

**CHAPTER 62-815  
PRESERVATION 2000 PROGRAM**

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**62-815.001 Purpose.**

This rule chapter is promulgated to set forth the procedures that shall be followed in the Preservation 2000 Program of the Florida Communities Trust. This rule chapter recognizes the legislative intent expressed in Section 259.101, The Preservation 2000 Act, and Chapter 380, Part III, The Florida Communities Trust Act, Florida Statutes. Specifically, the purpose of the Preservation 2000 Program described in this rule chapter is to assist local governments to implement the conservation, recreation and open space, and coastal management elements of the local comprehensive plans through a program of grant awards to local governments for land acquisition for the purposes of natural resource conservation and outdoor recreation. Rulemaking Authority 380.507(11) FS. Law Implemented 259.101, 375.045, 380.501-.515 FS. History—New 11-3-91, Amended 11-1-92, 2-9-98, Formerly 9K-4.001.

**62-815.002 Definitions.**

- (1) “Acquisition” means the act of obtaining real property or interests and rights therein by various legal means.
- (2) “Acquisition Plan” applies to Project Sites with multiple parcels or multiple owners and means a written description of the priority parcels and the general order in which the parcels will be acquired to assure that, in the event that all parcels cannot be acquired, the purposes of the project can be achieved.
- (3) “Applicant” means an entity eligible pursuant to this rule chapter to submit an application for Preservation 2000 funds through the Florida Communities Trust.
- (4) “Application” means a formal request by an applicant on an approved form for Preservation 2000 funds from the Florida Communities Trust, consisting of a project proposal with required documentation submitted pursuant to this rule chapter.
- (5) “Award” means a loan, grant or matching grant from the Trust authorized pursuant to the procedures developed in this rule chapter.
- (6) “Coastal Management Element” means that portion of a local comprehensive plan prepared pursuant to Section 163.3177(6)(g), Florida Statutes, and Rule 9J-5.012, Florida Administrative Code.
- (7) “Conservation Element” means that portion of a local comprehensive plan prepared pursuant to Section 163.3177(6)(d), Florida Statutes, and Rule 9J-5.013, Florida Administrative Code.
- (8) “Department” means the Florida Department of Environmental Protection.
- (9) “Donation” means a voluntary transfer of title and possession of cash or real property to another without any consideration; the conveyance of land by the landowner at a purchase price below its market value can be considered a donation of a portion of the purchase price only when the landowner expresses the intent, in advance of purchase and sale negotiations, to make a bargain sale, with no conditions placed on the bargain sale or donation.

(10) "Future Land Use Element" means that portion of a local comprehensive plan prepared pursuant to Section 163.3177(6)(a), Florida Statutes, and Rule 9J-5.006, Florida Administrative Code.

(11) "Future Land Use Map" means a map or map series included within the future land use element of a local comprehensive plan that meets the requirements of subsection 9J-5.006(4), Florida Administrative Code.

(12) "Governing Body" means that four-member entity described in Sections 380.504 and 380.505, Florida Statutes; the powers of the Trust are vested in its governing body members, pursuant to Section 380.505, Florida Statutes.

(13) "Grant" means an award of funds made for the benefit of an applicant and used to acquire real property.

(14) "Greenway" means a linear open space protected and managed as part of linked conservation lands or recreation opportunities. Greenways typically follow natural landscape features such as rivers, streams, shorelines, man-made corridors such as utility and abandoned railroad right-of-ways, and scenic roadways. Greenways may protect the habitat of native plants and wildlife, maintain wildlife movement routes and natural connections, or provide opportunities for outdoor recreation.

(15) "Habitat" means a natural community or communities composed of physical and biological elements that typically support populations of plants and animals.

(16) "High Aquifer Recharge Area" means generally within, but not limited to, high recharge areas that are afforded a higher level of protection due to contributions to present and future ground water including the protection and maintenance of natural systems and public water supply.

(17) "Listed Species" means animal species listed as endangered, threatened or of special concern by the Fish and Wildlife Conservation Commission in Rules 68A-27.003, .004, and .005, Florida Administrative Code; plant species listed as endangered or threatened in Sections 581.185(5)(a)-(b), F.S.; or any plant or animal species identified or designated in the comprehensive plan or ordinance by the local government as being of local concern and warranting special protection.

(18) "Local Comprehensive Plan" as defined in Section 380.503(4), Florida Statutes, means a plan that meets the requirements of Sections 163.3177, 163.3178, and 163.3191, F.S., and has been found to be in compliance in accordance with Section 163.3184, F.S.

(19) "Local Government" means counties and municipalities of the State of Florida.

(20) "Local Match" means the provision of cash, project costs unfunded by the Trust, value of real property donated by a party or parties other than the applicant, or real property owned by the applicant, provided the match is from an eligible source as set forth in subsection 62-815.0031(9), F.A.C., and added to Florida Communities Trust award by the applicant for the project cost.

(21) "Matching Grant" means an award made for the benefit of an applicant based upon an applicant's commitment to provide the remainder of the total Project Cost.

(22) "Native Vegetative Community" means a natural community that is dominated by native plant species and is structured as a natural community type described in the Florida Natural Areas Inventory publication, "Guide to the Natural Communities of Florida". A native vegetative community generally possesses the following characteristics: the plant species composition includes most of the more common species typical of that natural community type; the community may contain small areas of exotic or invasive plants that could be easily controlled by prescribed burning or other forms of management; evidence of historical disturbance may be present but disturbance has not destroyed or prevented the re-establishment of a mature natural community type; and, the community is not substantially disturbed by recent human activities, except for such disturbance as low intensity forestry activities that allow the natural community to recover to previous conditions.

(23) "Outdoor Recreation" means the pursuit of leisure-time activities that occur in an outdoor setting and that are dependent on some particular element or combination of elements in the natural environment. These activities include, but are not limited to, saltwater beach and shoreline activities, bicycle riding, boating, camping, fishing, hiking, horseback riding, hunting, nature study, picnicking, freshwater swimming, and visiting archaeological and historical sites.

(24) "Partnership Application" means a joint application for an award submitted to the Trust by two or more eligible applicants.

(25) "Population," when used in this rule chapter, shall be based upon the most recent edition of Florida Estimates of Population as published annually by the Population Division, Bureau of Economic and Business Research, University of Florida.

(26) "Preacquired" means the Project Site or a portion of the Project Site has been acquired by the applicant through a voluntarily-negotiated transaction within one year prior to the application deadline or will be acquired by the applicant within 180 days after the application deadline. The use of condemnation or the threat of condemnation is not considered a voluntarily-negotiated transaction.

(27) "Preservation 2000 Funds" means proceeds from the Preservation 2000 Trust Fund created by Section 375.045, F.S., distributed to the Department of Environmental Protection pursuant to Section 259.101(3)(c), F.S., for the purpose of providing land acquisition awards through the Florida Communities Trust Preservation 2000 Program.

(28) "Project" means any work on, improvement to, or acquisition of real property, buildings, or any other property.

(29) "Project Area" means those lands and waters within and adjacent to the applicant's jurisdiction that may affect the project site.

(30) "Project Cost" means the total of acquisition costs and may include the cost of the following items prepared consistent with Rule Chapter 62-817, F.A.C.: purchase price for acquisition of all or a portion of the Project Site; certified survey

and/or appraisal map containing an adequate legal description of the property; fee for any assessment or examination essential and necessary to determine project site boundary, if any; appraisal report(s); and appraisal review; evidence of marketable title; cost of title report and title insurance premium; reasonable real estate fees or other eligible fees or commissions paid by the applicant for acquisition services provided to and for the benefit of the applicant, if any; and costs of environmental site assessment.

(31) "Project Plan" means a collection of items that when taken together provide a detailed description of a proposed project that has received conceptual approval for an award from the Trust; a project plan shall be prepared pursuant to the requirements of Rule 62-815.011, F.A.C.

(32) "Project Site" means the specific area(s), defined by a boundary map and/or legal description and certified survey, where Trust funds and local match are proposed in an application to be used for acquisition. Project site may include non-contiguous areas, so long as connectivity through other public ownership, excluding road right-of-way unless parcels are directly across a road from each other, is demonstrated.

(33) "Real Property" means any interest in land and may also include any appurtenances and improvements to the land.

(34) "Recreation and Open Space Element" means that portion of a local comprehensive plan prepared pursuant to Section 163.3177(6)(e), Florida Statutes, and the general requirements of Rule 9J-5.005, F.A.C.

(35) "Trust" means the Florida Communities Trust, a nonregulatory agency and instrumentality, which is a public body corporate and politic, created within the Department of Environmental Protection pursuant to Chapter 380, Part III, F.S., or the governing body of the Florida Communities Trust.

(36) "Urban Area" as defined in subsection 9J-5.003(139), F.A.C., means an area of or for development characterized by social, economic and institutional activities which are predominantly based on the manufacture, production, distribution, or provision of goods and services in a setting which typically includes residential and nonresidential development uses.

(37) "Urban Greenways and Open Space Project" means action taken to acquire lands or interest in lands to create a linear open space protected and managed as part of linked conservation lands or recreational opportunities in an urban area, or to preserve open space or historic sites to enhance recreational and cultural opportunities in an urban area.

(38) "Urban Area" means an area of or for development characterized by social, economic and institutional activities which are predominantly based on the manufacture, production, distribution, or provision of goods and services in a setting which typically includes residential and nonresidential development uses.

(39) "Urban Open Space" means located within a built-up urban area and will be managed as an open area either in its natural state, landscaped or developed for minimal passive use.

(40) "Urban Service Area" as defined in Section 163.3166(29), F.S., means built-up areas where public facilities and services such as sewage treatment systems, roads, schools, and recreation areas, are already in place. For the purpose of this rule, it may also include other similar designations that have been formally adopted by a local government on its Future Land Use Map, or it may be an area that is currently provided services such as those listed above.

(41) "Voluntarily-Negotiated Transaction" means an arms length market value transaction between a willing seller and a willing buyer. The use of condemnation or the threat of condemnation is not considered a voluntarily-negotiated transaction.

Rulemaking Authority 380.507(11) FS. Law Implemented 259.101, 375.045, 380.501-.515 FS. History—New 11-3-91, Amended 11-1-92, 9-19-94, 2-9-98, Formerly 9K-4.002.

### **62-815.0031 General Requirements and Eligibility Standards.**

The following constitutes the general procedures for the Preservation 2000 Program of the Florida Communities Trust.

(1) Meetings of the Trust. The fiscal year of the Trust is July 1-June 30. The Trust governing body will hold public meetings at least quarterly during each fiscal year. All meetings of the Trust shall be conducted consistent with Section 380.504 and .505, F.S.

(2) Local Comprehensive Plans. All awards of Preservation 2000 funds shall be for the purpose of assisting a local government to implement or bring into compliance its local comprehensive plan by furthering the conservation, recreation and open space, or coastal management elements of local comprehensive plans through land acquisition for natural resource conservation and outdoor recreation.

(3) Application Form. Application Form FCT/P2000-4 (eff. 2-9-98) is prescribed for use with these rules and is incorporated by reference. Applications for funding must be submitted on Application Form FCT/P2000-4 (eff. 2-9-98). Whenever possible, the Trust will also provide the application form in an electronic format. A copy or instructions for receiving the Application Form in an electronic format may be obtained by writing to the Program Manager, Florida Communities Trust, 3900 Commonwealth Boulevard, Tallahassee, FL 32399-3000, or by calling (850)245-2669. As a part of the application process the Trust will request supplementary information from applicants to be used in identifying future needs and collecting information about applicants.

(4) Distribution of Awards. Preservation 2000 funds are distributed as awards for the benefit of applicants after a competitive evaluation of timely submitted complete applications. Preservation 2000 funds shall be limited to use for the land acquisition project costs set forth in complete applications submitted for awards.

(5) Eligible Applicants. All local governments are eligible to submit applications for funding by the Trust. Prior to receiving project plan approval, as described in subsection 62-815.011(2), F.A.C., the local comprehensive plan of an applicant, and the applicant's partner(s) if any, must either be:

(a) Found in compliance as defined in subsection 62-815.002(18), F.A.C.,  
(b) The local government(s) must have executed a compliance agreement(s) with the Department to resolve all of the issues raised by the Department in a statement of intent to find a plan not in compliance issued pursuant to Section 163.3184(8), F.S., or

(c) In the case of a newly established municipality pursuant to Section 163.3167(4), Florida Statutes, the county comprehensive plan shall be deemed controlling and must achieve provision (a) or (b) above, or the municipality must have adopted a comprehensive plan pursuant to Section 163.3167(4), F.S., and be in compliance with either the above (a) or (b).

(6) Program Amount Allocation.

(a) Section 259.101(3)(c), F.S., requires that at least one half of the Preservation 2000 funds available to the Department for use by the Trust shall be matched by local governments on a dollar-for-dollar basis. All applicants shall provide some level of local match toward the project costs, except small local governments that are further described in paragraph 62-815.0031(6)(b), F.A.C.

(b) The Trust shall award a portion of the Preservation 2000 funds for awards, for which no local match is required, for the benefit of small local governments, as follows; county governments with populations of 75,000 or fewer and municipal governments with a population of 10,000 or fewer.

(7) Notice of Application Period. The Trust shall announce the amount of Preservation 2000 bond funds available for awards, the limitation on award amounts, and applicable deadlines in the Notice of Application Period published in the Florida Administrative Weekly. The amounts published shall be subject to the amount of funds on deposit in the Trust Preservation 2000 Trust Fund on the date of preparation of the Notice of Application Period.

(8) Limitation of Awards. The amount of any award or combination of awards to an applicant for a project or projects given conceptual approval by the Trust governing body shall not exceed ten percent of the total Preservation 2000 funds as advertised available for awards in the Notice of Application Period announcing the cycle, except awards to partnership applicants. Awards for partnership applications, pursuant to subsection (12) below, shall not exceed twenty percent of the total Preservation 2000 funds as advertised available for awards in the Notice of Application Period announcing the cycle, provided that the partners in the application individually do not exceed the ten percent limit described in this paragraph.

(9) Eligible Sources of Local Match. For any part or all of any local match, applicants may use funds generated by a local government, state or federal grants or loans, private cash donations, the commitment in advance of negotiations of the value of a bargain sale or donation of all or part of the purchase price of the Project Site by the landowner, or a loan from the Trust. Applicants may not use funds from the Preservation 2000 Trust Fund pursuant to Section 259.101(3), F.S., for any part of any local match for an award except a loan from the Trust as described in (10). Real property owned by the applicant or donated by a party other than the applicant may be

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an eligible source for a local match, provided that any real property owned by the applicant has been acquired, by the applicant through a voluntarily-negotiated transaction, within one year prior to the application deadline or within 180 days after the application deadline for which the application is made. Further, any real property utilized by a local government as a local match must be included in the application, will be considered part of the Project Site and therefore will be subject to the same grant conditions that will be placed on the remainder of the project site.

(10) Loans.

(a) The Trust shall consider the award of loans to applicants with a demonstrated ability to repay a loan in a timely manner upon the applicant's request in an application for funding submitted pursuant to the requirements of this rule chapter. The Trust shall establish repayment terms within a loan agreement that are in conformance with the bond resolution from which the funds derive.

(b) Funds received by the Trust as repayment of loans shall be deposited into the Trust's Preservation 2000 trust fund of the bond issue out of which those funds were originally awarded and shall be available for awards during the next funding period.

(c) The Trust shall require repayment of loans, with a rate of interest not to exceed 1.5 percent over the bond yield of the Preservation 2000 bond issue that is the source of the loan.

(d) A loan to a local government for land acquisition described in this section shall not be included in the limitation of awards to that local government described in subsection 62-815.0031(8), F.A.C.

(11) Ancillary Improvements Projects. In cases where an applicant specifically proposes an acquisition of a project site that is necessary to provide enhanced public access to or use of property already owned by the applicant, the evaluation of the application shall recognize the outdoor recreational opportunities that shall be made available at the existing property by the acquisition of the ancillary project site. The outdoor recreational criterion applicable to the existing site shall be included in the evaluation of the proposed project site.

(12) Partnership Applications Involving One or More Local Governments.

(a) To be considered for a partnership application, the following information must be submitted as part of the application in addition to those items identified in subsection 62-815.004(5), F.A.C.:

1. A statement from the applicant describing the division of responsibilities among the partners, including fiscal and management commitments and purposes and objectives of the proposed joint project;
2. Any interlocal agreements relative to the proposed joint project;
3. Relevant sections of the applicant's and the partner's local comprehensive plan discussing intergovernmental coordination efforts furthered by the proposed joint project.

(b) The local comprehensive plan of the jurisdiction(s) within which the proposed joint project is located will be evaluated pursuant to subsection 62-815.008(1), F.A.C.

(c) Any awards for partnership applications shall, for purposes of calculation of award limitations, be divided equally among all the partners in the partnership and shall be counted towards the limitation of awards to individual partners pursuant to subsection 62-815.0031(8), F.A.C.

Rulemaking Authority 380.507(11) FS. Law Implemented 120.55(1)(a)4., 259.101, 259.101(3)(c), 375.045, 380.505, 380.508, 380.510 FS. History— New 11-1-92, Amended 9-19-94, 2-9-98, Formerly 9K-4.0031.

#### **62-815.004 Submission of Application and Application Materials.**

(1) Applications must be submitted by mail or delivered to the Program Manager, Florida Communities Trust, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000. To be timely submitted, applications must be received on or before the published application deadline.

(2) Deadlines for submitting applications shall be announced in the Florida Administrative Weekly at least seventy-five days prior to each deadline.

(3) Applications must be transmitted with an original signature cover letter on local government letterhead, signed by the appropriate local government official or administrator, binding the local government to fulfill the commitments made in the application, and identifying the local government employee that will act as the key contact between the Trust and the applicant local government(s).

(4) Applicants must submit ten complete sets of application materials. One set must contain original text and non-text items. The remaining nine sets may contain legible first generation copies of text and non-text items, unless otherwise specified in the application form.

(5) To receive full consideration by the Trust, all applications shall contain the following categories of information in a cost-effective form available to the applicant:

(a) Project description.

1. Location of project site on a United States Geological Survey 7 1/2 minute quadrangle map with the boundary of the Project Site shown.

2. Map depicting property boundaries, access points, names of the property owners, and tax parcel numbers and ownership boundaries using an appropriate scale on the county property appraiser's tax map.

3. Statement of purpose and objectives, including a discussion of reasons in support of project site acquisition, and future uses, improvements, facilities, and activities intended on the site. For partnership applications, the statement should address the purposes and objectives of the joint project.

4. Aerial photographs (1 inch = 2,000 feet or greater detail) with the Project Site boundary shown.

5. A set of labeled photographs and negatives, included in the original application, of the project site that document on-site features which may include but are not limited to vegetative communities, water bodies, shorelines, wildlife, unique biological or geological features, or historical or archaeological features. A legend

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identifying the approximate location and subject matter of the photographs shall be included. Copies of the photographs and legend shall be included in the other nine sets of application materials.

6. Description of the physical characteristics, as listed below:
  - a. Soils as depicted on United States Natural Resources Conservation Service soil survey showing the Project Site boundary;
  - b. A map depicting vegetative communities, utilizing one or more of the following: the Florida Land Use, Cover, and Forms Classification System (Florida Department of Transportation, 1985); or the Florida Natural Areas Inventory classification system. The map should be of an appropriate scale to provide sufficient detail for assessment of the project site. The approximate acreage of the various vegetative communities is requested;
  - c. Narrative description of hydrology of project site, including surface drainage, floodplain, aquifer recharge characteristics, and maps illustrating hydrology, the 100-year flood plain, and the coastal high hazard area, if available and applicable to the project site;
  - d. Map and a narrative description of existing physical improvements, alterations, or disturbances occurring on the project site and the approximate acreage.
- (b) Local comprehensive plan information, as listed below (maps may be submitted in report size format and, if necessary, hand drawn, to fulfill the map requirements of this section).
  1. Map covering the project area that indicates future land use designations;
  2. Map covering the project area that depicts existing land uses;
  3. Map covering the project area that identifies lands in use for natural resource conservation and outdoor recreation if not indicated on other maps submitted as part of the application;
  4. Photocopies of relevant sections of the local comprehensive plan elements that are referenced in the application, including the full text of all goals, objectives and policies that are cited in the application and any items referenced by these plan directives;
  5. Statement, with cross-references to specific comprehensive plan goals, objectives and policies and the appropriate provisions in the support documents, describing how the project will assist the local government in implementing the recreation and open space, conservation, or coastal management elements of the comprehensive plan. This statement should include a description of other land uses or impacts in any of the comprehensive planning elements that may negatively impact the site, identifying the section of the comprehensive plan and explaining the impact to the project site. For partnership applications this statement should be based on the local comprehensive plan of the jurisdiction(s) in which the project site is located, as well as relevant goals, objectives and policies of the local comprehensive plan of the application partner(s). If the project site is not wholly contained within one jurisdiction, then the appropriate sections of the comprehensive plans of the various local governments wherein the project site lies are required to be cited.

6. A copy of all applications for amendments to the comprehensive plan, including amendments to the future land use map, that apply to the project site or the project area.

(c) Estimated project cost information, form, source and amount of local match.

(d) Conceptual management plan and source of funding for management. Pursuant to Section 375.045(3), F.S., lands acquired using Preservation 2000 funds shall be managed to make them available for public recreational use, provided that the recreational use does not interfere with the protection of natural resource values.

(e) Application form FCT/P2000-4 (eff. 2-9-98) with all parts completed.

(f) Description of any existing or proposed utility or road easements on the project site and a site map identifying the easements.

(g) Number of property owners, names of the property owners, number of parcels, and tax parcel identification numbers. If the project site consists of more than one parcel or owner, an Acquisition Plan, as defined in subsection 62-815.002(2), F.A.C., is required. The Acquisition Plan shall be submitted on the form provided in Application Form FCT/P2000-4 (eff. 2-9-98).

Rulemaking Authority 380.507(11) FS. Law Implemented 259.101, 375.045, 380.508, 380.510 FS. History—New 11-3-91, Amended 11-1-92, 9-19-94, 2-9-98, Formerly 9K-4.004.

#### **62-815.006 Communications to the Governing Body.**

After an application has been formally submitted for funding under the conditions described herein, all communications to the governing body of the Trust regarding any application under consideration shall either be in writing and mailed or delivered to all members of the governing body, mailed or delivered to the Program Manager for distribution to all members of the governing body or be presented in writing or orally to the governing body in a public meeting of the Trust.

Rulemaking Authority 380.507(11) FS. Law Implemented 380.508 FS. History—New 11-3-91, Amended 11-1-92, Repromulgated 2-9-98, Formerly 9K-4.006.

#### **62-815.007 Determination of Application Completeness.**

(1) Following closure of an application submission period, Trust staff will review all applications for completeness. A Notice of Completeness will be sent to applicants by first-class mail within 30 days following the application deadline. The notice will state whether or not the application was timely received and whether or not the application was found to be complete.

(2) Applications received after the published deadline shall not be considered by the Trust unless an exception for good cause is made by the Executive Director of the Trust. Good cause shall be based on whether the applicant made diligent effort to

provide the application on or before the published deadline, but due to the negligence of the delivery service the application was not timely received.

(3) A determination of completeness will be based on the inclusion of all items listed in subsections 62-815.004(4) and (5), F.A.C.

(4) If an application is found to be incomplete, the applicant will be notified of the deficiency in the Notice of Completeness and provided an opportunity to complete the application. Materials requested in the Notice of Completeness must be received by the Trust within 21 days following the date that the Notice of Completeness is mailed to the applicant. Failure to timely provide the information required in the Notice of Completeness shall be deemed to be a request to withdraw the application from further consideration by the Trust.

(5) No additional information shall be accepted after the deadline stated in the Notice of Completeness, unless specifically requested by the Trust staff for clarification purposes. Without exception any clarification information requested by the staff shall be received by the Trust no later than 30 days prior to the ranking and selection meeting. Information that by the due diligence of the applicant could not have been discovered and submitted with the application will be considered new information. The Trust will accept new information subsequent to the application deadline. The Trust staff requests that all new information be provided to the staff no later than 24 hours prior to the ranking and selection meeting.

Rulemaking Authority 380.507(11) FS. Law Implemented 380.508 FS. History—New 11-3-91, Amended 11-1-92, 2-9-98, Formerly 9K-4.007.

#### **62-815.008 Project Evaluation Criteria.**

The evaluation of complete applications shall be based on the criteria set forth in this section. Trust staff will be responsible for evaluating applications and recommending point scores to the governing body. Trust staff shall utilize the information contained in the application and information obtained during its review of the application for scoring recommendations to the governing body. Personnel from other state agencies, regional planning councils, water management districts, nonprofit organizations, and other public and private groups may assist the Trust staff in project evaluation as needed on an application-by-application basis. Unless otherwise noted, an application shall receive all the points assigned to a particular criterion if the criterion is met; no partial scores will be given for a criterion. If a criterion does not apply to the proposed acquisition, the applicant should state "Not Applicable" in the response to the criterion. Criterion that are missing or not answered will not be evaluated, will not be considered incomplete in the Notice of Completeness, and no points will be awarded.

(1) Furtherance of Growth Management and Comprehensive Plan Implementation (up to 100 points, as follows, based on whether one or more of the following criteria are met:)

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(a) Growth Management Objectives. The project supports and furthers growth management objectives as they relate to conservation, coastal management, and outdoor recreation and open space. Up to 30 points based on whether:

1. The proposed project will assist the applicant in ensuring the proper location and distribution of development by redirecting development away from a coastal or other high hazard area or a 100-year flood plain (10 points);
2. The proposed project will help rectify land use conflicts associated with antiquated subdivisions or vested land uses that became non-conforming as a result of adoption of the local comprehensive plan (10 points);
3. The proposed project will provide additional outdoor recreation opportunities within the existing urban service area (10 points).

(b) Local Comprehensive Plan Provisions for Conservation, Coastal Management, and Outdoor Recreation and Open Space. Acquisition of the project site will assist the local government in furthering the local comprehensive plan directives set forth in the objectives and policy statements contained in the plan elements that provide for conservation, coastal management, and outdoor recreation and open space. When used in this part, the term "furthered" means that proposed projects will assist the local government in realizing goals, objectives, or policy directives of the comprehensive plan. For each criterion that is furthered by an objective or policy of the local government comprehensive plan, the objective or policy number is to be cited in the response to the criterion and a copy of the objective or policy, and any associated exhibits or documents, shall be included as an exhibit as described in subparagraph 62-815.004(5)(b)4., F.A.C. If a copy of the entire objective or policy that is cited in response to a criterion is not included in the exhibit, that objective or policy will not be evaluated as to whether it is furthered by that criterion. Up to 70 points based on whether:

1. Comprehensive plan directives that ensure the protection of natural areas or open space through public acquisition are furthered by the proposed project (5 points);
2. Comprehensive plan directives that ensure the preservation of native vegetative communities are furthered by the proposed project (5 points);
3. Comprehensive plan directives that ensure the protection of listed animal species or habitats of listed species are furthered by the proposed project (5 points);
4. Comprehensive plan directives that ensure the protection or enhancement of beach or shoreline ecosystems, are furthered by the proposed project (5 points);
5. Comprehensive plan directives that restore or enhance degraded natural areas (including, but not limited to, removal of non-native vegetation, reforestation, shoreline or dune restoration, or restoration of natural hydrology) are furthered by the proposed project (5 points);
6. Comprehensive plan directives that ensure the protection or enhancement of surface and groundwater quality are furthered by the proposed project (5 points);
7. Comprehensive plan directives that protect or restore aquatic vegetation (including, but not limited to, aquatic weed control, restoration or creation of aquatic grass beds, or shoreline restoration) are furthered by the proposed project (5 points);

8. Comprehensive plan directives that provide for additional public access to publicly-owned or publicly accessible natural areas (including, but not limited to, water bodies, saltwater beaches, and to existing protected areas) are furthered by the proposed project (5 points);

9. The proposed project will provide for acreage or outdoor recreational facilities necessary to maintain or improve adopted levels of service standards established in the comprehensive plan for outdoor recreation areas (10 points);

10. Comprehensive plan directives that ensure the provision of facilities for outdoor recreation activities (including, but not limited to, nature trails or boardwalks, waterway trails, interpretive displays, educational programs, wildlife observation areas, or picnic areas) are furthered by the proposed project (5 points);

11. Future land use designations or comprehensive plan directives with the purpose of creating greenways consisting of environmentally sensitive lands or outdoor recreation opportunities are furthered by the proposed project (5 points);

12. Comprehensive plan directives that ensure the preservation of historical sites are furthered by the proposed project (5 points);

13. Comprehensive plan directives that provide for coordination with existing resource protection plans, such as aquatic preserve management plans, SWIM plans, habitat conservation plans, manatee protection plans, and estuarine sanctuary plans are furthered by the proposed project (5 points).

(2) Furtherance of Conservation, Coastal Management, and Outdoor Recreation and Open Space (up to 100 points, as follows, based on whether one or more of the following criteria are met):

(a) Protection of Vegetative Communities. Ecologically viable natural vegetative communities occur on the project site. Up to 20 points based on whether:

1. The project site contains predominantly native forested or non-forested vegetative communities that have not been subjected to significant disturbances or alteration as a result of current or past human activities (5 points);

2. The project site contains a viable population of one or more listed plant species (5 points);

3. The project site contains one or more natural communities recognized by the Florida Natural Areas Inventory as "imperiled" or "critically imperiled" (5 points);

4. Degraded or altered vegetative communities that occur on the project site will be restored or enhanced to their natural state in terms of biological composition and ecological function (5 points).

(b) Protection of Wildlife. The project site protects wildlife populations or their habitat. Up to 15 points, based on whether:

1. The project site contains habitat recognized by appropriate state or federal agencies as typically suitable for one or more listed animal species (5 points);

2. One or more listed animal species have been recently documented by professionally accepted methods to use all or a portion of the project site as habitat (5 points);

3. The project site, alone or in conjunction with other adjacent conservation lands, supports the recovery or maintenance of a significant population (as recognized by the appropriate agency) of one or more listed animal species (5 points).

(c) Protection of Water Resources. The project site protects the quality and quantity of surface and groundwater resources. Up to 15 points, based on whether:

1. The quality of surface waters occurring on the project site is proposed to be improved through programs including, but not limited to, the elimination of pollution sources, or restoration of aquatic habitat (5 points);

2. Surface water resources occurring on or adjacent to the project site are designated as Class II waters, Outstanding Florida Waters, a National Estuary or Marine Sanctuary, aquatic preserve, wild and scenic river, or other local or state government special status designation intended to protect the natural resources and water quality of the water body (5 points);

3. The project site protects high aquifer recharge areas or potable water supply areas as recognized by the applicable water management district, United States Geological Survey, or (with appropriate support documentation) other local, state, or federal agencies (5 points).

(d) Providing Outdoor Recreation. The project site provides for outdoor recreation opportunities. Up to 50 points, based on whether:

1. The project site will be utilized as urban open space, is located within a built-up urban area and will be managed with as minimal disturbances as possible to the natural resources on the project site (10 points);

2. The proposed project will provide nature trails, boardwalks, waterway trails, wildlife observation areas, scenic overlooks, interpretive displays or other such facilities to promote outdoor recreation with as minimal disturbances as possible to the natural resources on the project site (10 points);

3. The acquisition of the project site will provide for new or enhanced access for outdoor recreational or management purposes to other natural areas used for outdoor recreation including, but not limited to existing parks, greenways and waterways (10 points);

4. The project site contains an intact salt or freshwater beach that will be managed for recreation uses while preserving the natural character and functions of the site (10 points);

5. The proposed project will provide regularly scheduled and ongoing educational programs on the project site to promote protection of natural resources (10 points).

(3) Innovative, Unique, and Outstanding Project Elements (up to 115 points, as follows, based on whether one or more of the following criteria are met)

(a) Acquisition. The proposed project provides for alternatives to the acquisition of fee interests in land, including, but not limited to, acquisition of less than fee interest in a portion of the project site through conservation easements (5 points).

(b) Management. The proposed project will provide for innovative and outstanding land and/or water management techniques or facilities design that promote natural resource conservation, coastal protection, or outdoor recreation (5 points).

(c) Special Planning Initiatives.

1. Areas of Critical State Concern. The project site is located within an Area of Critical State Concern as designated pursuant to Section 380.05, Florida Statutes (5 points).

2. Sustainable Florida Communities. The project site is located within a municipality or county that was designated as a Sustainable Florida Community, pursuant to Section 163.3244, F.S., and has executed a contract with the Department of Economic Opportunity (5 points).

3. Eastward Ho! Initiative. The project site is located within the boundary of the Eastward Ho! Corridor, pursuant to Executive Order 94-54, and as determined and approved by the corridor counties, South Florida and Treasure Coast Regional Planning councils, and the Department of Economic Opportunity (5 points).

4. Waterfronts Florida. The project site is located within the boundary of a Waterfront Florida Community: said boundary must be described in a current contract between the applicant and either the Department or the Department's subcontracting grantee (5 points).

5. Local Mitigation Strategy. The project site is located within an area identified in the local government's Local Mitigation Strategy as a mitigation priority (5 points).

(d) Unique and/or Historical Site Features. The project site contains unique natural features, or historical, archeological or cultural sites as recognized by an appropriate agency or expert in the field (10 Points).

(e) Multiple Benefits. The acquisition of the project site is being pursued in conjunction and collaboration with other state, federal, local, or non-profit agencies acquiring adjacent lands. The multiple acquisition of these sites by multiple agencies will provide synergistic benefits for resource conservation and/or outdoor recreation (5 points).

(f) Neighborhood Park. The entire site is proposed for use as a neighborhood park less than 10 acres and located along streets where people can walk or bike without encountering heavy traffic, or is of a size defined as a neighborhood park in the local plan (10 points).

(g) Urban Core Park. The project site is surrounded by built up commercial, industrial, or mixed use areas and functions to intersperse congested urban core areas with open areas (10 points).

(h) Providing a Greater Share of the Match. The applicant is committed to providing a greater percentage of a local match for an award. Up to 20 points based on whether:

1. The applicant provides a local match for 50 percent or more of the project costs (10 points); or

2. The applicant provides a local match for 55 percent or more of the project costs (15 points); or
  3. The applicant provides a local match for 60 percent or more of the project costs (20 points).
    - (i) Greenway Network. The project will enhance a local or regional network of linked greenways by connecting two or more greenways, by extending existing greenways, or by contributing to closing gaps in existing greenways (10 points).
    - (j) Project Excellence. The proposed project furthers natural resource conservation, coastal protection, outdoor recreation or growth management in a manner that cannot be adequately evaluated with the criteria established elsewhere in this rule chapter (up to 10 points).
- Rulemaking Authority 380.507(11) FS. Law Implemented 259.101, 375.045(3), 380.510 FS. History—New 11-3-91, Amended 11-1-92, 2-9-98, Formerly 9K-4.008.

#### **62-815.010 Conceptual Approval of Applications by the Trust.**

- (1) Evaluation Report. After a period for technical review, not to exceed 120 days from the closing date of the application period, the Trust staff shall prepare a written evaluation report for consideration by the governing body that includes the following:
  - (a) A summary of each project, the type of award requested and the scoring it received in the evaluation categories pursuant to subsections 62-815.008(1), (2), and (3), F.A.C.
  - (b) A statement of the total amount of Preservation 2000 funds available.
- (2) Application Selection by the Trust. The governing body shall meet for the purpose of selecting applications for conceptual approval.
  - (a) The Trust may schedule a sufficient number of meetings to conduct the activities described in this part, so long as the meeting at which conditions for conceptual approval of applications is given occurs no later than 60 days from the date of the meeting at which the staff evaluation report is given to the governing body.
  - (b) The governing body shall consider each application submitted to the Trust for funding and approve or modify the point scoring totals assigned to each application in the staff evaluation report. Decisions to modify point totals shall be based on review of applications by the governing body, oral presentations presented to the governing body by staff, and public presentations to the governing body by applicants and other members of the general public.
  - (c) Recognizing that the primary responsibility for establishing well-planned land use rests at the local government level through the implementation of the local comprehensive plan, the Trust shall place added emphasis on those projects that further the growth management and comprehensive plan implementation criteria set forth in subsection 62-815.008(1), F.A.C., by adjusting the score upward in this category by a factor of 1.5.

(d) After a final determination of the scoring of each application in each evaluation category, the governing body shall consider the point totals in each evaluation category, as well as any other relevant factors not considered directly in the assignment of point totals, and rank the applications in descending order, with the highest ranking application being given highest funding priority.

(e) After ranking the applications in descending order, the governing body, beginning with the application with the highest ranking and moving in order down the list, shall select applications until all of the Preservation 2000 funds available for awards are encumbered, and accounting that at least half of the funds available are matched on a dollar-for-dollar basis.

(f) After application ranking but prior to the meeting for conceptual approval at which the Conceptual Approval Agreements are approved, the Trust staff may conduct site visits or other investigations. If such visits or investigations reveal undisclosed facts or erroneous evaluation conclusions, the Trust staff shall report such findings to the governing body at the meeting for conceptual approval. The Trust governing body shall have the right to impose conditions relevant to these findings, or any other conditions deemed necessary to protect the interests of the State of Florida. Such conditions will be imposed on the applicant at the conceptual approval meeting. Applicants will be advised of the conditions prior to the meeting. Any such conditions must be met by the applicant prior to receiving project plan approval. Further, the governing body shall have the right to alter the ranking of applications based on the site visit or investigation findings.

(g) At the conclusion of the meeting for conceptual approval of applications, those applications selected for funding pursuant to the provisions of this part will be considered to have received conceptual approval for funding. The Trust shall publish a Notice of Conceptual Approval in the Florida Administrative Weekly that shall list all applications considered, whether the application has received conceptual approval or not, and the amount of funding conceptually approved for each applicant.

(h) Any person with substantial interests that are or may be determined by the conceptual approval of funds for projects by the Trust may request an administrative proceeding pursuant to Section 120.57, F.S., within 21 days of publication of the Notice of Conceptual Approval.

(i) If for any reason funds awarded to a conceptually approved application become available prior to the opening of the next application cycle, those funds committed to the project by the Trust may then be committed to a lesser ranked project on the Notice of Conceptual Approval for the same series funding cycle.

(j) Conceptual approval for funding shall be for a period not to exceed nine (9) months from the date of the meeting at which the conceptual approval was given. Project plans that have not received project plan approval prior to the conclusion of the nine-month period may request an extension to the Conceptual Approval Agreement from the Trust. An extension request must be made in writing to the Program Manager of the Trust, fully explaining the reason for the delay and the extension requested. The request for an extension must be received prior to 5:00 p.m. at the Trust offices on the

last day of the nine-month conceptual approval period. When a conceptually approved project has not received project plan approval and the nine-month approval period has passed without a request for an extension, the application will be deemed withdrawn and the funds committed to the project by the Trust shall then be committed to applications that are conceptually approved in subsequent funding cycles.

(k) Pursuant to Section 380.510(3)(f), F.S., the time period of the conceptual approval agreement and extensions shall not exceed a total of 24 months; unless, however, the governing board extends a grant beyond 24 months when the grant recipient demonstrates that significant progress is being made toward closing the project or that extenuating circumstances warrant an extension of time.

Rulemaking Authority 380.507(11) FS. Law Implemented 259.101, 375.045, 380.510 FS. History—New 11-3-91, Amended 11-1-92, 2-9-98, Formerly 9K-4.010.

#### **62-815.0105 Modification to the Project Boundary.**

Modifications to the boundary of a project site selected for conceptual approval will be considered by the Governing Body on a case-by-case basis. The following procedures are established to guide the submission and review of boundary modification requests.

(1) A written request for boundary modification must be submitted and contain the items listed below. The request must be transmitted with an original signature cover letter on local government letterhead, signed by the appropriate local government official or administrator, binding the local government to fulfill the commitments made in the request for boundary modification.

(a) An explanation of how the proposed modification complies with the intent and purpose of the project as stated in the original application;

(b) An explanation of why the requested boundary change was not contained in the original application;

(c) An explanation of the effect on the overall project if the requested modification is not approved; and

(d) An addendum to the original application form FCT/P2000 showing any additions and/or deletions resulting from the proposed boundary modification to the information required by Rules 62-815.004 and 62-815.008, F.A.C.

(2) Following receipt of a request for boundary modification, Trust staff shall conduct a preliminary review to determine if the information provided includes the required items listed in paragraphs 62-815.0105(1)(a)-(d), F.A.C. Trust staff will notify the local government key contact of any additional information or clarification that is needed to complete the staff review.

(3) Trust staff shall prepare a written evaluation report for consideration and approval by the governing body following the same review procedures used to evaluate the original application. The report will contain the following:

(a) Whether the proposed boundary modification is consistent with the purpose and intent of the original application;

(b) Whether the proposed boundary modification would facilitate the acquisition of the overall project site;

(c) Whether the proposed boundary modification would change the evaluation report score if it had been part of the original application. If so, would the revised score and rank result in any change in the funding status of the project;

(d) Whether the Trust has funds available to cover the additional project costs and that the increase in the Trust grant award would not exceed the award limit contained in subsection 62-815.0031(8), F.A.C.

(4) A Trust staff may conduct a site visit to verify representations made in the boundary modification request before final approval of the boundary change.

Rulemaking Authority 380.507(11) FS. Law Implemented 259.101, 375.045, 380.510 FS. History—New 2-9-98, Formerly 9K-4.0105.

#### **62-815.011 Preparation and Acceptance of Project Plans.**

(1) All applicants that have received conceptual approval from the Trust must prepare a project plan for approval by the governing body, prior to the release of Preservation 2000 funds from the Trust. This project plan must include the following:

(a) A purchase agreement for acquisition of the project site, executed by the property seller and the grant Recipient(s), that is based on an appraisal or appraisals prepared consistent with the requirements of Rule Chapter 62-817, F.A.C., and be otherwise consistent with the provisions of that rule chapter. This signed agreement may be negotiated by either the Trust, or by the Recipient pursuant to the conceptual approval agreement between the Trust and the Recipient.

(b) A management plan which at a minimum sets forth how the site will be managed to further the purpose of the project, a description of all planned improvements to the project site, the costs and funding sources, and the management entity and its funding source. If the Recipient is not the proposed managing entity, the project plan must include a signed agreement between the Recipient and the managing entity stating the managing entity's willingness to manage the site, the manner in which the site will be managed to further the purpose(s) of the project, and identification of the source of funding for management.

(c) A statement of the total project cost, including all non-recurring costs of project development.

(d) A statement of the amount of the award being requested from the Trust.

(e) A statement from each local government in whose jurisdiction the project site is located that the project plan is consistent with the local comprehensive plan.

(f) Evidence that the conditions imposed as part of the conceptual approval have been satisfied.

(2) The governing body shall decide whether to approve the project plan based upon the Recipient's compliance with the Conceptual Approval Agreement, the requirements of subsection (1) and the following:

(a) The governing body shall reject any project plan if any portion of the project plan is insufficient to carry out the purpose of the project or is inconsistent with statutory or administrative requirements.

(b) Recipients requesting approval of project plans by the governing body must submit the project plan on or before the deadline for submittal, which shall be announced in the Florida Administrative Weekly prior to each quarterly meeting of the governing body.

(c) The Trust staff shall review project plans for completeness of all items required under this part. Project plans found incomplete by staff may be made complete by the applicant, so long as the complete project plan is received prior to the announced deadline described above. Project plans completed after the deadline shall be considered at the next meeting of the governing body for which the announced deadline is met by the applicant.

(d) Any application with conceptual approval whose project plan is not rejected by the governing body but for which sufficient Preservation 2000 funds are not available will be approved for Preservation 2000 funds from the next funding period.

(e) A Recipient whose project plan is rejected by the Trust may amend the project plan for reconsideration at the next meeting of the Trust governing body.

(f) The Trust shall withhold project plan approval if the local comprehensive plan of the applicant or the applicant's partner is, for any reason, found not in compliance by the Department after conceptual approval has been granted by the Trust, unless the local government has executed a stipulated settlement agreement with the Department to resolve all of the issues raised by the Department in a statement of intent to find a plan not in compliance issued pursuant to Section 163.3184(8), Florida Statutes.

(3) The Trust shall publish a Notice of Approval For Preservation 2000 Funds in the Florida Administrative Weekly that shall list each project plan that has received approval for funding, and the amount of funding approved. Any person with substantial interests that are or may be determined by the decision of the Trust to reject or approve the project plan may request an administrative proceeding pursuant to Section 120.57, Florida Statutes, within 21 days from publication of the Notice of Approval for Preservation 2000 Funds.

Rulemaking Authority 380.507(11) FS. Law Implemented 259.101, 375.045, 380.507(11), 380.508, 380.510 FS. History—New 11-3-91, Amended 11-1-92, 9-19-94, 2-9-98, Formerly 9K-4.011.

#### **62-815.012 Title, Acquisition Procedures, Lease Agreements and Transfer of Title.**

Rule Chapter 62-817, F.A.C., shall govern in all matters of title, acquisition procedures, lease agreements and transfer of title for lands acquired with Preservation 2000 funds received under the Preservation 2000 Program.

Rulemaking Authority 380.507(11) FS. Law Implemented 380.508, 380.510 FS. History—New 11-3-91, Amended 11-1-92, 9-19-94, Repromulgated 2-9-98, Formerly 9K-4.012.

**62-815.013 Annual Reporting Requirement.**

Each award to a Recipient shall include a condition that, after acquisition of the project site, an annual report is required from the Recipient benefitting from the award, and title holder if different, in order to verify that conditions imposed at the time the award was made are being followed, to monitor the stewardship and use of the property, to verify the status of conditions in Rule 62-815.012, F.A.C., and other sections of this rule chapter, and to collect survey information. The annual report shall be due on the anniversary of the date on which the project plan was approved by the governing body. Rulemaking Authority 380.507(11) FS. Law Implemented 259.101, 375.045, 380.510 FS. History—New 11-3-91, Amended 11-1-92, 2-9-98, Formerly 9K-4.013.