

# Florida Communities Trust Meeting Agenda

**Date:** August 10, 2022

**Time:** 10:00 AM

**Location:**

*Physical* Department of Environmental Protection  
Douglas Building, Conference Room 137  
3900 Commonwealth Boulevard, Tallahassee, FL 32399

*Virtual* GoTo Webinar:  
<https://attendee.gotowebinar.com/register/8410273717177412365>.  
Webinar ID #:838-083-755

or via telephone

**TO USE YOUR TELEPHONE:**

If you prefer to use your phone, you must select "Use Telephone" after joining the webinar and call in using the numbers below.

Conference Call No.: +1 (631) 992-3221

Access Code: 895-747-336

Audio PIN: Shown after joining the webinar

\*You must register before meeting start time in order to call in.

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**Information**

**ITEM 1: Call to Order**

**ITEM 2: Stan Mayfield Working Waterfront Application  
Cycle Update**

**ITEM 3: Annual Revenue and Annual Report Update**

**ITEM 4: Acquisition Update**

**ITEM 5: Post-Completion Webinar**

**Action**

**ITEM 6: Consider the April 20, 2022 Meeting Summary**

**ITEM 7: Consider the City of Green Cove Springs Rule Waiver**

**ITEM 8: Consider the City of Green Cove Springs Land Exchange**

**ITEM 9: Public Comment**

**Adjourn**

# Information

**FCT Board Members:**

Deborah Denys (Former elected official of a county government)

Frank Mingo (Former elected official of a metropolitan municipal government)

Noah Valenstein (Representative of a nonprofit organization)

**ITEM 2: Stan Mayfield Working Waterfront Application  
Cycle Update**

**Bill Bibby**

At the April 20, 2022 meeting, the Board approved the Fiscal Year Stan Mayfield Working Waterfronts Grant Application Cycle of August 1 through September 1, 2022. Since that time, FCT staff have been hard at work implementing this directive.

We began reaching out to our contacts immediately upon receiving the Board's approval. On June 15, staff presented an Application Webinar open to all interested parties. 19 registrants participated in the session. Topics included a program overview and a step-by-step discussion of completing the Stan Mayfield application form. Registrants had the opportunity to ask questions throughout the presentation. The entire webinar was recorded and is now posted to the program website.

The application window opened last Monday August 1. We look forward to reviewing applications and presenting a slate of project for the Board to consider in December.

Florida Communities Trust staff are required to prepare two reports annually. One is required by the Department of Environmental Protection, the other by Florida Statute.

**Annual Revenue Report**

The Department requires us to report annually on revenue earned on FCT sites through private use. Our data is incorporated into a larger report that the Department prepares each year. Since the Department and the FCT have been recipients of bond funds, this revenue report is required to ensure that the Department is within the limitations of “private use” revenue that may be earned. Examples of private use include facility rentals and concessions.

To gather our data for this report, FCT staff require each of our project managers to prepare and submit an annual revenue report based on the State Fiscal Year of July 1 through June 30. The information we receive is compiled into an FCT report which is then provided to the Division of State Lands. The Division adds our revenue data to the Division report which then is incorporated into the Department’s report. Simply stated, we provide one piece of a much larger picture.

Our FCT data collection is nearly complete. In the coming days, we will compile all of our figures from each FCT region and send our report to the Division of State Lands. We will present final figures for the fiscal year at the next Board Meeting in December.

**FCT Annual Report**

Chapter 380.512, Florida Statute. Requires the Florida Communities Trust to “submit to the Governor, the Speaker of the House of Representatives, the President of the Senate, and the minority leaders of the House of Representatives and the Senate, within 3 months after the end of its fiscal year, a complete and detailed report setting forth:

- (1) Its operations and accomplishments.
- (2) Its receipts and expenditures during the fiscal year, in accordance with the categories or classifications the trust establishes for its operating and capital outlay purposes.
- (3) Its assets and liabilities at the end of its fiscal year and the status of reserve, special, or other funds.
- (4) An evaluation of the effectiveness of the projects undertaken in carrying out this part.
- (5) Identification of additional funding, legislation, or other resources required to carry out the objectives of this part more effectively.
- (6) An account of any other trust or department duties established by this part.

The Annual Report is an opportunity to highlight the successes of the program, and of the grant recipients who develop these lands and make them available for public outdoor recreation.

The 2021-2022 Annual Report is nearly complete as well. This will be made available to the Board when finished.

**FF19 Parks and Open Space Cycle**

The following projects from the Fiscal Year 2018-19 Parks and Open Space Cycle have completed acquisition:

Rank	FCT #	Project Name	Applicant Name	Status
2	18-017-FF19	North Fork II Addition (Zorc Parcels)	St. Lucie County Board of County Commissioners	Project Closed 9/8/20. Award = \$259,256.25 Match = \$259,256.25
3	18-019-FF19	Serenola Forest	Alachua County and The Alachua Conservation Trust, Inc.	Project Closed 11/5/20. Award = \$1,487,478.18 Match = \$3,247,768.95
4	18-001-FF19	Turkey Creek Park: Hardee's Site	Niceville, City of	Project Closed 10/23/20. Award = \$598,618.57 Match = \$408,817.59
5	18-021-FF19	Turnbull Creek Watershed Preservation Project	New Smyrna Beach, City of	Project Closed 7/29/20. Award = \$ 3,576,960 Match = \$5,365,440

**Additional FF19 Project Updates:**

**Project # 18-018-FF19**, South Dade Wetlands was withdrawn by the applicant, Miami-Dade County Environmentally Endangered Lands program.

**Project # 18-011-FF19**, Tract B was withdrawn by the Applicant, City of Fellsmere.

As a result of the above withdrawals, the following projects were offered funding through "roll-down" funds:

Rank	FCT #	Project Name	Applicant Name	Status
7	18-009-FF19	Oak Trails Park Expansion	Coconut Creek, City of	Agreement Executed. Award = \$1,135,649.10 Match = \$1,703,473.65
8	18-016-FF19	Acquisition of Salty's Bayside	City of Marathon	Agreement pending. Award = \$1,488,000.00 Match = \$2,232,000.00
10	18-014-FF19	Acquisition of Quay's Bayside	City of Marathon	Agreement pending. Award = \$844,800.00 Match = \$1,267,200.00
11	18-013-FF19	Isle of Palms Park	City of Treasure Island	Pending formal acceptance of funds. Award = \$268,024.20 Match = \$122,581.80

FCT offered roll-down funds to the 10<sup>th</sup>-ranked project. 18-006-FF19, Gore Property, Collier County. The County declined the grant. The remaining projects on the FF19

priority List are listed below. FCT will contact these projects in order of priority to offer the remaining balance of \$324,248.90.

Rank	FCT #	Project Name	Applicant Name	Amount Requested
12	18-022-FF19	Estero River Land Purchase	City of Estero	\$5,000,000.00
13	18-012-FF19	Fairlawn Acquisition	City of Miami	\$383,335.00
14	18-005-FF19	Capri Property	Collier County	\$122,731.50
15	18-006-FF19	Spring Haven Wildlife Corridor	City of North Port	\$750,000.00

### FF21 Parks and Open Space Cycle

The following projects from the Fiscal Year 2020-2021 priority list are currently under contract. FCT anticipates closing on most of these projects by the end of the calendar year.

Rank	FCT #	Project Name	Applicant Name	Status
1	20-004-FF21	Gladys Douglas Hackworth Property Acquisition	City of Dunedin and Pinellas County	Agreement Executed. Award = \$2,400,000.00 Match = \$6,000,000.00
2	20-015-FF21	Rocky Creek Trails, Phase Two	Hillsborough County	Agreement Executed. Award = \$825,000.00 Match = \$825,000.00
3	20-001-FF21	Jumping Gully Addition (Grace and Truth Corridor Capstone)	Pasco County	Agreement Executed. Award = \$1,032,180.00 Match = \$1,548,270.00
4	20-005-FF21	36 Acre Park	City of Parkland	Agreement Executed. Award = \$1,500,000.00 Match = \$4,898,400.00
5	20-014-FF21	Wellington Environmental Preserve	Village of Wellington	Agreement Executed. Award = \$3,386,250.00 Match = \$1,128,212.50
6	20-006-FF21	Savannas Greenway Trailhead	St. Lucie County	Agreement Executed. Award = \$643,106.25 Match = \$643,106.25

### Stan Mayfield Working Waterfronts

One project from the fiscal year 2020-2021 Cycle will soon be under contract. Once the agreement is fully executed, FCT staff will schedule an onboarding meeting with the recipient and staff from the Division of State Lands' Bureau of Real Estate Services to discuss the acquisition process in detail.

**20-001-WW21 – Fisherman's Village Conch Key, Islamorada Working Waterfront - \$2.480,000.00**

FCT staff must ensure that our project partners understand their responsibilities as recipients of Florida Communities Trust financial assistance. To that end, Staff conduct an annual Post-Completion Webinar that is open to all our grantees. We find the Go To Webinar platform to be an ideal way to reach the maximum number of potential participants in the most cost-effective manner. As staff in our recipient agencies turn over, we find this to be an effective training tool for new project managers of existing FCT sites.

The 2022 Post Completion Webinar is scheduled for November second of this year. The agenda is still under discussion, but should not change substantially from past years. Staff refine the agenda from one year to the next as needs dictate. We will provide an update on the 2022 Post Completion webinar to the Board at the December Meeting.

# Action

**STAFF RECOMMENDATION:** Approve the April 20, 2022, Meeting Summary

**FCT GOVERNING BOARD ACTION: MOTION AND VOTE**

- APPROVE**
- APPROVE WITH MODIFICATIONS:**
- DEFER**
- WITHDRAW**
- NOT APPROVE**
- OTHER:**

**Motion by:**  
**Second by:**

**ITEM 7: Consider the City of Green Cove Springs'  
Request for a Waiver of Rule 62-818.016(1)(e),**

**Lois La Seur**

**Florida Administrative Code Ed Gustafson Regional Park,  
FCT #08-048-FF8**

**REQUEST:** The City of Green Cove Springs (City) has requested a land exchange under Rule 62-818.016, Florida Administrative Code (F.A.C.), in conjunction with their request for a land exchange at Ed Gustafson Regional Park. Pursuant to Rule 62-818.016(1)(e), F.A.C., a request for a land exchange cannot result in a lower project score based on the original application criteria. As part of their application for a land exchange, the City resubmitted an application for Gustafson Park. When staff re-scored the application, the project scored five fewer points than the original application. The City subsequently filed a petition for a waiver of Rule 62-818.016(1)(e), F.A.C., to allow them to move forward with their request for a land exchange despite the loss of points.

**PROJECT BACKGROUND:** The City received five points in their original application because they were planning to obtain a portion of the property through a conservation easement. The City was ultimately unable to acquire a conservation easement and, with approval from FCT, acquired the property in fee simple. When the City resubmitted the application for the land exchange, the City could not make up the lower point score.

Section 120.542(2), Florida Statutes, provides that variances and waivers shall be granted when the person subject to the rule demonstrates that the purpose of the underlying statute will be or has been achieved by other means by the person and when application of a rule would create a substantial hardship or would violate principles of fairness. For purposes of this section, "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance or waiver. For purposes of this section, "principles of fairness" are violated when the literal application of a rule affects a particular person in a manner significantly different from the way it affects other similarly situated persons who are subject to the rule.

The purpose of Rule 62-818.016(1)(e), F.A.C., is to ensure that the land exchange does not result in a project inferior to the one that FCT initially approved. The City maintains that the purchase of the property in fee simple, rather than through a conservation easement, did not affect the quality of the project. In addition, by potentially impacting the City's ability to obtain a land exchange, it unfairly burdens the City potentially causing economic hardship.

**STAFF REQUEST:**

Staff agrees that the change from a conservation easement to ownership in fee simple did not affect the quality of the overall project and that the City is meeting the purpose of the underlying statute. Further, strict application of the rule requirement in this situation would violate principles of fairness and create a substantial hardship for the City.

**FCT GOVERNING BOARD ACTION: MOTION AND VOTE**

**APPROVAL**

- DEFER
- WITHDRAW
- NOT APPROVE
- OTHER:

**Motion by:**  
**Second by:**

**ITEM 8: Consider the City of Green Cove Springs'**

**ITEM 8: Consider the City of Green Cove Springs' Request for Land Exchange,  
Ed Gustafson Regional Park, FCT #08-048-FF8**

**William McMahon**

**REQUEST:** The City of Green Cove Springs (City) has requested a land exchange under Rule 62-818.016, Florida Administrative Code (F.A.C.), for Ed Gustafson Regional Park (08-048-FF8). Gustafson Park is the third phase of a three-phase FCT project. The proposed land exchange would replace approximately 21.30 acres in the southeast of the FCT Project Site with a proposed exchange property of 21.89 acres that is contiguous with the remaining portion of the park. The requirements included in the Declaration of Restrictive Covenants for Gustafson Park would be transferred to the exchange parcel.

**PROJECT BACKGROUND:** In 2011, the City received funding in the amount of \$3,208,400 with no City match to purchase seven parcels totaling approximately 143.14 acres. The grant required the City to develop outdoor recreational facilities, including a skateboard park, swimming pool, dog park, tennis courts, racquetball courts, shuffleboard courts, baseball and soccer fields, bike racks, a walking trail of at least ¼ mile, sidewalk access, interpretive educational signs and a staffed recreational center. The City also agreed to hold at least 12 environmental education classes or programs annually. Currently, Gustafson Park is divided into two parcels by South Oakridge Avenue. The parcel west of the road has an unimproved parking lot, one linear nature trail with a boardwalk, and educational signage. The parcel east of the road, which is the parcel that would be impacted by this land exchange, has lain dormant with no FCT-required improvements, facilities, or programs since its FCT-funded acquisition on May 16, 2011.

The proposed land exchange, if approved, would release 21.30 acres in the southeast portion of Gustafson Park from FCT restrictions in exchange for a 21.89-acre parcel of land currently owned by Gustafson's Cattle, Inc. The proposed exchange parcel is part of a larger parcel that is in the process of being acquired by D.R. Horton, Inc., who plans to construct more than 2,000 residential homes on the parcel. To receive approval for this large residential development, the City is requiring D.R. Horton to provide an access road into the proposed residential development. The need for access to the residential development prompted the City and D.R. Horton to propose this land exchange.

The City submitted supporting documentation to satisfy a portion of the required materials per Rule 62-818.016(1), F.A.C. The status of each criterion is as follows:

(1)(a): The City submitted maps verifying that the proposed exchange parcel is contiguous to the remaining FCT project site.

(1)(b): The City verified that the proposed exchange site is greater than the FCT exchange site in terms of upland acreage. The parcel proposed for release is 18.06 upland acres and the proposed exchange site is 18.16 upland acres, a net increase of 0.10 acres.

(1)(c): The appraisal provided by the City indicates that the appraised value of the proposed exchange site is greater in value than the FCT exchange site. The City submitted one appraisal covering both sites. The appraised value for the FCT parcel is \$600,000; the appraised value of the proposed exchange site is \$620,000. The appraisal has not yet been reviewed and approved by the Division of State Lands (DSL) Bureau of Appraisals. FCT staff determined that prior to DSL's formal review of

the submitted appraisal, the appraisal will need to incorporate a revised survey, revised title commitment, and potentially the results of a phase II environmental site assessment.

(1)(d): The City has provided a net benefit summary outlining the environmental, conservation, and recreation benefits for the FCT project site. The recreation benefits include a minimum \$400 park impact fee assessed per home that will be dedicated solely for the development of the FCT project site. D.R. Horton will develop some basic facilities on the exchange parcel by 2025. The environmental benefits include water and sewer facilities being extended to the FCT project site. In addition, the City is planning to connect a trail to the park.

(1)(e): The City provided a revised FCT application. After review by FCT staff, the resulting score for the proposed exchange parcel is 165 points (without any project excellence points). This score is lower than the 170 points received by the original application. The City has submitted a petition for a rule waiver to overcome this point deficit.

The City also submitted documents responsive to Rule 62-818.016(2), F.A.C., for review. Staff review of these items is summarized below:

(2)(a): The City voted unanimously to approve resolution R-01-2022 on February 1, 2022, approving the request for a land exchange.

(2)(b): The City provided a draft management plan for the proposed exchange site and a revised master site plan. The management plan and master site plan generally fulfill the requirements and conditions imposed via the grant award, and FCT staff will work with the City to finalize the management plan if the project is approved.

(2)(c): The City has provided general information about the natural communities and cultural features for both parcels.

(2)(d): The City has provided a survey for the proposed exchange and FCT parcels. FCT staff has determined the survey needs to be revised to include the abandoned agricultural ponds, pump house, trailer, and any other easements, encroachments, or improvements on the property. It should also include field delineation of the jurisdictional wetlands and breakdown acreages. Once revised, the survey will need to be reviewed and approved by DSL's Bureau of Surveying and Mapping.

(2)(e): The City provided a title commitment. After review, FCT staff determined that the title commitment needs to be revised to resolve issues with listed exceptions and to correct various technical issues.

(2)(f): As noted above, the City has submitted an appraisal for each of the parcels. The appraisal will need to be updated, reviewed, and approved by DSL's Bureau of Appraisals.

(2)(g): The City provided a phase I environmental site assessment. The assessment found no recognized environmental conditions existing on the exchange property but did identify two business environmental risks. These risks were non-hazardous solid waste scattered in several locations across the exchange parcel and an abandoned trailer that housed various paints and thinners, along with miscellaneous chemicals.

Because of the prior agricultural use of the exchange parcel and the existence of two abandoned agricultural ponds linked via a pumphouse, FCT staff recommended a phase II environmental site assessment be conducted on the exchange parcel property, in consultation with DEP's Northeast District regulatory office. The City is currently conducting a limited phase II environmental assessment and the results are not yet available at this time.

**STAFF REQUEST:**

Should the board choose to approve the proposed land exchange, the approval would be contingent upon satisfactory resolution of the following outstanding rule requirements:

- If the limited phase II environmental site assessment identifies contamination on the property, the City will need to submit a site remediation plan to be reviewed and approved by DSL's Office of Environmental Services and the appropriate regulatory programs within DEP.
- The City will need to submit a revised survey to be reviewed and approved by DSL's Bureau of Surveying and Mapping.
- The City will need to submit a revised title commitment resolving the outstanding issues with listed encumbrances on the property.
- The City will need to submit a revised appraisal incorporating the revised survey, title commitment, and phase II environmental site assessment, to be reviewed and approved by DSL's Bureau of Appraisals

**FCT GOVERNING BOARD ACTION: MOTION AND VOTE**

- CONTINGENT APPROVAL**
- CONTINGENT APPROVAL WITH MODIFICATIONS:**
- DEFER**
- WITHDRAW**
- NOT CONTINGENTLY APPROVE**
- OTHER:**

**Motion by:**  
**Second by:**

**ADJOURNMENT**

**FCT GOVERNING BOARD ACTION: MOTION AND VOTE**

- APPROVE**
- APPROVE WITH MODIFICATIONS:**
- WITHDRAW**
- NOT APPROVE**
- OTHER:**

**Motion by:**

**Second by:**

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