

How Property
Becomes a
Florida Forever
Project

June, 2011

How Property Becomes a *Florida Forever* Project

Property in Florida ranges from fully developed urban areas to nearly pristine natural areas. The [Florida Forever](#) program strives to purchase only the best natural areas and most significant archaeological and historical sites so they can be preserved in perpetuity for Florida's citizens and visitors. [Rule 18-24](#), Florida Administrative Code, revised in December 2009, along with [Chapter 259](#), Florida Statutes, provides the criteria that must be met for a property to be eligible to be a *Florida Forever* project and outlines the process used by the [Acquisition and Restoration Council](#) (ARC or Council) to add new property to the list of projects the Division of State Lands (Division) hopes to purchase.

Rule 18-24, F.A.C., specifies that land can be purchased or obtained for *Florida Forever* projects if it:

- meets several of the *Florida Forever* goals in the administrative rules (see below),
- is part of an ongoing effort to restore, protect or improve land or water,
- improves the management of other public land,
- has significant historical value,
- has funding for at least the next two years,
- helps regional water supplies,
- is in danger of being developed,
- implements part of an ecosystem plan,
- helps the Everglades Restoration effort,
- can be purchased for 80 percent of its value or less,
- is a joint effort at acquiring and preserving land, or
- can be acquired with alternative funding such as tax incentives, or easements

The *Florida Forever* goals and measures, mentioned in the first bullet above, include features related to completion of ongoing projects, increased protection of Florida's biodiversity, maintenance and restoration of the quality natural functions of uplands and wetlands, protection of our water supply, providing natural resource-based recreational opportunities, preserving our significant archaeological and historical sites, maintaining sustainable forestland, and providing open space within urban areas. These goals and measures are used not only for evaluating new property proposed to be added to our acquisition lists, but also to determine how well the program is doing in protecting our natural and cultural lands.

There are several steps required for a property to be added to the *Florida Forever* list. First, a landowner or his or her representative must submit an application to the Division to be a [new](#)

[Florida Forever project](#) or an [addition to an existing Florida Forever project](#). ARC has two application cycles for new projects per year, with application deadlines of December 31 and June 30 of each year. Applications for additions to existing projects can be submitted at any time.

After receiving the applications for new projects, staff of the Division's Office of Environmental Services (OES) review them for completeness and send them to the members of the Council and to the [Florida Natural Areas Inventory](#) (FNAI). Staff from FNAI prepares an initial report on the significance of the natural resources on the site based on their database of natural communities, occurrences of rare plants and animals in Florida, and statewide geographic data on the relative significance of the proposal using sixteen of the Florida Forever performance measures spanning the broad list of goals mentioned above.

First Vote of the Acquisition and Restoration Council

ARC must vote twice to add a new project to the *Florida Forever* list. The first vote occurs at their first meeting after the application deadline, in February and August of each year, respectively. During the public hearing portion of these meetings, property owners, project sponsors and other interested parties have the opportunity to explain to the Council why the resources of their projects are worthy of protection through the *Florida Forever* program. In addition to presentations at public meetings, interested parties may also send letters in support of new projects to members of the Council. The ARC [calendar](#) is available on the *Florida Forever* website.

After hearing public testimony and evaluating the applications and supporting documents, the Council members vote to determine which projects are worthy of moving forward to receive an in-depth full review. Even though there are 10 members on the Council, only five positive votes are needed for a project to move to the next evaluation phase.

Project Evaluation Reports

Project proposals that receive five positive votes from the Council receive a detailed evaluation from staff of the agencies represented on ARC, FNAI, and other natural and cultural resource experts. As a first step, FNAI offers a Resource Planning Boundary which might suggest additional land to be examined for possible expansion of the project. OES then coordinates site visits to the properties undergoing evaluation, during which Council members and staff gain first-hand knowledge of the proposed projects. After the site visit, agency and FNAI staffs each write detailed analyses of portions of a final Project Evaluation Report, which OES merges into a final document. The final reports contain descriptions of the natural resources, physical, hydrological, recreational, archaeological, historical and geographic characteristics of the property. The reports describe the extent to which each of the *Florida Forever* goals and measures would be fulfilled by acquisition of the property, recommend final boundaries for the proposed projects, and recommend land managers for the properties, with an outline (management prospectus) of how each property would be managed.

Prior to completion of the Project Evaluation Reports, the Council conducts one or more public hearings in the general vicinity or vicinities of the projects under consideration so that interested

parties may show support of or opposition to the properties that are being proposed for addition to the *Florida Forever* acquisition list. The Council votes to approve, amend or reject the reports at its June and December meetings, respectively.

Second Vote of the Acquisition and Restoration Council

After approving the Project Evaluation Reports for each new project, the Council then votes at the same meeting on whether or not to add the proposed new projects as approved *Florida Forever* projects. As is the case for the first Council vote, only five members must vote affirmatively to approve a new project to the acquisition list. This second vote takes into account the detailed resource analyses contained in the Project Evaluation Reports, as well as all public input, both written and oral, provided during the evaluation phase.

Project Ranking

ARC's final responsibility in preparing its proposed acquisition list is to rank projects in numerical order in categories specified in Chapter 259, F.S. Each existing and newly-approved project is assigned to one of the following categories: Critical Natural Lands, Critical Historical Resources, Climate Change Lands, Partnerships and Regional Incentives, Less-than-Fee Projects (primarily [conservation easements](#)), and Substantially Complete Projects. At its December meeting, after voting to add new projects to the list, the Council votes within each category to rank projects from highest to lowest priority. This ranking sets the stage for a work plan to be developed by the Division that outlines which specific projects and ownerships within projects will be negotiated for purchase with *Florida Forever* funds allocated by the Legislature.

New *Florida Forever* projects added in June will not be ranked until December of each year. They will be added to the list identified only as unranked new projects.

ARC has also created a Negotiations Impasse/Inactive category to maintain important resources on a *Florida Forever* list while recognizing that acquisition attempts have been unsuccessful and will not recommence until conditions change to prompt a new or existing owner to express interested in beginning negotiations anew. Projects in the Negotiations Impasse/Inactive category will not be ranked.

Public Participation in Project Selection and Ranking

ARC encourages public participation in all of its activities. Almost all of the Council's meetings occur over two days, with the first day devoted to public input and discussion of agenda items. The second day is typically devoted to final votes after Council members have had an opportunity to consider the information and discussion from the day before. In addition to public input at its regularly-scheduled meetings in Tallahassee, the Council also holds public hearings around the state specifically for receiving public input in support of or opposition to proposed new projects and for information useful in ranking both new and current projects for the next *Florida Forever* list. The Council welcomes written comments on projects, either as letters or email. Written comments sent to the [ARC Staff Director](#) are made available to all Council members.

The Council also holds special workshops as appropriate to solicit input for major policy changes and rulemaking.

List Approval by the Governor and Cabinet

The final step in creating the *Florida Forever* acquisition list is approval by the Governor and Cabinet sitting as the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida. The list, part of the [Florida Forever Five-Year Plan](#), is usually taken to the Governor and Cabinet in February and September, respectively. The Governor and Cabinet may approve or reject the report or remove projects from the *Florida Forever* list, but they may not change the priorities within categories as determined by ARC. The public may also attend and provide input on the priority list when it is presented to the [Governor and Cabinet](#).

Division of State Lands Work Plan

After the *Florida Forever* project selection and ranking process is completed, the Division of State Lands' translates the ranked *Florida Forever* list into a work plan. In preparing the work plan, the Division consults project sponsors, prospective managers, local governments and other stakeholders to identify the most important ownerships for resource protection and management feasibility in the highest-ranked projects within each of the five categories. Next, the Division determines the amount of funds available for acquisition, allocates the funds among categories, and decides which properties will be pursued during the coming months. The work plan must be approved by ARC and by the Governor and Cabinet before October 1 of each year. As with all of its other activities, ARC welcomes public input on the work plan at its August meeting. The public may also attend and provide input on the work plan when it is presented to the [Governor and Cabinet](#) in September of each year.