

CHAPTER 18-24
FLORIDA FOREVER LAND ACQUISITION AND MANAGEMENT

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**CHAPTER 18-24
FLORIDA FOREVER LAND ACQUISITION AND MANAGEMENT**

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 paragraph 259.105(3)(b), Florida Statutes.

(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 paragraph 259.105(3)(b), Florida Statutes, 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)(r), F.A.C., or "other capital improvement project", as defined in paragraph 18-24.001(2)(p), F.A.C.

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

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

(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), Florida Statutes, means a team of citizens and agency representatives, formed and administered by the Department under its watershed or ecosystem management initiative.

(h) "Florida Forever criteria" means the criteria outlined in Sections 259.105(9) and (10), Florida Statutes.

(i) “Florida Forever goals and measures” means the goals and measures outlined in Section 259.105(4), Florida Statutes, as amended to reflect the findings of the Florida Forever Advisory Council, pursuant to Section 259.0345, Florida Statutes. Amendments to Section 259.105(4), Florida Statutes, adopted in the 2001 legislative session shall be considered by ARC and the Board in their evaluations under this rule after the effective date of the 2001 amendments.

(j) “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.

(k) “Fund” means the Florida Forever Trust Fund that is created by Section 259.1051, Florida Statutes.

(l) “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), Florida Statutes, 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.

(m) “Less-than-fee acquisition”, as used in Chapter 259, Florida Statutes, and in this chapter, means acquisition of less than fee simple title to real property, such as a conservation easement.

(n) “Natural areas” as used in Sections 259.105(2)(a)2. and 3., Florida Statutes, means areas of land or water that either retain or have re-established the characteristics of natural communities.

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

(p) “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), Florida Statutes, but excluding restoration projects as defined in paragraph 18-24.001(2)(r), F.A.C.

(q) “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.

(r) “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)(p), F.A.C.

(s) “Significant archaeological or historical value” as used in Section 259.105(9)(d), Florida Statutes, means a resource deemed of such significance by the Department of State, Division of Historical Resources. Specific Authority 259.035(1), (4), 259.105(9), (18) FS. Law Implemented 259.0345, 259.035, 259.04, 259.041, 259.045, 259.07, 259.105 FS. History – New 7-17-01.

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), Florida Statutes, must give weight to the criteria outlined in Sections 259.105(9) and (10), Florida Statutes, and shall meet at least two of the Florida Forever goals and measures outlined in Section 259.105(4), Florida Statutes, as amended to reflect the findings of the Florida Forever Advisory Council, pursuant to Section 259.0345, Florida Statutes. Amendments to Section 259.105(4), Florida Statutes, adopted in the 2001 legislative session shall be considered by ARC and the Board in their evaluations under this rule after the effective date of the 2001 amendments.

(2) To qualify for funding under Section 259.105(3)(b), Florida Statutes, 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), Florida Statutes, 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, Florida Statutes;

(d) Lands which qualify for emergency acquisition by the Board pursuant to Section 259.041(15)(c), Florida Statutes, 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.

Specific Authority 259.035(1), (4), 259.105(9), (18) FS. Law Implemented 259.0345, 259.035, 259.04, 259.041, 259.045, 259.07, 259.105 FS. History – New 7-17-01.

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 twelve 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) Thirteen 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., Florida Statutes.
 - (f) Thirteen 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 subsection 18-24.002(1), F.A.C.

7. A clear statement of whether the project is proposed for fee simple acquisition or less-than-fee acquisition, and why. If a less-than-fee acquisition is proposed, include 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.

(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.

Specific Authority 259.035(1), (4), 259.105(9), (18) FS. Law Implemented 259.0345, 259.035, 259.04, 259.041, 259.045, 259.07, 259.105 FS. History – New 7-17-01.

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.

(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.

Specific Authority 259.035(1), (4), 259.105(9), (18) FS. Law Implemented 259.0345, 259.035, 259.04, 259.041, 259.045, 259.07, 259.105 FS. History – New 7-17-01.

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), Florida Statutes.

(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., Florida Statutes. 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, Florida Statutes.

- (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.
- Specific 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.

18-24.006 Council Evaluation and Grouping

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

(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.

(3) The Council shall evaluate the entire list of approved projects and group those for consideration by the Board as follows:

(a) Group A: Those acquisition projects proposed for approval, which will receive the highest priority for acquisition. Projects designated for Group A shall be so designated based on those which make the greatest contributions toward achieving the Florida Forever goals and measures, and the Florida Forever criteria. The number of projects designated for Group A shall be limited, as determined by the Council, based on the total estimated funds available for acquisition during the acquisition cycle for which the projects are scheduled, and the anticipated success rate of acquiring targeted projects.

(b) Group B: Those acquisition projects proposed for approval that are considered by the Council to be important, but not of the highest priority, based on the criteria stated in (a).

(c) Within Group A and Group B there will be three subgroups:

1. Fee Simple/Large Holdings Subgroup: Those acquisition projects made up predominantly of large ownerships to be acquired in fee simple;

2. Multi-Parcel or Small Holdings Subgroup: Those acquisition projects made up predominantly of small ownerships with individual values not exceeding one million dollars each; or individual acquisitions that are determined by the Council to contribute to achieving the Florida Forever goals, measures and criteria enough to qualify for acquisition, but are valued at less than one million dollars; and

3. Less-Than-Fee Acquisition Subgroup: Those acquisition projects where the majority of the project is proposed to be acquired in less than fee, such as conservation easements.

(d) Within each of the subgroups in Group A and Group B, special consideration shall be given based on each project's ability to meet the provisions of the Florida Forever criteria described in Sections 259.105(9)(j) and (l), Florida Statutes, and in Section 259.105(10), Florida Statutes.

(4) Project groupings shall be determined by the Council based on the results of the full review detailed in Rule 18-24.005, F.A.C.

(5) 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.

(6) All acquisition projects approved by the Board shall be eligible for funding, with available resources targeted initially toward projects in Group A. However, the Board may approve the purchase of any project from any group or subgroup in furtherance of the intent expressed in Section 259.105(2)(e), Florida Statutes.

(7) Before consideration for acquisition from the Fund, projects remaining on the Conservation and Recreation Lands (CARL) list shall be evaluated by the Council as directed by Section 259.105(16), Florida Statutes. Those projects recommended for approval will then be grouped as described in subsection 18-24.006(3), F.A.C. Specific Authority 259.035(1), (4), 259.105(9), (18) FS. Law Implemented 259.0345, 259.035, 259.04, 259.041, 259.045, 259.07, 259.105 FS. History – New 7-17-01.

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), Florida Statutes, and act on the recommendations contained in that report pursuant to Section 259.105(14), Florida Statutes.

(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., Florida Statutes.

(3) Upon final approval of the list, staff may proceed with acquisition of the projects contained thereon. Specific Authority 259.035(1), (4), 259.105(9), (18) FS. Law Implemented 259.0345, 259.035, 259.04, 259.041, 259.045, 259.07, 259.105 FS. History – New 7-17-01.

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), Florida Statutes, the project must be presented for the consideration of the Council in an application from the managing entity, for work on lands acquired from the Fund.

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

(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.

(e) A detailed description of the physical work to be performed to complete the project.

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

(g) A description of how the project's success will be measured, or a detailed description of how the project's effects will be monitored.

(h) 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), Florida Statutes.

(6) Funding for all capital improvement projects shall not exceed 10 percent of the total annual allocation to the Fund. The Council may choose, in any annual funding cycle, to recommend for approval less than 10 percent of the total annual allocation to the fund for capital improvement projects.

Specific Authority 259.035(1), (4), 259.105(9), (18) FS. Law Implemented 259.0345, 259.035, 259.04, 259.041, 259.045, 259.07, 259.105 FS. History – New 7-17-01.