

CHAPTER 18-24 FLORIDA FOREVER LAND ACQUISITION AND MANAGEMENT

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18-24.001 General and Definitions.

(1) This chapter is promulgated to set forth the procedures, standards, and criteria for the evaluation and selection of lands proposed for acquisition, restoration, and other capital improvements with funds from the Florida Forever Trust Fund pursuant to Section 259.105(3)(b), F.S., and to set forth the performance measures for all programs funded pursuant to Section 259.105(3), F.S.

(2) For the purposes of this chapter, the following terms are defined as follows:

(a) "Acquisition project" means a parcel or parcels of land proposed for acquisition in accordance with Section 259.105(3)(b), F.S., and this rule.

(b) "Board" means the Board of Trustees of the Internal Improvement Trust Fund.

(c) "Capital improvement project" means a proposed or approved activity which may be either a "restoration project" as defined in paragraph 18-24.001(2)(t), F.A.C., or "other capital improvement project", as defined in paragraph 18-24.001(2)(q), F.A.C.

(d) "Component of the Everglades restoration efforts" as used in Section 259.105(9)(i), F.S., means a project which assists in achieving the restoration or acquisition objectives outlined in Sections 373.4592, 373.470, 373.1501 and 373.4595, F.S., except as restricted by the terms of Chapter 259, F.S.

(e) "Council" means the Acquisition and Restoration Council, pursuant to Section 259.035, F.S.

(f) "De minimis lands" are lands that lie outside an approved acquisition project boundary when part of the ownership is within an approved project boundary. De minimis lands must not exceed ten percent of the cost or the size of that portion of the parcel that lies within the approved project boundary. These lands may or may not have the same resource values as lands within the project boundary. Additionally, the estimated cost of the de minimis lands must not exceed one million dollars. The cost of the de minimis lands shall be estimated by prorating the state-approved appraised, or tax assessed value based on the amount of acreage outside the boundary compared to that within the boundary, unless more definitive appraisal valuations are available for the de minimis lands.

(g) "Ecosystem management team" as used in Section 259.105(9)(h), F.S., means a team of citizens and agency representatives, formed and administered by the Department of Environmental Protection under its watershed or ecosystem management initiative.

(h) "Florida Forever Conservation Needs Assessment" refers to an analysis of the geographic distribution of Florida's natural resources as required by the Florida Forever Act and developed in December 2000 and continually updated for the Department of Environmental Protection by the Florida Natural Areas Inventory in collaboration with the Department of Environmental Protection, the Florida Fish and Wildlife Conservation Commission, the Department of Agriculture and Consumer Services, the University of Florida, the water management districts, the Department of State's Division of Historical Resources, and other agencies and organizations with scientific or technical information on the natural, historical or recreational resources of Florida, incorporated herein by reference.

(i) "Florida Forever criteria" means the criteria outlined in Section 259.105(9), F.S., and further defined in Rule 18-24.0021, F.A.C.

(j) "Florida Forever goals and measures" means the goals and measures outlined in Section 259.105(4), F.S., and further defined in Rule 18-24.0022, F.A.C.

(k) "Florida Natural Areas Inventory" refers to a scientific organization that is used by private and governmental entities in biological resource evaluations of land acquisition, land management, and other environmental programs.

(l) "Fund" means the Florida Forever Trust Fund that is created by Section 259.1051, F.S.

(m) "Funding sources that are identified and assured through at least the first two years of the project" as used in Section 259.105(9)(e), F.S., means a funding source for a project for which a participating agency, entity, partner, or any combination thereof, has pledged in writing to pursue, through an identified funding source or sources, the resources required to manage or maintain the project for at least two years following the execution of a lease or management agreement, or for at least two years following receipt of specific authority from the Board to proceed with an approved project.

(n) "Less-than-fee acquisition", as used in Chapter 259, F.S., and in this chapter, means acquisition of an interest in property that is not a full fee simple interest, such as a conservation easement.

(o) "Natural areas" as used in Sections 259.105(2)(a)2. and 3., F.S., means areas of land or water that either retain or have re-established the characteristics of natural communities.

(p) "Ongoing governmental effort" as used in Section 259.105(9)(b), F.S., means an ongoing initiative of a federal, state, regional or local government that contributes to the accomplishment of the Florida Forever goals and measures.

(q) "Other capital improvement project" means a proposed or approved capital improvement activity relating to the development of necessary infrastructure such as the "construction, improvement, enlargement or extension of facilities, signs, firelanes, access roads, and trails; or any other

activities that serve to...provide public access, recreational opportunities, or necessary services,” as enumerated in Section 259.03(3), F.S., but excluding restoration projects as defined in paragraph 18-24.001(2)(t), F.A.C.

(r) “Project Evaluation Report” means a report prepared in accordance with Rule 18-24.005, F.A.C., for use by the Council in determining the merits and characteristics of a proposal for funding through the Florida Forever program.

(s) “Resource-based recreation” or “natural resource-based recreation” or “resource-based public recreational and educational opportunities” means compatible outdoor recreation that is dependent on some particular element in the natural or historical environments and which require some natural condition that cannot easily be duplicated by people, as deemed appropriate in land management plans approved by the Council. Visiting historical and archaeological sites is also included because such sites, while not strictly natural resources, suffer the same limitations of being fixed in both quantity and location.

(t) “Restoration project” means a proposed or approved capital improvement project such as ecosystem restoration, hydrological restoration, or invasive plant removal that do not qualify as an “other capital improvement project” as defined in paragraph 18-24.001(2)(q), F.A.C.

(u) “Significant archaeological or historical value” as used in Section 259.105(9)(d), F.S., means a resource deemed of such significance by the Department of State, Division of Historical Resources.

(v) “Tax assessed value” means the county property appraiser’s “just value”, “just valuation”, “actual value” or “value”, all of which are defined as the price at which a property, if offered for sale in the open market, with a reasonable time for the seller to find a purchaser, would transfer for cash or its equivalent, under prevailing market conditions between parties who have knowledge of the uses to which the property may be put, both seeking to maximize their gains and neither being in a position to take advantage of the exigencies of the other.

Rulemaking Authority 259.035(1), (4), 259.105(9), (18) FS. Law Implemented 259.035, 259.04, 259.041, 259.045, 259.07, 259.105 FS. History—New 7-17-01, Amended 5-1-10.

18-24.002 Public Purposes and Categories of Projects Qualifying for Funding.

(1) Projects proposed to be funded pursuant to Section 259.105(3)(b), F.S., must meet at least one of the criteria outlined under Section 259.105(9), F.S., and further described in Rule 18-24.0021, F.A.C., and shall meet at least two of the Florida Forever goals and measures outlined in Section 259.105(4), F.S., and further described in Rule 18-24.0022, F.A.C.

(2) To qualify for funding under Section 259.105(3)(b), F.S., a project also must be selected pursuant to the provisions of this rule, except as follows:

(a) An inholding or an addition to a project acquired by the Fund under Section 259.105(3)(b), F.S., if the estimated value of the inholding or addition does not exceed \$500,000, and the

managing agency demonstrates in writing to the Division of State Lands that such inholding or addition is in furtherance of the public purpose established for the original acquisition project, or of the current public purpose, if changed;

(b) The remaining lands of a project which has been removed from the acquisition list because 90% or more of the acreage has been purchased by the state;

(c) Lands which qualify for emergency acquisition by the Board, under the Emergency Archaeological Property Acquisition Act of 1988, Section 253.027, F.S.;

(d) Lands which qualify for emergency acquisition by the Board pursuant to Section 259.041(15)(c), F.S., when a significant portion of the lands contain natural communities or plant or animal species which are listed by the Florida Natural Areas Inventory as critically imperiled, imperiled, or rare, or as excellent quality occurrences of natural communities;

(e) De minimis lands; or

(f) Lands acquired to facilitate resolution of a pending lawsuit involving the Board, when the Council determines that the property to be acquired is consistent with the goals and measures of the Florida Forever Program but was not proposed as an acquisition project under the Program due to its litigation status; and the Board determines the property to be acquired to be of significant natural or historical resource value and its purchase to be in the public interest.

Rulemaking Authority 259.035(1), (4), 259.105(9), (18) FS. Law Implemented 259.035, 259.04, 259.041, 259.045, 259.07, 259.105 FS. History—New 7-17-01, Amended 5-1-10.

18-24.0021 Florida Forever Criteria

For acquisition projects, the council shall give weight during project selection and ranking to the following Florida Forever criteria:

(1) The project meets multiple Florida Forever goals described in Rule 18-24.0022, F.A.C.

(2) The project is part of an ongoing governmental effort to restore, protect, or develop land areas or water resources.

(3) The project enhances or facilitates management of properties already under public ownership.

(4) The project has significant archaeological or historic value. The relative significance of the archaeological or historical values for each acquisition project will be determined based on information obtained from the Department of State, Division of Historical Resources.

(5) The project has funding sources that are identified and assured through at least the first 2 years of the project.

(6) The project contributes to the solution of water resource problems on a regional basis. The applicability of the project’s contribution to the solution of water resource problems on a regional basis will be evaluated based on information obtained from the water management district within which the project is located.

(7) The project has a significant portion of its land area in imminent danger of development, in imminent danger of losing its significant natural attributes or recreational open space, or in imminent danger of subdivision which would result in multiple ownership and make acquisition of the project costly or less

likely to be accomplished. In reviewing the applicant's information and making a determination concerning the imminent danger of development, subdivision, or loss of natural attributes or recreational open space, the council may utilize information provided by the Division of State Lands, the affected local governments, or the Department of Community Affairs.

(8) The project implements an element from a plan developed by an ecosystem management team.

(9) The project is one of the components of the Everglades restoration effort. The project's applicability to the Everglades restoration effort will be based on information obtained from the South Florida Water Management District.

(10) The project may be purchased at 80 percent of appraised value, based on the state's appraised value.

(11) The project may be acquired, in whole or in part, using alternatives to fee simple, including but not limited to, tax incentives, mitigation funds, or other revenues; the purchase of development rights, hunting rights, agricultural or silvicultural rights, or mineral rights; or obtaining conservation easements or flowage easements.

(12) The project is a joint acquisition, either among public agencies, nonprofit organizations, or private entities, or by a public-private partnership.

Rulemaking Authority 259.035(1), (4), 259.105(9), (18) FS. Law Implemented 259.035, 259.04, 259.041, 259.045, 259.07, 259.105 FS. History—New 5-1-10.

18-24.0022 Florida Forever Goals and Numeric Performance Measures.

(1) The Florida Forever goals and measures described in this rule apply to all programs that receive Florida Forever Trust Funds pursuant to Section 259.105(3), F.S. Some goals and measures are specific to acquiring land, while others are primarily measures for capital improvement expenditures. Some measures are not directly related to Florida Forever program activities per se, but are general ecosystem function measures that may have an indirect connection or a post-acquisition land management or land use component. Some measures are specific to one or more of the programs funded under Florida Forever pursuant to Section 259.105(3), F.S., while the majority of the goals and measures overlaps with several programs.

(2) The council shall employ the following Florida Forever goals and measures when evaluating, selecting and ranking acquisition projects. Numeric values for these measures shall be supplied to the Council pursuant to paragraph 18-24.006(3)(c), F.A.C.:

(a) Enhance the coordination and completion of land acquisition projects, as measured by:

1. The number of acres proposed to be acquired that contribute to the enhancement of essential natural resources (such as retention of biodiversity and water quantity and quality), ecosystem service parcels (such as those that assist in carbon sequestration, flood control and storm surge protection), and connecting linkage corridors, as identified and developed by the best available scientific analysis, and measured under goals paragraphs (2)(b), (c), (d), and (g) of this rule.

2. The number of acres proposed to be protected through the use of alternatives to fee-simple acquisition.

3. The number of Florida Forever acquisition funding partners and partners with other funding sources, including the percent of funding to be derived from partnerships, and the estimated amount of funds to be made available by the funding partners.

4. For ranking purposes only, the remaining acres and percent completion of each project on the Florida Forever list.

(b) Increase the protection of Florida's biodiversity at the species, natural community, and landscape levels, as measured by:

1. The number of acres proposed to be acquired of significant strategic habitat conservation areas, as identified in the Florida Forever Conservation Needs Assessment.

2. The number of acres proposed to be acquired of highest priority conservation areas for Florida's rarest species, as identified in the Florida Forever Conservation Needs Assessment.

3. The number of acres proposed to be acquired of significant landscapes, landscape linkages, and conservation corridors, giving priority to completing linkages, as identified in the Florida Forever Conservation Needs Assessment.

4. The number of acres proposed to be acquired of underrepresented native ecosystems, as identified in the Florida Forever Conservation Needs Assessment.

5. The number of acres proposed to be acquired that would establish or enhance a landscape-sized protection area of at least 50,000 acres that exhibits a mosaic of predominantly intact or restorable natural communities, as identified in the Florida Forever Conservation Needs Assessment.

6. The number of imperiled species known or reported to occur on the acquisition project.

(c) Protect, restore, and maintain the quality and natural functions of land, water, and wetland systems of the state, as measured by:

1. The number of acres proposed to be acquired that enhance the management feasibility of existing conservation lands, as documented by the affected agency(ies) that manage or own the existing conservation lands.

2. The number of acres proposed to be acquired for restoration, enhancement, and management as identified in plans prepared pursuant to Section 373.199, F.S., the management prospectus for an acquisition project prepared pursuant to Section 259.032(9)(d), F.S., or the Florida Ecological Restoration Inventory, which is maintained by the Department of Environmental Protection's Division of Water Resource Management and available at www.dep.state.fl.us/water/wetlands/feri or by writing Florida Wetland Restoration Information Center, 2600 Blair Stone Road, M.S. 3500, Tallahassee, Florida 32399, or by calling (850) 245-8336.

3. The number of acres proposed to be acquired that protect natural floodplain functions, as identified in the Florida Forever Conservation Needs Assessment.

4. The number of acres proposed to be acquired that protect surface waters of the state in designated watersheds, as

identified in the Florida Forever Conservation Needs Assessment.

5. The number of acres proposed to be acquired to minimize damage from flooding, as identified by the Department of Environmental Protection in coordination with the water management districts.

6. The number of acres proposed to be acquired that protect fragile coastal resources, as identified in the Florida Forever Conservation Needs Assessment. These include those acres that help species and natural communities adapt to climate change.

7. The number of acres of functional wetland systems proposed to be protected, as identified in the Florida Forever Conservation Needs Assessment.

(d) Ensure that sufficient quantities of water are available to meet the current and future needs of natural systems and the citizens of the state, as measured by:

1. The number of acres proposed to be acquired which provide retention and storage of surface water in naturally occurring storage areas, such as lakes and wetlands, consistent with the maintenance of water resources or water supplies and consistent with district water supply plans, as identified by the water management districts in plans prepared pursuant to Section 373.199, F.S.

2. The number of acres proposed to be acquired for a water resource development project, as identified in plans prepared pursuant to Section 373.199, F.S.

3. The number of acres proposed to be acquired of groundwater recharge areas critical to springs, sinks, aquifers, other natural systems, or water supply, as identified in the Florida Forever Conservation Needs Assessment.

(e) Increase natural resource-based public recreational and educational opportunities, as measured by:

1. The number of acres proposed to be acquired that are proposed to be available for potential natural resource-based public recreation or education, as identified by the Department of Environmental Protection in coordination with other agencies.

2. The miles of trails that are proposed to be made available for public recreation, giving priority to those that provide significant connections including those that will assist in completing the Florida National Scenic Trail, as identified in the Florida Forever Conservation Needs Assessment.

3. For ranking purposes only, the population served within 100 miles of the acquisition project.

(f) Preserve significant archaeological or historic sites, as measured by:

1. The number and relative significance of archaeological sites identified on the acquisition proposal, as reported by the Department of State's Division of Historical Resources in the Florida Master Site File.

2. The number and relative significance of historic sites identified on the acquisition proposal, as reported by the Department of State's Division of Historical Resources in the Florida Master Site File.

(g) Increase the amount of agricultural and forest land available for sustainable management of natural and agricultural resources, as measured by:

1. The number of acres proposed to be acquired that are potentially available for sustainable forest management and could provide economic return utilizing multiple-use management, as identified in the Florida Forever Conservation Needs Assessment.

2. The number of acres of forestland proposed to be acquired that will serve to maintain natural groundwater recharge functions, as identified by overlaying data from measures *[in]* subparagraphs (2)(d)3 and (g)1. above.

3. For ranking purposes only, the number of acres of improved agricultural lands proposed to be protected, as verified by the Department of Agriculture and Consumer Services in coordination with the landowner.

4. For ranking purposes only, the number of acres of unimproved agricultural lands proposed to be protected, as verified by the Department of Agriculture and Consumer Services in coordination with the landowner.

5. The number of development units proposed to be acquired, as verified by the landowner through the approved local government comprehensive plan.

(h) Increase the amount of open space available in urban areas, as measured by:

1. The number of acres proposed to be purchased of open space within urban service areas.

2. The number of linear feet proposed to be acquired to protect working waterfronts, as defined in Sections 380.503(18)(a) and (b), F.S.

(3) For capital improvement project proposals the following goals and measures are applicable:

(a) Protect, restore, and maintain the quality and natural functions of land, water and wetland systems of the state, as measured by:

1. The number of acres of publicly owned land identified that are proposed to be restored or enhanced.

2. The proposed percentage completion of targeted capital improvements in surface water improvement and management plans created pursuant to Section 373.453(2), F.S., regional or master stormwater management system plans, or other adopted restoration plans if such project were funded.

3. The number of acres of public conservation lands in which upland invasive, exotic plants are proposed to be treated to bring them under maintenance control.

(b) Ensure that sufficient quantities of water are available to meet the current and future needs of natural systems and the citizens of the state, as measured by the quantity of water proposed to be made available through Florida Forever expenditures for water resource development.

(c) Increase natural resource-based public recreational and educational opportunities, as measured by the number of new resource-based recreation facilities, by type, proposed to be made available on public land.

(4) The following list includes Florida Forever performance measures that may not directly relate to land acquisition selection or capital improvement expenditures, but are general ecosystem function measures that may have an indirect connection or measures that have a post-acquisition,

land management or land use component that was not captured in subsections (2) and (3) above:

(a) Protect, restore, and maintain the quality and natural functions of land, water, and wetland systems of the state, as measured by:

1. The number of acres of publicly owned land identified as needing restoration, enhancement, and management, acres undergoing restoration or enhancement, acres with restoration activities completed, and acres managed to maintain such restored or enhanced conditions; the number of acres which represent actual or potential imperiled species habitat; the number of acres which are available pursuant to a management plan to restore, enhance, repopulate, and manage imperiled species habitat; and the number of acres of imperiled species habitat managed, restored, enhanced, repopulated, or acquired.

2. The percentage of water segments that fully meet, partially meet, or do not meet their designated uses as reported pursuant to Section 259.105(4)(c)2., F.S.

3. The percentage completion of targeted capital improvements in surface water improvement and management plans created under Section 373.453(2), F.S., regional or master stormwater management system plans, or other adopted restoration plans.

4. The percentage of miles of critically eroding beaches contiguous with public lands that are restored or protected from further erosion;

5. The percentage of public lakes and rivers in which invasive, nonnative aquatic plants are under maintenance control, as reported by entities that manage state conservation lands.

6. The number of acres of public conservation lands in which upland invasive, exotic plants are under maintenance control, as reported by entities that manage state conservation lands.

(b) Ensure that sufficient quantities of water are available to meet the current and future needs of natural systems and the citizens of the state, as measured by the quantity of water made available through the water resource development component of a district water supply plan for which a water management district is responsible.

(c) Increase natural resource-based public recreational and educational opportunities, as measured by the number of new resource-based recreation facilities, by type, made available on public land.

(d) Preserve significant archaeological or historic sites, as measured by the increase in the number and percentage of historic and archaeological properties that are in state ownership.

(e) Increase the amount of agricultural and forest land available for sustainable management of natural and agricultural resources, as measured by:

1. The number of acres of state-owned forestland managed for economic return in accordance with current best management practices, as verified by the Department of Agriculture and Consumer Services in coordination with land managers, conservation easement monitors, and the landowners.

2. The percentage and number of acres identified for restoration actually restored by reforestation, as verified by the Department of Agriculture and Consumer Services in coordination with land managers, conservation easement monitors, and the landowners.

(f) Increase the amount of open space available in urban areas, as measured by:

1. The percentage of local governments that participate in land acquisition programs and acquire open space in urban service areas as defined in Sections 163.3164(29) and 163.3177(14), F.S.

2. The number of parks and open space projects proposed to be acquired within urban service areas as defined in Sections 163.3164(29) and 163.3177(14), F.S.

(5) For program expenditures to acquire lands or implement capital improvements that achieve one or more of the measures listed above in subsection (2), (3), or (4), each program funded under Section 259.105(3), F.S., shall report its accomplishments to the Department of Environmental Protection's Division of State Lands by January 15 of each year. Recipients of Florida Forever funds shall also report on those measures that are not directly related to Florida Forever expenditures but are applicable to their program component as described in subsection (4).

(6) Statewide, uniform data sets shall be developed for each geographic-based numeric performance measure that is a component of the Florida Forever Conservation Needs Assessment. Each geographic-based data set shall attempt to identify and establish priorities for each performance measure.

Rulemaking Authority 259.035(1), (4), 259.105(9), (18) FS. Law Implemented 259.035, 259.04, 259.041, 259.045, 259.07, 259.105 FS. History—New 5-1-10.

18-24.003 Application Procedures and Requirements.

(1) Applications must be submitted in writing to:

Florida Forever Program
Office of Environmental Services
Mail Station 140
Department of Environmental Protection
3900 Commonwealth Boulevard
Tallahassee, FL 32399-3000

(2) When prepared, the Department shall accept electronic versions of required application information in a format designated by the Department. Information regarding electronic applications can be obtained by writing to the address above.

(3) All acquisition project applications shall include the following:

(a) One original and seventeen legible copies (or originals) of United States Geological Survey (USGS) topographic quadrangle maps, on which the boundaries of the project are clearly delineated.

(b) One original and three legible copies of tax maps, overlain on aerials if available, with the boundaries of the project clearly delineated. If tax aerial overlays are not available, the sponsor of an application shall submit aerials and tax maps separately.

(c) Eighteen legible copies of Florida Department of Transportation (FDOT) county general highway maps on which

the boundaries of the proposed acquisition are clearly delineated.

(d) One legible or electronic copy of the property appraiser's tax identification card(s) with the tax assessed value and acreage of each parcel, description and value of improvements, ad valorem taxes assessed, and the names and addresses of each owner identified.

(e) A written statement from the applicant asserting that each owner has been contacted in compliance with Section 259.105(7)(b)2., F.S.

(f) Eighteen copies of a written description of the lands being proposed for acquisition, including all of the following:

1. A descriptive location of the project and the total amount of acreage being proposed for inclusion.

2. The general physical, natural resource, biological, hydrological, archaeological and historical characteristics of the project.

3. Any potential recreational activities or other public uses that can be accommodated by the project.

4. Any known threats or development plans that could harm or diminish the values of the project.

5. Local resolutions, if any, concerning the potential public acquisition of the project.

6. A clear statement detailing how the project meets criteria and furthers the goals and objectives outlined in Rules 18-24.0021 and 18-24.0022, F.A.C. For projects that are presumed to meet one or more of the following criteria, the applicant shall also provide, as appropriate, additional written information as follows:

a. For criterion in subsection 18-24.0021(2), F.A.C., the applicant shall clearly describe the ongoing governmental effort, including a description of the resources that the effort is attempting to restore, protect or develop. The applicant shall also describe the governmental entity or entities involved in the effort and their current and proposed levels of financial support to complete the effort.

b. For criterion in subsection 18-24.0021(3), F.A.C., the applicant shall identify the property under public ownership whose management will be enhanced or facilitated, and shall describe specifically how the acquisition project will enhance or facilitate the identified property's management.

c. For criterion in subsection 18-24.0021(7), F.A.C., the applicant shall describe the imminent threats to significant natural attributes or recreational open space, and explain how existing, applicable environmental policies and regulations at the local, regional or state level cannot provide for the protection of these resources and related environmental services.

d. For criterion in subsection 18-24.0021(10), F.A.C., the applicant shall provide a written statement, signed by the landowner, indicating the landowner's willingness to sell their property at 80 percent or less of the state's appraised value.

e. For criterion in subsection 18-24.0021(11), F.A.C., the applicant shall provide a description of the specific alternatives to fee simple that are applicable to each ownership within the project and a brief description of any known activities or property rights proposed to be acquired by the state and those proposed to be retained by the property owner.

f. For criterion in subsection 18-24.0021(12), F.A.C., the applicant shall provide written evidence of the specific agencies, organizations or private entities that will contribute to joint acquisition of the project and the commitments made by each agency, organization or private entity to participate in the partnership.

(g) The applicant must provide thirteen copies of any oversized or color documents presented as part of the application for consideration by the Council.

(4) Each acquisition project application shall, within 30 days of receipt, be reviewed by staff to verify sufficiency of information in accordance with this section. Incomplete applications shall be returned to the applicant, with a letter stating every deficiency, for completion and resubmission within 30 days of the date of the deficiency letter. If the information is not received by the deadline, the entire file will be returned to the applicant.

Rulemaking Authority 259.035(1), (4), 259.105(9), (18) FS. Law Implemented 259.035, 259.04, 259.041, 259.045, 259.07, 259.105 FS. History—New 7-17-01, Amended 5-1-10.

18-24.004 Initial Review of Project Proposals.

(1) Complete applications shall receive an initial review by the Council starting within 60 days, or at the next regularly scheduled Council meeting, whichever occurs later. Initial review by the Council will consist of:

(a) Review of information provided by the applicant and other relevant information provided by Council staff, the Florida Natural Areas Inventory, Florida Fish and Wildlife Conservation Commission, Department of Environmental Protection, Department of State's Division of Historical Resources, Department of Community Affairs, Department of Agriculture and Consumer Services' Division of Forestry, and including consultation with the applicable water management district on projects where hydrological considerations are integral to the proposal.

(b) Verification that staff has notified all local governments within whose jurisdiction an acquisition project is located.

(c) Review of the comments provided by the public in support of, or in opposition to, each acquisition project application, including those obtained at one or more public hearings.

(d) Review of all evaluations and comments received.

(e) Review of the specific Florida Forever goals and measures met by the acquisition project to ensure compliance with subsection 18-24.002(1), F.A.C. Acquisition projects not complying with subsection 18-24.002(1), F.A.C., shall not be considered further.

(2) Upon completion of the initial review, the Council shall vote to determine which acquisition project applications shall move forward for full review. An affirmative vote of at least five of the Council members is required to move an acquisition project application to full review.

(3) An acquisition proposal that was not selected for the full review list shall be reconsidered by the Council during a subsequent review cycle if all of the following conditions are met:

(a) A written request for resubmission and a complete application is received in accordance with Rule 18-24.003, F.A.C.;

(b) The original acquisition proposal was submitted within the last three calendar years; and

(c) The request includes new or updated information since the last consideration by the Council.

Rulemaking Authority 259.035(1), (4), 259.105(9), (18) FS. Law Implemented 259.035, 259.04, 259.041, 259.045, 259.07, 259.105 FS. History—New 7-17-01, Amended 5-1-10.

18-24.005 Full Review of Project Proposals.

(1) An affirmative vote of at least five council members shall be required to initiate a full review of a project proposal.

(2) For all acquisition project applications voted by the Council to receive full review, a Project Evaluation Report shall be prepared by staff and presented to the Council. The Project Evaluation Report shall:

(a) Confirm or revise, as appropriate, the information provided in the initial acquisition project application and initial review.

(b) Provide a review, including a site visit by staff, of the natural resources, physical, hydrological, recreational, archaeological, historical, and geographic characteristics of the components of the application to determine:

1. The number of Florida Forever goals and measures that are met by the project, and the extent to which the project contributes to meeting each of those goals and measures.

2. The number of Florida Forever criteria that are met by the project, and the extent to which the project contributes to meeting each of those criteria.

(c) Provide the Council with each reporting element required by Section 259.105(15), F.S.

(d) Include an assessment of the relative values of the proposed project for each criterion and goal, and overall, to assist the Council in grouping projects recommended for approval as outlined in Rule 18-24.006, F.A.C.

(e) Include a confirmation of the project boundary as contained in the application and recommend boundary adjustments needed for resource protection, acquisition planning, and management, within the constraints of Section 259.105(7)(b)2., F.S. This shall include a recommendation for which portions of the project required to be purchased, if any, might be declared surplus to the purposes of the project.

(f) Include a recommended manager for the project and a brief rationale for the recommendation, a management policy statement, and a management prospectus prepared pursuant to Section 259.032, F.S.

(3) Full review of acquisition projects by the Council shall consist of:

(a) Consideration of the Project Evaluation Report described above.

(b) Independent consideration by the Council of the provisions listed in paragraph 18-24.005(2)(b), F.A.C.

(c) The holding of one or more public hearings, advertised as required in the Florida Administrative Weekly and in newspapers serving areas affected by potential acquisitions, for

the purpose of taking verbal and written comments from the public in support of, or in opposition to, projects under full review. The chair of the Council or his or her designee shall conduct such public hearings.

(4) The Council shall approve, approve with amendments, or reject the project evaluation report.

(5) Boundary Modifications.

(a) Removal of property from Florida Forever Project. Landowners who wish to have their property removed from an approved Florida Forever Project boundary shall submit by certified mail a letter stating they wish their property to be removed and sufficiently identifying such property to the address stated in subsection 18-24.003(1), F.A.C. The Council shall approve such removals at its next regularly scheduled meeting if they meet the foregoing requirements.

(b) Addition of property to Florida Forever Project. All boundary additions shall comply with all the requirements of Rules 18-24.002, 18-24.003, and 18-24.004, F.A.C., except as stated herein.

1. Boundary addition proposals exceeding 1,000 acres or 10% of the original project acreage or \$2,000,000 in the most recent county property appraiser's assessed value shown on the owner's ad valorem tax bill shall be considered new Florida Forever Projects and shall not be entitled to the expedited procedures herein.

2. Each application to add property to an existing Project boundary that meets the criteria of subparagraph 18-24.005(5)(b)1., F.A.C., shall, within 30 days of receipt, be reviewed by staff to verify sufficiency of information in accordance with this paragraph. Staff shall expedite the application process to add property by updating the original project evaluation report with a project addition summary attached, unless staff determines that the original project evaluation report, or any part thereof, does not fairly apply to or represent the property in the addition, is in need of updating, or other circumstances necessitate preparation of a more thorough amended project evaluation report (such as a change in flora or fauna, a traumatic event, or a change in land use). Staff shall state in its project addition summary whether the foregoing requirements are met. Staff shall submit its project addition summary or amended project report to the Council at its next regularly scheduled meeting after preparation of its report.

(c) An affirmative vote of at least five council members shall be required to add property to or remove property from an existing project.

Rulemaking Authority 259.035(1), (4), 259.105(9), (18) FS. Law Implemented 259.035, 259.04, 259.041, 259.045, 259.07, 259.105 FS. History—New 7-17-01, Amended 4-14-08, 5-1-10.

18-24.006 Council Evaluation and Ranking.

(1) Following full review, the Council shall develop a list of projects for consideration by the Board in accordance with the provisions of Sections 259.105(3)(b) and 259.105(4), (8), (9), (10), (13), (14), (15), and (16), F.S.

(2) Following the full review of projects pursuant to Rule 18-24.005, F.A.C., the Council shall select projects for inclusion on the list. An affirmative vote of at least five council members

shall be required to place a project on the list to be presented to the Board. The Council may provide recommendations to the Division of State Lands on which category or categories to place each land acquisition project, or portions thereof.

(3) The Division of State Lands shall categorize the list pursuant to Section 259.105(17), F.S., in preparation for work plan development. The Council shall evaluate the entire list of approved projects and rank them individually in numerical priority order within each category for consideration by the Board as follows:

(a) When assigning priority rankings to projects the Council shall give increased priority to those projects that meet the provisions of the Florida Forever criteria described in Sections 259.105(9)(j) and (l), F.S., as further described in subsections 18-24.0021(10) and (12), F.A.C., and in Section 259.105(10), F.S., as described in paragraph (3)(b) of this rule.

(b) The council shall also give increased priority to those projects where the state's land conservation plans overlap with the military's need to protect lands, water, and habitat to ensure the sustainability of military missions including:

1. Protecting habitat on nonmilitary land for any species found on military land that is designated as threatened or endangered, or is a candidate for such designation under the Endangered Species Act or any Florida statute, as determined by Florida Natural Areas Inventory in coordination with Florida Fish and Wildlife Conservation Commission or Department of Agriculture and Consumer Services;

2. Protecting areas underlying low-level military air corridors or operating areas, as described in official military documents presented by the affected military installations; and

3. Protecting areas identified as clear zones, accident potential zones, and air installation compatible use buffer zones delineated by our military partners, and for which federal or other funding is available to assist with the project pursuant to subsection 18-24.021(11), F.A.C.

(c) Priority Rankings for each project shall be determined by the Council based on the results of the full review detailed in Rule 18-24.005, F.A.C., a comparative analysis of each project's ability to meet the Florida Forever goals and measures and the Florida Forever criteria as identified in Rules 18-24.0021 and 18-24.0022, F.A.C., and additional information as identified in paragraphs (a), (b), and (d). As an initial information source for conducting this comparative analysis, the Department of Environmental Protection shall provide the council a comparative analysis and evaluation of each Florida Forever Project, which shall include rankings for each geographic-based resource type outlined in the subsection 18-24.0022(2), F.A.C., as well as rankings based on an efficient resource analysis using a computer modeling approach to conservation reserve design that involves iterative site selection, which describes those projects offering the greatest return in resource protection given the estimated acreage likely to be acquired by the Florida Forever Program. The Department also shall provide the council with a matrix of the criteria met by each project including the criteria described in paragraph (b), as well as information on the current status of negotiations to acquire property on the Division of State Lands work plan as

described in subsection (6). The Council shall also consider any other contributing technical analysis of Florida Forever projects submitted by Council members, other organizations or persons in conducting its review of projects for priority ranking.

(d) The Council shall also consider the following when developing its priority list:

1. Projects that are considered priority resources, as described in subsection 18-24.0022(6), F.A.C., for multiple Florida Forever goals shall be given greater consideration than those that are considered priority resources for fewer or only one Florida Forever goal. Projects that meet multiple Florida Forever criteria, as described in Rule 18-24.0021, F.A.C., shall be given greater consideration than those that meet fewer or only one Florida Forever criterion.

2. Projects with the greatest percentage of acreage acquired, as measured by subparagraph 18-24.0022(2)(a)4., F.A.C., shall be given greater consideration than those with a lesser percentage of acreage acquired if the remaining lands to be acquired contribute significantly to the Florida Forever goals and measures.

3. Projects that close a critical gap in a recreational or ecological greenway, or landscape linkage, shall be given greater consideration than those that do not.

4. Projects that provide the greatest opportunities for resource-based recreation as identified in the State Comprehensive Outdoor Recreation Plan, which is prepared by the Department of Environmental Protection's Division of Recreation and Parks for the State of Florida pursuant to Section 375.021, F.S., shall be given greater consideration than those that provide fewer opportunities for resource-based recreation.

5. Lands that help to address the challenges of global climate change by providing opportunities to sequester carbon, provide habitat, protect coastal lands or barrier islands, and otherwise mitigate and help adapt to the effects of sea-level rise, shall be given greater consideration than those that do not.

6. Many factors, other than technical resource data, are important in the project evaluation, selection, and ranking process. For example threat of development or loss of resource values are difficult factors with no clear methodology for comparing projects numerically at this time. Similarly, public support, owner's willingness to sell at a reasonable price, management needs and other important factors takes on many forms that are not readily quantifiable. Additionally, other important information that may not be explicitly captured by the current Florida Forever goals and measures may be presented to the Council in the Project Evaluation Report, prepared pursuant to Rule 18-24.005, F.A.C., or during public hearings held pursuant to paragraphs 18-24.004(1)(c) and 18-24.005(3)(c), F.A.C. The Council shall consider these and other factors identified during the project evaluation and public hearings of the council as additional information when deciding where to rank a project on the priority list.

(4) The estimated value of all projects recommended to the Board by the Council, shall exceed the amount of money available in the Fund for acquisition.

(5) All acquisition projects approved by the Board shall be eligible for funding, with available resources targeted initially

toward projects in High Priority Group of the work plan developed pursuant to subsection (6). However, the Board may approve the purchase of any project from any group in furtherance of the intent expressed in Section 259.105(2)(e), F.S.

(6) The Division of State Lands shall prepare a categorized acquisition work plan pursuant to Section 259.105(17), F.S. The work plan shall be submitted to the Council at a public meeting. After receiving public testimony during at least one public meeting or hearing, the Council shall consider the Division's work plan and, when satisfied, shall adopt the work plan by a majority vote of its members. A copy of the work plan shall be provided to the Board no later than October 1 of each year. The Division of State Lands will use the Council's priority list to develop its work plan. Projects in each of the work plan categories shall be placed in priority groups as follows:

(a) High Priority Group: Those acquisition projects proposed for approval, which will receive the highest priority for acquisition. Projects designated for this group shall be so designated based on the Council's priority ranking. The acreage of projects designated for the High Priority Group within each category shall be limited to the top 33% or less of the acreage of projects within each category on the list, as determined by the Council.

(b) Medium Priority Group: Those acquisition projects proposed for approval that are considered by the Council to be important, but not of the highest priority. The acreage of projects designated for the Medium Priority Group shall be limited to the middle ranked 33% or less of the acreage of projects within each category on the list, as determined by the Council.

(c) Low Priority Group: Those acquisition projects proposed for approval that are considered by the Council to be important, but not as important as those included in the high and medium resource priority groups. The Low Priority Group shall include at least the lowest ranked 33% of the acreage of projects within each category on the list, as determined by the Council.

Rulemaking Authority 259.035(1), (4), 259.105(9), (18) FS. Law Implemented 259.035, 259.04, 259.041, 259.045, 259.07, 259.105 FS. History—New 7-17-01, Amended 5-1-10.

18-24.007 Board of Trustees Consideration.

(1) The Board shall receive at a regularly scheduled public meeting, at least semiannually, the report of the Council pursuant to Section 259.105(15), F.S., and act on the recommendations contained in that report pursuant to Section 259.105(14), F.S.

(2) The Council's report will include a list of owners who have requested by certified mail that their property be removed from the list, and maps of the locations of such property, and the Council's recommendations for whether or not the Board should add such property back on the list. The Board may add those properties back into projects pursuant to the provision of Section 259.105(7)(b)2., F.S.

(3) Upon final approval of the list, staff may proceed with acquisition of the projects contained thereon.

Rulemaking Authority 259.035(1), (4), 259.105(9), (18) FS. Law Implemented 259.035, 259.04, 259.041, 259.045, 259.07, 259.105 FS. History—New 7-17-01; , Repromulgated 5-1-10.

18-24.008 Capital Improvement and Restoration Proposals.

(1) In order for a capital improvement project, whether restoration or other, to be eligible for access to the Fund, pursuant to Section 259.105(3)(b), F.S., the project must be presented for the consideration of the Council in an application from the managing entity, for work on lands pursuant to Chapter 259, F.S.

(2) All capital improvement projects, whether restoration or other, which are presented in an application to the Council for funding consideration, must be contemplated in a prospectus or a land management plan submitted and approved pursuant to Sections 253.034 and 259.032, F.S.

(3) All capital improvement project applications presented to the Council for funding consideration must include all of the following:

(a) A written description of the proposed project and its purpose(s), and how it helps achieve Florida Forever goals and measures.

(b) A description of the existing landscape where the project is proposed to occur, including known physical, natural resource, biological, hydrological, historical and archaeological characteristics.

(c) A map of the managed area with the location of the project precisely indicated, including any lands or activities outside the managed area potentially affected by the project.

(d) A description of the landscape changes or management objectives intended to be achieved by the project, and how the project's effects or impacts will be monitored or measured.

(e) A description of any recreational activities that may be enhanced, impeded or curtailed by the project.

(f) A detailed breakdown of the costs being requested from the Fund for the project.

(4) In measuring the relative merits of like restoration projects and like other capital improvement projects, the Council shall consider their contributions to Florida Forever goals, measures and criteria, and develop two capital improvement project lists, one for restoration and one for other, ranked accordingly.

(5) The Council shall present the two prioritized lists of capital improvement projects proposed for funding to the Board annually, as part of one of its reports submitted pursuant to Section 259.105(15), F.S.

(6) At least three percent, but no more than ten percent, of the funds annually allocated pursuant to Section 259.105(3)(b), F.S., shall be spent on capital project expenditures that meet land management planning activities necessary for public access.

Rulemaking Authority 259.035(1), (4), 259.105(9), (18) FS. Law Implemented 259.035, 259.04, 259.041, 259.045, 259.07, 259.105 FS. History—New 7-17-01, Amended 5-1-10.

Editorial Note: [All rules in this chapter b] became effective upon approval of the Legislature.