



FLORIDA NATIVE PLANT SOCIETY

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February 20, 2026

Members of the Florida House of Representatives  
513 The Capitol  
402 South Monroe Street  
Tallahassee, Florida 32399-1300

SUBJECT: Florida Native Plant Society Opposition to Section 6 of CS/HB 433 DACS

Dear Members of the Florida House of Representatives:

The Florida Native Plant Society appreciates your careful deliberation on the merits of CS/HB 433 (Department of Agriculture and Consumer Services). However, we have serious concerns about the impacts that would result from inclusion of Section 6 as it is currently written. We believe Section 6 would set the stage for a wholesale sell-off of conservation lands protected through the Florida Forever Program. It would direct FDEP to **sell lands purchased for conservation back into private ownership** if it is determined they are suitable for “bona fide agricultural purposes”.

We know it is important for the state to have the option to sell conservation lands as “surplus” if the specified lands are determined to lack conservation value, and the authority to do exactly that is already codified in statute (FS 253.0341). As currently drafted, Section 6 of CS/HB 433 allows the decision to surplus lands acquired using Florida Forever funding to sidestep the established process, thereby allowing it to be sold as surplus without any determination the land lacks conservation value. Section 6 (20)(a) of the bill states:

“Notwithstanding any other law or rule the Department of Environmental Protection may surplus state-owned conservation lands acquired on or after January 1, 2024, determined to be suitable for bona fide agricultural purposes.”

We submit that nearly any undeveloped land in Florida could be deemed suitable for agricultural use; however, land that has already been acquired by the state for conservation purposes, based on the significance of its natural resource values, is already serving its highest and best use by being preserved, in perpetuity, for all the people of Florida – present and future!

We take no comfort in the legislation’s requirement that a Rural and Family Lands Protection Program (RFLPP) agricultural easement be retained over any property that is sold back into private ownership as a result of this legislation. In contrast to the conservation easements that are purchased with Florida Forever funds, **RFLPP agricultural easements do not conserve nature!** Natural areas remaining within a RFLPP property can be converted to agricultural use at the sole discretion of the landowner. Any parts of the property in low-intensity agricultural uses, like cattle grazing or timber production, could be converted to high intensity row crops. To make our point more explicitly:

*Preserving, conserving and restoring the native plants and native plant communities of Florida*

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An RFLPP easement would allow this...



...to become this.

Nor do we take much comfort in State Parks, State Forests, Wildlife Management Areas and Everglades Restoration lands being exempt from the Section 6 provisions. Those are special designations that may not be conferred until years after the initial purchase of a parcel, so it is an exemption with little future relevance. Where will the State Parks of the future come from?

It is not hyperbolic to say that Section 6, as currently conceived, could effectively mean the end of Florida Forever – a science-based, transparent and accountable land conservation program that has been the envy of the nation since its inception. Why should FDEP expend the staff resources necessary to assess, negotiate and execute a Florida Forever purchase if the land could then just be sold back into private ownership without first determining it has no conservation value? Why would a landowner wishing to sell their land to the state so it can be conserved forever, rather than be developed into subdivisions or row crops, trust the state to live up to a commitment to conserve it “in perpetuity” if CS/HB 433 is passed in its current form?

The existing process for declaring conservation land to be declared surplus, and then sold back into private ownership for agriculture or otherwise, is working. The relative rarity of such sales is not an indication that the process doesn’t work. It is a testament to the good job FDEP and the Florida Forever program have done in identifying and acquiring the “right” lands for conservation, and in completing surplus land sales when appropriate.

There is much in CS/HB 433 we would support. But unless Section 6 is deleted or amended appropriately, we must oppose this bill in its entirety and ask you to vote “no”. Thank you for considering our concerns.

Respectfully,

Eugene M. Kelly, President  
Florida Native Plant Society