listed because they are difficult to manage due to their size and location.[[203]](#footnote-204) If the state sells a landlocked parcel as surplus they would be required to provide access to the purchaser.[[204]](#footnote-205) In cases where a parcel is landlocked or partially landlocked, management of the remaining conservation land may be much harder.[[205]](#footnote-206) Small areas in private use can hinder management practices such as proscribed burns.[[206]](#footnote-207) Dr. Frederick of the Acquisition and Restoration Council suggests, if we continue to fragment conservation lands, selling small parcels to private purchasers, we open up the remaining conservation land to increased risks such as illegal hunting, introduction of invasive exotic plants, and greater amounts of noise and light.[[207]](#footnote-208)

Water quality protection was also a category used to assess each site proposed for surplus.[[208]](#footnote-209) In this category, the state looks at the presence of springs located within the proposed site, and the magnitude of water each holds.[[209]](#footnote-210) Next, the category assessed sites to determine if they are part of a buffer to major lakes and rivers.[[210]](#footnote-211) Buffer zone levels include 1000 meters, 500 meters, and 100 meters from an existing major lake or river.[[211]](#footnote-212) Sites were also assessed as to their location within a Nutrient Impairment Basin Management Plan, identifying watersheds with nutrient impairments.[[212]](#footnote-213) Sites located within the Everglades Restoration Project boundaries were flagged and weighted accordingly.[[213]](#footnote-214) This category also identified sites that are within a wellhead protection zone.[[214]](#footnote-215)

Ecological significance is an essential characteristic in determining conservation value, thus, it was part of the state’s assessment model.[[215]](#footnote-216) This category identified the amount of a proposed surplus site which is located in a strategic habitat conservation area of five acres or more.[[216]](#footnote-217) Sites located within these areas are also scored based on the priority framework of the Strategic Habitat Conservation Area itself.[[217]](#footnote-218) Rare Species Habitat Conservation Priorities were overlaid to see if a parcel contains a rare species habitat.[[218]](#footnote-219) The model assessed the percentage and acreage of the 100-year flood plain within each specific site.[[219]](#footnote-220) The DEP overlaid the Biological Richness Index to identify sites that include at least three or more rare species.[[220]](#footnote-221) The ecological significance category also identified sites listed for surplus which contain fifty acres or more of contiguous areas of critical landscape linkages.[[221]](#footnote-222) The assessment looked at whether a site encompasses underrepresented ecosystems, the size of the ecosystem in total, and the amount taken up by the potential surplus site.[[222]](#footnote-223) Potential surplus sites are assessed under this category to determine if they contain functional wetlands of one acre or more.[[223]](#footnote-224) Finally, this section of the model calculated the percentage of potential surplus sites containing undeveloped beaches.[[224]](#footnote-225)

Scores generated from the model are relative.[[225]](#footnote-226) Many in the environmental community feel it is hard to compare proposed surplus sites from North Florida to those of the southern portion of the state.[[226]](#footnote-227) According to Mark Middlebrook, executive director of the St. Johns River Alliance, Florida’s size and expansive range of habitat types makes it difficult to compare sites from different regions of the state. North Florida is in a temperate climate zone and South Florida is sub-tropical.[[227]](#footnote-228) According to Mr. Middlebrook, species differentiation varies from South Florida from that in North Florida. This may skew the model showing South Florida tracts as have higher conservation value simply because their regional habitat and climate supports a wider range of species.[[228]](#footnote-229) The DEP has struggled for years to come up with a way of evaluating properties throughout the state for potential acquisition projects because of Florida’s diverse ecosystems.[[229]](#footnote-230) The same problems are inevitable in this procedure.[[230]](#footnote-231)

Each site was also assessed for its recreational qualities based on size, accessibility, water area, shoreline, habitat for rare species, presence of wildlife, location of hunting areas; and presence of natural features, historic sites, wilderness areas, and beaches. Historic and cultural resources was also a separate category which assessed the percentage of National Historic Registered Areas on each potential surplus site.

The DEP’s model also considered geological significance.[[231]](#footnote-232) The model identified sites and their relative acreage which contain areas designated as most vulnerable to primary drinking water by the Florida Aquifer Vulnerability Index.[[232]](#footnote-233) This category also took into account the presence of springs and their volume; sinkholes, swallets, steepheads; and cave and karst features.[[233]](#footnote-234)

Finally, each site went through a market value analysis.[[234]](#footnote-235) In general, market value was assessed based on a site’s size, adjacency to residential, commercial,[[235]](#footnote-236) or industrial development, and accessibility by road or water frontage.[[236]](#footnote-237) This category also identified sites which were along the coastline; close to urban areas or impending developments; or adjacent to timber, mineral, oil, gas and agricultural resources.[[237]](#footnote-238) It also identified whether the site was considered upland habitat, or whether the parcel was within a mitigation bank service area.[[238]](#footnote-239) Finally, the model assessed sites based on whether they had a managing agency, were part of a leasehold of a university, or were merely small, disconnected parcels.[[239]](#footnote-240) If a parcel is landlocked or partially landlocked by surrounding state lands, it may actually have higher market value for some potential buyers who want a secluded home site.[[240]](#footnote-241)

When scoring a parcel on marketability it is important to note that the state generally appraises property “as is” not at highest and best use.[[241]](#footnote-242) Unless a potential buyer can secure the proper zoning changes or permitting required to develop a site as they wish, they would be taking a great risk buying the land for a specific purpose without securing the necessary entitlements prior to purchase.[[242]](#footnote-243) The fact that the land was previously a conservation site would seem to make a private purchasers’ regulatory takings claim very difficult to win.[[243]](#footnote-244) At the Acquisition and Restoration Council meeting in September, Dr. Frederick suggested the marketability category be taken out of the model as it has the potential to skew the results making parcels with higher market value more likely to be sold.[[244]](#footnote-245) At this meeting the DEP suggested that this concern is precisely why each category has an associated weight, and marketability of a parcel was weighted less than other conservation factors.[[245]](#footnote-246)

The state also went through prior surplus studies to identify sites that remained after the initial review process at that time, and determine properties recommended for surplus.[[246]](#footnote-247)

1. PUBLIC COMMENT ON POTENTIAL PROBLEMS

All of these lands were once purchased for the purpose of conservation, and were assessed to determine if they were still needed for that purpose. Many feel this process would have had a detrimental effect on Florida’s conservation holdings.[[247]](#footnote-248) Some of the most controversial sites based on public comment included the Allen David Broussard Catfish Creek Preserve State Park parcels, Big Bend Wildlife Management Area, Crystal River Preserve State Park, the Ellie Schiller Homosassa Springs Wildlife State Park, the Hilochee Wildlife Management Area, and Cayo Costa State Park.[[248]](#footnote-249)

The Allen David Broussard Catfish Creek Preserve State Park located in Polk County, DRP-4 and DRP-5, were 2.0 acres and 3.4 acres in size.[[249]](#footnote-250) These sites are currently part of the 10,000-acre state park that includes habitat for nineteen listed plant and animal species.[[250]](#footnote-251) The parcels are made up of predominantly scrub oak habitat along the ancient ridge lands of central Florida.[[251]](#footnote-252) Many felt that the surplus of these two sites would create complications for the management of the remainder of the park.[[252]](#footnote-253) DRP-4 is surrounded on three sides by the rest of the sate park, and if surplused, it may be necessary to provide access for the private purchaser through the public park.[[253]](#footnote-254) As part of the management of this area, the state does proscribed burns which would be substantially more difficult with privately owned sites within the current management area.[[254]](#footnote-255)

The Big Bend Wildlife Management Area, FWC-BB 2, is a 3.4 acre site located in Dixie County.[[255]](#footnote-256) This site includes coastal marshlands, longleaf pine uplands, and a popular boat ramp launch area. The site also has road frontage.[[256]](#footnote-257) The entire Big Bend Wildlife Management Area has been designated as having more than 190 archeological sites potentially on any of its upland grounds.[[257]](#footnote-258) Some argue the surplus of this site would destroy the boat ramp as a public recreational facility, destroy the historical and cultural possibilities on the site, and also have consequences for local governments as this area is not on municipal sewer.[[258]](#footnote-259) This area is susceptible to severe weather surge, making septic tanks undesirable if the area is used for residential purposes.[[259]](#footnote-260)

Sites such as the Crystal River Preserve State Park, DRP 24, and FLMA 30 and 32;[[260]](#footnote-261) and the Ellie Schiller Homosassa Springs Wildlife State Park, DRP 28, located in Citrus County,[[261]](#footnote-262) are wetlands and forested wetlands.[[262]](#footnote-263) If surplused these lands would result in the development and destruction of wetland habitat and loss of buffer area to the rest of the parks.[[263]](#footnote-264)

It seems many people are most concerned with the quality and protection of water resources.[[264]](#footnote-265) This is evident with the amount of comments generated by the inclusion of the Hilochee Wildlife Management Area parcels, Hilo 1-7 in Polk County.[[265]](#footnote-266) These various parcels total 2,628.3 acres of land located within the Green Swamp Area of Critical Concern, which is found under Section 380.05 F.S.[[266]](#footnote-267) This area is predominantly hardwood and cypress wetlands.[[267]](#footnote-268) These parcels were bought as part of a Florida Forever project to preserve the Green Swamp area and aimed to limit the development in this area between Orlando and Lakeland.[[268]](#footnote-269) The Green Swamp serves as the headwaters to four of the state’s major river systems: the Peace, Hillsborough, Withlacoochee, and Ockawaha Rivers.[[269]](#footnote-270) The Green Swamp area is important as it recharges the aquifer.[[270]](#footnote-271) If ever surplused, these areas could potentially be drained or altered, having a detrimental affect on the aquifer and down current river systems.[[271]](#footnote-272) Alteration of these sites would be in direct conflict with Chapters 373 and 403 F.S. Permits would have to be applied for and considered in order for the site to be developed. These lands also provide recreational hunting areas and important wildlife functions.[[272]](#footnote-273)

The Cayo Costa State Park parcels are located on the Barrier Island of Cayo Costa and North Captiva in Lee County.[[273]](#footnote-274) This entire area is beachfront, coastal dune, and open water segments.[[274]](#footnote-275) One parcel within the Cayo Costa group was taken off the list of proposed surplus properties very early on as it consisted of open water and beach only.[[275]](#footnote-276) According to a member of the Acquisition and Restoration Council, Dr. Peter Frederick, inclusion of parcels like this happens when you do an initial screening using a computer model.[[276]](#footnote-277) Dr. Frederick suggests that due to these parcels coastal location, they scored very high on the marketability portion of the model.[[277]](#footnote-278) This is why the Acquisition and Restoration Council reviews the computer generated model outcome and evaluates each site based on their knowledge and experience, what the computer model cannot do.[[278]](#footnote-279) The Cayo Costa parcels embodied certain potential problems such as sensitive wildlife habitat and flood zone issues, as flood insurance is prohibited on these islands.[[279]](#footnote-280) Species found on these parcels include gopher tortoises, bald eagles, spoonbills and white pelicans.[[280]](#footnote-281)

The Board of County Commissioners of Alachua County voiced concerns with the process in general.[[281]](#footnote-282) They feared the assessment process contradicted the legislative intent to maximize the price of these sites to generate revenue.[[282]](#footnote-283) Specifically, they state that parcels proposed within their jurisdiction are currently not zoned for most common private uses and that a potential buyer would incur cost associated with getting a land use change.[[283]](#footnote-284) This need for a change in the land use designation for these parcels will diminish the value of the sites.[[284]](#footnote-285) They urged the State to “sponsor” any required land use changes so that the highest value can be realized from the sale of these lands.[[285]](#footnote-286) While it seems they are most concerned with increasing their tax base, they also go on to state that the language, “no longer needed for conservation purposes” should be read to mean a parcel must have no conservation value. [[286]](#footnote-287) While the sale of these parcels could theoretically increase a counties tax base, there are associated costs in providing municipal services.[[287]](#footnote-288) Many counties have impact fees for certain kinds of development and services, however, these vary widely from county to county and at times do not cover the county’s cost of development.[[288]](#footnote-289)

Taking a drastically different approach, the Broward County Environmental Protection and Growth Management Department noted this process is undermining the value of Florida’s conservation lands.[[289]](#footnote-290) While they agree it is good to do a regular assessment and inventory of lands in the Board of Trustee possession, they urged the state to acknowledge the specific resources each of these sites were originally acquired to protect.[[290]](#footnote-291) Specifically, Broward County selects the Wekiwa Springs State Park, Cayo Costa State Park, Torreya State Park, The Florida Keys Wildlife Area, Porter Pond Lake and Green Swamp Parcels as areas of utmost concern,[[291]](#footnote-292) all of which are outside of their jurisdiction.

1. SITES TAKEN OFF THE SURPLUS LIST

Over half the originally listed parcels in this assessment were taken off the list half way through the assessment due to issues identified after the initial filter analysis.[[292]](#footnote-293) Lands taken off the list were no longer potential surplus sites. Sites removed included 22.4 acres of Blue Spring State Park, FLMA-16, located in Gilchrist County; certain parcels of Cayo Costa State Park in Lee County; the Florida Keys Wildlife and Environmental Area in Monroe County, FWC K2 – K18; and Savannas Preserve State Park, DRP – 47, located in St. Lucie County.[[293]](#footnote-294)

The parcel removed from the surplus list in Blue Spring State Park was 22.4 acres consisting of a narrow strip of land along the main portion of the park approximately 2.25 miles in length.[[294]](#footnote-295) The area was a habitat and home to the federally listed scrub jay who nests year round in these environments.[[295]](#footnote-296) It also provided a good buffer area for the park.[[296]](#footnote-297) Furthermore, with the layout of this parcel being long and thin, many felt it had little market value.[[297]](#footnote-298)

Savannas Preserve State Park located in St. Lucie County, is 3.9 acres of wetland habitat, open water, and forested land.[[298]](#footnote-299) It is bordered by a residential development.[[299]](#footnote-300) The Audubon Society feels the use and marketability of this site is very limited.[[300]](#footnote-301)

The Florida Keys Wildlife and Environmental Area taken off the list for surplus, was a 15.2 acre site made up of tropical hardwood hammocks.[[301]](#footnote-302) This area was acquired as part of a tropical flyways project for the white-crowned pigeon.[[302]](#footnote-303) These pigeons are crucial to the hardwood habitat as they help spread the seeds.[[303]](#footnote-304) This habitat is important to other species of birds as well.[[304]](#footnote-305) This area of the Keys is also included within the Florida Areas of Critical Concern under Section 380.0552 F.S.[[305]](#footnote-306)

1. THE CURRENT SITUATION

The DEP terminated the entire initiative to assess state held conservation lands for potential surplus on February 28th, 2014.[[306]](#footnote-307) In a vague press release, released after six in the evening that Friday, the DEP announced the termination with little reasoning.[[307]](#footnote-308) The press release states that the DEP will now shift its focus towards the sale of non-conservation lands such as the A.G. Holley State Hospital in Lantana, to generate funding for Florida Forever.[[308]](#footnote-309) This termination came after the state has spent six months working on this initiative.[[309]](#footnote-310) The press release boasts that even though the initiative did not come to fruition, this process has increased staff’s understanding of state held conservation lands.[[310]](#footnote-311) The DEP assures the public that the purchase and sale of conservation land will continue as it had in the past and further purports that this effort has lead the department to focus on the new initiative of selling non-conservation lands.[[311]](#footnote-312)

The termination of the initiative to sell conservation lands was abrupt after extensive work had been done narrowing the list down to properties which fit the surplus criteria.[[312]](#footnote-313) The criticism generated over this process forced members of the DEP to walk a very fine line. As the process continued more and more sites were removed from the list of potential surplus.[[313]](#footnote-314) There were no legal actions filed surrounding this effort, however, several environmental groups threatened to proceed with legal action if the list was finalized with certain parcels still on it.[[314]](#footnote-315) In the final days of this project two of the highly disputed areas, the Cayo Costa and Hilochee sites, were considered for removal from the list,[[315]](#footnote-316) however, the public will never know, as their removal was simultaneous with the termination of the entire effort. Ultimately, its seems the properties remaining on the list for potential sale would not generate the return on investment expected by the State, and therefore, the DEP’s focus was turned to try another alternative.[[316]](#footnote-317) Currently the state is moving forward with its effort to sell non-conservation lands with various parcels around the state currently available for bid.[[317]](#footnote-318)

1. WHERE ARE WE GOING FROM HERE

The sale of non-conservation lands will continue and the state will continue to buy and manage conservation lands as done in the past with appropriate funding.[[318]](#footnote-319) The Florida Forever program is scheduled to continue until 2020.[[319]](#footnote-320) Revenue generated from non-conservation surplus will be deposited in the Florida Forever Trust fund and any money held in the fund at the end of the fiscal year will continue towards the next year.[[320]](#footnote-321)

The decrease in funding for the program has environmentalists proposing what to do next. A new amendment is proposed called the Land and Water Conservation Amendment, which would acquire, restore, improve, and manage lands by dedicating 33% of net revenues from the existing tax on documentary stamps to conservation.[[321]](#footnote-322) This amendment will go in front of voters in November 2014.[[322]](#footnote-323) As proposed, this amendment would do away with the bonding procedures as administered under Florida Forever, and provide a mandatory revenue stream for conservation.[[323]](#footnote-324) The amendment will still expend a portion of the money to pay the debt service on outstanding bonds.[[324]](#footnote-325) Once effective, the amendment will run for twenty years allocating the portion of tax revenues to the Land Acquisition Trust Fund.[[325]](#footnote-326) Many feel this amendment will pass with voter approval in November.[[326]](#footnote-327) According to its proponents, acquiring lands should not be the only goal and solution.[[327]](#footnote-328) They feel the state needs to be able to manage what it already has.[[328]](#footnote-329) On the other hand, opponents fear that this committed revenue stream will make management of the state budget more difficult and will give the state too much land and control over that land.[[329]](#footnote-330)

1. CONCLUSION

Florida has a long history of success in preserving its natural resources for its citizens and future generations. Though our population tends to look only at what is going wrong and not what we are doing right, it is important to recognize how far Florida has come in protecting and recognizing its valuable natural resources. We will face a perpetual fight with population growth and development in balancing the need for growth and the need for conservation. It is important to remember that the growth that this conservation is aimed at curbing is what is funding the ability to conserve. A fine balance must be reached between hindering growth and preserving our resources.

With the downturn in Florida’s economy over the past five years, conservation efforts have become more restrictive and difficult. Since then we have seen drastic hits at what was once a bolstering $300 million a year program, Florida Forever. This program is now gasping for funding. 2013-14 appropriations seemed bigger than they really were with $50 million being generated from the sale of other conservation lands. The assessment process used to evaluate sites for potential surplus was extensive. The commentary and criticisms surrounding this process were endless. Counties, as well as private environmental groups, raised their concerns for this assessment and surplus for various different reasons. Certain sites seemed to be of higher concern that others, such as the Green Swamp parcels and Cayo Costa State Park. As the state continued to remove sites, the state was reducing its potential revenue.

Ultimately, the state adhered to the legislative direction, and very few parcels were found to have no conservation value. If the lands currently held do have conservation value, its possible that the need for more conservation land is not as pressing as some felt, therefore, requiring less funding for new purchases. The final public draft of potential surplus sites amounted to little economic value if sold.

The state could pursue other alternatives to expand their conservation land inventory such as acquisition of conservation easements rather than fee simple acquisitions. If some sites which were listed as surplus have some conservation value, the state could sell or lease the site pursuant to a conservation easement. An example of this is leases of agricultural lands, or the sale of property adjacent to residential lot with a conservation easement. For certain parcels this could be a viable alternative. Also, if part of the drain on funding is derived from management of these lands, it would be interesting to know the difference in cost for a public agency to manage their lands versus and privately contracted manager. The state is exploring alternatives to adhere to its citizen’s demands for more conservation land. Whether the sale of non-conservation land will be a success is still premature. The proposed amendment will provide a fixed revenue stream which should benefit the state’s environmental goals. If effective, revenues generated need to be partially allocated towards management of currently held lands.

1. Fla. Dept. of Envtl. Protec., *State Lands History*, http://www.dep.state.fl.us/lands/history\_more.htm (accessed Sept. 25, 2013). [↑](#footnote-ref-2)
2. *Id*. [↑](#footnote-ref-3)
3. *Id*. [↑](#footnote-ref-4)
4. *Id*. [↑](#footnote-ref-5)
5. Memo from Div. of State Lands, to Board of Trustees, *Adoption of FY 2013-2014 Annual Florida Forever Work Plan*, http://static-lobbytools.s3.amazonaws.com/ press/ 59850\_revised\_proposed\_work\_plan\_on\_arc\_agenda.pdf (accessed Nov. 11, 2013). [↑](#footnote-ref-6)
6. *State Agency Authority for Land Disposition*, Dec. 2009, http://www.dep.state.fl.us/lands/files/Surplus\_whitepaper.pdf (accessed Sept. 30, 2013). [↑](#footnote-ref-7)
7. Memo from Div. of State Lands, to Board of Trustees, *Supra* n. 4, at 6(a). [↑](#footnote-ref-8)
8. Fla. Sen. 1500, 2013 Legis. (May, 20, 2013). [↑](#footnote-ref-9)
9. Fla. Stat. § 253.02 (2013). [↑](#footnote-ref-10)
10. Fla. Dept. of Envtl. Protec., *State Conservation Land Assessment, GIS Model Description*, (Sept. 3, 2013). [↑](#footnote-ref-11)
11. Fla. Sen. 1500, *supra,* n. *7* [↑](#footnote-ref-12)
12. Fla. Dept. Envtl. Protec., *Public Comments*, http://publicfiles.dep.state.fl.us/DSL/OES/ARC/State%20Lands%20Assessment/Assessment\_Comments/ARC%20Comments.pdf. [↑](#footnote-ref-13)
13. Fla. Dept. of Envtl. Protec., State Conservation Land Assessment, GIS Model Description*, supra* n. 9, at 1. [↑](#footnote-ref-14)
14. *Id*. [↑](#footnote-ref-15)
15. Email from Clay Henderson Esq., Senior Counsel, Holland & Knight (Sept. 19, 2013, 2:08 p.m. EST) [↑](#footnote-ref-16)
16. Telephone Interview with Senator Alan Hays, Florida Senator, District 11. (Dec. 6, 2013). [↑](#footnote-ref-17)
17. *Id*. [↑](#footnote-ref-18)
18. Memo. From Dept. Envtl. Protec. Press Office, to Interested Parties, *State Conservation Land Assessment* (Feb. 28, 2014) (available at http://content.govdelivery.com/accounts/FLDEP/bullitens/a13afb). [↑](#footnote-ref-19)
19. *Id.* [↑](#footnote-ref-20)
20. Fla. Dept. of Envtl. Protec., *State Conservation Land Assessment Results- DRFAT, http*://www.dep.state.fl.us/lands/assessment/maps.htm (accessed Dec. 6, 2013). [↑](#footnote-ref-21)
21. Telephone Interview with Marianne Gengenbach, Envtl. Adminster. Fla. Dept. Envtl. Protec. (May 5, 2014). [↑](#footnote-ref-22)
22. Fla. Sen. 1500, *supra* n. 8. [↑](#footnote-ref-23)
23. Email from Dr. Peter Frederick, Acquisition and Restoration Council at large member, (Sept. 20, 2013, 4:50 p.m. EST). [↑](#footnote-ref-24)
24. Telephone Interview with Marianne Gengenbach, *supra* n. 21. [↑](#footnote-ref-25)
25. Fla. Dept. Envtl. Protec., Div. of State Lands, PowerPoint, *Florida Land Programs*, (Nov. 15, 2011). [↑](#footnote-ref-26)
26. *Id*. [↑](#footnote-ref-27)
27. Dr. Joe Knetsch, *State Lands History*, (Nov. 10, 2008) http://www.dep.state.fl.us/lands/files/lands\_history.pdf (accessed Sept. 25, 2013). [↑](#footnote-ref-28)
28. *Id*. [↑](#footnote-ref-29)
29. Fla. Dept. of Envtl. Protec., State Land History, *supra* n. 1. [↑](#footnote-ref-30)
30. Dr. Joe Knetsch, *supra* n. 28, at 1. [↑](#footnote-ref-31)
31. James A. Farr; O. Greg Brock, *Florida’s landmark Programs for Conservation and Recreation Land Acquisition,* 14 Sustain Journal. Spring/Summer 2006 http://www.dep.state.fl.us/lands/files/Florida\_LandAcquisition.pdf. [↑](#footnote-ref-32)
32. *Id*. at 2. [↑](#footnote-ref-33)
33. *Id*. [↑](#footnote-ref-34)
34. *Id*. [↑](#footnote-ref-35)
35. Documentary Stamp taxes are a tax on the execution of documents and real estate transactions. ($0.70 per $100 on transfers of real property/ $0.35 per $100 execution and delivery of documents). [↑](#footnote-ref-36)
36. Farr, *supra* n. 32, at 2. [↑](#footnote-ref-37)
37. *Id*. [↑](#footnote-ref-38)
38. Dr. Joe Knetsch, *supra* n. 28, at 2. [↑](#footnote-ref-39)
39. Farr, s*upra* n. 32, at 2. [↑](#footnote-ref-40)
40. *Id*. at 3. [↑](#footnote-ref-41)
41. *Id*. [↑](#footnote-ref-42)
42. *Id*. [↑](#footnote-ref-43)
43. *Id*. [↑](#footnote-ref-44)
44. *Id*. [↑](#footnote-ref-45)
45. *Id*. at 4. [↑](#footnote-ref-46)
46. *Id*. [↑](#footnote-ref-47)
47. *Id*. [↑](#footnote-ref-48)
48. *Id*. [↑](#footnote-ref-49)
49. *Id*. [↑](#footnote-ref-50)
50. *Id*. at 5. Title to lands purchased through the Save Our Rivers program is held in the name of the specific Water Management Districts and not the state. [↑](#footnote-ref-51)
51. *Id*. [↑](#footnote-ref-52)
52. *Id*. [↑](#footnote-ref-53)
53. *Id*. [↑](#footnote-ref-54)
54. Farr, *supra* n. 32, at 5.; Telephone Interview with Preston Robertson Esq., General Counsel, Florida Wildlife Federation, Tallahassee, Fla. (Sept. 20, 2013). [↑](#footnote-ref-55)
55. Farr, *supra* n. 32, at 5. [↑](#footnote-ref-56)
56. Id. [↑](#footnote-ref-57)
57. Fla. Dept. of Envtl. Protec. Div. of State Lands, *supra* n. 26, at 14. [↑](#footnote-ref-58)
58. Farr, *supra* n. 32, at 7. [↑](#footnote-ref-59)
59. *Id*.; Fla. Dept. State, Div. of Elections, (http://election.dos.state.fl.us/initiatives/fulltext/pdf/11-1.pdf). [↑](#footnote-ref-60)
60. Farr, *supra* n. 32, at 7. [↑](#footnote-ref-61)
61. *Id*. [↑](#footnote-ref-62)
62. Fla. Stat. Ann. § 259.105 (2013). [↑](#footnote-ref-63)
63. *Id*. [↑](#footnote-ref-64)
64. Farr, *supra* n. 32, at 8. [↑](#footnote-ref-65)
65. Fla. Admin. Code § 18–24 (2013). [↑](#footnote-ref-66)
66. *Id*. [↑](#footnote-ref-67)
67. Telephone Interview with Preston Robertson, *supra* n. 55. [↑](#footnote-ref-68)
68. Under Florida Forever, the DEP Division of State Lands receive 35% of the funding; Water Management Districts receive 30%, Florida Communities Trust receives 21%; the Department of Family Lands receives 3.5%, the Stan Mayfield Working Waterfront receives 2.5%, the Recreation and Development Assistance Program receives 2%, Fish and Wildlife Conservation Commission receives 1.5%, the Forestry Department receives 1.5%, Recreation and Parks receives 1.5%, and Department of Greenways and Trails receives 1.5%.Fla. Dept. of Envtl. Protec., *Florida Forever*, http://www.dep.state.fl.us/lands/fl\_forever.htm (accessed Sept. 30, 2013). [↑](#footnote-ref-69)
69. Andy McLeod, The Nature Conservancy, PowerPoint, Fla. State University DeVoe Symposium, (Feb. 15, 2007). [↑](#footnote-ref-70)
70. Farr; *supra* n. 32, at 7. [↑](#footnote-ref-71)
71. *Id*. [↑](#footnote-ref-72)
72. *Id*. [↑](#footnote-ref-73)
73. *Id*. [↑](#footnote-ref-74)
74. *Id*. [↑](#footnote-ref-75)
75. *Id*. [↑](#footnote-ref-76)
76. *Id*. at 8. [↑](#footnote-ref-77)
77. Email from Dr. Peter Frederick, *supra* n. 23. [↑](#footnote-ref-78)
78. *Id*. [↑](#footnote-ref-79)
79. *Id*. [↑](#footnote-ref-80)
80. Farr, *supra* n. 32, at 8. [↑](#footnote-ref-81)
81. Fla. Dept. of Envtl. Protec. Div. of State Lands, *How Property Becomes a Florida Forever Project*, June 2011, http://www.dep.state.fl.us/lands/files/how\_property\_becomes\_a\_ff\_project.pdf (accessed Sept. 30, 2013). [↑](#footnote-ref-82)
82. *Id*. [↑](#footnote-ref-83)
83. *Id.* [↑](#footnote-ref-84)
84. Farr, *supra* n. 32, at 8.; F-TRAC, a FNAI interactive program, looks at different species, water resources, natural communities and forestry. It is employed every six months in conjunction with the selection meetings to assess the new potential projects as well as lands already in public ownership. This program takes into account what important resources are already represented in protected lands when it assesses the value of an unprotected piece of land. [↑](#footnote-ref-85)
85. *Id*. [↑](#footnote-ref-86)
86. *Id*. at 9. [↑](#footnote-ref-87)
87. *Id.* [↑](#footnote-ref-88)
88. Fla. Stat. § 259.105 (2013) [↑](#footnote-ref-89)
89. *Id*. [↑](#footnote-ref-90)
90. *Id.* [↑](#footnote-ref-91)
91. Farr, *supra* n. 32, at 9. [↑](#footnote-ref-92)
92. *Id.* at 10. [↑](#footnote-ref-93)
93. *Id*.; Projects vary in size, resources, and the number of private owners who are affected. Some projects are small sites meant to protect a specific point resource such as a historical site, while other projects span hundreds of acres seeking to preserve a natural community. [↑](#footnote-ref-94)
94. *Id*.; If a project is given the go ahead it is then given to the Bureau of Survey and Mapping to do a title search and put together an appraisal map. The goal of this is to make sure there aren’t any defects in the value of the land as they see it. This map is then given to the Bureau of Appraisal. The state hires private appraisers to determine the maximum price the State is willing to pay and the final decision is then made by the Governor and Cabinet, if the purchase price exceeds $250,000. [↑](#footnote-ref-95)
95. *Id*. at 12. [↑](#footnote-ref-96)
96. *Id*. [↑](#footnote-ref-97)
97. *Id*. [↑](#footnote-ref-98)
98. *Id*. [↑](#footnote-ref-99)
99. *Id*. [↑](#footnote-ref-100)
100. *Id*. [↑](#footnote-ref-101)
101. *Id*. [↑](#footnote-ref-102)
102. *Id*. at 13. [↑](#footnote-ref-103)
103. Telephone Interview with Senator Alan Hays, *supra* n. 16. [↑](#footnote-ref-104)
104. Farr, *supra* n. 32, at 13. [↑](#footnote-ref-105)
105. *Id*. at 14. [↑](#footnote-ref-106)
106. Fla. Dept. of Envtl. Protec., State Lands History, *supra* n. 1. [↑](#footnote-ref-107)
107. Fla. Dept. Rev., *Documentary Stamp Collections by County*, http://dor.myflorida.com/dor/taxes/doc\_stamp\_coll.html (accessed Dec. 10, 2013). [↑](#footnote-ref-108)
108. *Id*. [↑](#footnote-ref-109)
109. Moody’s Investors Service, *RATING REVISION AFFECTS OVER $2B EVERGLADES RESTORATION BONDS, PRESERVATION 2000 AND FLORIDA FOREVER REVENUE BONDS; OUTLOOK IS STABLE*,https://www.moodys.com/research/MOODYS-DOWNGRADES-FLORIDA-DEPARTMENT-OF-ENVIRONMENTAL-PROTECTION-FLORIDA-FOREVER-REVENUE-New-Issue--NIR\_16966113 (accessed Nov. 11, 2013). [↑](#footnote-ref-110)
110. Email from Preston Robertson Esq., General Counsel Florida Wildlife Federation, (Dec. 6. 2013, 3:29 p.m. EST). [↑](#footnote-ref-111)
111. Telephone Interview with Greg Kenect, The Nature Conservancy, Tallahassee, Fla. (Nov. 11, 2013). [↑](#footnote-ref-112)
112. Memo from Clay Smallwood, Director Div. of State Lands, to Board of Trustees of the Internal Improvement Trust Fund, *Florida Forever Work Plan for Fiscal Year 2011-12* (Sept. 14, 2011). [↑](#footnote-ref-113)
113. *Id*. [↑](#footnote-ref-114)
114. *Id*. [↑](#footnote-ref-115)
115. *Id*. [↑](#footnote-ref-116)
116. Memo from Fla. Dept. of Envtl. Protec. Div. of State Lands, *Annual Florida Forever Work Plan, Item 9*. [↑](#footnote-ref-117)
117. Memo Div. of State Lands, *supra* n. 4, at 5. [↑](#footnote-ref-118)
118. *Id*. [↑](#footnote-ref-119)
119. *Id*. [↑](#footnote-ref-120)
120. *Id*.; Since the start of the fiscal year 2013/2014 the State has closed on one partnership project, with the Dept. of Defense, who allocated $1.5 million to purchase 1,578 acres for the Camp Blanding-Raiford Greenway Florida Forever Project. [↑](#footnote-ref-121)
121. All outstanding Preservation 2000 bonds matured on July 1, 2013. Since this alleviates the states debt, many feel more funding can now be appropriated toward Florida Forever. [↑](#footnote-ref-122)
122. Email from Clay Henderson, *supra* n. 15. [↑](#footnote-ref-123)
123. Telephone Interview with Senator Alan Hays, *supra* n. 16. [↑](#footnote-ref-124)
124. *Id*. [↑](#footnote-ref-125)
125. *Id*. [↑](#footnote-ref-126)
126. *Id*. [↑](#footnote-ref-127)
127. *Id*. [↑](#footnote-ref-128)
128. Email from Clay Henderson, *supra* n. 15.; Email from Manley Fuller, President, Florida Wildlife Federation, (Sept. 19, 2013 at 9:18 a.m. EST). [↑](#footnote-ref-129)
129. *Id*. [↑](#footnote-ref-130)
130. Email from Manley Fuller, President, Florida Wildlife Federation, (Sept. 19, 2013 at 9:18 a.m. EST). [↑](#footnote-ref-131)
131. Email from Clay Henderson, *supra* n. 15. [↑](#footnote-ref-132)
132. Telephone Interview with Senator Alan Hays, *supra* n. 16. [↑](#footnote-ref-133)
133. *Id*.; Email from Mark Middlebrook, Executive Director, St. Johns River Alliance, (Sept. 19, 2013 at 4:21 p.m. EST). [↑](#footnote-ref-134)
134. Email from Mark Middlebrook, Executive Director, St. Johns River Alliance, (Sept. 19, 2013 at 4:21 p.m. EST). [↑](#footnote-ref-135)
135. Telephone Interview with Senator Alan Hays, *supra* n. 16. [↑](#footnote-ref-136)
136. *Id*. [↑](#footnote-ref-137)
137. *Id*. [↑](#footnote-ref-138)
138. Email from Mark Middlebrook, *supra* n. 135. [↑](#footnote-ref-139)
139. *Id*. [↑](#footnote-ref-140)
140. Telephone Interview with Senator Alan Hays, *supra* n. 16. [↑](#footnote-ref-141)
141. *Id*. [↑](#footnote-ref-142)
142. *Id*. [↑](#footnote-ref-143)
143. *Id*. [↑](#footnote-ref-144)
144. *Id*. [↑](#footnote-ref-145)
145. Email from Dr. Peter Frederick, *supra* n. 23. [↑](#footnote-ref-146)
146. *Id.* [↑](#footnote-ref-147)
147. *Id*. [↑](#footnote-ref-148)
148. *Id*. [↑](#footnote-ref-149)
149. *Id*. [↑](#footnote-ref-150)
150. *Id*. [↑](#footnote-ref-151)
151. *Id*. [↑](#footnote-ref-152)
152. *Id*. [↑](#footnote-ref-153)
153. Telephone Interview with Marianne Gengenbach, *supra* n. 21. [↑](#footnote-ref-154)
154. Fla. Sen. 214, Legis. (April 11. 2013). [↑](#footnote-ref-155)
155. Email form Marianne Gengenbach, Environmental Administrator, Fla. Dept. of Envtl. Protec., (Dec. 6, 2013 at 2:58 p.m. EST) [↑](#footnote-ref-156)
156. *Id*. [↑](#footnote-ref-157)
157. *Id*. [↑](#footnote-ref-158)
158. *Id*. [↑](#footnote-ref-159)
159. *Id*. [↑](#footnote-ref-160)
160. Memo. From Dept. Envtl. Protec. Press Office, *supra* n. 18. [↑](#footnote-ref-161)
161. Fla. Stat. § 253.02 (2013). [↑](#footnote-ref-162)
162. State Agency Authority for Land Disposition, *supra* n. 6, at 2. [↑](#footnote-ref-163)
163. *Id.* [↑](#footnote-ref-164)
164. Fla. Stat. § 253.034 (2013); Fla. Admin. Code § 18-2 (2013). [↑](#footnote-ref-165)
165. Fla. Stat. § 253.034 (2013). [↑](#footnote-ref-166)
166. *Id*. [↑](#footnote-ref-167)
167. State Agency Authority for Land Disposition, s*upra* n. 6, at 3. [↑](#footnote-ref-168)
168. *Id.* [↑](#footnote-ref-169)
169. *Id.* [↑](#footnote-ref-170)
170. *Id.* [↑](#footnote-ref-171)
171. *Id.* [↑](#footnote-ref-172)
172. Fla. Dept. of Envtl. Protec., State Conservation Land Assessment- GIS Model Description, *supra* n. 10. [↑](#footnote-ref-173)
173. Email from Mark Middlebrook, *supra* n. 135. [↑](#footnote-ref-174)
174. Memo. From Dept. Envtl. Protec. Press Office, *supra* n. 18. [↑](#footnote-ref-175)
175. Fla. Dept. Envtl. Protec., State Conservation Land Assessment- GIS Model Description, *supra* n. 10, at 1. [↑](#footnote-ref-176)
176. *Id*. [↑](#footnote-ref-177)
177. *Id.* [↑](#footnote-ref-178)
178. *Id.* [↑](#footnote-ref-179)
179. *Id.* [↑](#footnote-ref-180)
180. More than 65 scientific criteria were considered. [↑](#footnote-ref-181)
181. See Ex. 1 for filter analysis model. [↑](#footnote-ref-182)
182. *Id*. at 2. [↑](#footnote-ref-183)
183. *Id.* [↑](#footnote-ref-184)
184. *Id.* [↑](#footnote-ref-185)
185. *Id.* [↑](#footnote-ref-186)
186. *Id.* [↑](#footnote-ref-187)
187. *Id.* [↑](#footnote-ref-188)
188. *Id*. at 3. [↑](#footnote-ref-189)
189. *Id.* at 5. [↑](#footnote-ref-190)
190. *Id.* at 7. [↑](#footnote-ref-191)
191. The model flagged any site within five miles of a Department of Defense facility. [↑](#footnote-ref-192)
192. *Id*. [↑](#footnote-ref-193)
193. *Id*. [↑](#footnote-ref-194)
194. *Id*. [↑](#footnote-ref-195)
195. *Id*. [↑](#footnote-ref-196)
196. *Id*. [↑](#footnote-ref-197)
197. *Id.* [↑](#footnote-ref-198)
198. Fla. Dept. of Envtl. Protec., State Conservation Land Assessment Results- DRFAT, *supra*, n. 20. [↑](#footnote-ref-199)
199. Email from Dr. Peter Frederick, *supra* n. 23. [↑](#footnote-ref-200)
200. Email from Mark Middlebrook, *supra* n. 135. [↑](#footnote-ref-201)
201. *Id*. [↑](#footnote-ref-202)
202. *Id*. [↑](#footnote-ref-203)
203. *Id*. [↑](#footnote-ref-204)
204. *Id*. [↑](#footnote-ref-205)
205. Email from Dr. Peter Frederick, *supra* n. 23. [↑](#footnote-ref-206)
206. *Id*. [↑](#footnote-ref-207)
207. *Id*. [↑](#footnote-ref-208)
208. Fla. Dept. Envtl. Protec., State Conservation Land Assessment- GIS Model Description, *Supra* n. 10, at 8. [↑](#footnote-ref-209)
209. *Id*. [↑](#footnote-ref-210)
210. *Id*. [↑](#footnote-ref-211)
211. *Id*. [↑](#footnote-ref-212)
212. *Id*. [↑](#footnote-ref-213)
213. *Id*. [↑](#footnote-ref-214)
214. *Id.* [↑](#footnote-ref-215)
215. *Id.* at 9. [↑](#footnote-ref-216)
216. *Id*. [↑](#footnote-ref-217)
217. *Id*. [↑](#footnote-ref-218)
218. *Id*. [↑](#footnote-ref-219)
219. *Id*. [↑](#footnote-ref-220)
220. *Id*. [↑](#footnote-ref-221)
221. *Id*. [↑](#footnote-ref-222)
222. *Id*. [↑](#footnote-ref-223)
223. *Id*. [↑](#footnote-ref-224)
224. *Id.* [↑](#footnote-ref-225)
225. Email from Mark Middlebrook, *supra* n. 135. [↑](#footnote-ref-226)
226. *Id*. [↑](#footnote-ref-227)
227. *Id*. [↑](#footnote-ref-228)
228. *Id*. [↑](#footnote-ref-229)
229. *Id*. [↑](#footnote-ref-230)
230. *Id*. [↑](#footnote-ref-231)
231. Fla. Dept. Envtl. Protec., State Conservation Land Assessment- GIS Model Description, s*upra* n. 10, at 12. [↑](#footnote-ref-232)
232. *Id*. [↑](#footnote-ref-233)
233. *Id*. [↑](#footnote-ref-234)
234. *Id*. at 13. [↑](#footnote-ref-235)
235. This category also identified sites located within two miles of a development of regional impact. [↑](#footnote-ref-236)
236. *Id*. [↑](#footnote-ref-237)
237. *Id*. [↑](#footnote-ref-238)
238. *Id*. [↑](#footnote-ref-239)
239. *Id.* [↑](#footnote-ref-240)
240. Email from Dr. Peter Frederick, *supra* n. 23. [↑](#footnote-ref-241)
241. Email from Mark Middlebrook, *supra* n. 135. [↑](#footnote-ref-242)
242. *Id*. [↑](#footnote-ref-243)
243. *Id*. [↑](#footnote-ref-244)
244. Dr. Peter Frederick, Acquisition and Restoration Council Meeting Commentary, *Surplus Land Assessment Process* (Tallahassee, Fla. Sept. 15, 2013). [↑](#footnote-ref-245)
245. Marianne Gengenbach, Acquisition and Restoration Council Meeting Commentary, *Surplus Land Assessment Process*  (Tallahassee, Fla. Sept. 15, 2013). [↑](#footnote-ref-246)
246. Fla. Dept. Envtl. Protec., State Conservation Land Assessment- GIS Model Description, *supra* n. 10, at 13. [↑](#footnote-ref-247)
247. Email from Clay Henderson, *supra* n. 15.; Email from Manley Fuller, *supra* n. 125. [↑](#footnote-ref-248)
248. Fla. Dept. Envtl. Protec., Public Comments, *supra* n. 12. [↑](#footnote-ref-249)
249. Fla. Dept. of Envtl. Protec., State Conservation Land Assessment Results- DRFAT, *supra* n. 20.; See Ex. 2 for parcel maps. [↑](#footnote-ref-250)
250. Memo from Audubon Society Florida, to ARC Members, *RE: Conservation Land Assessment- Draft Surplus Lands List*, (Sept. 10, 2013). [↑](#footnote-ref-251)
251. *Id*. [↑](#footnote-ref-252)
252. *Id*. [↑](#footnote-ref-253)
253. *Id.*  [↑](#footnote-ref-254)
254. *Id*. [↑](#footnote-ref-255)
255. Fla. Dept. of Envtl. Protec., State Conservation Land Assessment Results- DRFAT, *supra* n. 20.; See Ex. 3 for parcel maps. [↑](#footnote-ref-256)
256. Memo from Audubon Society Florida, *supra* n. 251, at 2. [↑](#footnote-ref-257)
257. *Id*. [↑](#footnote-ref-258)
258. *Id.* [↑](#footnote-ref-259)
259. *Id.* [↑](#footnote-ref-260)
260. See Ex. 4 for parcel maps. [↑](#footnote-ref-261)
261. Fla. Dept. of Envtl. Protec., State Conservation Land Assessment Results- DRFAT, *supra* n. 20.; See Ex. 5 for parcel maps. [↑](#footnote-ref-262)
262. Memo from Audubon Society Florida, *supra* n. 251, at 6. [↑](#footnote-ref-263)
263. *Id.* [↑](#footnote-ref-264)
264. Fla. Dept. Envtl. Protec., Public Comments, *supra* n. 12. [↑](#footnote-ref-265)
265. Fla. Dept. of Envtl. Protec., State Conservation Land Assessment Results- DRFAT, *supra* n. 20.; See Ex. 6 for parcel map. [↑](#footnote-ref-266)
266. Memo from Audubon Society Florida, *supra* n. 251, at 8. [↑](#footnote-ref-267)
267. *Id.* [↑](#footnote-ref-268)
268. Memo from Charles Pattison, 1000 Friends of Florida, to Hank Vinson, DEP Division of State Lands, *1000 Friends Comments on Proposed Surplus Lands List*, (Sept. 6, 2013). [↑](#footnote-ref-269)
269. Memo from Audubon Society Florida, *supra* n. 251, at 8. [↑](#footnote-ref-270)
270. *Id*. [↑](#footnote-ref-271)
271. *Id*. [↑](#footnote-ref-272)
272. *Id*. [↑](#footnote-ref-273)
273. Fla. Dept. of Envtl. Protec., State Conservation Land Assessment Results- DRFAT, s*upra* n. 20.; See Ex. 7 for parcel maps. [↑](#footnote-ref-274)
274. Memo from Audubon Society Florida, *supra* n. 251, at 4. [↑](#footnote-ref-275)
275. Memo from Audubon Society Florida, *supra* n. 251, at 4.; Fla. Dept. of Envtl. Protec., State Conservation Land Assessment Results- DRFAT, *Supra* n. 20. [↑](#footnote-ref-276)
276. Email from Dr. Peter Frederick, *supra* n. 23. [↑](#footnote-ref-277)
277. *Id*. [↑](#footnote-ref-278)
278. *Id*. [↑](#footnote-ref-279)
279. Memo from Audubon Society Florida, *supra* n. 251, at 4. [↑](#footnote-ref-280)
280. Memo from Margi Nanney, Volunteer Cayo Costa State Park, to Acquisition and Restoration Council, *Opposition to Proposed Surplus State Land Sale Cayo Costa*, (Sept. 6, 2013). [↑](#footnote-ref-281)
281. Memo from Mike Byerly, Chairman, Board of County Commissioners, Alachua County, to Al Dougherty, Acquisition and Restoration Council, Chairman, (Sept. 9, 2013). [↑](#footnote-ref-282)
282. *Id*. [↑](#footnote-ref-283)
283. *Id*. [↑](#footnote-ref-284)
284. *Id*. [↑](#footnote-ref-285)
285. *Id*. [↑](#footnote-ref-286)
286. *Id*. [↑](#footnote-ref-287)
287. Email from Mark Middlebrook, *supra* n. 135. [↑](#footnote-ref-288)
288. *Id*. [↑](#footnote-ref-289)
289. Memo from Jennifer Jurado, Director, Broward County Environmental Protection and Growth management Dept., to Susan Grandin, Division of State Lands, *2013 State Conservation Land- Assessment and Proposed Surplus*, (Sept. 4, 2013). [↑](#footnote-ref-290)
290. *Id*. [↑](#footnote-ref-291)
291. *Id*.; Some of which have since been taken off the list. [↑](#footnote-ref-292)
292. Email from Dr. Peter Frederick, *supra* n. 23. [↑](#footnote-ref-293)
293. Fla. Dept. of Envtl. Protec., State Conservation Land Assessment Results- DRFAT, *supra* n. 20. [↑](#footnote-ref-294)
294. Memo from Audubon Society Florida, *supra* n. 251, at 3. [↑](#footnote-ref-295)
295. *Id*. [↑](#footnote-ref-296)
296. *Id*. [↑](#footnote-ref-297)
297. *Id*. [↑](#footnote-ref-298)
298. Fla. Dept. of Envtl. Protec., State Conservation Land Assessment Results- DRFAT, *supra* n. 20. [↑](#footnote-ref-299)
299. Memo from Audubon Society Florida, *supra* n. 251, at 12. [↑](#footnote-ref-300)
300. *Id*. [↑](#footnote-ref-301)
301. Fla. Dept. of Envtl. Protec., State Conservation Land Assessment Results- DRFAT, *Supra* n. 20. [↑](#footnote-ref-302)
302. Memo from Audubon Society Florida, *supra* n. 251, at 6. [↑](#footnote-ref-303)
303. *Id*. [↑](#footnote-ref-304)
304. *Id*. [↑](#footnote-ref-305)
305. *Id*. [↑](#footnote-ref-306)
306. Memo. From Dept. Envtl. Protec. Press Office, *supra* n. 18. [↑](#footnote-ref-307)
307. *Id.* [↑](#footnote-ref-308)
308. *Id.* [↑](#footnote-ref-309)
309. *Id.* [↑](#footnote-ref-310)
310. *Id.* [↑](#footnote-ref-311)
311. *Id.*  [↑](#footnote-ref-312)
312. *Id.* [↑](#footnote-ref-313)
313. Fla. Dept. of Envtl. Protec., State Conservation Land Assessment Results- DRFAT, *supra* n. 20. [↑](#footnote-ref-314)
314. Telephone Interview with Marianne Gengenbach, supra n. 21. [↑](#footnote-ref-315)
315. *Id.*  [↑](#footnote-ref-316)
316. *Id.*  [↑](#footnote-ref-317)
317. Memo. From Dept. Envtl. Protec. Press Office, *supra* n. 18. [↑](#footnote-ref-318)
318. *Id.*  [↑](#footnote-ref-319)
319. Fla. Dept. Envtl. Protec., Parks and Oppen Space Florida Forever Grant Program, http://www.dep.state.fl.us/lands/FL\_Communities\_Trust/parksandopenspace\_FAQ.htm (May 8, 2014). [↑](#footnote-ref-320)
320. [↑](#footnote-ref-321)
321. *Advisory Op. to Atty. Gen. re Water and Land Conservation--Dedicates Funds to Acquire and Restore Florida Conservation and Recreation Lands*, 123 So. 3d 47, 49 (Fla. 2013). [↑](#footnote-ref-322)
322. *Id*. [↑](#footnote-ref-323)
323. *Id*. [↑](#footnote-ref-324)
324. *Id.*  [↑](#footnote-ref-325)
325. *Id.* [↑](#footnote-ref-326)
326. Telephone Interview with Marianne Gengenbach, *supra* n. 18. [↑](#footnote-ref-327)
327. Interview by Lauren Rowe, *Flashpoint Discusses Florida Forever*, with David Simmons, Senator; Chuck O’neil, League of Women Voters, Natural Resources Committee. (Sept. 23, 2013). [↑](#footnote-ref-328)
328. *Id.*  [↑](#footnote-ref-329)
329. Phil Ammann, Saint Peters Blog, *Not All Florida Lawmakers Support Land Conservation Amendment One.* http://www.saintpetersblog.com/not-all-florida-lawmakers-support-land-conservation-amendment-1 (Jan. 27, 2014). [↑](#footnote-ref-330)