

AGENDA
BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND
June 12, 2024

Attachments to the items below can be viewed at the following link:

<https://floridadep.gov/cab/cab/content/agendas>

Item 1A Crystal Cove Resort, LLC/ Recommended Consolidated Intent/ Lease Modification

REQUEST: Consideration of an application for a modification of an existing 10-year sovereignty submerged lands lease containing 49,903 square feet, more or less, to an increased preemption area of 170,690 square feet, more or less, for a commercial docking facility.

VOTING REQUIREMENT FOR APPROVAL: Three votes

COUNTY: Putnam

APPLICANT: Crystal Cove Resort, LLC
Lease No.: 541215242
Application No.: 54-0180417-003-EI

LOCATION: 121 Crystal Cove Drive
Palatka, St. Johns River, FL
Aquatic Preserve: No
Waterbody/ Classification: Class III
Designated Manatee County: No
Manatee Aggregation Area: No
Manatee Protection Speed Zone: No

CONSIDERATION: \$31,043.59, representing (1) \$24,780.78 as the initial annual lease fee computed at the base rate of \$0.2074 per square foot for the total of 170,690 square feet, discounted thirty percent because a minimum of ninety percent of the slips are open to the public for rent on a first-come, first-served basis, pursuant to Rule 18-21.011(b)2, F.A.C.; and (2) \$6,262.81 as the one-time twenty-five percent surcharge payment for the new lease area of 120,787 square feet pursuant to Rule 18-21.011(b)3., F.A.C.

The lease fee may be adjusted based on six percent of the annual income if it proves to be greater than the fee computed at the base rate, pursuant to Rule 18-21.011(1)(a)1, F.A.C. Sales tax and county discretionary sales surtax will be assessed pursuant to sections 212.031 and 212.054, F.S., if applicable.

STAFF REMARKS: In accordance with rules adopted pursuant to sections 373.427(2) and 253.77(2), F.S., this "Recommended Consolidated Notice" contains a recommendation for issuance of both the permit required under Part IV of Chapter 373, F.S., and the authorization to use sovereignty submerged lands under Chapter 253 and 258, F.S. The Board of Trustees is requested to act on those aspects of the activity that require authorization to use sovereignty submerged lands.

The project is required to demonstrate that it is "not contrary to the public interest," pursuant to

Item 1A, cont.

Rule 18-21.004(1)(a), F.A.C. The Applicant has provided reasonable assurance that the proposal will maintain essentially natural conditions; will not significantly impact fish and wildlife and other natural resources, including public recreation and navigation; is consistent with the goals and objectives of the “Conceptual State Lands Management Plan;” is consistent with the local government’s comprehensive plan; and will not interfere with the riparian rights of adjacent property owners. Therefore, the Department of Environmental Protection (Department) is of the opinion that the proposal is “not contrary to the public interest” and otherwise meets all applicable requirements for a proprietary authorization to use sovereignty submerged lands, pursuant to Article X, Section 11 of the Florida Constitution, Chapter 253, F.S., associated Rule 18-21, F.A.C., and the direction of the Board of Trustees.

Background

An Environmental Resource Permit for this location was issued on September 11, 1986, and the sovereign submerged lands lease was issued on May 10, 1988. Both authorizations were issued to Frederic Calkins. The permit authorized dredging and the construction of a commercial dock, boat ramp, and bulkhead, and the subsequent five-year sovereignty submerged lands lease authorized the 23,784 square feet of preemption for the commercial marina facility and boat ramp.

On March 11, 1999, the Department issued a lease modification, reflecting a change to the lessee, now River Property Management, Inc., and renewal. The five-year lease renewal was effective on May 10, 1998. On May 11, 2001, the Department issued a permit to Crystal Cove Properties, Inc. authorizing the construction of a 748 square foot expansion to the existing docking structure.

On August 22, 2002, a Consent Order was given to River Property Management, Inc. and Crystal Cove Properties, Inc. for building a dock larger than what the current lease authorized.

On May 10, 2003, River Property Management, Inc. was granted a 10-year lease renewal and was authorized to operate a 24-slip docking facility and boat ramp.

On July 14, 2004, a Notice of Violation (04-1192) was issued to River Property Management, Inc. and Crystal Cove Properties, Inc. for building a dock larger than what the current lease authorized.

On March 1, 2005, the Department issued a lease modification to increase the square footage of preemption and reflect a change in ownership. The preempted area was increased from 23,784 square feet to 49,303 square feet and the operation of a 45-slip docking facility was authorized. This resolved the 2004 Notice of Violation. Additionally, Crystal Cove Properties, Inc. was added as a lessee.

On October 4, 2012, the Department issued a lease modification to reflect a change in ownership. This change in ownership removed River Property Management, Inc. and Crystal Cove Properties, Inc. as the lessees, and added Crystal Cove Resort, LLC.

On May 7, 2014, the Department issued a 10-year lease renewal to Crystal Cove Resort, LLC.

Item 1A, cont.

On September 27, 2018, the Department issued a lease modification to re-configure and increase the square footage of preemption. The preempted area increased from 49,303 to 49,903 square feet. On July 2, 2018, prior to the issuance of this lease modification, the Department authorized the permittee to modify the existing permitted commercial marina to change the location and orientation of the main marina access pier and to change the location and orientation of the side access pier and catwalks. These activities increased the preemption by 600 square feet as authorized in the lease modification.

On April 10, 2024, the Department renewed the lease for a term of ten years.

Project Description

The proposed project will (1) expand the existing 45-slip commercial marina facility to include an additional 52 wet slips for a total of 97 wet slips; (2) construct an 8-slip commercial docking structure; (3) construct a floating dock kayak launch; and (4) construct a 11,865 square foot boardwalk.

The proposed project is located within the waterward extent of the St. Johns River, a Class III waterbody. The existing in-water commercial marina facility is used in conjunction with the upland commercial marina, boat ramp, restaurant, resort, and dry storage facility and the proposed 8-slip commercial docking structure is connected to the Applicant's upland parcel located directly to the south of the commercial marina facility. The 11,865 square foot boardwalk, located landward of the mean high-water line, will connect the commercial marina facility to the proposed commercial docking structure and will be constructed three feet above the natural ground contour. The proposed lease modification will increase the preempted area from 49,903 square feet to 170,690 square feet and increase the number of wet slips from 45 to 105.

The proposed 170,690 square feet of preemption is comprised of the expansion to the existing commercial marina facility that will preempt 148,221 square feet, the new commercial docking structure to the south that will preempt 18,141 square feet, and the new floating dock kayak launch that will preempt 4,328 square feet. The structures over sovereign submerged land will total 35,879 square feet, which includes 31,904 square feet for the expanded commercial marina facility, 3,075 square feet for the new commercial docking structure to the south, and 900 square feet for the floating dock kayak launch. The project proposes a total of 105 wet slips and of those 45 are existing wet slips associated with the current commercial marina facility, 52 wet slips will be included with the expansion of the commercial marina facility, and 8 wet slips will be added with the construction of the commercial docking structure to south.

The commercial marina facility and the new commercial docking structure will both accommodate vessels that range from 15 to 30 feet in length with a 0.5-to-1.5-foot draft. Water depths in the preemption area range from 1 foot to 2.2 feet, which is sufficient for the proposed use, thus no dredging is being proposed.

Specific conditions for in-water construction have been included in the permit and stipulate that a floating turbidity curtain shall be installed around the construction area and will remain in place until pilings have been installed and turbidity levels within the work area have returned to background levels prior to construction of the boardwalk and dock, that any unauthorized impacts to wetlands or

Item 1A, cont.

the littoral zone as a result of the dock construction shall be reported immediately to the Department, and during all construction activities, there shall be a minimum of 1-foot clearance between the draft of the construction barge and the top of any submerged resources or submerged bottom.

Additionally, the requirement that a minimum of ninety percent of the slips will continue to be open to the public for rent on a first-come, first-served basis, has been included as a special lease condition.

Resources

A resource survey was conducted on August 18, 2022, and confirmed the presence of eel grass along the shoreline; however, none of the existing or proposed docking areas are located over this emergent vegetation. No oysters or emergence of other resources were present within the proposed marina expansion area.

The Florida Fish and Wildlife Commission provided permit conditions for the applicant to follow concerning the Florida Manatee. The Standard Manatee Conditions for In-water Work (2011) will be followed, and the Applicant has agreed to install appropriate measures to protect manatees from vessels.

Noticing

The lease modification request was noticed to property owners within a 500-foot radius of the project, and other interested parties, pursuant to Rule 18-21.004(1)(m), F.A.C. Two property owners were specifically noticed, and no objections were received by January 25, 2024, the end of the comment period.

(Attachment 1A, Pages 1- 65)

RECOMMEND: APPROVAL, SUBJECT TO THE SPECIAL LEASE CONDITIONS AND PAYMENT OF \$31,043.59

Item 1B Freeman & Hasselwander Resort Properties, LLC/ Recommended Consolidated Intent/ Lease Modification

REQUEST: Consideration of an application for a modification of an existing 25-year sovereignty submerged lands lease containing 587,931 square feet, more or less, to an increased preemption area of 764,776 square feet, more or less, for commercial docking facility.

VOTING REQUIREMENT FOR APPROVAL: Three votes

COUNTY: Lee

Item 1B, cont.

APPLICANT: Freeman & Hasselwander Resort Properties, LLC
(d/b/a or a/k/a Tarpon Point Marina)
Lease No. 360189959
Application No. 0153417-024-EI

LOCATION: 5951 Silver King Blvd.,
Cape Coral, FL
Aquatic Preserve: No
Waterbody/ Classification: Glover Bight Class III
Designated Manatee County: Yes, with an approved Manatee Protection Plan
Manatee Aggregation Zone: No
Manatee Protection Zone: No

CONSIDERATION: \$120,199.59, representing (1) \$111,030.18 as the initial annual lease fee computed at the base rate of \$0.2074 per square foot for the total of 764,776 square feet, discounted thirty percent because a minimum of ninety percent of the slips are open to the public on a first-come, first-serve basis pursuant to Rule 18-21.011(1)(b)2, F.A.C.; and (2) \$9,169.41 as the one time twenty-five percent surcharge payment for the new lease area of 176,845 square feet, pursuant to Rule 18-21.011(1)(b)3, F.A.C.

The lease fee may be adjusted based on six percent of the annual income if it proves to be greater than the fee computed at the base rate, pursuant to Rule 18-21.011(1)(a)1, F.A.C. Sales tax and county discretionary sales surtax will be assessed pursuant to sections 212.031 and 212.054, F.S., if applicable.

STAFF REMARKS: In accordance with rules adopted pursuant to sections 373.427(2) and 253.77(2), F.S., this "Recommended Consolidated Notice" contains a recommendation for issuance of both the permit required under Part IV of Chapter 373, F.S., and the authorization to use sovereignty submerged lands under Chapters 253 and 258, F.S. The Board of Trustees is requested to act on those aspects of the activity which require authorization to use sovereignty submerged lands.

The project is required to demonstrate that it is "not contrary to the public interest," pursuant to Rule 18-21.004(1)(a), F.A.C. The Applicant has provided reasonable assurance that the proposal will maintain essentially natural conditions; will not significantly impact fish and wildlife and other natural resources, including public recreation and navigation; is consistent with the goals and objectives of the "Conceptual State Lands Management Plan;" is consistent with the local government's comprehensive plan; and will not interfere with the riparian rights of adjacent property owners. The Applicant issued a conservation easement to the South Florida Water Management District (Permit #36-04199-P) on June 13, 2002, and the proposed lease area is within the riparian area adjacent to the conservation easement area. The South Florida Water Management District provided concurrence to the Department stating that the district has no objection to the Applicant's use of the area. Therefore, the Department is of the opinion that the proposal is "not contrary to the public interest" and otherwise meets all applicable requirements for a proprietary authorization to use sovereignty submerged lands,

Item 1B, cont.

pursuant to Article X, Section 11 of the Florida Constitution, Chapter 253, F.S., associated Rule 18-21, F.A.C., and the direction of the Board of Trustees.

Background

On November 5, 1985, the Board of Trustees approved the initial five-year sovereignty submerged lands lease for a preempted area of 355,014 square feet for Avatar Properties, Inc. At this time a permit was also issued authorizing the construction and operation of a 216-slip private/public marina.

On September 25, 1989, a lease modification and five-year renewal was authorized to capture minor alterations authorized through permits issued on May 28, 1986, May 11, 1988, and September 25, 1989. The lease modification (1) extended the lease for five-years, (2) reduced the preempted area to 347,530.9 square feet, and (3) changed the use of the docking facility from private/public to commercial. The number of wet slips was also reduced at this time from 216 to 175.

On August 30, 1991, the Department executed documentation notating the assignment and assumption of the sovereignty submerged lands lease following the sale of the uplands. These documents changed the lessee to Tarpon Point, Inc. On November 15, 1994, the Department renewed the 347,531 square foot lease for another five-year term.

On October 13, 1998, a lease modification request to extend the lease term to 25 years, until September 25, 2023, was approved by the Board of Trustees.

On November 1, 1999, a modification of this lease was authorized to reflect a change to the lessee, now Marina Resources, Inc., who purchased the uplands. On May 24, 2002, a lease modification was issued reflecting another change in ownership to Tarpon Point Associates, LLC.

On January 5, 2004, the Department issued a lease modification to change the description of use. The changes notated therein included a 175-slip commercial docking facility for mooring of non-commercial recreational vessels and a single commercial vessel, and to operate a beach shuttle service between the marina and the local barrier islands. On June 16, 2010, a lease modification to reconfigure structures was authorized pursuant to permit 36-0153417 issued on February 27, 2008.

On July 29, 2010, a lease modification was approved by the Board of Trustees to increase the preempted area to 588,101 square feet for a proposed reconfigured 185-slip commercial docking facility with dredging.

On November 23, 2011 and April 27, 2012, modified leases were issued to reflect changes in upland ownership to Tarpon Land, L.P. and Freeman & Hasselwander Resort Properties, LLC, respectively.

On March 16, 2017, the Department received an application for a permit modification to keep Docks A, B, C, D, and E in place without constructing the July 29, 2010, authorized modifications.

Item 1B, cont.

On June 1, 2017, the Department determined that the facility was out of compliance as additional floating jet ski lifts had been installed. The Department also observed mooring in areas not previously authorized for mooring. A TUA was issued on September 19, 2017, for the violations.

On February 8, 2018, a lease modification was approved by the Board of Trustees to reduce the preempted area to 587,931 square feet and increase the number of wet slips to 225. The lease expired on September 25, 2023.

The Department inspected the site on July 20, 2023, and found it to be in compliance. Thus, on April 22, 2024, the sovereignty submerged land lease was renewed for another 25-year term. This lease is set to expire on September 25, 2048.

Project Description

The proposed project will (1) increase the preempted area from 587,931 square feet to 764,776 square feet, more or less; and (2) expand the existing 225-slip commercial docking facility to include an additional 41 wet slips.

The proposed project is located within the waterward extent of the Glover Bight, a Class III waterbody. The existing in-water commercial docking facility also contains boatlifts, a fishing/observation platform/pier, and floating jet ski platforms used exclusively for mooring of recreational vessels, personal watercrafts, rental vessels, a dinner cruise vessel, and a beach shuttle service vessel all used in conjunction with the upland commercial marina facility and mixed-use commercial developments (restaurant, retail shops, hotel, and offices).

The proposed lease modification will increase the preempted area from 587,931 square feet to 764,776 square feet and increase the number of wet slips from 225-slips to 266-slips. There is no upland dry storage facility or boat ramp associated with this facility.

The additional 176,845 square feet of proposed preemption is for an expansion of the existing commercial docking structure. This expansion includes an additional 512 linear feet of wood dock and 41 additional wet slips. The commercial docking facility, as proposed, will accommodate vessels that range from 20 to 100 feet in length with a 1-to-5-foot draft. Water depths in the preempted area range from 2.2 feet to 19.5 feet, which is sufficient for the proposed use, thus no dredging is being proposed. The structures over sovereign submerged land will total 83,223 square feet. This 19,578 square foot increase is comprised of additions to two previously authorized fixed piling supported docks and the addition of one new dock, Dock I. Existing Docks G and H are expanding approximately 2,109 square feet and 3,326 square feet, respectively, and Dock I will be 14,143 square feet.

Specific conditions for in-water construction have been included in the permit and stipulate that a floating turbidity curtain shall be installed around the construction area and will remain in place for the duration of construction. During all construction activities, there shall be a minimum of one-foot clearance between the draft of the construction barge and the top of any submerged resources or submerged bottom.

Item 1B, cont.

Additionally, the requirement that a minimum of ninety percent of the slips will continue to be open to the public for rent on a first-come, first-served basis, has been included as a special lease condition.

Resources

Historically, this area does not contain submerged resources, and there have been no resources observed in the project area.

Noticing

The Applicant owns all property within the 500-foot radius of the project. However, the Applicant issued a conservation easement to the South Florida Water Management District (Permit #36-04199-P) on June 13, 2002, and the proposed lease area is within the riparian area adjacent to the conservation easement area. Pursuant to Rule 18-21.004(1)(m), F.A.C, the South Florida Water Management District was noticed on December 9, 2022. The district provided concurrence to the Department stating that the district has no objection to the Applicant’s use of the area on December 12, 2022.

(Attachment 1B, Pages 1- 59)

RECOMMEND: APPROVAL, SUBJECT TO THE SPECIAL LEASE CONDITIONS AND PAYMENT OF \$120,199.59

Item 2 Board of Trustees/ JAMCO, Inc. Sovereignty Submerged Land Exchange Agreement/ Warranty Deed Acceptance/ Determination

REQUEST: Consideration of (1) a determination, pursuant to Article X, section 11 of the Florida Constitution and Rule 18-21.004(1)(a), F.A.C., that an exchange of 1.14 acres, more or less, of sovereignty submerged lands in Lake Worth Lagoon is in the public interest; and (2) an exchange agreement to convey the 1.14 acres, more or less, of sovereignty submerged lands for 10.02 acres, more or less, of privately-owned submerged lands to include any uplands owned by JAMCO, Inc; (3) acceptance of a warranty deed releasing any right, title, or interest held by JAMCO, Inc. to the 10.02 acres, more or less, of privately owned submerged lands including any uplands located in the Upper Lake Worth Lagoon.

VOTING REQUIREMENT FOR APPROVAL: Three votes

COUNTY: Palm Beach

APPLICANT: JAMCO, Inc.

LOCATION: 1124 Avenue C
Riviera Beach, FL 33404

Item 2, cont.

CONSIDERATION: Parcel-for-parcel

<u>PARCEL</u>	<u>ACRES</u>	APPRAISED BY Holden (9/25/23)	<u>APPROVED</u> <u>VALUE</u>	<u>EXCHANGE</u> <u>VALUE</u>	<u>CLOSING</u> <u>DATE</u>
JAMCO, Inc.*	10.02	\$291,000	\$291,000	\$291,000	90 days after BOT approval
BOT	1.14	\$236,000	\$236,000	\$236,000	

* JAMCO, Inc. has two parcels totaling 10.02 acres

STAFF REMARKS: The Applicant is requesting an exchange of 10.02 acres, more or less, of privately-owned submerged land including any uplands for 1.14 acres, more or less, of sovereignty submerged land in Lake Worth Lagoon.

Background

In 2013, the Applicant took over the 1.14-acre lease (Lease No.500002826) on the West side of the Lake Worth Lagoon for their boat yard operations, and heavy equipment and infrastructure were both installed on the parcel as required for moving large vessels in and out of the water for repair.

The Applicant owns 10.02 acres, more or less, of submerged lands in the Upper Lake Worth Lagoon and is proposing to exchange the 10.02 acres, more or less, of privately owned submerged lands, including any uplands, for 1.14 acres, more or less, of sovereignty submerged lands.

Project Details

The Applicant has requested an exchange of two privately owned submerged land parcels, including any uplands, totaling approximately 10.02 acres, within the Upper Lake Worth Lagoon for approximately 1.14 acres of sovereignty submerged land owned by the Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees). The proposal provides the Board of Trustees 10.02 acres of high-quality seagrass-covered submerged lands, including any uplands, in exchange for transferring 1.14 acres of sovereignty submerged lands to the Applicant, which have been developed and in constant use for almost a century. Furthermore, there are no known significant resources on the 1.14-acre parcel currently occupied by the Applicant.

The two parcels proposed for exchange with the Board of Trustees are located on the East side of the Lake Worth Lagoon and are 4.95 and 5.07 acres respectively. Both parcels contain seagrass beds and are in close proximity to Little Munyon Island, Munyon Island, and John MacArthur State Park, which are lands owned by the Board of Trustees. These parcels are undeveloped; and therefore, free of any development, docks, or machinery.

The Applicant has maintained a long-standing presence in the Palm Beach area for nearly 100 years. In that time, and not without the contributions of the Applicant’s organization, the marine and boating industry have thrived in the region. Per the Applicant, the marine industry contributes over \$2 billion and 22,000 jobs annually to the Palm Beach area. That number stretches to over \$12 billion and 150,000 jobs in the tri-county area and over \$23 billion in economic impact to the State of Florida. The Applicant, and the services provided at their boatyard, provide critical support to this flourishing

Item 2, cont.

industry. Through their operations, they contribute to the positive economic impact to the community through employment opportunities and play a small role in fostering the evolution of this world-renowned boating destination.

The Applicant is requesting an exchange of two privately owned submerged parcels, including any uplands, totaling 10.02 acres, more or less, for 1.14 acres, more or less, of sovereignty submerged land. If the Board of Trustees approves the Applicant’s request: (1) the Board of Trustees will convey, by quitclaim deed, the 1.14 acres, more or less, of sovereignty submerged lands to the Applicant; and (2) the Applicant will convey by warranty deed the 10.02, more or less, of privately-owned submerged lands, including any uplands, to the Board of Trustees.

Constitutional and Rule Requirements

Pursuant to Article X, section 11 of the Florida Constitution and Rule 18-21.004(1)(a), F.A.C., the Board of Trustees may convey sovereignty lands if determined by the Board of Trustees to be in the public interest. The Department offers the following to assist the Board of Trustees in making an affirmative determination that the exchange is in the public interest:

- The Board of Trustees will receive title to privately-owned submerged lands, including any uplands, resulting in a net gain of 8.88 acres of sovereignty submerged land for the state.
- The submerged land received by the Board of Trustees will place 10.02 acres of submerged lands covered by seagrass, into Board of Trustees’ ownership, furthering the goal of the Lake Worth Lagoon Management Plan.
- The proposed exchange serves an important state interest by supporting the boating, boat handling, and boat repair industries in the Palm Beach region as recognized by section 342.07, F.S.

Noticing

Pursuant to section 253.115, F.S., property owners within a 500-foot radius of the proposed exchange were specifically noticed and no objections were received.

Comprehensive Plan

A consideration of the status of the local government comprehensive plan was not made for this item. The Department has determined the proposed exchange is not subject to the local government planning process.

(Attachment 2, Pages 1- 15)

RECOMMEND: APPROVAL

Item 3A Dark Hammock Legacy Ranch, LLC Option Agreement/ Conservation Easement/ Monitoring Agency Designation/ Management Policy Statement Confirmation/ Heartland Wildlife Corridor Florida Forever Project

REQUEST: Consideration of (1) an option agreement to acquire a conservation easement over approximately 1,977 acres within the Heartland Wildlife Corridor Florida Forever project from Dark Hammock Legacy Ranch, LLC; (2) designation of the Florida Department of Environmental Protection, Office of Environmental Services, as the monitoring agency; and (3) confirmation of the management policy statement.

VOTING REQUIREMENT FOR APPROVAL: Two members, one of whom is the Governor, when four members are voting; or any two members, when three members are voting.

COUNTY: Highlands

LOCATION: Sections 17, 20, 21, 29, and 32, Township 36 South, Range 28 East

CONSIDERATION: \$7,938,000

<u>PARCEL</u>	<u>ACRES</u>	<u>APPRAISED BY</u>		<u>APPROVED VALUE</u>	<u>SELLER'S PURCHASE PRICE</u>	<u>TRUSTEES' PURCHASE PRICE</u>	<u>OPTION DATE</u>
		<u>Holden (01/24/24)</u>	<u>Mancuso (01/24/24)</u>				
Dark Hammock Legacy Ranch, LLC	1,977	\$8,100,000	\$7,500,000	\$8,100,000	\$8,000,000*	\$7,938,000** (98%)	120 days after BOT Approval

*Property was purchased in September 2014.
 **\$4,016 per acre.

STAFF REMARKS: The subject property is located within the Heartland Wildlife Corridor Florida Forever project, ranked number 16 in the Florida Forever Less-Than-Fee project category, approved by the Board of Trustees on March 26, 2024. The project contains 9,579 acres, of which 1,977 acres are under agreement to be acquired. This is the first acquisition in the project.

Project Description

The Heartland Wildlife Corridor project will create a contiguous landscape of working lands and conservation areas to provide a critical wildlife corridor along the western edge of the Lake Wales Ridge. The project will protect a mix of open rangeland, wetlands, forests, hammocks, and prairie that provide valuable habitat for wildlife and important water quality protection for the Peace River, Charlotte Harbor, Fisheating Creek, and Lake Okeechobee.

Property Description

The subject property, known as Dark Hammock Legacy Ranch (Ranch), is a working cattle ranch with approximately 1,000 head of cattle. Located in western Highlands County, it is approximately seven miles southwest of Sebring, and one mile east of the Desoto County line. The Ranch lies south of Highlands Hammock State Park, adjacent to a complex of conservation easements, and will help complete a wildlife corridor from Avon Park to the north to Lake Okeechobee to the southeast.

Item 3A, cont.

The headwaters of Fisheating Creek, the only free-flowing water course to Lake Okeechobee, are located on the Ranch. In addition, this conservation easement will protect a variety of plants and animal species, which include common wild pine, swallow-tailed kite, Florida black bear, Florida sandhill crane, Florida panther, crested caracara, and southeastern fox squirrel. Acquiring a less-than-fee protection over the subject property conserves Florida’s biodiversity at the species, natural community, and landscape levels, protects water resources, and provides an important linkage of conservation land that connects multiple conservation areas. The property lies within a wildlife corridor of the Florida Ecological Greenways Network.

Prohibited Uses

Under the proposed conservation easement, the subject property will be restricted in perpetuity by the provisions of the easement, a summary of which includes, but is not limited to, the following prohibited uses:

- Dumping of trash, waste, hazardous materials, and soil will be prohibited;
- Exploration and extraction by grantor for oil, gas, minerals, peat, muck, limestone, etc., by means of surface exploratory and extractors operations, except as reasonably necessary to combat erosion or flooding, or except as necessary and lawfully permitted for the conduct of permitted activities;
- Activities detrimental to drainage, flood control, water conservation, erosion control, soil conservation, or fish and wildlife preservation will be prohibited, unless needed for maintenance as provided in the easement;
- Acts or uses detrimental to the preservation of any historical, or archaeological area, will be prohibited;
- There shall be no planting of nuisance exotic or non-native plants;
- Commercial and industrial activities will be prohibited, except as may be incidental to the exercise of grantor’s reserved rights in Article V;
- New construction or placing of temporary or permanent structures or buildings on the property will be prohibited except as may be necessary for maintenance, normal operation, or emergency situations;
- Construction of new roads or jeep trails will be prohibited;
- No operation of motorized vehicles except on established trails and roads unless necessary to protect or enhance the conservation values of the property; for emergency purposes; for cattle ranching purposes; and to access, hunt or to retrieve game hunted legally;
- Current agricultural uses shall not be converted to more intense agricultural uses, and Natural Areas shall remain Natural Areas;
- Spring recharge areas must use best management practices for fertilizer use, as established by Florida Department of Agriculture and Consumer Services, and agriculture activities within 100 feet of sinkholes, springs and, other karst features are prohibited;
- Actions or activities that may be expected to adversely affect threatened or endangered species is prohibited;
- Subdivision of the property is prohibited;
- Signs, billboards, or outdoor advertising is prohibited except signs designating the property as conservation lands protected by the State of Florida or reasonable directional or postal signs;

Item 3A, cont.

- No commercial water wells on the property; and
- There shall be no mitigation banks established on the property.

Owner's Rights Retained

The proposed conservation easement will allow the owner to retain certain rights. The summary of owner's rights includes, but is not limited to, the following:

- The right to observe, maintain, photograph, fish, hunt, and introduce and stock native fish or wildlife, to use the property for non-commercial, passive, resource-based recreation not inconsistent with the purpose of the easement. Grantor shall continue to own hunting and fishing rights;
- The right to conduct controlled and prescribed burns with proper authorization;
- The right to mortgage the property;
- The right to contest taxes;
- The right to continue to use, maintain, repair, and reconstruct, but not relocate all existing buildings as depicted on the Baseline Documentation Report (BDR), no larger than 125% of the original size;
- The right to continue existing agricultural practices, as depicted in the BDR, and the use of commonly accepted fertilizers, pesticides, and herbicides using best management practices (BMPs);
- The right to host relocated endangered, threatened, or special concern of native Florida species;
- The right to maintain or restore the existing natural habitat communities per the BDR;
- The right to maintain a commercial cattle operation in accordance with BMPs;
- The right to maintain existing food plots for game as indicated in the BDR and create new food plots with approval of Office of Environmental Services (OES);
- The right to engage in silviculture in those areas depicted in BDR according to BMPs;
- The right to establish a third center pivot agricultural area as depicted in the BDR; and
- The right to cultivate and harvest hay, seed, and sod and plant and harvest row crops from the existing improved pasture area provided at least 65% of the improved pasture remains unharvested for sod in any one calendar year as depicted in the BDR according to BMPs.

Mortgages and Liens

All mortgages and liens will be satisfied at the time of closing. On June 22, 1999, the Board of Trustees approved a staff recommendation to delegate to the Florida Department of Environmental Protection (Department) the authority to review and evaluate marketability issues as they arise on all Chapter 259, F.S., acquisitions and to resolve them appropriately. Therefore, the Department will review, evaluate, and implement an appropriate resolution for any title issues that arise prior to closing.

Closing Information

A title insurance commitment, environmental site assessment, survey, and baseline documentation report will be provided by the buyer prior to closing.

Item 3A, cont.

Monitoring Agency

The subject property will be monitored by the Florida Department of Environmental Protection’s Office of Environmental Services. OES currently monitors 161 conservation easements protecting 327,800 acres.

Management Policy Statement

Section 259.032(7)(d), F.S., requires that the Board of Trustees, current with its approval of the initial acquisition agreement within a project, evaluate and amend, as appropriate, the management policy statement for the project as provided by section 253.035, F.S., consistent with the purposes for which the lands are acquired. The Department recommends that the Board of Trustees confirm the management policy statement as follows:

As a proposed conservation easement or other less-than-fee interest, the project will be managed by the private landowner with restrictions under the agreement. The purchase of the development rights, the prohibition of any further conversion of existing natural areas to agriculture uses and limited public access will likely be the primary focus of the conservation easement.

Comprehensive Plan

This acquisition is consistent with section 187.201(9), F.S., the Natural Systems and Recreational Lands’ section of the State Comprehensive Plan.

(Attachment 3A Pages 1- 44)

RECOMMEND: **APPROVAL**

Item 3B Quail Creek Farms, Inc. Option Agreement/ Conservation Easement/ Myakka Ranchlands Florida Forever Project

REQUEST: Consideration of an option agreement to acquire a conservation easement over approximately 2,650 acres within the Myakka Ranchlands Florida Forever project from Quail Creek Farms, Inc.

VOTING REQUIREMENT FOR APPROVAL: Two members, one of whom is the Governor, when four members are voting; or any two members, when three members are voting.

COUNTY: Hardee

LOCATION: Sections 31 through 33, Township 35 South, Range 23 East, and Sections 03 through 06, Township 36 South, Range 23 East

Item 3B, cont.

CONSIDERATION: \$9,849,000

<u>PARCEL</u>	<u>ACRES</u>	<u>APPRAISED BY</u>		<u>APPROVED</u> <u>VALUE</u>	<u>SELLER'S</u> <u>PURCHASE</u> <u>PRICE</u>	<u>TRUSTEES'</u> <u>PURCHASE</u> <u>PRICE</u>	<u>OPTION</u> <u>DATE</u>
		Jones (03/20/24)	String (03/20/24)				
Quail Creek Farms, Inc.	2,650	\$10,050,000	\$9,950,000	\$10,050,000	\$*	\$9,849,000** (98%)	120 days after BOT approval

*Property was inherited.
 ** \$3,717 per acre.

STAFF REMARKS: The subject property is located within the Myakka Ranchlands Florida Forever project, ranked number three in the Florida Forever Less-Than-Fee project category, approved by the Board of Trustees on March 26, 2024. The project contains 54,845 acres, of which 26,522 acres have been acquired or are under agreement to be acquired.

Project Description

The Myakka Ranchlands project is comprised of multiple tracts to both the north and south of Myakka River State Park. The project protects a system of conservation areas, establishing a connection among state, county, water management district, and non-profit conservation lands in Southwest Florida. The intention of this project is to expand and buffer diverse habitats, conserve land containing rare plant and animal species, and protect, restore, and maintain the quality and natural functions of land, water, and wetlands systems. This protection ensures that sufficient quantities of water will be available to meet the current and future needs of natural systems and citizens of the state. Myakka Ranchlands, also known as Myakka Island Conservation Corridor Ranches, builds on a landscape-sized protection area in the Myakka River watershed which is upstream of the Charlotte Harbor Estuary.

Property Description

The 2,650-acre subject property, known as Quail Creek Ranch (Ranch), is a working cattle ranch with approximately 400 head of cattle. Located in southwest Hardee County, the subject property shares its western boundary with the Manatee County line and can be found seven miles east-northeast of Myakka City. The Ranch is uniquely situated along an upland crest between the Myakka River and Peace River watersheds and contains the headwaters of Owen Creek, a significant tributary of the Myakka River.

Protection of the subject property’s rural landscape and natural communities provides critical habitat for imperiled species such as the gopher tortoise and Florida sandhill crane, as well as helps to protect the water quality of the Myakka River, which is an essential source of freshwater for the Charlotte Harbor Estuary. The property lies within a wildlife corridor of the Florida Ecological Greenways Network.

Prohibited Uses

Under the proposed conservation easement, the subject property will be restricted in perpetuity by the provisions of the easement, a summary of which includes, but is not limited to, the following prohibited uses:

- Dumping of trash, waste, hazardous materials, and soil will be prohibited;

Item 3B, cont.

- Exploration and extraction by grantor for oil, gas, minerals, peat, muck, limestone, etc., by means of surface exploratory and extractors operations, except as reasonably necessary to combat erosion or flooding, or except as necessary and lawfully permitted for the conduct of permitted activities;
- Activities detrimental to drainage, flood control, water conservation, erosion control, soil conservation, or fish and wildlife preservation will be prohibited, unless needed for maintenance as provided in the easement;
- Acts or uses detrimental to the preservation of any historical, or archaeological area, will be prohibited;
- There shall be no planting of nuisance exotic or non-native plants;
- Commercial and industrial activities will be prohibited, except as may be incidental to the exercise of grantor’s reserved rights in Article V;
- New construction or placing of temporary or permanent structures or buildings on the property will be prohibited except as may be necessary for maintenance, normal operation or emergency situations;
- Construction of new roads or jeep trails will be prohibited;
- No operation of motorized vehicles except on established trails and roads unless necessary to protect or enhance the conservation values of the property; for emergency purposes; for cattle ranching purposes; and to access, hunt or to retrieve game hunted legally;
- Current agricultural uses shall not be converted to more intense agricultural uses, and Natural Areas shall remain Natural Areas;
- Spring recharge areas must use best management practices for fertilizer use, as established by Florida Department of Agriculture and Consumer Services, and agriculture activities within 100 feet of sinkholes, springs, and other karst features is prohibited;
- Actions or activities that may be expected to adversely affect threatened or endangered species is prohibited;
- Subdivision of the property is prohibited;
- Signs, billboards, or outdoor advertising is prohibited except signs designating the property as conservation lands protected by the State of Florida or reasonable directional or postal signs;
- No commercial water wells on the property;
- No commercial timber harvesting except as provided in the easement under Article V; and
- There shall be no mitigation banks established on the property.

Owner’s Rights Retained

The proposed conservation easement will allow the owner to retain certain rights. The summary of owner’s rights includes, but is not limited to, the following:

- The right to observe, maintain, photograph, fish, hunt, and introduce and stock native fish or wildlife, to use the property for non-commercial, passive, resource-based recreation not inconsistent with the purpose of the easement. Grantor shall continue to own hunting and fishing rights;
- The right to conduct controlled and prescribed burns with proper authorization;
- The right to mortgage the property;
- The right to contest taxes;

Item 3B, cont.

- The right to continue to use, maintain, repair, and reconstruct, but not relocate or enlarge all existing buildings as depicted on the Baseline Documentation Report (BDR);
- The right to exclusive use of the improvements depicted in the BDR;
- The right to continue existing agricultural practices, as depicted in the BDR, and the use of commonly accepted fertilizers, pesticides, and herbicides using best management practices (BMPs);
- The right to host relocated endangered, threatened or special concern of native Florida species;
- The right to maintain or restore the existing natural habitat communities per the BDR;
- The right to maintain a commercial cattle operation in accordance with BMPs;
- The right to cultivate and harvest hay, Bahia sod and row crops from existing pasture or hay areas as depicted in the BDR, however, at least 75% of improved pasture or hay area shall remain unharvested in any one calendar year.
- The right to construct additional agricultural structures in agricultural areas that do not exceed 15,000 cumulative square feet;
- The right to participate in programs or projects that benefit from, enhance, and/or manage environmental attributes or permissible agricultural uses of the subject property and which may also be of economic benefit to the Grantor; and
- The right to create or maintain pervious surface roads as depicted in the BDR in order to provide utilities and ingress and egress to the excluded property.

Mortgages and Liens

All mortgages and liens will be satisfied at the time of closing. On June 22, 1999, the Board of Trustees approved a staff recommendation to delegate to the Florida Department of Environmental Protection (Department) the authority to review and evaluate marketability issues as they arise on all Chapter 259, F.S., acquisitions and to resolve them appropriately. Therefore, the Department will review, evaluate, and implement an appropriate resolution for any title issues that arise prior to closing.

Closing Information

A title insurance policy, survey, and environmental site evaluation will be provided by the buyer prior to closing.

Monitoring Agency

The subject property will be monitored by the Florida Department of Environmental Protection’s Office of Environmental Services (OES). OES currently monitors 161 conservation easements Protecting 327,800 acres.

Comprehensive Plan

This acquisition is consistent with section 187.201(9), F.S., the Natural Systems and Recreational Lands’ section of the State Comprehensive Plan.

(Attachment 3B, Pages 1- 45)

RECOMMEND: APPROVAL

Item 3C Deer Creek Ranch, LLC and Deer Creek Family Ranch, LLC Option Agreement/ Conservation Easement/ Monitoring Agency Designation/ Management Policy Statement Confirmation/ Deer Creek Ranch Florida Forever Project

REQUEST: Consideration of (1) an option agreement to acquire a conservation easement over approximately 5,700 acres within the Deer Creek Ranch Florida Forever project from Deer Creek Ranch, LLC and Deer Creek Family Ranch, LLC; (2) designation of the Florida Department of Environmental Protection, Office of Environmental Services, as the monitoring agency; and (3) confirmation of the management policy statement.

VOTING REQUIREMENT FOR APPROVAL: Two members, one of whom is the Governor, when four members are voting; or any two members, when three members are voting.

COUNTY: DeSoto

LOCATION: Sections 01, 02, 11 through 18, 24, and 25, Township 39 South, Range 26 East

CONSIDERATION: \$16,587,000

<u>PARCEL</u>	<u>ACRES</u>	APPRAISED BY		<u>APPROVED VALUE</u>	<u>SELLER'S PURCHASE PRICE</u>	<u>TRUSTEES' PURCHASE PRICE</u>	<u>OPTION DATE</u>
		Holden (04/18/2024)	Marr (04/18/2024)				
Deer Creek LLC and Deer Creek Family Ranch, LLC	5,700	\$17,100,000	\$15,400,000	\$17,100,000	\$*	\$16,587,000 ** (97%)	120 days after Ranch, BOT Approval

*Property was assembled over multiple years.
**\$2,926 per acre.

STAFF REMARKS: The subject property is located within the Deer Creek Ranch Florida Forever project, ranked number 10 in the Florida Forever Less-Than-Fee project category, approved by the Board of Trustees on March 26, 2024. This is the first acquisition in the project, which contains 5,934 acres, and once the subject property is acquired, the project will be complete.

Project Description

The Deer Creek Ranch project features two sloughs that, if acquired, will be protected, and ensure the water quality of the Peace River watershed. The project's proximity to a variety of conservation lands expands the protection of imperiled species habitat, connectivity of conservation lands, ensure the quality and quantity of surface water, and protects an important wildlife corridor.

Property Description

The subject property, known as Deer Creek Ranch (Ranch), is a working cattle ranch with approximately 1,200 head of cattle. Located in southeastern DeSoto County, it is approximately 10 miles southeast of Arcadia. The Ranch lies within the Peace River Watershed and contains a section of Tiger Bay Slough and Myrtle Slough, which flows off Halls Tiger Bay Ranch and Bright Hour Watershed. These tributaries help to provide drinking water for the City of Punta Gorda before eventually meeting the Peace River and flowing into eastern Charlotte Harbor. Because of this,

Item 3C, cont.

protection of the Ranch will contribute to the surface and drinking water quality of the Peace River watershed.

The subject property contains a mixture of upland areas that include improved pasture along with mesic flatwoods, scrubby flatwoods, and wet flatwoods, which provides habitat for a variety of imperiled species such as Florida scrub jays, Florida burrowing owls, and sandhill cranes. The property lies within a wildlife corridor of the Florida Ecological Greenways Network.

Prohibited Uses

Under the proposed conservation easement, the subject property will be restricted in perpetuity by the provisions of the easement, a summary of which includes, but is not limited to, the following prohibited uses:

- Dumping of trash, waste, hazardous materials, and soil will be prohibited;
- Exploration and extraction by grantor for oil, gas, minerals, peat, muck, limestone, etc., by means of surface exploratory and extractors operations, except as reasonably necessary to combat erosion or flooding, or except as necessary and lawfully permitted for the conduct of permitted activities;
- Activities detrimental to drainage, flood control, water conservation, erosion control, soil conservation, or fish and wildlife preservation will be prohibited, unless needed for maintenance as provided in the easement;
- Acts or uses detrimental to the preservation of any historical, or archaeological area, will be prohibited;
- There shall be no planting of nuisance exotic or non-native plants;
- Commercial and industrial activities will be prohibited, except as may be incidental to the exercise of grantor’s reserved rights in Article V;
- New construction or placing of temporary or permanent structures or buildings on the property will be prohibited except as may be necessary for maintenance, normal operation, or emergency situations;
- Construction of new roads or jeep trails will be prohibited;
- No operation of motorized vehicles except on established trails and roads unless necessary to protect or enhance the conservation values of the property; for emergency purposes; for cattle ranching purposes; and to access, hunt or to retrieve game hunted legally;
- Current agricultural uses shall not be converted to more intense agricultural uses, and Natural Areas shall remain Natural Areas;
- Spring recharge areas must use best management practices for fertilizer use, as established by Florida Department of Agriculture and Consumer Services, and agriculture activities within 100 feet of sinkholes, springs and other karst features is prohibited;
- Actions or activities that may be expected to adversely affect threatened or endangered species is prohibited;
- Subdivision of the property is prohibited, except as provided in the easement under Article V;
- Signs, billboards, or outdoor advertising is prohibited except signs designating the property as conservation lands protected by the State of Florida or reasonable directional or postal signs;
- No commercial water wells on the property;

Item 3C, cont.

- No commercial timber harvesting except as provided in the easement under Article V; and
- There shall be no mitigation banks established on the property.

Owner’s Rights Retained

The proposed conservation easement will allow the owner to retain certain rights. The summary of owner’s rights includes, but is not limited to, the following:

- The right to observe, maintain, photograph, fish, hunt, and introduce and stock native fish or wildlife, to use the property for non-commercial, passive, resource-based recreation not inconsistent with the purpose of the easement. Grantor shall continue to own hunting and fishing rights;
- The right to conduct controlled and prescribed burns with proper authorization;
- The right to mortgage the property;
- The right to contest taxes;
- The right to continue to use, maintain, repair, and reconstruct, but not relocate all existing buildings as depicted on the Baseline Documentation Report (BDR), no larger than 125% of the original size;
- The right to continue existing agricultural practices, as depicted in the BDR, and the use of commonly accepted fertilizers, pesticides, and herbicides using best management practices (BMPs);
- The right to host relocated endangered, threatened, or special concern of native Florida species;
- The right to maintain or restore the existing natural habitat communities per the BDR;
- The right to maintain a commercial cattle operation in accordance with BMPs;
- The right to cultivate and harvest hay and Bahia sod from existing pasture or hay areas as depicted in the BDR, however, at least 75% of improved pasture or hay area shall remain unharvested in any one calendar year.
- The right to construct two additional residential structures. Each of the two residential structures shall be limited to 10,000 square feet and two related outbuildings limited to 2,000 square feet each. The new residential and outbuildings, including access driveways, shall be limited to no more than five contiguous acres;
- The right to divide the Property into one lot for each residence and the lots shall be no less than 2,500 acres each;
- The right to construct additional agricultural structures in silvicultural or agricultural areas that do not exceed 15,000 cumulative square feet; and
- The right to participate in programs or projects that benefit from, enhance, and/or manage environmental attributes or permissible agricultural uses of the subject property and which may also be of economic benefit to the Grantor.

Mortgages and Liens

All mortgages and liens will be satisfied at the time of closing. On June 22, 1999, the Board of Trustees approved a staff recommendation to delegate to the Florida Department of Environmental Protection (Department) the authority to review and evaluate marketability issues as they arise on all Chapter 259, F.S., acquisitions and to resolve them appropriately. Therefore, the Department will review, evaluate, and implement an appropriate resolution for any title issues that arise prior to closing.

Item 3C, cont.

Closing Information

A title insurance commitment, environmental site assessment, survey, and a baseline documentation report will be provided by the buyer prior to closing.

Monitoring Agency

The subject property will be monitored by the Florida Department of Environmental Protection’s Office of Environmental Services (OES). OES currently monitors 161 conservation easements protecting 327,800 acres.

Management Policy Statement

Section 259.032(7)(d), F.S., requires that the Board of Trustees, current with its approval of the initial acquisition agreement within a project, evaluate and amend, as appropriate, the management policy statement for the project as provided by section 253.035, F.S., consistent with the purposes for which the lands are acquired. The Department recommends that the Board of Trustees confirm the management policy statement as follows:

As a proposed conservation easement or other less-than-fee interest, the project will be managed by the private landowner with restrictions under the agreement. The purchase of the development rights, the prohibition of any further conversion of existing natural areas to agriculture uses and limited public access will likely be the primary focus of the conservation easement.

Comprehensive Plan

This acquisition is consistent with section 187.201(9), F.S., the Natural Systems and Recreational Lands’ section of the State Comprehensive Plan.

(Attachment 3C, Pages 1- 63)

RECOMMEND: **APPROVAL**

Item 4 **CH Realty IX-DAL I Lakeland Auburndale, L.P. Option Agreement/ Managing Agency Designation/ Delegation**

REQUEST: Consideration of (1) a purchase agreement to acquire approximately 40.58 acres for the benefit of the Florida Division of Emergency Management from CH Realty IX-DAL I Lakeland Auburndale, L.P.; (2) designate the Florida Division of Emergency Management as the manager of the property and improvements; and (3) delegation of authority to the Secretary of the Department of Environmental Protection, or designee, to amend, approve, and execute a purchase agreement between the Board of Trustees and CH Realty IX-DAL I Lakeland Auburndale, L.P. subject to appraisal and not to exceed the approved value or appropriation within House Bill 5001, which was approved during the 2024 Legislative Session.

Item 4, cont.

VOTING REQUIREMENT FOR APPROVAL: (1) Two members, one of whom is the Governor, when four members are voting; or any two members, when three members are voting; and (2) three votes.

COUNTY: Polk

LOCATION: Section 09, Township 27 South, Range 25 East

APPLICANT: The Florida Division of Emergency Management

CONSIDERATION: Subject to appraisal, not to exceed the approved value and not to exceed appropriation in House Bill 5001, which was approved during the 2024 Legislative Session.

STAFF REMARKS: The subject property was negotiated by the Florida Division of Emergency Management (DEM). Funds for the acquisition of the subject property were appropriated during the 2024 Legislative Session. This purchase agreement is being presented for the Board of Trustees' consideration at the request of DEM.

Project Description

During the 2024 Legislative Session, House Bill 5001, the General Appropriations Act, was approved by the Florida Legislature. This legislation directs DEM to purchase and build out the warehouse facility identified in Invitation to Negotiate No. ITN-DEM-23-24-006. The facility will serve as the hub for the storage and movement of emergency supplies in the state during emergency activation and response.

The Department of Environmental Protection's Division of State Lands (Department) is working with DEM to effectuate the acquisition and is currently procuring due diligence products such as title work and appraisal.

Background

During the 2022 Legislative Session, the Pandemics & Public Emergencies Committee commissioned Willis Towers Watson to develop a statewide approach to identifying and addressing the leading risks facing the state. Some of the top risks identified included critical public infrastructure and Florida's preparedness and response capabilities.

Later in the 2022 Legislative Session, after the Willis Towers Watson commission, the Florida Legislature directed DEM, in consultation with the Florida Department of Health, to solicit proposals for a fully licensed and regulatory-compliant warehouse facility and provide a comprehensive cost analysis for warehousing to support the storage and maintenance of disaster-related supplies and personal protective equipment. This analysis included information associated with the lease, acquisition, or construction of warehouse storage space, a warehouse management system, staffing plans, and an equipment maintenance solution which resulted in the publication of the Warehousing and Services Report.

Item 4, cont.

During the 2023 Legislative Session, after reviewing the findings of the report, the Florida Legislature directed DEM to issue Invitations to Negotiate for a “turnkey stockpile solution that includes the lease, buildout, and operation of one warehouse facility that serves as the hub facility for the storage and movement of emergency supplies in Florida during emergency activations and responses.”

DEM completed the invitation to negotiate process and issued the award to LifeScience Logistics.

During the 2024 Legislative Session, House Bill 5001, the General Appropriations Act, was approved by the Florida Legislature. House Bill 5001 directs DEM to purchase and build out the warehouse facility identified in Invitation to Negotiate No. ITN-DEM-23-24-006. The facility will serve as the hub for the storage and movement of emergency supplies in the state during emergency activation and response.

Property Description

The subject property is located in Auburndale, FL in western Central Florida between Tampa and Orlando. Situated along I-4, this site allows quick response during a disaster to both major metropolitan centers, while also allowing for quick access to multiple routes via SR 570, SR 33, Route 92, Route 27 and Route 98. The selected warehouse is 422,199 square feet of warehouse space and 39,200 square feet of office space with 400 trailer spaces, 274 car spaces, and 50 dock doors for loading and unloading disaster-related supplies.

Upon completion of a retrofit of the space, the warehouse will be fully air-conditioned and will include racking, dock equipment, material handling equipment, cold storage, a dedicated area for trailer storage, and open floor space. This will allow the location to accommodate DEM’s disaster supplies such as emergency food, water, tarps, generators, PPE, and other supplies. Additionally, specific areas will be designated for Mobile Command Vehicles, Support Trailers, Skid Steer Loads, Sleeper Trailers, and other disaster response equipment.

Additionally, the warehouse will have office spaces and workstations for over 100 individuals, a training center for the agency, and living quarters to support the Florida National Guard, DEM’s field teams, and others working at the warehouse during a disaster response. Due to the location and size, the office space and workstations may become a temporary Joint Field Office during a federal declaration, quickening response and recovery operations post-disaster.

Mortgages and Liens

All mortgages and liens will be satisfied at the time of closing. On June 22, 1999, the Board of Trustees approved a staff recommendation to delegate to the Department the authority to review and evaluate marketability issues as they arise on all Chapter 259, F.S., acquisitions and to resolve them appropriately. Therefore, the Department will review, evaluate, and implement an appropriate resolution for any title issues that arise prior to closing.

Closing Information

A title insurance commitment, a survey, and an environmental site assessment will be provided by the buyer prior to closing.

Item 4, cont.

Managing Agency

The subject parcel will be managed by DEM.

Comprehensive Plan

The Department has determined the proposed acquisition is not subject to the local government planning process.

Delegated Authority

During the 2024 Legislative Session, House Bill 5001 was approved by the Florida Legislature. House Bill 5001 directs DEM to purchase and build out the warehouse facility identified in Invitation to Negotiate No. ITN-DEM-23-24-006. Therefore, the Department requests a new delegation of authority to effectuate the acquisition, contingent upon House Bill 5001 becoming law.

The requested delegated authority to the Secretary of the Department, or designee, contingent upon House Bill 5001 becoming law, would be as follows:

Amend, approve, and execute a purchase agreement between the Board of Trustees of the Internal Improvement Trust Fund and CH Realty IX-DAL I Lakeland Auburndale, L.P., subject to appraisal, and not to exceed the approved value or appropriation within House Bill 5001, which was approved during the 2024 Legislative Session.

(Attachment 4, Pages 1-7)

RECOMMEND: APPROVAL

Item 5 Chapter 18-24, F.A.C., Notice of Rule Development/ Notice of Proposed Rule/ Final Rule Adoption

REQUEST: Consideration of a request to (1) publish a Notice of Proposed Rulemaking to amend rules within Chapter 18-24, F.A.C., Full Review of Project Proposals; and (2) file the proposed amendment for final adoption with the Department of State, pursuant to section 120.54(3)(e)(1), F.S., if no Notice of Change is published on the proposed rule.

VOTING REQUIREMENT FOR APPROVAL: Two members, one of whom is the Governor, when four members are voting; or any two members, when three members are voting.

COUNTY: Statewide

APPLICANT: Department of Environmental Protection (DEP)

Item 5, cont.

STAFF REMARKS: DEP has identified the need to update rule 18-24.005, F.A.C., to establish a maximum tax assessed value as the criteria in which boundary addition proposals can be added to an existing Florida Forever project.

Rulemaking under Chapter 120, F.S., is structured into three separate major steps: rule development, proposed rule, and certification, or adoption, of the final rule. The Board of Trustees acts as agency head over rules in Title 18, F.A.C. Having completed rule development, DEP now seeks to proceed to the next two steps which, pursuant to section 120.54(1)(k), F.S., must be approved by the agency head and may not be delegated.

A Notice of Proposed Rule is published in the Florida Administrative Register and provides notice of the language intended to be adopted. *See* section 120.54(3)(a)1., F.S. Following publication, any substantially affected person may submit written comments, request a public hearing on the rules, or challenge the proposed rules. Additionally, staff to the Joint Administrative Procedures Committee can provide comments on the proposed rule. If DEP receives comments and proposes a Notice of Change to the proposed rule, DEP will return to the Board of Trustees prior to filing the certification package (adoption) with the Department of State. If, however, there are no substantive changes that require a Notice of Change to the proposed rule, DEP asks in this agenda item that the Board authorize the Department to file the certification package for the proposed rule attached.

Background

Notice of Development of Rulemaking: Pursuant to the Board’s delegation, DEP may initiate rulemaking upon notification to the Governor’s and Cabinet Offices. On May 31, 2024, DEP provided the notification required by the delegation. Following notification, the Notice of Development of Rulemaking was published in the Florida Administrative Register on June 7, 2024.

Public Involvement: If requested by the public, DEP will hold one or more workshops to receive comments during the rule development phase.

Summary of Proposed Changes

Chapter 18-24, F.A.C., titled “Florida Forever Land Acquisition and Management,” provides the procedures, standards, and criteria for the evaluation and selection of lands proposed for acquisition, restoration, and other capital improvements under the Florida Forever program. With this rulemaking effort, DEP seeks to amend one rule in this Chapter:

- **18-24.005 Full Review of Project Proposals**
 - Establish a maximum tax assessed value of \$5 million as the criteria in which boundary addition proposals can be added to an existing Florida Forever project.

(Attachment 5, Page 1)

RECOMMEND: **APPROVAL**

Item 6 Clemons Oak Creek, LLC Option Agreement/ Clemons Oak Creek / FDACS/ Rural and Family Lands Protection Program

REQUEST: Consideration of (1) an option agreement to acquire a perpetual rural lands protection easement over approximately 1,801.37 acres within the Clemons Oak Creek project of the Florida Department of Agriculture and Consumer Services’ (FDACS) Rural and Family Lands Protection Program (RFLPP) from Clemons Oak Creek, LLC, a Florida limited liability company; and (2) designation of FDACS/RFLPP as the monitoring agency.

VOTING REQUIREMENT FOR APPROVAL: Two members, one of whom is the Governor, when four members are voting; or any two members, when three members are voting.

APPLICANT: Florida Department of Agriculture and Consumer Services, Rural and Family Lands Protection Program

COUNTY: Okeechobee

LOCATION: Portions of Section 01 through 04, Township 35 South, Range 32 East, in Okeechobee County.

CONSIDERATION: \$6,475,000 (\$2,807,700 of the acquisition costs may be provided through a United States Air Force (USAF) Readiness and Environmental Protection Integration (REPI) for the Avon Park Air Force Range (APAFR), Sentinel Landscape Program.)

<u>PARCEL</u>	<u>ACRES</u>	<u>APPRAISED BY</u>		<u>APPROVED VALUE</u>	<u>SELLER’S PURCHASE PRICE</u>	<u>TRUSTEES’ PURCHASE PRICE</u>	<u>OPTION DATE</u>
		<u>Holden (03/20/24)</u>	<u>String (03/20/24)</u>				
Clemons Oak Creek, LLC	1,801.37	\$6,450,000	\$6,475,000	\$6,475,000*	\$337,825**	\$6,475,000*** (100%)	120 days after BOT approval

*Fee value was determined to be \$12,750,000 and \$12,925,000.
 **Property was purchased February 1, 1992.
 ***The Board of Trustees’ purchase price may be reduced to \$3,667,300 as a result of receiving a USAF REPI in the amount of \$2,807,700. The total purchase price for the rural lands protection easement is \$3,594 per acre.

STAFF REMARKS: This acquisition was negotiated by FDACS under its RFLPP. If approved, this project will be the 90th perpetual easement proposed for acquisition, with a total of approximately 125,902 acres preserved under the RFLPP.

Project Description

The project was originally submitted as a cow/calf operation and citrus production. The ranch was passed to the second generation in 2013. The management is very similar to the first generation in raising high quality cattle. If approved, this rural lands protection easement will complete the Clemons Oak Creek RFLPP project. The project site is enrolled in the FDACS Best Management Practices (BMP) program and is located within the Florida Wildlife Corridor.

Property Description

Currently, the agricultural activities include a cow/calf operation, row crops for watermelon, and wildlife management. The cow/calf operation is over a majority of the property. A small portion is

Item 6, cont.

watermelon row crops and marsh habitat. Cattle management is the primary agricultural activity on the property. Currently, there are approximately 600 head of cattle. The property contains at least two creeks that drain into the Kissimmee River and much of the property serves as the headwaters for Oak Creek. Additionally, the South Florida Water Management District has flowage easements over the two creeks that run north and south.

Clemons Oak Creek is located within the APAFR Sentinel Landscape and is in the same area as several previous RFLPP easements where REPI partnership funds were used. This partnership has been in place for over five years and contributed over \$8 million toward the protection of five ranches. The protection of this area is important to APAFR to allow for the low flying approach to the range for defensive and humanitarian training maneuvers. This range is used for training by all branches of the U.S. military as well as military from outside the U.S.

Prohibited Uses

- Dumping of non-biodegradable, toxic, or hazardous substances, trash garbage, wastes, abandoned vehicles, appliances, machinery, or similar material is prohibited;
- Activities that affect the hydrology of the land or that detrimentally affect water conservation, erosion control, soil conservation, fish and wildlife habitat, etc. The exploration for and extraction of oil, gas, minerals, dolostone, peat, muck, marl, limestone, limerock, kaolin, fuller's earth, phosphate, common clays, gravel, shell, sand, and similar substances either directly or indirectly by Grantor or on Grantor's behalf, etc. Limited mining is allowed to combat erosion or flooding, or for limited on-farm agricultural uses;
- Planting of nuisance exotic or non-native plants as listed by the Exotic Pest Plant Council (EPPC) or its successor. The Grantor shall, to the extent practical, control and prevent the spread of nuisance exotics or non-native plants on the Property;
- Concentrated animal feeding operations as defined by the United States Environmental Protection Agency;
- New construction or placing of temporary or permanent buildings, mobile homes, or other structures in, on, or above the ground of the Property except as may be permitted hereinafter, or as necessary by Grantor for maintenance or normal operations of the Property or during emergency situations or as may otherwise be specifically provided for in the Easement;
- Construction or placing of roads, billboards or other advertising, utilities, or structures, except those structures and unpaved roads necessary for the agricultural operations on the land or structures necessary for other activities allowed under the Easement, and except for linear facilities described in section 704.06(11), F.S. Grantee may erect and maintain signs designating the Property as land under the protection of Grantee;
- Fertilizer use for agriculture activities shall be in accordance with agricultural BMPs recommended by the Natural Resources Conservation Service or the FDACS, whichever is more stringent, as those BMPs may be amended. No agricultural activities shall occur within a 100-foot buffer around sinkholes and other karst features that are connected to spring conduits, except as provided in the applicable BMPs;
- Actions or activities that may reasonably be expected to adversely affect threatened or endangered species;

Item 6, cont.

- Any subdivision of the Property inconsistent with the division of land pursuant to Rule Chapter 5I-7, F.A.C., as amended;
- Commercial water wells on the Property;
- Harvesting of cypress trees in the Significant Natural Areas (SNAs);
- Mitigation banks not in compliance with Florida Statutes and Administrative Rules, as amended;
- Construction or conversion of SNAs to more improved areas;
- Conversion of forested areas to non-forested areas as shown in the Baseline Documentation Report (BDR) within the SNAs; and
- Activities detrimental to the preservation of historical, architectural, archaeological, or cultural resources on the Property.
- No operations of any type shall be permitted that produce smoke, glare, or other visual hazards, or that encourage large concentrations of birds that may be dangerous for aircraft operating from the Installation, except as expressly allowed in Article VI, Paragraph D (REPI).
- No structure or tree may exceed 80 feet above ground level. Grantee shall have the rights, but not the duty to cut and remove any tree which exceeds such height. Any such cutting and removal by Grantee shall be at the expense of Grantee and all proceeds from the sale of any such tree shall inure to the benefit of Grantee (REPI).
- No lighting shall be permitted that may be dangerous, distracting, or misleading to aircraft operating from the Installation. This type of lighting includes, but is not limited to, strobe lights, non-emergency vehicle rotating beacons, or light sources above 16,000 lumens. Light sources above 16,000 lumens must be angled 15 degrees below the horizon (REPI).

Owner's Reserved Rights

- Grantor has, and shall be deemed hereby to have retained, the underlying fee simple absolute title in the Property;
- The right to conduct agricultural operations on the Property; provided, however, that prior to any timbering in an SNA, Grantor shall provide written notice to and obtain approval from Grantee concerning reforestation and harvesting methods consistent with this Easement. The right to engage in cattle grazing on the existing Improved Pasture as set forth in the BDR, including the right to maintain, utilize, fertilize, and mow such pasture. All agricultural uses shall be conducted in accordance with BMPs adopted by FDACS or applicable government agencies, or their successor agencies, as amended from time to time, and in compliance with all laws, rules, and regulations;
- The right to conduct silvicultural operations, provided that prior to any timbering in an SNA, Grantor shall consult with Grantee concerning reforestation methods and methods are consistent with the perpetual protection of the SNAs;
- The right to conduct prescribed burning on the Property; provided, however, that Grantor shall obtain and comply with a prescribed fire authorization from the FDACS' FFS or its successor agency;
- The right to mortgage the Property; provided, however, that the Mortgagee's lien shall be inferior to and lower in priority than this Easement;
- The right to contest tax appraisals, assessments, taxes, and other charges on the Property;

Item 6, cont.

- The right to continue to use, maintain, repair, and reconstruct, all existing buildings, barns, animal pens, outbuildings, fences, roads, ponds, wells, utilities, drainage ditches, and such other facilities on the Property as depicted in the BDR, except on SNAs;
- The right to sell, devise or otherwise transfer ownership of the Property to a third party. This right, however, does not include the right to sell the remaining property rights on the Property for the purposes of a rural lands protection easement or other restriction that would divest the Property of its use under the terms and conditions of the Easement;
- The right to exclusive use of the improvements on the Property;
- Grantor shall obtain and comply with all permits for management of stormwater, water wells, and consumptive uses as may be required by the water management district or any agency having jurisdiction over those activities;
- The right to construct, after giving notice to Grantee, buildings, cross-fencing, water control structures, or other structures and improvements incident to agricultural uses carried on in accordance with sound agriculture. Such buildings shall not be used as residences.
- The right to establish (by survey, fencing, or marking) and maintain property lines around the perimeter of the Property to protect the Property from trespassing and to assist Grantor in the management of the Property in accordance with the Easement;
- The right to observe, maintain, photograph and film, introduce and stock native fish or wildlife on the Property, to use the Property for hiking, and horseback riding. Grantor reserves, and shall continue to own, the hunting and fishing rights on or related to the Property, and Grantor may lease and sell privileges of such rights;
- The right to install connections to normal utility systems, such as electric, cable, water and sewer, and telephone. If a connection to a sewer system is not available, this right shall include the right to install a septic system. The granting of easements or rights-of-way for power lines, gas lines, sewer lines, water lines, telecommunications towers, and wind farms is prohibited, unless by Grantee. Notwithstanding this prohibition, the Grantor may grant or modify easements for utility connections necessary to serve the permitted uses of the Property that are consistent with the Easement’s purposes. Existing utilities may be repaired at their current location; and
- The right to engage in ecosystem services markets under other programs provided such action shall be in compliance with all applicable laws, statutes, rules, and ordinances, and not contrary to the terms of this Easement.

Encumbrances

There is an old outstanding oil, gas, and mineral lease over the property that will be extinguished prior to the closing. There are no other known encumbrances on the property that adversely affect marketability, or the ability to enforce the rights granted under the easement.

Mortgages and Liens

All mortgages and liens will be satisfied or subordinated at the time of closing. FDACS staff will review, evaluate, and implement an appropriate resolution for these and any other title issues that arise prior to closing.

Item 6, cont.

Closing Information

A title insurance commitment, survey, baseline documentation report, and environmental site assessment of the property will be provided by RFLPP prior to closing.

Monitoring Agency

This perpetual rural lands protection easement will be monitored by the RFLPP.

Comprehensive Plan

This acquisition is consistent with section 187.201(22), F.S., the Agriculture Section of the State Comprehensive Plan.

(Attachment 6, Pages 1-109)

RECOMMEND: APPROVAL