

CHAPTER 591

FOREST DEVELOPMENT

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591.15 Community forests; short title.—The short title for ss. 591.16–591.26 shall be the “Florida Community Forest Law.”

History.—s. 2, ch. 20902, 1941.

591.16 Community forests; purposes.—The general purposes of this law are:

(1) To encourage counties, cities, towns, and school districts to utilize idle lands for productive forest purposes.

(2) To encourage reduction of taxation through producing income from wise use of such lands.

(3) To encourage development and make available, in community forests, areas having desirable recreational features.

(4) To encourage forestry education by establishing permanent forests for use of vocational agriculture departments, schools, and Boy and Girl Scout troops.

History.—s. 1, ch. 20902, 1941.

591.17 Community forests; definitions.—The terms hereinafter used, unless the text clearly indicates a different meaning, shall be as follows:

(1) The term “governing board” shall mean county commissioners, city commissioners, town councils, school boards, or any other governing body of counties, cities, towns, or school districts.

(2) The term “community forest” shall mean any forest area established under this law by a county, city, town, or school district.

(3) The term “forestry committee” shall mean the appointed committee for directing the activities of community forests.

(4) The term “counties, cities, towns” shall mean any recognized political subdivision of the state government.

(5) The term “school district” shall mean individual school districts of a county or vocational agricultural departments located in these districts.

(6) The term “division” shall mean the Division of Forestry of the Department of Agriculture and Consumer Services.

(7) The term “forest products” shall mean any product produced from trees.

(8) The term “contiguous sale” shall mean sale of like forest products from adjoining areas that normally would be in the same sale area as determined by the forester on the forestry committee.

History.—s. 3, ch. 20902, 1941; ss. 14, 35, ch. 69–106; s. 1, ch. 69–300; s. 253, ch. 71–377; s. 205, ch. 77–104.

591.18 Community forests; purchase or establishment.—All counties, cities, towns, or school districts, through their governing boards, are hereby empowered to establish, from lands owned by such county, city, town, or school district in fee simple, or to acquire by purchase or gift, lands at present covered with forest or tree growth, or suitable for the growth of trees, and to administer the same under the direction of the Division of Forestry, in accordance with the practice and principles of scientific forestry, for the benefit of the said counties, cities, towns, or school districts. Such tracts may be of any size suitable for the purpose but must be located within the county embracing the county, city, town, or school district, provided that it shall be requisite for the governing board availing itself of the provisions of this law to submit to the Division of Forestry, and secure its approval of the area and location of any lands proposed to be acquired or used for the purposes of county, city, town, or school district forests.

History.—s. 4, ch. 20902, 1941; ss. 14, 35, ch. 69–106.

591.19 Community forests; tax delinquent lands.—The Department of Revenue, the Board of Trustees of the Internal Improvement Trust Fund, counties, cities, towns, school districts, or any other public agency holding fee simple or tax certificate lands are hereby empowered to, and may, upon application to them, transfer title of fee simple lands not in other public use to any county, city, town, or school district for forest purposes as described under this law, provided such lands are approved by the Division of Forestry for this purpose.

History.—s. 5, ch. 20902, 1941; ss. 14, 21, 27, 35, ch. 69–106; s. 155, ch. 71–355.

591.20 Community forests; forestry committee.—The governing board of any county, city, town, or school district desiring to establish community forests after enactment of this law shall appoint a forestry committee, consisting of three members, as follows: one member of governing board, one member from the Division of For-

estry to be designated by the division, and one taxpayer of the county, city, town, or school district not a member of the governing board. The first two members of such committee shall hold office until replaced in their respective official positions. The third member shall hold office for 3 years. Any vacancy shall be filled at the first regular session of the governing board after the vacancy occurs. The president of the committee shall be selected by the three members for a 1-year term at their first regular meeting. The representative of the Division of Forestry shall not serve as an officer of the committee nor be responsible for making reports. All members shall serve without compensation, but shall be reimbursed for travel expenses as provided in s. 112.061.

History.—s. 6, ch. 20902, 1941; s. 23, ch. 57-1; s. 19, ch. 63-400; ss. 14, 35, ch. 69-106.

591.21 Community forests; duties of forestry committee.—

(1) It shall be the duty of the forestry committee to advise the governing board in acquiring, developing and managing the forest and in making contracts, agreements, and permits for and with the forest, and, if desirable, in hiring a qualified forester and laborers and in making rules and regulations for operating the forest.

(2) For any sale in excess of \$100, the governing body shall ask for and receive open competitive bids and purchase from the lowest and best bidder. For sale of forest products in excess of \$500 for the total contract, the sale shall be advertised in one issue each of 2 consecutive weeks in a county newspaper of general circulation, and the highest and best bid accepted. Continguous sales shall not be made.

History.—s. 7, ch. 20902, 1941.

591.22 Community forests; appropriations.—

Counties, cities, towns, or school districts in which forestry committees have been appointed may appropriate money from available funds to be used by said committee to carry out the purposes of this law. The forestry committee shall each year make a budget of recommendation for acquisition and operation and management of the forest for approval by the governing board.

History.—s. 8, ch. 20902, 1941.

591.23 Community forests; revenues, use.—

Revenue from the forests shall be credited to the general fund of counties, cities, towns, or school districts; provided, however, revenues from lands under land use agreements with youth organizations such as chapters of the Future Farmers of America, shall be disposed of subject to the terms of such agreements. When the revenue from any forest other than these under such land use agreements, exceeds the necessary expenses of the forest, including desirable acquisition, the excess will be used by the governing board for regular purposes and in reduction of taxation.

History.—s. 9, ch. 20902, 1941; s. 1, ch. 57-790.

591.24 Community forests; fiscal reports.—A fiscal year report of expenditures, income, sales, development and management shall be made by the forestry committee to the governing board of the county, city, town, or school district, and a copy sent to the Division of For-

estry. All reports shall be audited by the regular auditor of the county, city, town, or school district.

History.—s. 10, ch. 20902, 1941; ss. 14, 35, ch. 69-106.

591.25 Community forests; fire protection, etc.—

All lands entered or acquired under the provisions of this law shall be protected at all times from wildfire and shall be kept and maintained as a permanent public forest except as hereinafter provided. The timber growing thereon shall be cut in accordance with forestry methods approved by the Division of Forestry and in such a manner as to perpetuate succeeding stands of trees. All such forest lands shall be open to the use of the public for recreational purposes so far as such recreational purposes do not interfere with, or prevent the use of, such lands to the best advantage as a public forest as determined by the forestry committee.

History.—s. 11, ch. 20902, 1941; ss. 14, 35, ch. 69-106.

591.26 Community forests; sale upon referendum approval.—

If it becomes desirable to sell any community forest or portion thereof as determined jointly by the governing board and forestry committee, it shall be put to a vote of the people at any regular election and a majority of those voting must approve the action. Any funds received from such sale shall be deposited in the general fund of the county, city, town, or school district making the sale and used in consolidating existing community forests or in establishing another community forest.

History.—s. 12, ch. 20902, 1941.

591.27 Designating and marking seed trees; definitions.—

Wherever the following words are used in ss. 591.28-591.34, they shall be defined as follows:

(1) "Owner." The person, and in the event there is more than one, all those in whom the fee simple title to real estate stands of record.

(2) "Real estate." All lands located in this state, including the trees standing or growing thereon.

(3) "Seed trees." All standing or growing trees marked with the letters "S. T."

(4) "Person." The word "person" wherever it appears in said sections shall include persons, firms and corporations.

History.—Preamble, ch. 21940, 1943; s. 10, ch. 26484, 1951.

Note.—Former s. 590.17.

591.28 Seed trees; designation and dedication of trees.—

The owner of real estate shall have the right to cause to be designated and marked at the rate of not less than three or more than eight trees per acre as seed trees and such designating and marking shall by law operate as a dedication, transfer and conveyance of the legal title to such trees to the Department of Agriculture and Consumer Services of the state without further words or evidence of transfer of title.

History.—s. 1, ch. 21940, 1943; ss. 14, 35, ch. 69-106.

Note.—Former s. 590.18.

591.29 Seed trees; form of designation and dedication.—

(1) Seed trees shall be designated as such by filling out and signing an instrument by the owner in substantially the following form:

CONVEYANCE AND/OR DEDICATION OF STANDING TIMBER TO DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES OF FLORIDA.

State of Florida,
County of _____
Owner(s) of Land _____
Description of Land _____

Approximate number
of seed trees designated _____
This _____ day of _____ 19_____.

Signed: _____ (Owner)

(2) Upon the filling out and execution of said instrument and upon same being properly acknowledged in the same manner as is now provided by law for the acknowledgment of deeds, said instrument shall be recorded in the office of the clerk of the circuit court of the county in which said real estate is located and in the record where deeds are recorded.

History.—s. 2, ch. 21940, 1943; ss. 14, 35, ch. 69-106.
Note.—Former s. 590.19.

591.30 Seed trees; duty of Division of Forestry.—It shall be the duty of the Division of Forestry to cause to be made a branding hammer and a sufficient number of reproductions thereof to accomplish the purpose of this law, which said hammers shall bear the letters "S. T.," which letters shall mean "seed tree," and shall be as distinctively constructed as possible. Said branding hammers shall at all times remain in the custody and possession of said division or its duly authorized representatives. It shall be the duty of said division, upon the application of any owner of real estate to the effect that such owner is desirous of marking and designating trees on his real estate as seed trees, to direct as soon as is convenient and practical an employee or representative of said division, trained in the field of forestry, to contact such owner and mark and designate seed trees in accordance with the rules and practices of good forestry. Each of said seed trees shall be marked as such by branding on the trunk the letters "S. T." at a point not more than 4½ feet from the ground and again at a point not more than 6 inches from the ground with the branding hammer or reproduction thereof hereinbefore described. Immediately upon said trees being so marked title thereto shall vest in the Department of Agriculture and Consumer Services of Florida as aforesaid.

History.—s. 3, ch. 21940, 1943; ss. 14, 35, ch. 69-106.
Note.—Former s. 590.20.

591.31 Seed trees; designated trees not transferred by deed, lease, etc.—All standing trees marked

with the letters "S. T." as provided in this law shall by operation of law be excluded from any subsequent sale, deed, conveyance, lease or transfer of title to such trees or the real estate on which same are located.

History.—s. 4, ch. 21940, 1943.
Note.—Former s. 590.21.

591.32 Seed trees; duty of landowner.—It shall be the duty of every owner of real estate who has designated or marked seed trees thereon in accordance with the terms of this law, to expressly exclude said seed trees from any deed of conveyance or transfer thereof; provided, however, the failure so to do shall not pass title to said seed trees to the purchaser or grantee; provided, further, however, should the owner fail to expressly exclude said trees from any deed of conveyance or other evidence of transfer of title the grantee or transferee shall have the same remedy against the owner as is now provided by law.

History.—s. 5, ch. 21940, 1943.
Note.—Former s. 590.22.

591.33 Seed trees; penalties for cutting, destroying, or damaging trees.—Any person, firm or corporation who shall willfully or carelessly cut, destroy, burn, or damage any trees marked with the letters "S. T." without obtaining permission of the Department of Agriculture and Consumer Services shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. The cutting of each seed tree shall constitute a separate offense under this section.

History.—s. 6, ch. 21940, 1943; ss. 14, 35, ch. 69-106; s. 619, ch. 71-136.
Note.—Former s. 590.23.

591.34 Seed trees; cutting trees, procedure.—Permission may be obtained from the Department of Agriculture and Consumer Services to cut seed trees by any owner of real estate on which same have been marked in accordance with the provisions of this law, upon filing with said department an affidavit that he is the owner and that all timber and trees on his land have been cut except seed trees and shade trees and that it is the intent of such owner to cultivate the land on which the seed trees sought to be cut are located, or that said seed trees sought to be cut are over mature, and if the said department is satisfied as to the truth of the contents of said affidavit it may issue a certificate giving such owner permission to cut said seed trees and said certificate shall be made a permanent record of the office of said department and a certified copy thereof may be obtained by the owner upon request. Upon the issuance of said certificate the owner shall have the right to cut the seed trees on the real estate designated in the certificate.

History.—s. 7, ch. 21940, 1943; ss. 14, 35, ch. 69-106.
Note.—Former s. 590.24.