

CHAPTER 589

FORESTRY

- 589.01 Florida Forestry Council.
- 589.011 Use of state forest lands; fees; rules.
- 589.02 Headquarters and meetings of council.
- 589.03 Compensation and allowances.
- 589.04 Duties of division.
- 589.06 Warrants for payment of accounts.
- 589.07 Division may acquire lands for forest purposes.
- 589.071 Traffic control within state forest or division-assigned lands.
- 589.08 Land acquisition restrictions.
- 589.081 Withlacoochee State Forest and Goethe State Forest; payment to counties of portion of gross receipts.
- 589.09 Use of lands acquired.
- 589.10 Disposition of lands.
- 589.101 Blackwater River State Forest; lease of board's interest in gas, oil, and other minerals.
- 589.102 Blackwater River State Forest; use of leased forest lands.
- 589.11 Duties of division as to Clarke-McNary Law.
- 589.12 Rules and regulations.
- 589.13 Lien of division and other parties, for forestry work, etc.
- 589.14 Enforcement of lien; notice.
- 589.15 Form of notice.
- 589.16 Time for filing notice of lien.
- 589.17 Application of general laws.
- 589.18 Division to make certain investigations.
- 589.19 Creation of certain state forests.
- 589.20 Cooperation by division.
- 589.21 Management to be for public interest.
- 589.26 Dedication of state park lands for public use.
- 589.27 Power of eminent domain; procedure.
- 589.275 Planting of indigenous trees on state lands.
- 589.277 Tree planting programs; Plant A Tree Trust Fund.
- 589.28 County commissions or municipalities authorized to cooperate with Division of Forestry.
- 589.29 Quality of assistance.
- 589.30 Duty of district forester.
- 589.31 Cooperative agreement.
- 589.32 Cost of providing county forestry assistance.
- 589.33 Expenditure of budgeted funds.
- 589.34 Revocation of agreement.

589.01 Florida Forestry Council.—The Florida Forestry Council, hereinafter called the "council," is hereby created in the Division of Forestry of the Department of Agriculture and Consumer Services. The council shall be composed of five members appointed by the Department of Agriculture and Consumer Services for terms of 4 years.

(1) There shall be one member of the council from each of the following areas of forestry:

- (a) The pulp and paper manufacturing industry.
- (b) A forest products industry other than that described in paragraph (a).

- (c) A timber or timber products dealer.
 - (d) An individual forest landowner.
 - (e) An active member of a statewide conservation organization having as one of its principal objectives the conservation and development of the forest resource.
- (2) Not fewer than two or more than three nominations shall be made for each membership on the council, and any statewide organization representing an area of forestry represented on the council may make nominations.
- (3) The council shall meet at the call of its chairman, at the request of a majority of its membership or of the Department of Agriculture and Consumer Services, or at such times as may be prescribed by its rules.

(4) A majority of the members of the council shall constitute a quorum for all purposes, and an act by a majority of such quorum at any meeting shall constitute an official act of the council.

(5) The powers and duties of the council shall be as follows:

- (a) To consider and study the entire field of forestry;
- (b) To advise, counsel, and consult with the Department of Agriculture and Consumer Services and the Director of the Division of Forestry upon request in connection with the promulgation, administration, and enforcement of all laws and rules relating to forestry;
- (c) To consider all matters submitted to it by the Department of Agriculture and Consumer Services or the Director of the Division of Forestry;
- (d) To offer suggestions and recommendations to the Department of Agriculture and Consumer Services and the Director of the Division of Forestry on its own initiative in regard to changes in the laws and rules relating to forestry as may be deemed advisable to secure the effective administration and enforcement of such laws and rules relating to the work of the division; and
- (e) To keep a complete record of all its proceedings, showing the names of the members present at each meeting and any action taken by the council, and to file and maintain such records in the Division of Forestry as a public record.

History.—s. 1, ch. 12283, 1927; CGL 4151(1); s. 1, ch. 20419, 1941; ss. 14, 35, ch. 69-106; s. 1, ch. 70-306; s. 1, ch. 70-439; s. 204, ch. 77-104; s. 18, ch. 77-108; s. 6, ch. 78-95; s. 4, ch. 78-323; ss. 1, 4, 5, ch. 81-80; s. 1, ch. 82-46; s. 51, ch. 83-216; s. 2, ch. 83-265; ss. 1, 2, ch. 87-10; s. 5, ch. 91-429.

589.011 Use of state forest lands; fees; rules.—

(1) The Division of Forestry of the Department of Agriculture and Consumer Services may grant privileges, permits, leases, and concessions for the use of state forest lands, timber, and forest products for purposes not inconsistent with the provisions of this chapter.

(2) The Division of Forestry is authorized to grant easements for rights-of-way, over, across, and upon state forest lands for the construction and maintenance of poles and lines for the transmission and distribution of electrical power, pipelines for the distribution and transportation of oils and gases, and for telephone and telegraphic purposes and for public roads, under such conditions and limitations as the division may impose.

(3) The Division of Forestry shall have the power to set and charge reasonable fees or rent for the use or operation of facilities on state forests or any lands leased by or otherwise assigned to the division for management purposes. Moneys collected from such fees and rent shall be deposited into the Incidental Trust Fund of the division.

(4) The Division of Forestry may adopt and enforce rules necessary for the protection, utilization, occupancy, and development of state forest lands or any lands leased by or otherwise assigned to the division for management purposes. Any person violating or otherwise failing to comply with any provision of this subsection or rule adopted under this subsection commits a noncriminal violation as defined in s. 775.08(3), punishable only by fine, not to exceed \$500 per violation. Jurisdiction shall be with the appropriate county court.

History.—ss. 1-4, ch. 25324, 1949; s. 1, ch. 59-168; ss. 14, 35, ch. 69-106; s. 4, ch. 71-377; s. 1, ch. 82-46; s. 2, ch. 83-265; s. 1, ch. 87-10; s. 1, ch. 88-321; s. 79, ch. 93-169.

589.02 Headquarters and meetings of council.—

The official headquarters of the council shall be in Tallahassee, but it may hold meetings at such other places in the state as it may determine by resolutions or as may be selected by a majority of the members of the council in any call for a meeting. The annual meeting of the council shall be held on the first Monday in October of each year. Special meetings may be called at any time by the chairman or upon the written request of a majority of the members. The council shall annually elect from its members a chairman, a vice chairman, and a secretary. The election shall be held at the annual meeting of the council. A majority of the members of the council shall constitute a quorum for such purposes.

History.—ss. 1, 2, ch. 12283, 1927; CGL 4151(1),(2); ss. 14, 35, ch. 69-106; s. 4, ch. 78-323; ss. 2, 4, 5, ch. 81-80; s. 1, ch. 82-46; s. 2, ch. 83-265; ss. 1, 2, ch. 87-10; s. 5, ch. 91-429.

589.03 Compensation and allowances.—

Members of the council shall receive no compensation for the services which they may render under the provisions of this chapter. However, they shall be reimbursed for per diem and travel expenses as provided in s. 112.061 for attending meetings of the council and in the performance of duties as members of the council, but the aggregate expense of all members of the council shall not, during any fiscal year, exceed the sum of \$2,500.

History.—s. 3, ch. 12283, 1927; CGL 4151(3); s. 1, ch. 24034, 1947; s. 19, ch. 63-400; ss. 14, 35, ch. 69-106; s. 4, ch. 78-323; ss. 3, 4, 5, ch. 81-80; s. 1, ch. 82-46; s. 2, ch. 83-265; ss. 1, 2, ch. 87-10; s. 5, ch. 91-429.

589.04 Duties of division.—

(1) The Division of Forestry shall cooperate with federal, state, and local governmental agencies, nonprofit organizations, and other persons to:

(a) Promote and encourage forest fire protection, forest environmental education, forest land stewardship, good forest management, tree planting and care, forest recreation, and the proper management of public lands.

(b) Apply for, solicit, and receive grants, funds, services, equipment, and supplies from those agencies, organizations, firms, and individuals.

(2) All grant proceeds and funds received for these purposes shall be deposited in the Forestry Protection

and Education Trust Fund. Expenditures of these funds shall be for the purposes established in this section.

History.—s. 4, ch. 12283, 1927; CGL 4151(4); ss. 14, 35, ch. 69-106; s. 80, ch. 93-169; s. 9, ch. 95-372.

Note.—Section 9, ch. 95-372, amended s. 589.04, effective July 1, 1996, to read:

589.04 Duties of division.—

(1) The Division of Forestry shall cooperate with federal, state, and local governmental agencies, nonprofit organizations, and other persons to:

(a) Promote and encourage forest fire protection, forest environmental education, forest land stewardship, good forest management, tree planting and care, forest recreation, and the proper management of public lands.

(b) Apply for, solicit, and receive grants, funds, services, equipment, and supplies from those agencies, organizations, firms, and individuals.

(2) All grant proceeds and funds received for these purposes shall be deposited in the Incidental Trust Fund. Expenditures of these funds shall be for the purposes established in this section.

589.06 Warrants for payment of accounts.—

Upon the presentation to the Comptroller of any accounts duly approved by the Division of Forestry, accompanied by such itemized vouchers or accounts as shall be required by him, the Comptroller shall audit the same and draw a warrant on the State Treasurer for the amount for which the account is audited, payable out of funds to the credit of the division.

History.—s. 7, ch. 12283, 1927; CGL 4151(7); ss. 14, 35, ch. 69-106.

589.07 Division may acquire lands for forest purposes.—

The Division of Forestry, on behalf of the state and subject to the restrictions mentioned in s. 589.08, may acquire lands, suitable for state forest purposes, by gift, donation, contribution, purchase, or otherwise and may enter into agreements with the Federal Government, or other agency, for acquiring by gift, purchase, or otherwise, such lands as are, in the judgment of the division, suitable and desirable for state forests. The acquisition procedures for state lands provided in s. 253.025 do not apply to acquisition of land by the Division of Forestry.

History.—s. 1, ch. 17027, 1935; CGL 1936 Supp. 4151(10y); ss. 14, 35, ch. 69-106; s. 18, ch. 79-255; s. 2, ch. 90-304.

589.071 Traffic control within state forest or division-assigned lands.—

The Division of Forestry on behalf of the state may adopt rules to control ingress, egress, and all other movement of motor vehicles, bicycles, horses, and pedestrians, as well as all other types of traffic, within a state forest or any lands leased by or otherwise assigned to the division for management purposes, outside of the designated right-of-way of state or county-maintained roads, and may designate special areas off the roadways for the operation of recreational type vehicles which need not be licensed or operated by licensed drivers. Any person violating or otherwise failing to comply with any of the provisions of this section or rules adopted pursuant hereto is guilty of a noncriminal violation as defined in s. 775.08(3), punishable only by fine not to exceed \$500. Jurisdiction shall be with the appropriate county court.

History.—s. 1, ch. 72-246; s. 53, ch. 76-31; s. 4, ch. 80-280.

589.08 Land acquisition restrictions.—

(1) The Division of Forestry shall enter into no agreement for the acquisition, lease, or purchase of any land or for any other purpose whatsoever which shall pledge the credit of, or obligate in any manner whatsoever, the state to pay any sum of money or other thing of value for such purpose, and the said division shall not in any manner or for any purpose pledge the credit of or obligate the state to pay any sum of money.

(2) The division may receive, hold the custody of, and exercise the control of any lands, and set aside into a separate, distinct and inviolable fund, the proceeds which may be derived from the sales of the products of such lands, the use thereof in any manner, or the sale of such lands save the 25 percent of the proceeds thereof to be paid into the State School Fund as provided by law. The division may use and apply such funds for the acquisition, use, custody, management, development, or improvement of any lands vested in or subject to the control of such division. After full payment has been made for the purchase of a state forest, to the Federal Government or other grantor, then 15 percent of the gross receipts from a state forest shall be paid to the county or counties in which it is located in proportion to the acreage located in each county for use by the county or counties for school purposes.

(3)(a) There is established within the Division of Forestry, the Forestry Lands Trust Fund, to be used as a nonlapsing fund for the purposes of this subsection. The purpose of this fund is to acquire lands adjacent to or surrounded by existing state forests, thereby improving management of state forests for public uses.

(b) The moneys in this fund are continually appropriated for the purposes of such land acquisition and the use, custody, management, development, or improvement of such lands vested in or subject to the control of the division. The fund may be credited with up to 10 percent of the annual gross receipts from state forests.

(c) Title of all lands acquired pursuant to this subsection shall be vested in the Board of Trustees of the Internal Improvement Trust Fund. Title shall be accompanied by evidence of marketable title and a survey meeting minimum technical standards for land surveys in Florida.

(d) The purchase price of land acquired pursuant to this subsection shall not exceed the certified appraised value. Appraisal reports are confidential and exempt from the provisions of s. 119.07(1) until an option contract is executed or, if an option contract is not executed, 30 days before a contract or agreement for purchase is considered for approval. If that negotiation is terminated by the division, the appraisal report shall become public record pursuant to s. 119.07(1). This exemption is subject to the Open Government Sunset Review Act in accordance with ²s. 119.14.

(e) Land acquisition provided for in this subsection is for voluntary, negotiated acquisition.

(f) Land acquisition costs payable from the fund shall include payments to owners, and costs and fees associated with title work, surveys, and appraisals required to complete an acquisition.

History.—s. 3, ch. 17027, 1935; CGL 1936 Supp. 4151(10aa); s. 1, ch. 57-159; s. 2, ch. 61-119; ss. 14, 35, ch. 69-106; s. 3, ch. 90-304; s. 9, ch. 92-4; s. 3, ch. 95-372.

1Note.—Section 3, ch. 95-372, amended s. 589.08, effective July 1, 1996, to read:

589.08 Land acquisition restrictions.—

(1) The Division of Forestry shall enter into no agreement for the acquisition, lease, or purchase of any land or for any other purpose whatsoever which shall pledge the credit of, or obligate in any manner whatsoever, the state to pay any sum of money or other thing of value for such purpose, and the said division shall not in any manner or for any purpose pledge the credit of or obligate the state to pay any sum of money.

(2) The division may receive, hold the custody of, and exercise the control of any lands, and set aside into a separate, distinct and inviolable fund, the proceeds which may be derived from the sales of the products of such lands, the use thereof in any manner, or the sale of such lands save the 25 percent of the proceeds thereof to be paid into the State School Fund as provided by law. The division may use and apply such funds for the acquisition, use, custody, management, development, or

improvement of any lands vested in or subject to the control of such division. After full payment has been made for the purchase of a state forest, to the Federal Government or other grantor, then 15 percent of the gross receipts from a state forest shall be paid to the county or counties in which it is located in proportion to the acreage located in each county for use by the county or counties for school purposes.

2Note.—

A. Repealed by s. 1, ch. 95-217.

B. Section 4, ch. 95-217, provides that "[n]otwithstanding any provision of law to the contrary, exemptions from chapter 119, Florida Statutes, or chapter 286, Florida Statutes, which are prescribed by law and are specifically made subject to the Open Government Sunset Review Act in accordance with section 119.14, Florida Statutes, are not subject to review under that act, and are not abrogated by the operation of that act, after October 1, 1995."

589.081 Withlacoochee State Forest and Goethe State Forest; payment to counties of portion of gross receipts.—

The Division of Forestry shall pay 15 percent of the gross receipts from Withlacoochee State Forest and the Goethe State Forest to Hernando, Citrus, Sumter, Levy, and Pasco Counties in proportion to the forest acreage located in each county. The funds must be equally divided between the board of county commissioners and the school board of each county.

History.—ss. 1, 2, ch. 61-170; ss. 14, 35, ch. 69-106; s. 1, ch. 69-300; s. 86, ch. 93-169.

589.09 Use of lands acquired.—

All lands acquired by the Division of Forestry on behalf of the state shall be in the custody of and subject to the jurisdiction, management, and control of the said division, and, for such purposes and the utilization and development of such land, the said division may use the proceeds of the sale of any products therefrom, the proceeds of the sale of any such lands, save the 25 percent of such proceeds which shall be paid into the State School Fund as required by s. 228.151, and such other funds as may be appropriated for use by the division, and in the opinion of such division, available for such uses and purposes.

History.—s. 2, ch. 17027, 1935; CGL 1936 Supp. 4151(10z); s. 2, ch. 61-119; ss. 14, 35, ch. 69-106.

589.10 Disposition of lands.—

The Division of Forestry, with the concurrence of the Board of Trustees of the Internal Improvement Trust Fund and the Governor, may sell, exchange, lease, or otherwise dispose of any lands under its jurisdiction by the provisions of this chapter when in its judgment it is advantageous to the state to do so in the interest of the highest orderly development, improvement, and management of the state forests and state parks. All such sales, exchanges, leases, or dispositions of such lands, shall be at least upon a 30-day public notice, to be given in the manner deemed reasonable by the division.

History.—s. 4, ch. 17027, 1935; CGL 1936 Supp. 4151(10bb); s. 24, ch. 57-1; s. 2, ch. 61-119; ss. 14, 27, 35, ch. 69-106.

589.101 Blackwater River State Forest; lease of board's interest in gas, oil, and other minerals.—

Notwithstanding the provisions of ¹ss. 253.51-253.58, 253.60, 253.61, the Division of Forestry is hereby expressly granted the authority to lease its 25-percent interest in oil, gas, and other minerals within the boundaries of the Blackwater River State Forest; provided, however, that grants shall be made only to the lessee or lessees holding the 75-percent interest in said minerals retained by the United States in its conveyance to this state. The concurrence of the Board of Trustees of the Internal Improvement Trust Fund required by s. 589.10

shall not be necessary under the provisions of this section.

History.—s. 1, ch. 59-184; s. 2, ch. 61-119; ss. 14, 27, 35, ch. 69-106.

Note.—Repealed by s. 2, ch. 89-358.

589.102 Blackwater River State Forest; use of leased forest lands.—Each person leasing land within the Blackwater River State Forest shall confine all grazing animals upon the area covered by the lease.

History.—s. 1, ch. 65-565.

589.11 Duties of division as to Clarke-McNary Law.—

(1) The Division of Forestry is designated and authorized as the agent of the state to cooperate with the United States Secretary of Agriculture under the provisions of "ss. 4 and 5, Chapter 348, 43 Statutes 654, Acts of Congress, June 7, 1924, known as the Clarke-McNary Law," to assist owners of farms in establishing, improving, and renewing woodlots, shelterbelts, windbreaks, and other valuable forest growth; in growing and renewing useful timber crops; and to cooperate with the wood-using industries or other agencies, governmental or otherwise, interested in proper land use, forest management, and conservative forest utilization.

(2) As a means of providing seedling trees for the purposes of this section, the division is authorized to operate a seedling tree nursery program and to set reasonable prices for the sale to the public of seedling trees. Receipts from the sale of seedling trees shall be deposited into the Incidental Trust Fund of the division.

History.—s. 7, ch. 17027, 1935; CGL 1936 Supp. 4151(10ee); ss. 14, 35, ch. 69-106; s. 2, ch. 88-321.

589.12 Rules and regulations.—The Division of Forestry may make rules and regulations and do such acts and things as shall be reasonable and necessary to accomplish the purposes of ss. 589.07-589.11.

History.—s. 8, ch. 17027, 1935; CGL 1936 Supp. 4151(10ff); ss. 14, 35, ch. 69-106.

589.13 Lien of division and other parties, for forestry work, etc.—Liens prior in dignity to all others accruing thereafter shall exist in favor of the following persons, boards, firms, or corporations upon the following described real estate, under the circumstances hereinafter mentioned:

(1) The Division of Forestry, the United States Government, or other governmental authority, upon all lands covered in any cooperative or other agreement entered into between the landowner and the division (which term shall embrace and include agreements with the Division of Forestry);

(2) The United States Government or other governmental authority, for the prevention and control of woods fires and other forestry work to the extent of the amounts expended by such division, service, or other governmental authority for and on behalf of the landowner and not paid by the landowner under the terms of said agreement.

History.—s. 1, ch. 17026, 1935; CGL 1936 Supp. 4151(10t); ss. 14, 35, ch. 69-106.

589.14 Enforcement of lien; notice.—The Division of Forestry, United States Government, or other governmental authority shall be entitled to subject said real estate in equity for the value of such expenditures made

by it in pursuance of any such agreement, and may, at any time after the expenditure thereof and after default in payment thereof by the landowner in accordance with the terms of such agreement, file in the office of the clerk of the circuit court of the county in which the property is located, and have recorded in the record of liens kept by such clerk, a notice of the expenditures made in pursuance of such agreement and of default of the landowner in the payment of same in accordance with the terms thereof (the form of notice being provided in s. 589.15), and from the date of the filing of such notice the rights of purchasers or creditors of such landowner shall be subject and subordinate to the claim set out in the notice.

History.—s. 2, ch. 17026, 1935; CGL 1936 Supp. 4151(10u); ss. 14, 35, ch. 69-106.

589.15 Form of notice.—The said notice shall be substantially as follows: It shall be in writing and shall be sworn to by the duly authorized agent of such division or governmental authority filing same. It shall state the name of the owner of said property, the nature and character of the labor or services performed or to be performed, an itemized statement of the expenditures made in pursuance of said agreement and the value thereof, and shall also contain a description of the property covered by the said agreement and to which said services and expenditures are applicable.

History.—s. 3, ch. 17026, 1935; CGL 1936 Supp. 4151(10v); ss. 14, 35, ch. 69-106.

589.16 Time for filing notice of lien.—The notice of lien may be filed prior to the filing of a complaint brought to enforce said lien; provided that nothing herein contained shall prevent the filing of such notice at any time after the contract or agreement has been entered into and default made by the landowner in payment of any amount due under the contract or agreement; and suit in equity to enforce the rights of the division or governmental authority as provided in this chapter must be brought within 12 months from the filing of said notice of lien.

History.—s. 4, ch. 17026, 1935; CGL 1936 Supp. 4151(10w); s. 2, ch. 29737, 1955; ss. 14, 35, ch. 69-106.

589.17 Application of general laws.—The general laws of this state with reference to the acquisition and enforcement of statutory liens shall be applicable to the lien created by ss. 589.13-589.16 insofar as the same may be consistent with and pertinent hereto.

History.—s. 5, ch. 17026, 1935; CGL 1936 Supp. 4151(10x).

589.18 Division to make certain investigations.—The Division of Forestry shall conduct investigations and make surveys to determine the areas of land in the state which are available and suitable for reforestation projects and state forests, and may recommend to the Board of Trustees of the Internal Improvement Trust Fund, any state agency, or any agency created by state law which is authorized to accept lands in the name of the state, concerning their acquisition. The division shall be considered as a state agency under this law.

History.—s. 1, ch. 16030, 1933; CGL 1936 Supp. 4151(10a); s. 2, ch. 61-119; ss. 14, 27, 35, ch. 69-106.

589.19 Creation of certain state forests.—When the Board of Trustees of the Internal Improvement Trust

Fund, any state agency, or any agency created by state law, authorized to accept reforestation lands in the name of the state, approve the recommendations of the Division of Forestry in reference to the acquisition of land and acquire such land, the said board, state agency, or agency created by state law, may formally designate and dedicate any area as a reforestation project, or state forest, and where so designated and dedicated such area shall be under the administration of the division which shall be authorized to manage and administer said area according to the purpose for which it was designated and dedicated.

History.—s. 2, ch. 16030, 1933; CGL 1936 Supp. 4151(10b); s. 2, ch. 61-119; ss. 14, 27, 35, ch. 69-106.

589.20 Cooperation by division.—The Division of Forestry may cooperate with other state agencies, who are custodians of lands which are suitable for forestry purposes, in the designation and dedication of such lands for forestry purposes when in the opinion of the state agencies concerned such lands are suitable for these purposes and can be so administered. Upon the designation and dedication of said lands for these purposes by the agencies concerned, said lands shall be administered by the division.

History.—s. 3, ch. 16030, 1933; CGL 1936 Supp. 4151(10c); ss. 14, 35, ch. 69-106.

589.21 Management to be for public interest.—All state forests and reforestation projects mentioned in this chapter shall be managed and administered by the Division of Forestry in the interests of the public. If the public interests are not already safeguarded and clearly defined by law or by regulations adopted by the state agencies authorized by law to administer such lands, or in the papers formally transferring said projects to the division for administration, then, and in that event, the division may define the purpose of said project. Such definition of purposes shall be construed to have the authority of law.

History.—s. 4, ch. 16030, 1933; CGL 1936 Supp. 4151(10d); ss. 14, 35, ch. 69-106.

589.26 Dedication of state park lands for public use.—The Division of Forestry is authorized and empowered, from time to time, to dedicate and reserve for the use of the public all or any part of the lands heretofore or hereafter acquired by the said Division of Forestry for park purposes; provided, however, that said dedication and reservation shall be subject to such rules and regulations, as to reasonable use by the public, as may be adopted by the Division of Recreation and Parks of the Department of Environmental Protection.

History.—s. 1, ch. 20418, 1941; s. 28, ch. 29615, 1955; ss. 14, 25, 35, ch. 69-106; s. 466, ch. 94-356.

589.27 Power of eminent domain; procedure.—Whenever the Division of Forestry shall find it necessary to acquire private property for state forests or rights-of-way for state forest roads, or for exercising any of the powers and duties authorized and prescribed by law to be exercised and performed by the Division of Forestry, the Division of Forestry is hereby empowered and authorized to exercise the right of eminent domain and to proceed to condemn said property in the same manner as provided by law for the condemnation of private property by counties.

History.—s. 1, ch. 20900, 1941; s. 28, ch. 29615, 1955; ss. 14, 35, ch. 69-106.

589.275 Planting of indigenous trees on state lands.—It is the intent of the Legislature to partially restore the character of the original domain of Florida by planting native trees on state lands, and to this end all state lands shall have a portion of such lands designated for indigenous trees, to be established and maintained by the using agency with the assistance of the Division of Forestry of the Department of Agriculture and Consumer Services. If the division, or primary managing agency, determines that any state lands are unsuitable for this purpose, such lands shall be exempt from this requirement.

History.—s. 1, ch. 77-101.

589.277 Tree planting programs; Plant A Tree Trust Fund.—

(1) The Division of Forestry of the Florida Department of Agriculture and Consumer Services shall administer federal, state, and privately sponsored tree planting programs designed to assist private rural landowners and urban communities.

(2) There is hereby created in the Division of Forestry of the Florida Department of Agriculture and Consumer Services the Plant A Tree Trust Fund. Contributions from governmental and private sources may be accepted into the trust fund.

(3) The Division of Forestry is authorized and directed to develop and implement guidelines and procedures under which the financial resources of the fund may be utilized for urban and rural reforestation.

(4) Grants to municipalities, counties, nonprofit organizations, and qualifying private landowners may be made from the fund for the purpose of purchasing, planting, and maintaining native tree species.

(5) The Division of Forestry shall assist the Office of Environmental Education of the Department of Education in developing programs that teach the importance of trees in the urban, rural, and global environment.

History.—s. 1, ch. 90-304; s. 4, ch. 95-372.

1Note.—Section 4, ch. 95-372, amended s. 589.277, effective July 1, 1996, to read:

589.277 Tree planting programs.—

(1) The Division of Forestry of the Florida Department of Agriculture and Consumer Services shall administer federal, state, and privately sponsored tree planting programs designed to assist private rural landowners and urban communities.

(2) Contributions from governmental and private sources for tree planting programs may be accepted into the Contracts and Grants Trust Fund.

(3) The Division of Forestry is authorized and directed to develop and implement guidelines and procedures under which the financial resources of the fund allocated for tree planting programs may be utilized for urban and rural reforestation.

(4) Grants to municipalities, counties, nonprofit organizations, and qualifying private landowners may be made from allocated moneys in the fund for the purpose of purchasing, planting, and maintaining native tree species.

(5) The Division of Forestry shall assist the Office of Environmental Education of the Department of Education in developing programs that teach the importance of trees in the urban, rural, and global environment.

589.28 County commissions or municipalities authorized to cooperate with Division of Forestry.—

County commissions or municipalities are authorized to cooperate with the Division of Forestry of the Department of Agriculture and Consumer Services in providing assistance in forestry and forest-related knowledge and skills to stimulate the production of timber wealth through the proper use of forest land and to protect and improve the beauty of urban and suburban areas by helping to create in them an attractive and healthy environment through the proper use of trees and related plant associations. County commissions or municipali-

ties are hereby authorized to appropriate funds and enter into cooperative agreements with the Division of Forestry under the terms and conditions set forth in ss. 589.28-589.34.

History.—s. 1, ch. 20899, 1941; ss. 14, 35, ch. 69-106; s. 1, ch. 71-183.

589.29 Quality of assistance.—Any advice and assistance provided under ss. 589.28-589.34 shall be the responsibility of the State Forester and the Division of Forestry and shall be conducted under the supervision of a professional forester in an efficient and competent manner by personnel who have the required education, training and experience to accomplish the objectives of these sections.

History.—s. 2, ch. 20899, 1941; ss. 14, 35, ch. 69-106; s. 2, ch. 71-183.

589.30 Duty of district forester.—It shall be the duty of the district forester to direct all work in accordance with the law and regulations of the Division of Forestry; gather and disseminate information in the management of commercial timber, including establishment, protection and utilization; and assist in the development and use of forest lands for outdoor recreation, watershed protection, and wildlife habitat. The district forester or his representative shall provide encouragement and technical assistance to individuals and urban and county officials in the planning, establishment, and management of trees and plant associations to enhance the beauty of the urban and suburban environment and meet outdoor recreational needs.

History.—s. 3, ch. 20899, 1941; ss. 14, 35, ch. 69-106; s. 3, ch. 71-183.

589.31 Cooperative agreement.—Before any assistance is provided under this law, the county or municipality and the Division of Forestry, through their duly constituted representatives, shall enter into a mutually satisfactory cooperative agreement covering the specific duties, and set up a budget for any fiscal period beginning July 1 and ending June 30, and the county's or municipality's share of the budget provided shall be

turned over to the Division of Forestry, one-half on or before July 1, and the remainder on or before January 1, and placed in the Incidental Trust Fund of the Division of Forestry.

History.—s. 4, ch. 20899, 1941; s. 2, ch. 61-119; ss. 14, 35, ch. 69-106; s. 4, ch. 71-183.

589.32 Cost of providing county forestry assistance.—The cost of county forestry assistance provided under the provisions of ss. 589.28-589.34 shall be jointly determined and paid by the Division of Forestry and the county commission or municipality and shall be not less than 40 percent of the cost of the equivalent of 1 man-year of assistance. However, the county or municipality share shall not exceed the sum of \$3,000 per annum for each man-year of assistance provided.

History.—s. 5, ch. 20899, 1941; s. 1, ch. 63-399; ss. 14, 35, ch. 69-106; s. 5, ch. 71-183; s. 3, ch. 95-396.

589.33 Expenditure of budgeted funds.—Any money budgeted for a fiscal period shall be expended by the Division of Forestry during the period for which it was budgeted and amounts not expended or specifically obligated by contract or other legal procedure during that period shall be available for the next fiscal period or shall be returned to the Division of Forestry and the county or municipality in the same proportions as appropriated. However, when 40 percent of the cost of 1 man-year of assistance equals or exceeds \$3,000, then in that event all budget balance will revert to the Division of Forestry.

History.—s. 6, ch. 20899, 1941; ss. 14, 35, ch. 69-106; s. 6, ch. 71-183.

589.34 Revocation of agreement.—Any agreement or revision thereof entered into by the Division of Forestry and a county or municipality under the provisions of this law shall continue from year to year, unless written notice is given to the other party 30 days prior to July 1 of any year of the intention to discontinue the work and cancel the agreement.

History.—s. 7, ch. 20899, 1941; ss. 14, 35, ch. 69-106; s. 7, ch. 71-183.