

Land Acquisition - Florida Forever Mid-Term Review

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Summary

Florida Forever

The Florida Forever program was created by the Legislature in 1999 (see ch. 99-247, Laws of Florida) as a successor program to the Preservation 2000 program, and authorizes the issuance of not more than \$3 billion in bonds for land acquisition, water resource development projects, the preservation and restoration of open space and greenways, and for outdoor recreation purposes. As part of Florida Forever, the Legislature provided public land acquisition agencies with the authority to purchase eligible properties using alternatives to fee simple acquisitions.

In each year that bonds are issued, the majority of bond proceeds are distributed to the Department of Environmental Protection (DEP), the five water management districts, the Department of Agriculture & Consumer Services, Division of Forestry (DACS-DOF), the Fish & Wildlife Conservation Commission (FWCC), and the Florida Communities Trust (FCT) program within the Department of Community Affairs (DCA). Lands purchased under the Florida Forever program are titled in the name of the Board of Trustees of the Internal Improvement Trust Fund (Board), except that lands purchased by a water management district vest in the name of that district. Lands purchased under the FCT program in partnership with a county or city vest in the name of the acquiring local government. Lands purchased by a nonprofit organization using grant funds provided by the FCT must remain permanently in public use through a reversion of title to local or state government, a conservation easement, or another appropriate mechanism.

Under the Florida Forever program, bonds may be issued for more or less than the \$300 million per year issued under the P2000 program, however the entire program is limited to \$3 billion.

The first series of Florida Forever bonds was authorized by the Legislature in 2000 and issued in the spring of 2001. In the 2003-2004 fiscal year, the Legislature authorized the issuance of only \$200 million in bonds. An additional \$34 million was appropriated by the Legislature from funds made available by the purchase of a surety bond securing debt service on P2000 and Florida Forever bonds. In the 2004-2005 fiscal year, Florida Forever land acquisition was funded with \$263.1 million of general revenue and \$36.9 million of unspent Preservation 2000 funds and interest earnings.

Through December 31, 2004, four series of Florida Forever bonds were authorized and more than \$1.4 billion has been distributed to land acquisition agencies and the five water management districts. Documentary stamp tax revenue is pledged to pay the debt service on Florida Forever bonds and is appropriated by the Legislature. More than \$165.5 million in debt service on Florida Forever bonds was appropriated through December 31, 2004.¹

¹ Debt service information provided by the State Board of Administration.

While this Mid-Term Review provides a good picture of the status of land acquisition in Florida, it is not a complete picture and raises as many questions as it answers. Overall, survey data collected for this report indicates that the Florida Forever program is meeting the basic goals established by the Legislature when the program was created. Entities expending Florida Forever funds have acquired almost 430,000 acres of property, and survey data supports FNAI findings that the Florida Forever program is increasing natural resources being protected on conservation lands. However, questions remain regarding the true cost of acquiring and managing conservation lands, and the state's ability to compete for the purchase of lands with the highest conservation value.

Background

Chapter 253, F.S.

Chapter 253, F.S., is entitled "State Lands" and establishes that pursuant to the provisions of s. 7, Art. II and s. 11, Art. X, of the State Constitution, all lands held in the name of the Board of Trustees of the Internal Improvement Trust Fund (Board) are held in trust for the use and benefit of the people of the state. The Department of Environmental Protection (DEP) is required to perform staff duties and functions related to the acquisition, administration and disposition of state lands. This responsibility is assigned to the Division of State Lands (division) within the DEP.

Restrictions on the sale, transfer, or disposal of state lands are established in this chapter. Land acquisition procedures for voluntary negotiated acquisitions are provided, including appraisal requirements, evidence of marketability of title, public record exemptions, conveyance requirements, and the authority of the Board to deed state lands to other state agencies or local governments.

Chapter 253 provides for the emergency acquisition of lands and provides for the administration, management, and disposition of both conservation and non-conservation lands owned by the state.

Chapter 259, F.S.

Chapter 259, F.S., is entitled "Land Acquisitions for Conservation and Recreation." This chapter contains Florida's nationally recognized land acquisition programs, the Conservation and Recreation Lands program (CARL), the Preservation 2000 program (P2000) and the Florida Forever program. The chapter directs that state lands must be managed to provide the greatest benefit to the public, to provide outdoor recreational opportunities, and most especially that they be managed for the purposes for which the land was acquired which include conservation and preservation purposes.

Conservation and Recreation Lands (CARL)

The CARL program was created by the Legislature in 1979 to acquire and manage public lands, and to conserve and protect environmentally unique lands and lands of critical state concern. Documentary stamp tax revenues were deposited into the CARL Trust Fund to accomplish the program's purposes. The CARL list, which is a priority listing of projects selected for acquisition, is still in use today.

The CARL program was replaced by the P2000 and Florida Forever programs. However, the CARL Trust Fund is a nonlapsing, revolving trust fund which receives documentary stamp tax and phosphate severance tax annually. This revenue is used to manage conservation and recreation lands, but is not to be used for land acquisition without explicit permission from the Board. Further uses of the CARL Trust Fund include the payment of debt service for bonds issued under the old

environmentally endangered lands (EEL) program, bonds issued for state capital projects on outdoor recreation lands, and bonds issued to fund the Save Our Coast program started in 1981.

Preservation 2000 (P2000)

The P2000 program was created in 1990 as a \$3 billion land acquisition program funded through the annual sale of bonds. Each year for 10 years, the majority of \$300 million in bond proceeds (less the cost of issuance) was distributed to the DEP for the purchase of lands prioritized on the CARL list, the five water management districts for the purchase of water management lands, and the Department of Community Affairs (DCA) for land acquisition loans and grants to local governments under the Florida Communities Trust (FCT) program. The remainder of the bond proceeds were distributed to smaller acquisition programs at DEP, the Department of Agriculture & Consumer Services (DACs), and the Fish & Wildlife Conservation Commission (FWCC). Under the P2000 program, lands purchased by DEP, DACs, and the FWCC were required to be titled in the name of the Board. Lands purchased by the water management districts are titled in the name of the acquiring district. Under the FCT program, lands acquired by the Trust for permanent state ownership were required to be titled in the name of the Board but lands acquired in partnership with a city or county were titled in the name of the local government.

The first series of P2000 bonds was authorized by the Legislature in 1990 (ch. 90-217, Laws of Florida) and issued in the spring of 1991, and the last series was authorized in 1999 and issued in the spring of 2000. More than \$3 billion in bond proceeds and interest earnings have been distributed to the recipients. Documentary stamp tax revenue is pledged to pay the debt service on P2000 bonds. Principal and interest payments total more than \$2.3 billion through December 31, 2004.²

Florida Forever

The Florida Forever program was created by the Legislature in 1999 (see ch. 99-247, Laws of Florida) as a successor program to P2000, and authorizes the issuance of not more than \$3 billion in bonds for land acquisition, water resource development projects, the preservation and restoration of open space and greenways, and for outdoor recreation purposes. As part of Florida Forever, the Legislature provided public land acquisition agencies with the authority to purchase eligible properties using alternatives to fee simple acquisitions.

In each year that bonds are issued, the majority of bond proceeds are distributed to DEP, the five water management districts, DACs, the FWCC, and the FCT program within DCA. Lands purchased under the Florida Forever program are titled in the name of the Board, except that lands purchased by a water management district vest in the name of that district. Lands purchased under the FCT program in partnership with a county or city vest in the name of the acquiring local government. Lands

² Debt service information provided by the State Board of Administration.

purchased by a nonprofit organization using grant funds provided by the FCT must remain permanently in public use through a reversion of title to local or state government, a conservation easement, or another appropriate mechanism.

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Through December 31, 2004, four series of Florida Forever bonds were authorized and more than \$1.4 billion has been distributed to land acquisition agencies and the five water management districts. Documentary stamp tax revenue is pledged to pay the debt service on Florida Forever bonds and is appropriated by the Legislature. More than \$165.5 million in debt service on Florida Forever bonds has been appropriated through December 31, 2004.³

Acquisition & Restoration Council (ARC)

The ARC was created as part of the Florida Forever program to serve as the successor agency to the Land Acquisition and Management Advisory Council (LAMAC). The LAMAC was responsible for establishing or updating the CARL list for annual submission to the Board. Acquisition projects were ranked in order of priority and the Board approved all purchases. Today, the ARC is responsible for evaluating, selecting and ranking state land acquisition projects on the CARL list, and is authorized to add or delete projects from the CARL list for submission to the Board for approval. The Board, which must approve the CARL list each year, may remove projects but may not add projects to the list or rearrange project rankings.

DEP

The DEP's Division of State Lands receives about \$105 million annually (about 35 percent) in Florida Forever funds for land acquisition and capital project expenditures which meet the goals of the Florida Forever program. Capital expenditures may not exceed 10 percent of the bond funds allocated. Lands can be acquired in fee simple or in lesser interests. Acquisitions should enhance the completion of projects started under the Preservation 2000 or earlier land acquisition programs, and can include acquisitions to restore environmentally damaged lands and provide increased protection for environmentally sensitive lands.

³ Debt service information provided by the State Board of Administration.

The division usually negotiates with willing sellers but is not authorized to act without the consent of the Governor and Cabinet. There are rare instances where the state does use the power of eminent domain to acquire critical environmentally endangered lands. However, the use of the condemnation process must be approved by a majority vote of the Governor and Cabinet.

Office of Greenways & Trails - DEP

The Office of Greenways & Trails at DEP receives approximately \$4.5 million annually (about 1.5 percent) of Florida Forever funds to acquire greenways and trails for the Florida Greenways and Trails System, a statewide system to provide open space for the benefit of environmentally sensitive lands and wildlife, and to provide access to people for outdoor recreational opportunities such as horseback riding, hiking, canoeing and jogging.

Division of Recreation & Parks - DEP

The Division of Recreation & Parks within the DEP receives approximately \$4.5 million annually (about 1.5 percent) of Florida Forever funds to identify and acquire inholdings and additions to Florida's state parks, and for capital expenditures which may not exceed 10 percent of the Florida Forever funds designated for the division's use.

Water Management Districts

Florida's five water management districts together receive \$105 million each year in Florida Forever funds (about 35 percent) for land acquisition and capital project expenditures to implement each water management districts' Florida Forever 5-year work plan. Each district must spend at least 50 percent of the funds received on land acquisition. Funding is split between the districts under the following formula:

- The South Florida Water Management District receives \$36.75 million annually (35 percent) and in the first two years of the program, \$50 million of those funds were directed to the Save Our Everglades Trust Fund.
- The Southwest Florida Water Management District receives \$26.25 million annually (25 percent).
- The St. Johns River Water Management District receives \$26.25 million annually (25 percent).
- The Suwannee River Water Management District receives about \$7.875 million annually (7-1/2 percent).
- The Northwest Florida Water Management District receives about \$7.875 million annually (7-1/2 percent).

Division of Forestry - DACS

The Division of Forestry in DACS receives approximately \$4.5 million (1.5 percent) in Florida Forever funds each year. These funds are used by the Division to implement the DACS inholdings and additions land acquisition program designed to assist in the management of state forests by providing for the purchase of lands identified as important to the successful management of state forests.

FWCC

The FWCC receives approximately \$4.5 million in Florida Forever funds each year (about 1.5 percent) to fund the acquisition of inholdings and additions to lands managed by the FWCC for the conservation of fish and wildlife. Funds for capital project expenditures may not exceed 10 percent of the funds allocated to the agency.

Florida Communities Trust - DCA

The Florida Communities Trust program at DCA receives approximately \$66 million in Florida Forever funds each year (about 22 percent) to be used by local governments and nonprofit organizations for the acquisition of community-based projects, urban open spaces, and parks and greenways to implement local government comprehensive plans. Emphasis is placed on funding projects in low-income or otherwise disadvantaged communities. A dollar for dollar local match is required for 75 percent of the FCT's Florida Forever funds, and the local government match can consist of federal grants or funds, private donations, or environmental mitigation funds.

Florida Recreation Development Assistance Program (FRDAP) - DEP

The Florida Recreation Development Assistance Program at DEP was created to provide grants to qualified local governments to acquire or develop land for public outdoor recreation purposes. The maximum grant amount is limited to \$200,000 and the local match requirements are based on the total project cost. In addition to funding from other sources, FRDAP receives approximately \$6 million annually in Florida Forever funds (2 percent).

Florida Forever Land Acquisition and Management

When the Florida Forever program was created, the Legislature intended that projects and acquisitions which received funding achieve the following:

- Enhance the coordination and completion of land acquisition projects started under P2000 or earlier programs.
- Provide increased protection at the species, natural community, and landscape levels.
- Protect, restore, and maintain the quality and natural functions of land, water, and wetland systems of the state.
- Ensure the existence of sufficient quantities of water to meet the current and future needs of natural systems and public uses.

- Increase natural resource-based public recreational and educational opportunities.
- Preserve significant archaeological or historic sites.
- Increase the amount of forest lands available for sustainable forestry.
- Increase the amount of open space in urban areas.

To ensure that the goals are met, the Legislature also established performance measures for each goal. These goals and performance measures form the basis of the *"Florida Forever Conservation Needs Assessment"* developed by the Florida Natural Areas Inventory in December 2000.

Rules governing the acquisition and management of lands under the Florida Forever program are located in Chapter 18-24 of the Florida Administrative Code. Under these rules, projects and acquisitions proposed for funding must meet at least two of the Florida Forever goals and measures. Exceptions to this requirement include:

- Inholdings and additions for property not exceeding \$500,000 in value.
- Acreage purchased to complete a project removed from the CARL list because at least 90 percent of the property is already in state ownership.
- Emergency acquisitions approved by the Board of Trustees.
- De minimis lands which are lands outside of an approved acquisition project boundary when part of the ownership is within an approved project boundary. De minimis lands may or may not have the same resource values as the lands within the approved project boundary, and may not cost more than \$1 million.

Applications for proposed Florida Forever projects and acquisitions must be submitted in writing to the Office of Environmental Services at the DEP, and must be reviewed by staff within 30 days of receipt to determine if the application contains sufficient information. Within 60 days after the staff review or at the next scheduled meeting, applications deemed sufficiently complete are initially reviewed by the ARC. After the initial review, a project can only move forward with the approval of at least 5 ARC members. A Project Evaluation Report is prepared by the staff for ARC approval after a project is approved for full review. In preparing the Project Evaluation Report, division staff confirms or revises the information contained in the initial project application, provides a review of the natural resource and other application components to determine the number of Florida Forever criteria, goals and measures being met, confirms the project boundary as contained in the application, and includes a recommended manager for the project along with a management policy statement and a management prospectus.

After a full review has been completed, the ARC develops a list of projects for consideration by the Board of Trustees. At least 5 members of the ARC must vote to place a project on the Board's list. Projects of highest priority are on the "A" acquisition list. Projects that are important but not of the highest priority are ranked on the "B" acquisition list. Three sub-groups of projects are contained in both the "A" and "B" lists:

- Fee Simple/Large Holdings,

- Multi-Parcel or Small Holdings, and
- Less-than-Fee Acquisitions.

Staff completes the acquisition process after the Board of Trustees approves the list.

Florida Forever funds can be expended for capital improvement projects, including restoration efforts. Applications for capital improvement projects must be submitted to the ARC in writing, and must be included in a land management plan submitted to and approved by the Board in accordance with the provisions of ss. 253.034 and 259.032, F.S. Capital improvement projects proposed for funding are prioritized by ARC and submitted to the Board for approval. Funding for capital improvement projects can not exceed 10 percent of the total annual allocation to the Florida Forever Trust Fund.

Boundary Modifications

Under the provisions of s. 259.105(3)(j), F.S., additions to acquisition or restoration lists which are not identified within an original project boundary or a required management plan or prospectus must be submitted to the ARC for approval. These projects may only be approved if they meet two or more of the following criteria:

- The proposed addition serves as a link or corridor to other publicly owned property.
- The proposed addition enhances the protection or management of the property.
- The proposed addition adds a desirable resource to the property.
- The proposed addition creates a more manageable boundary configuration.
- The proposed addition has a high resource value that would otherwise be unprotected.
- The proposed addition can be acquired at less than fair market value.

There are no statutory provisions or administrative code rules to govern the boundary amendment or modification process. Rather, the process was developed as a policy and procedure of the state's land acquisition programs. However, public involvement is invited and welcome when the Division of State Lands publishes the ARC meeting notice showing a proposed boundary modification or addition as part of the agenda.

A Florida Forever project boundary may be expanded by meeting any one of the following criteria:

- Tax valuation of the proposed addition is less than \$500,000.
- The ARC directs that a project design be prepared for an older acquisition project that has never undergone a project design analysis.
- The project design was previously approved by ARC with areas identified for "possible future expansion."
- The project design indicates that at some point in the future, the project boundaries may be modified.
- The project is an emergency acquisition because it will be developed or lost to public ownership.

- Additional acreage is less than 10 percent of the existing project boundary and the tax valuation of the addition is less than 10 percent of the existing tax valuation.
- Two or more ARC members request in writing that a proposed boundary modification be considered.
- The ARC directs staff to revise or update a project boundary for a project already on the approved list. Modifications must be justified in writing and include a resource assessment.

When developing recommendations for proposed additions to be approved by the ARC, staff considers the following factors:

- The quality and importance of the resources within the proposed addition.
- The designated management agency's recommendations on the addition.
- The size, ownership, and estimated price of the new addition.
- The availability of other funds to purchase the addition.
- The adequacy of resource description and ownership information.

Boundary additions or modifications are approved by the ARC and submitted to the Board each year for approval at the same time the Florida Forever Priority List is approved. There are some boundary additions and modifications done on an emergency basis which go straight to the Board for approval.

Florida Natural Areas Inventory (FNAI)⁴

FNAI is a non-profit organization founded in 1981 by The Nature Conservancy. Now part of the Florida State University's Institute of Science and Public Affairs, it is funded through contracts and grants primarily with DEP, but also with the FWC and other state and federal agencies.

FNAI builds and maintains a GIS database of Florida's biological resources for mapping and analysis. The database includes occurrences of rare plant and animal species, high-quality natural communities such as state parks and wildlife refuges, conservation lands managed by public and private entities, environmental land acquisition project boundaries, and lands with natural habitat potential.

FNAI reviews new proposed land acquisition applications and prepares a preliminary report for each proposal to be considered by the ARC during every six-month Florida Forever review cycle. The review includes establishing a Biological Conservation Priority of high, medium or low, developing a Natural Resource Description, listing rare species on proposed acquisition areas, mapping the proposed site, and preparing a Florida Forever Measures Evaluation.

The Florida Forever Measures Evaluation is a demonstration of how a proposed project meets 15 Florida Forever performance criteria, and is based on the Florida

⁴ <http://www.fnai.org>

Forever Conservation Needs Assessment developed by FNAI when the Florida Forever program was created. The Legislature directed that the former Florida Forever Advisory Council provide a report containing recommendations for the development and identification of performance measures to measure the progress of meeting the goals established under the Florida Forever program. The DEP was authorized to contract with FNAI to fulfill the requirements of developing the goals and measures.

The Florida Forever Conservation Needs Assessment⁵ documents natural resource distribution and resource-based land uses for increased conservation attention as required by the Legislature when the Florida Forever program was created. This documentation provides baseline data necessary to create a starting point to measure the future progress of conservation efforts, and to identify program priorities. The Needs Assessment also identifies lands which meet current conservation needs and lands that meet multiple conservation goals, provides a monitoring mechanism to evaluate conservation needs, and tracks and documents the progress of the Florida Forever program on an annual basis.

After an application is approved by the ARC, FNAI prepares a Resource Planning Boundary which recommends boundary modifications to ensure protection of the resources associated with the proposed project, and conducts field assessment which is incorporated into a multi-agency evaluation report prepared by DEP. The DEP evaluation report and a final ecological summary prepared by FNAI are presented to ARC prior to final vote and project ranking for each cycle.

In May 2005, FNAI published a new *"Summary of Florida Conservation Lands"* which indicated the following:

- 4,023,669 acres of non-submerged conservation lands in Florida are federal conservation lands.
- 5,058,905 acres of non-submerged conservation lands in Florida are state conservation lands, including 1,690,255 acres of lands titled in the name of the five water management districts.
- 371,424 acres of non-submerged lands are city and county conservation lands.
- 147,001 acres of non-submerged lands are private conservation lands.
- A little more than 26 percent of Florida's 34,721,280 acres of land are state or federally managed conservation lands.
- 5.1 percent of total conservation lands are less-than-fee properties.

FNAI Florida Forever Natural Resource Acquisition Progress Report⁶

⁵ *"Florida Forever Conservation Needs Assessment, Summary Report to the Florida Forever Advisory Council"*, prepared under the direction of the Division of State Lands, Florida Department of Environmental Protection, by the Florida Natural Areas Inventory, December 2000

⁶ Acreage calculations in this report do not include acreage purchased under the Florida Communities Trust Program at the Department of Community Affairs. Also, no distinction is made in projects acquired with funds other than Florida Forever dollars.

In May 2005, FNAI published the eighth Florida Forever progress report produced at the request of the Division of State Lands. The reports are used to document the progress of the Florida Forever program in meeting the goals and measures established by the Legislature when the program was created. This report, covering the period of time from July 2001 through March 2005, found that excluding the FCT, all entities had acquired 326,083 acres of land.

This report also contains an acreage baseline of natural resources protected on conservation lands beginning at the start of the Florida Forever program, and measures the success of the Florida Forever program in acquiring additional acreage for each resource. Halfway through the Florida Forever, findings include:

- A 3 percent increase in acreage for strategic habitat conservation purposes.⁷
- A 1 percent increase in acreage representing under-represented natural communities.
- A 2 percent increase in acreage representing functional wetlands.
- A 1 percent increase in acreage providing natural floodplain functions.
- A 1 percent increase in recreational trails acreage.
- No increase in aquifer recharge acreage.
- A 2 percent increase in sustainable forestry acreage.
- A 1 percent increase in acreage representing fragile coastal resources.

FNAI Florida Forever Project Evaluation Report

Every six months, FNAI produces a Project Evaluation Report used by the ARC when voting on Florida Forever projects. The report includes an overview of the natural resource values contained in each existing and proposed Florida Forever project. In the May 2005 report, FNAI calculated that under the Florida Forever program, the Board of Trustees will acquire 641,000 acres of land over a 10-year period, and that 416,000 acres remain to be purchased.

Land Management Reviews

DEP's Office of Environmental Services (OES) in the Division of State Lands conducts land management reviews under the provisions of s. 259.036, F.S. for the purpose of determining if conservation, preservation and recreation lands owned by the state are being properly managed. Land management review teams evaluate whether or not a management plan is providing an appropriate level of protection to threatened or endangered species, and to significant natural or physical features including geological or hydrological features; evaluates if lands are being managed for the purposes for which they were acquired; and assesses whether or not actual management activities are in compliance with the management plan.

⁷ For purposes of the FNAI report, acreage refers only to lands acquired by the Board of Trustees of the Internal Improvement Trust Fund or a water management district.

The Board is authorized to designate an agency or agencies to manage state-owned lands, and management plans are developed and adopted by the state, regional or local entity designated as the lead manager. For parcels of property more than 160 acres in size, management plans are developed with input from an advisory group that includes the lead managing agency and local private property owners. For properties acquired after 1995, a management plan must be adopted and in place within one year from acquisition of the property. The plans are required to be reviewed and updated every 10 years except that management plans for parcels exceeding 1,000 acres in size must be reviewed by the Division of State Lands every 5 years.

The OES published *"Land Management Review Team Reports: July 2003 - June 2004"* which is a review of the management of 25 properties to determine if the properties are being managed for the purposes for which they were acquired, and to determine if the properties are being managed in compliance with their management plans. The reviews covered more than 382,000 acres of managed lands in 15 counties and findings include the following:

- Approximately 96 percent of reviewed lands are open for public access.
- Approximately 88 percent of reviewed lands are being properly managed for restoration purposes.
- Approximately 92 percent of reviewed lands are being properly managed for invasive plant control.
- Approximately 76 percent of surface waters are being properly monitored for water degradation.
- Funding for land management is at 56 percent of need.
- Land management staffing is at 52 percent of need.
- Approximately 88 percent of reviewed lands have adequate equipment to manage the resources.

For purposes of this review, management review team members included representatives from the county or local government in which the property was located, the Division of Recreation and Parks at DEP, the Division of Forestry at DACS, the FWC, the appropriate DEP district office, a private land manager, the local Soil and Water Conservation Board, and a conservation organization. Water management district representatives were also included for state properties abutting district lands, and for properties involving joint ownership with a water management district.

Methodology

As Part 1 of the interim project, we asked for the following information about projects on the CARL list which can be new acquisitions or acquisitions started under previous conservation programs such as Preservation 2000. With the assistance of the Legislature's Office of Economic and Demographic Research (EDR) staff developed a spreadsheet which was distributed to all entities receiving Florida Forever funds. We asked that the entities limit their answers to property acquired, or approved for acquisition, by December 31, 2004. The following information was requested:

- Project name
- Total project acreage and total acreage acquired.
- Month and year acquired
- County or counties where property is located and acreage within the county or counties.
- Purchase price and average appraised value.
- Type of land acquired and type of acquisition.
- Additional acreage, if any, required to be purchased in order to acquire essential parcel targeted for acquisition.
- Land use patterns of property adjacent to additional acreage.
- Acquiring agency and the lead managing agency.
- Total acres being managed, original parcel acreage being managed, purpose for which original acreage is being managed, and management activities on the property
- Other public purposes for which additional acreage can be used.
- Whether or not any acreage within the project has been the subject of a surplus request, and if so, how many acres were requested to be surplus.
- For acreage requested to be surplus, the requesting local government or other party, and the purpose of the request.
- For acreage requested to be surplus, whether or not the request was approved or denied, how much money we received if the request was approved, and the reason for denial if the request was denied.
- Identification of property surplus independent of a request, the reason for the surplus, the amount of acreage surplus, whether or not the surplus property was sold or exchanged, the amount of money received for surplus property that was sold, and the purposes for which the surplus property was to be used.

As Part 2 of the interim project, staff asked for data on all Preservation 2000 projects for which additional acreage was acquired in order to obtain the needed parcel. A spreadsheet, similar to the Florida Forever spreadsheet, was developed with the assistance of the EDR staff. Among other things, we asked the entities who received Preservation 2000 funds to identify those properties for which additional acreage was required to be purchased, the purposes for which the property is being used, and the purchase price of the additional acreage.

As Part 3 of the interim project, staff asked for data on properties purchased under the Preservation 2000 program which were surplus over the past 5 years. For this purpose, we developed two separate spreadsheets. The first spreadsheet requested information on properties surplus at the request of a unit of local government or any other entity. The second spreadsheet requested information on properties surplus due to a decision of the acquiring entity and not an outside agent.

As Part 4 of the interim project, staff reviewed the boundary amendment process. This part of the project involved a review of the Board of Trustees' agendas for the past 5 years, and required the assistance of staff of the Division of State Lands to identify those projects on the CARL list for which boundary amendments have been adopted and for which acquisition of the boundary lands is completed.

Findings

Florida Forever 2001-2004⁸

- ❖ 534 Florida Forever acquisitions in fee simple and less-than-fee title.
 - DACS - 32 (6%)
 - FCT - 181 (34%)
 - DEP - 89 (17%)
 - FWC - 22 (4%)
 - NFWWMD - 11 (2%)
 - SFWMD - 72 (13%)
 - SJRWMD - 37 (7%)
 - SRWMD - 36 (7%)
 - SWFWMD - 54 (10%)

- 521 projects or parcels are in 1 county, 12 projects or parcels are two counties, 2 projects or parcels are in 3 counties.
- \$931,864,250 of Florida Forever funds expended.
- 429,640 acres acquired for an average price of \$2,169 per acre.
- When other funds are included, acquisitions total \$1.241 billion at an average price of \$2,888 per acre.

- ❖ Board of Trustees of the Internal Improvement Trust Fund
 - 250,494 acres acquired.
 - 58% of all Florida Forever lands acquired.
 - 149,964 acres in fee simple or full fee title
 - ◇ 60% of all Board lands acquired.
 - 19,980 acres in less-than-fee simple
 - ◇ 8% of all Board lands acquired.
 - 80,549 acres identified as being purchased in full fee **and** less-than-fee, or no acquisition type noted
 - ◇ 32% of all Board lands acquired.

- DEP - Division of State Lands
 - 229,616 acres for \$428,814,587.
 - Average price - \$1,868 per acre.
 - 92% of all Board lands acquired.
 - 53% of all Florida Forever lands acquired.

- DACS - Division of Forestry
 - 14,297 acres for \$16,414,747.
 - Average price - \$1,148 per acre.
 - 6% of Board lands acquired.

⁸ Statistics in this report were compiled with the assistance of the Legislature's Office of Economic & Demographic Research. Dollar, percentage, and acreage amounts rounded up or down as appropriate.

- 3% of all Florida Forever lands acquired.
- FWCC
 - 6,581 acres for \$11,070,291.
 - Average price - \$1,682 per acre.
 - 2% of Board lands acquired.
 - 1% of all Florida Forever lands acquired.
- ❖ Water Management Districts
 - 157,114 acres acquired for \$239,907,709.
 - Average price - \$1,527 per acre.
 - 37% all Florida Forever lands acquired.
 - 102,913.16 acres in fee simple or full fee title (65.5% of all district lands acquired).
 - 54,200.84 acres in less-than-fee simple (34.5% of all district lands acquired).
 - When other funds are included, acquisitions total \$319,423,153 at an average price of \$2,033 per acre.
- Northwest Florida Water Management District
 - 7,623 acres acquired for \$11,494,698.
 - Average price - \$1,508 per acre.
 - 5% of all district lands acquired.
 - 2% of all Florida Forever lands acquired.
 - When other funds are included, acquisitions total \$15,353,037 at an average price of \$2,014 per acre.
- Suwannee River Water Management District
 - 55,471 acres acquired for \$23,177,206
 - Average price - \$418 per acre.
 - 35% of all district lands acquired.
 - 13% of all Florida Forever lands acquired.
 - When other funds are included, acquisitions total \$23,354,045 at an average price of \$421 per acre.
- St. Johns River Water Management District
 - 64,051 acres acquired for \$59,653,504
 - Average price - \$931 per acre.
 - 41% of all district lands acquired.
 - 15% of all Florida Forever lands acquired
 - When other funds are included, acquisitions total \$103,371,115 at an average price of \$1,614 per acre.

- Southwest Florida Water Management District
 - 24,693 acres acquired for \$86,422,085.
 - Average price - \$3,500 per acre.
 - 16% of all district lands acquired.
 - 6% of all Florida Forever lands acquired.
 - When other funds are included, acquisitions total \$107,922,417 at an average price of \$4,371 per acre.

- South Florida Water Management District
 - 5,276 acres acquired for \$59,160,216 at an average price of \$11,213 per acre.⁹
 - 3% of all district lands acquired.
 - 1% of all Florida Forever lands acquired
 - When other funds are included, acquisitions total \$69,422,540 at an average price of \$13,158 per acre.

- ❖ FCT Program
 - 22,032 acres acquired in partnership with local governments for \$235,656,913.
 - Average price - \$10,696 per acre
 - 5% of all Florida Forever lands acquired
 - When required matching money is included, the total acquisition costs are \$465,237,062 at an average price of \$21,116 per acre.

- ❖ Lee County has the highest number of parcels acquired - 43 on 5,847 acres at an average cost of \$4,744 per acre for a total of \$28 million.

- ❖ Franklin County has the highest number of acres acquired - 47,992 acres on 7 parcels at an average price of \$1,326 per acre for a total of \$64 million.

- ❖ Polk County has highest the amount of Florida Forever dollars expended - \$76 million to acquire 13,184 acres at an average cost of \$5,766 per acre..

- ❖ Okaloosa County has highest per acre expenditure for 1 purchase - \$844,320 to acquire .65 acres under the Florida Communities Trust Program at DCA.¹⁰

- ❖ Broward County has highest per acre average expenditure - \$51,520 per acre for 694 acres on 26 parcels for a total of \$36 million.

⁹ The district is not able to identify the property acquired with \$50 million in Florida Forever funds transferred to the Save Our Everglades Trust Fund. These funds are not included in any totals for purposes of this report.

¹⁰ Property is known as "The Shore at Crystal Beach" acquired in May 2005 -- Parcel #04-006-FF4, to be used as a local park. The local government partner is the City of Destin. The cost of an entire acre would be \$1.298 million.

- ❖ To date, no Florida Forever dollars have been expended in Hardee, Holmes, or Taylor counties.

Surplus lands - Preservation 2000

St. Johns River Water Management District

❖ Requested Surplused Property:

- 1,306.09 acres of conservation area lands, restoration area lands, and stormwater management facilities.
 - Surplused for \$1,131,509 million at an average of \$865 per acre.
 - Uses include a church expansion, borrow pits, a public utility area, construction and development, widen roads, and a transfer station.
 - Part of 14 parcels totaling 42,340 acres purchased for \$46,497,219 at an average cost of \$1,098 per acre.
- 79 acres of conservation and recreation area lands to exchange on a value for value basis.
- 5 requests to surplus property were denied including two requests from St. Johns County for one parcel to be used for a school, and 1 request from Clay County for property to be used as a police training facility.
- 2 requests to surplus property are pending.

❖ Non-requested Surplused Property:

- 6 acres of restoration facilities lands.
 - Surplused for \$425,000 at an average price of \$72,085 per acre.
 - Abandoned buildings are located on surplused lands.
 - The surplused acreage was part of a 13 acre parcel purchased for \$1,274,465 at an average price of \$98,035 per acre.

Suwannee River Water Management District

- ❖ The district reported that no property was surplused over the last 5 years.

South Florida Water Management District

- ❖ The district reported no "Requested Property Surplused" over the last 5 years .

❖ Non-Requested Surplused Property:

- .74 acres of wildlife and environmental area lands.
 - Surplused to the Florida Department of Transportation for \$30,919.
 - Part of a 5 acre parcel purchased for \$204,610 at an average price of \$41,757 per acre.
- 2.29 acres of wildlife and environmental area lands.
 - Surplused to the Florida Department of Transportation for \$95,681 at an average price of \$41,782 per acre.
 - Part of a 5 acre parcel purchased for \$204,610 at an average price of \$41,757 per acre.

Southwest Florida Water Management District

❖ Requested Surplused Property:

- 487 acres of water management lands surplused to configure management boundaries.
 - \$375,000 at an average price of \$771 per acre.
 - Part of a 1,202 acre parcel purchased for \$536,887 at an average price of \$446 per acre.
- 27 acres of water management lands surplused to widen SR 44.
 - \$156,700 at an average price of \$5,778 per acre.
 - Part of a 8,626 acre parcel purchased for \$7,309,218 at an average cost of \$847 per acre.
- 99 acres of water management lands surplused to widen SR 200.
 - \$150,900 at an average price of \$7,921 per acre.
 - Part of a 2,306 acre parcel purchased for \$4,538,332 at an average price of \$1,968 per acre.
- 221 acres of water management lands exchanged for 488 acres of land along the Pithlachascotee River.

❖ No "Non-Requested Surplused Property" was reported by the District.

Northwest Florida Water Management District

❖ Requested Surplused Property:

- 1 acre of water management lands to provide access to four landowners.
 - No fee received or property exchanged
 - Part of a 1,401 acre parcel purchased for \$2,539,800 at an average price of \$1,813 per acre.
- 198 acres of water management lands for recreation/conservation purposes.
 - Exchanged for 179 acres in a conservation easement.
 - Part of 28,954 acre parcel purchased for \$23,215,062 at an average price of \$802 per acre.
- 19 acres of water management lands for recreation/silviculture purposes.
 - Exchanged for 52 acres of fee simple lands.
 - Part of a 30,791 acre parcel purchased for \$12,500,000 at an average price of \$406 per acre.
- 3 acres of water management lands to the Muscogee Nation for a cemetery.
 - No fee received or property exchanged.
 - Part of a 15,590 acre parcel purchased for \$4,730,146 at an average cost of \$303 per acre.

Northwest Florida Water Management District (continued)

- ❖ Non-requested Surplused Property
 - 4 acres of water management lands surplused to Escambia County for road paving.
 - No fee received or property exchanged.
 - Part of a 30,791 acre parcel purchased for \$12,500,000 at an average price of \$406 per acre.
 - 3 acres of water management lands surplused to the Okaloosa County Board of County Commissioners for road paving.
 - No fee received or property exchanged.
 - Part of a 7,967 acre parcel purchased for \$5,125,000 at an average price of \$643 per acre.

Department of Community Affairs, Florida Communities Trust

- No property purchased with Preservation 2000 funds has been surplused in the last 5 years.

Department of Environmental Protection, Division of State Lands

- ❖ Requested Surplused Property:
 - 1,534 acres of a state preserve surplused in exchange for 288 acres to be added to Faver Dykes State Park.
 - Transferred 1,777 acres to Sylvan Development with a conservation easement over 61% of lands.
 - Remaining 357 acres transferred to the SJRWMD.
 - 1,057 acres of a buffer preserve surplused in exchange for 14 acres. Surplused property used to create an entrance to Publix.
 - 5 acres of a corridor preserve in exchange of 5 acres of higher value conservation lands.
 - Corridor preserve lands to be used for farming.
 - 4 acres of greenways and trails surplused for 8 acres in exchange.
 - Greenways and trails acreage used to re-align the Cross Seminole Trails.
 - 2 acres of greenways and trails for \$33,000 plus improvements. Surplused lands were roadway conveyed to the Board in error.
 - 10 acres of state forest/state park lands surplused to Walton County for recreation purposes.
 - \$135,000 at an average price of \$13,581 per acre.
 - Part of a 19,699 acre parcel of property purchased for \$154,907,068 at an average price of \$7,864 an acre.

Department of Agriculture & Consumer Services, Division of Forestry

- ❖ No property purchased with Preservation 2000 funds has been surplused in the last 5 years.

Fish & Wildlife Conservation Commission

- ❖ No property purchased with Preservation 2000 funds has been surplus in the last 5 years.

Surplus lands - Florida Forever

With the exception of the St. Johns River Water Management District and the Southwest Florida Water Management District, all other entities receiving Florida Forever funds have not surplus any Florida Forever property.

St. Johns River Water Management District

- 11 acres to the Florida Department of Transportation.
 - \$27,740, an average price of \$2,483 per acre.
- In the process of surplus 58 acres to the City of Jacksonville for land swap to facilitate cooperative management.
- Has denied one surplus request from a private property owner who requested to buy the property back.

Southwest Florida Water Management District

- 1 request pending 1, 296 acres of water management restoration / water resource development lands to be used for a single-family development.

Preservation 2000 and Florida Forever Additional Acreage

Department of Environmental Protection, Division of State Lands

- ❖ The division is unable to identify any P2000 or Florida Forever acquisitions which included parcels not connected to or needed for the protection of the targeted resource. The state lands database is not designed to accommodate this type of information.

South Florida Water Management District

- ❖ The district reported no P2000 or Florida Forever purchases which included parcels not connected to or needed for the protection of the targeted resource.

Suwannee River Water Management District

- ❖ Preservation 2000 Additional Acreage:
 - 151 additional acres acquired as part of the Middle Suwannee project and managed for silviculture purposes was surplus in 1995.
 - 1,297 additional acres acquired as part of the Upper and Middle Suwannee projects are being managed by the district for multiple use purposes including recharge, biodiversity and conservation.

Suwannee River Water Management District (continued)

- ❖ Florida Forever Additional Acreage:
 - 600 additional acres acquired as part of the Upper, Middle and Lower Suwannee projects.
 - Adjacent property used for agricultural/silviculture/residential purposes.
 - Additional acreage is being managed for multiple uses including recharge, conservation, and biodiversity, and activities include prescribed burning, sustainable forestry, and recreation purposes.
 - 40 additional acres acquired as part of the Santa Fe project.
 - Adjacent property is being used for agricultural/silviculture/residential purposes.
 - Additional acreage is being managed for multiple uses including recharge, conservation, and biodiversity, and activities include prescribed burning, sustainable forestry, and recreation purposes.

Southwest Florida Water Management District

- ❖ Preservation 2000 Additional Acreage:¹¹
 - 80 additional acres were acquired as part of a Green Swamp parcel purchase.
 - Property has not been surplus and is not being managed as part of the original parcel.
 - Acreage is available for use as a school, park, library or cellular tower site.
 - Adjacent property is rural residential characterized by mobile homes.
- ❖ Florida Forever Additional Acreage:
 - At least 1,296 additional acres will be acquired as part of the Lake Hancock project.
 - Exact acreage will be determined when the project footprint is completed. Interim management activities include the production of food and livestock.

¹¹ Although the Southwest Florida Water Management District supplied additional acreage data for one P2000 project, information from the district indicates that non-essential lands purchased as part of a P2000 project were approved for surplus at the same time the Governing Board approved the acquisition.

St. Johns River Water Management District

- ❖ Preservation 2000 Additional Acreage
 - 1,545 additional acres acquired as part of the Twelve Mile Swamp project.
 - Acreage being managed as part of the original parcel but management activities for both parcels were not identified.
 - Adjacent land uses include I-95 to the east, and residential and commercial development to the west.
 - Public purposes for which additional acreage may be used are still be determined.
 - 11 additional acres acquired as part of the Orange Creek project.
 - Being managed as part of the original parcel but management activities for both parcels were not identified.
 - Adjacent property uses include privately managed silviculture lands.
 - 1,324 additional acres acquired as part of the Berry Groves project.
 - This acreage is being managed as part of the original project but management activities for all acreage were not identified.
 - Adjacent property uses include agriculture.
- ❖ No additional acreage purchased under the Florida Forever program.

Northwest Florida Water Management District

- ❖ The district reported no P2000 or Florida Forever purchases which included parcels not connected to or needed for the protection of the targeted resource.

Fish & Wildlife Conservation Commission

- ❖ The FWC has not acquired projects containing lands that are not connected to or needed for the protection of the targeted resource.

Department of Agriculture & Consumer Services, Division of Forestry

- ❖ The division has not acquired projects containing lands that are not connected to or needed for the protection of the targeted resource.

Conclusions and Recommendations

While the Mid-Term Review provides a good picture of the status of land acquisition in Florida, it is not a complete picture and raises as many questions as it answers. Overall, survey data collected for this report indicates that the Florida Forever program is meeting the basic goals established by the Legislature when the program was created. FNAI estimates that the Board of Trustees will acquire a total of 641,000 acres by the end of the Florida Forever Program and that in May 2005, 416,000 acres remained to be purchased. According to our survey data, the Board has acquired 250,494 acres, leaving less than 400,000 acres to be acquired. Altogether, entities expending Florida Forever funds have acquired almost 430,000 acres of property. Using the "Florida Forever Baseline Measures" established in the 2000 *"Florida Forever Conservation Needs Assessment"* published by FNAI, the survey data supports FNAI findings that the Florida Forever program is increasing natural resource protection on conservation lands.

Survey results suggest that under Florida Forever, the push to acquire property using alternative methods of acquisition has met with mixed results. Only 8 percent of all lands being acquired by the Board were identified as less-than-fee acquisitions. The water management districts were a little more successful in this effort. Approximately 34.5 percent of all Florida Forever lands acquired by the districts are less-than-fee simple acquisitions.

Information relating to the surplus of conservation lands purchased under the Preservation 2000 program indicate that less than 1/2 of 1 percent of P2000 lands have been surplused either for cash or in exchange for property of equal or higher conservation value. Also, less than 1/2 of 1 percent of Florida Forever lands purchased since the inception of the program have been surplused. At the close of the Preservation 2000 program, more than 1.7 million acres of property were acquired. When this acreage is added to the Florida Forever acreage, over the past 15 years, the state conservation programs have acquired more than 2.1 million acres of land for more than \$4 billion.

With regard to the acquisition of non-essential lands under the P2000 and Florida Forever programs, we asked the entities receiving P2000 and Florida Forever funds to identify those properties purchased as part of a deal to acquire a targeted resource. Data on these properties was limited or non-existent, and in the case of DEP, not available due to the structure of the state lands database. Some inconsistency exists here with the rules in Chapter 18-24, F.A.C., relating to "Florida Forever Land Acquisition and Management" which provide a definition for "de minimis lands" and appear to create an acquisition process for "lands that lie outside an approved acquisition project boundary when part of the ownership is within an approved project boundary" and which "may or may not have the same resource values as lands within the project boundary." Overall, survey data suggests that only 5,856 acres of non-essential lands were purchased under the P2000 program. In the past 5

years, less than 2,000 acres of non-essential lands were acquired under the Florida Forever program.

With regard to the management of conservation lands, we asked the entities receiving Florida Forever funds to identify how many acres had been acquired through December 31, 2004, how many of those acres are being managed, and the purposes for which the acreage is being managed. Management data supplied by the entities was inconsistent as some entities provided data for all conservation lands being managed, some provided data for Florida Forever acquisitions only, and some provided data for lands acquired under other conservation programs. Overall, entities reported that all conservation lands acquired are being managed, and are being managed for the purposes for which they were acquired. This conflicts with information contained in the "Land Management Review Team Reports: July 2003-2004" prepared by OES which indicates that funding for land management is at 56 percent of need, and land management staffing is at 52 percent of need.

We asked the entities receiving Florida Forever funds to provide us with the appraised value and the purchase price of the property being acquired. The increased value of real estate in Florida is creating a problem for the entities charged with implementing Florida Forever. Only DEP and the FWC are acquiring property at a price averaging less than 90 percent of appraised value. The FCT program¹² is funding acquisitions at an average of 99.5 percent of appraised value, and the Division of Forestry at DACS is funding acquisitions at an average of 92 percent of appraised value. Four of the water management districts average between 92 and 98 percent of appraised value to acquire property. The South Florida Water Management District is acquiring lands at an average of 113 percent of appraised value.¹³

The true cost of managing conservation lands is unanswered as is the question of how much land is being managed. A uniform category of land uses should be established to identify the purposes for which property adjacent to conservation lands is being used. The state lands database should be adjusted to provide us with information that will allow the state to have a complete, accurate inventory of lands, both conservation and non-conservation. The process to surplus land should be revised to distinguish lands available for exchange from lands sold for cash. A formal process to track all surplus requests should be created.

An examination of conservation lands should be conducted to determine if boundary lands are actually meeting conservation needs, or if the public is better served when

¹² Under the FCT program, most state funds are matched by the local government participating in the acquisition.

¹³ Statistics for appraisal/purchase values were calculated using appraisal/purchase data submitted by the state agencies and the water management districts. Data submitted did not differentiate between negotiated and non-negotiated acquisitions, and did not identify properties for which a jury award was higher than an appraised value. This may account for some of the wide variations in the appraisal percentages.

those lands are surplus for other purposes. A thorough examination of the state's appraisal process is necessary to determine if statutory adjustments can be made to allow the acquisition entities to competitively bid for quality conservation lands. The prioritization of acquisitions on the CARL list should be reviewed to determine if high priority projects are properties that can realistically be acquired within the parameters of the Florida Forever program. Last, a process to govern the acquisition of boundary properties should be created in statute as part of the Florida Forever program.