



# Participant Instructions

**Conference Call Number: 1-888-585-9008**

**Participant passcode: 409-631-906 THEN #**

**For those on Skype, please call in for audio.**

**Please make sure to mute your phone.**



**Download the slideshow at:**

**<https://floridadep.gov/lands/land-and-recreation-grants/content/fct-florida-communities-trust-home>**



# Participant Instructions

**For those on Skype, please use the links below to participate.**

**October 15:**

<https://meet.lync.com/floridadep/linda.reeves/CS3LNF77?sl=1>

**October 23:**

<https://meet.lync.com/floridadep/linda.reeves/9585C61N?sl=1>



# **Florida Communities Trust Post-Completion Workshop**

**October 2019**





# Agenda

- **Purpose**
- **Program Overview**
- **Delegations**
- **Rules**
- **Post Completion Responsibilities**
- **Questions**



# Program Overview

**Florida Communities Trust (FCT) assists communities in protecting important natural resources, providing recreational opportunities and preserving Florida's traditional working waterfronts through the competitive criteria in the Parks and Open Space Florida Forever Grant Program and the Stan Mayfield Working Waterfronts Florida Forever Grant Program.**



# Program Overview

**These local land acquisition grant programs provide funding to local governments and eligible nonprofit organizations to acquire land for parks, open space, greenways and projects supporting Florida's seafood harvesting and aquaculture industries. The source of funding for Florida Communities Trust comes from Florida Forever proceeds.**

**[Florida Forever Overview](#)**



# Delegations

**Pursuant to section 380.504, Florida Statutes the Deputy Secretary of Land and Recreation has been delegated to serve as the Chair of the Florida Communities Trust (FCT) Governing Board.**





# Rules

## Parks and Open Space

[62-815, F.A.C.](#)

**Preservation 2000**

[62-818, F.A.C.](#)

**Florida Forever Program**

[62-819, F.A.C.](#)

**Florida Forever Land Acquisition Procedures**

## Stan Mayfield Working Workfront

[62-820, F.A.C.](#)

**SMWW Application Procedures**

[62-821, F.A.C.](#)

**SMWW Land Acquisition Procedures**



# Post Completion Responsibilities

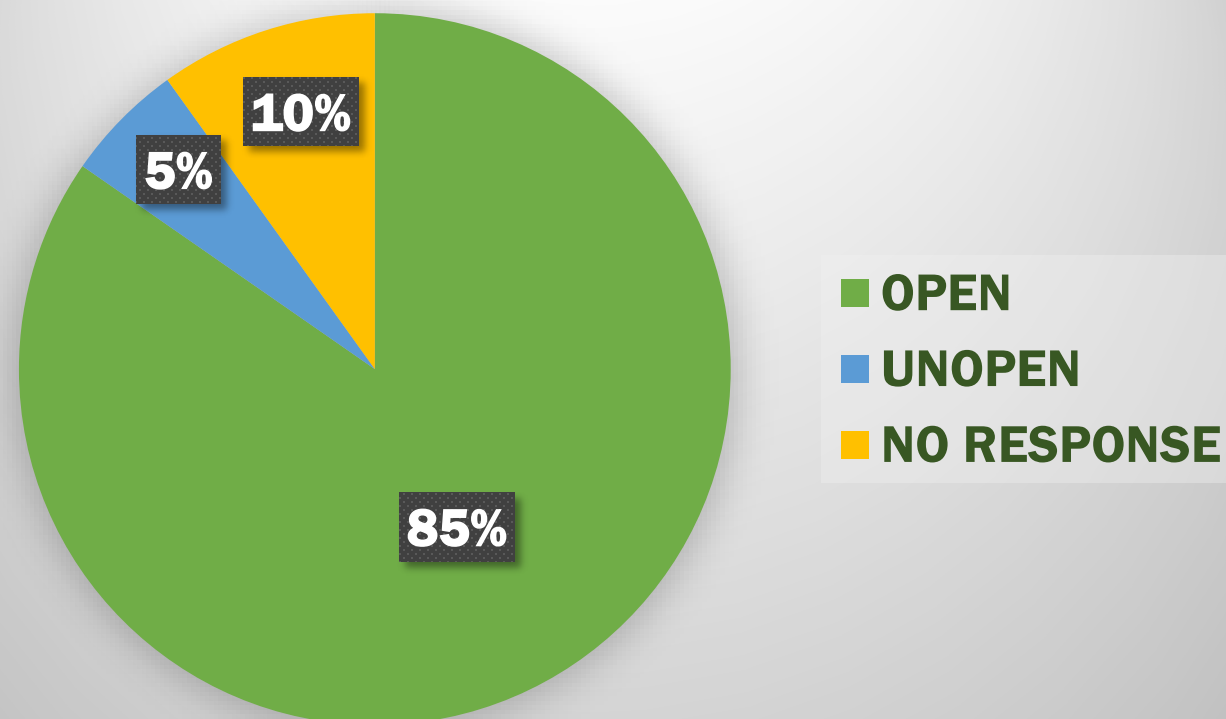
- **Development**
- **Stewardship Reporting**
- **Five-Year Transition**
- **Revenue Reports**
- **Leases/Use Agreements/  
MOU/ Management Agreements**
- **Boundary Modifications**
- **Management Plan Changes**
- **Linear Facilities**
- **Land Exchanges**
- **DRC Amendments**
- **Transfer or Reversion of  
Project Site**



# Open/Unopen Survey Update

<b>SITES BY PARK: OPEN/UNOPEN</b>	
<b>OPEN</b>	<b>436</b>
<b>UNOPEN</b>	<b>28</b>
<b>NO RESPONSE</b>	<b>51</b>
<b>TOTAL</b>	<b>515</b>

**SITES BY PARK: OPEN/UNOPEN**





# Developed/Undeveloped Survey Update

**This pie chart represents a summary of the 85% of responses whose answers showed Open parks (See sheet "OPEN.UNOPEN").**

**Of the 85% of open parks:**

**57% have been stated as developed by 100%,**

**23% of open parks are developed at 76-99%,**

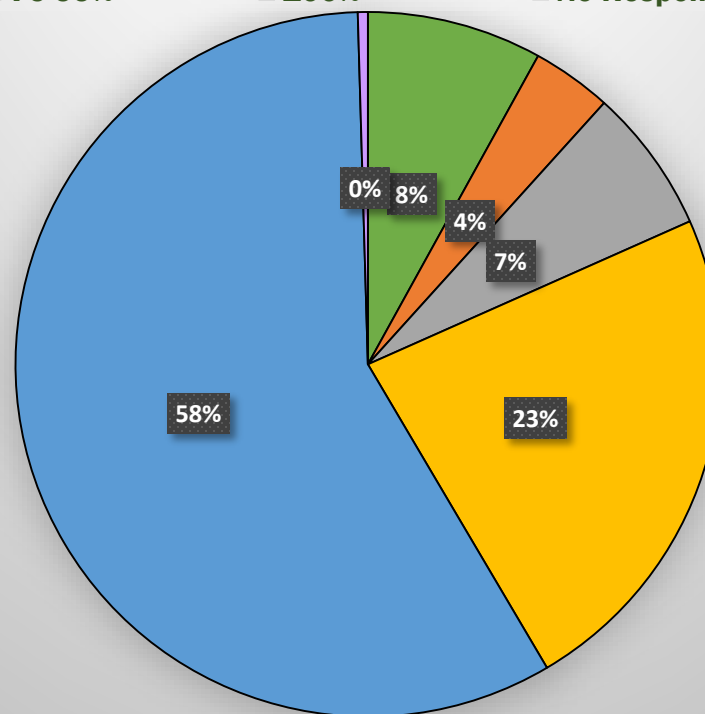
**7% are developed at 51-75%,**

**4% are developed at 26-50%, and**

**8% are developed at 0-25%.**

**SITES BY PARK: OPEN/UNDEVELOPED**

0-25%      26-50%      51-75%  
76-99%      100%      No Response





# Development

- **Developed pursuant to Grant Award Agreement, Declaration of Restrictive Covenants and Approved Management Plan.**
- **Open the Developed Project Site to the Public.**





# Stewardship Reporting

## Annual Reporting

- **Verify conditions imposed at time of award**
- **Verify use of property**



## 5-Year Reporting

- **Project Fully Developed per Approved Management Plan**



# 5-Year Transition (Stewardship Reporting)

Once the project is fully developed, the project **may** be eligible for a five year reporting cycle.

1. Must be requested by recipient in writing
2. Statement of Completion
3. Updated Management Plan
  - As-built master site plan
  - Revise all Text – Completed or Ongoing
4. Photographs of all site improvements and restoration activities.





# 5-Year Transition (Stewardship Reporting)

**Assuming a successful outcome of the review and site visit**

- FCT will issue a notice
- Include new reporting due dates



**Note, annual reporting can be re-imposed if necessary**





# Revenue Reporting



**Due by July 31 annually**  
**Revenue form can be found at:**

**<https://floridadep.gov/lands/land-and-recreation-grants/documents/fct-annual-revenue-report>**



# Leases/Use Agreements/MOU/Management Agreements

- **Leases**
- **Use Agreements**
- **MOU**
- **Management Agreements**





# Boundary Modifications

**Preservation 2000 – 62-815.0105, F.A.C.**

**Florida Forever – 62-818.014, F.A.C.**



**Requests for boundary amendments received after acquisition reimbursement shall not be considered unless an exception is granted by the Trust based upon the demonstration of “good cause.”**



# Boundary Modifications

- **An original signed cover letter;**
  - **Statement binding the Recipient;**
  - **How the modification complies with the intent and purpose of the project;**
  - **Why the boundary change was not in the original Application;**
  - **An explanation of the effect on the overall project if the requested modification is not approved;**
  - **A written statement signed by the Recipient detailing any and all changes to the original Application which result from the boundary modification being proposed; and**
- **An amended acquisition plan.**



# Management Plans: P-2000 Projects

**Rule 62-815.011(b), F.A.C. (P-2000 Rule).**

**The plan must describe:**

- **How the site will be managed to further the purpose of the project**
- **Planned improvements to the project site**
- **Costs and funding sources**
- **If the Recipient is not the proposed managing entity, include an agreement**
  - **Managing entity's willingness to manage the site**
  - **Manner in which the site will be managed**
  - **Source of funding for management**



# Management Plans: Florida Forever Projects

**Required by Rule 62-818.011, F.A.C.  
(Florida Forever Rule).**



**“Explain how the Project Site will be managed to further the purposes of the project and meet the terms and conditions of the Grant Agreement.”**

**Essentially the same requirements as P-2000**



# Changing the Management Plan

- **Rule 62-818.011(3), F.A.C.:**
  - “Any revision or modification to the approved Management Plan will require review and approval by the Trust. The Recipient shall provide a written request for any Management Plan change including all appropriate supporting materials.”





# How to Change the Management Plan

- **Written Request:**
  - **Email your FCT Planner**
- **Describe the Reason for the Change**
- **Appropriate Supporting Materials (as necessary):**
  - **Revised text (in Track Changes format)**
  - **Revised Project Site Plan**
  - **Photographs**
  - **Architectural renderings**
  - **Anything that documents the need for a change to the plan.**





# Common Management Plan Changes

- **Recreational Elements:**
  - Add or remove facility type
  - Change facility location
- **Boundary Modifications**
- **Linear Facilities**
- **Project Management**





# Approving a Request to Change a Management Plan



- **Approval by FCT Planner UNLESS:**
  - The proposed change is **CONTROVERSIAL**
  - **Objections from the Community**
- **Request goes to the FCT Board for consideration**
  - **FCT Board has the final say in all matters**



# Changing the Management Plan

## Reasons a Request Might be Denied:

- Would result in a lower point score for the project
- Use other than outdoor recreation or conservation

## If the Request is Approved:

- Revised plan is filed at FCT
- May require an amended DRC

**DENIED**

**APPROVED**



# Linear Facilities

## Examples of Linear Facilities:

- Road Widening
- Sidewalk Addition
- Utility Corridors
  - Power/Communication Lines
  - Gas/Oil Pipelines
  - Water/Sewer Lines

**Any Linear Facility on an FCT Site will require approval of FCT.**





# Linear Facilities

## Multi-Step Process

### 1. Determination that:

- a) No reasonable alternative
- b) Minimal impact
- c) Alternative analysis

### 2. If No Reasonable Alternatives

- a) Written Statement – Local Government approval
- b) Description and Dimensions
- c) Natural Communities
- d) Compatibility with Recreational Use
- e) Mitigation
- f) Modified Master Site Plan

**Most often requires  
Board approval**



# Linear Facilities

**Recipient (*the party taking the land for a linear facility*) Must Pay for Land Taken:**

- 1. Provide an Appraisal/Other Valuation Method**
- 2. Provide a Legal Description**
- 3. Sign an amendment to the DRC**
- 4. Record the Amended DRC**

**No Payment if Land is NOT Taken.**

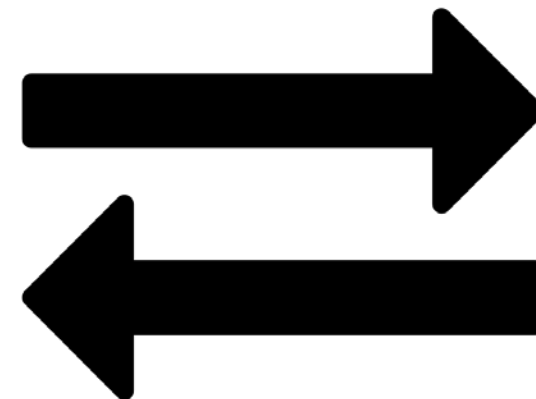
**If FCT Approves  
the Request**



# Land Exchanges

**Governed by Rule 62-818.016, F.A.C. (Florida Forever)  
or Board Policy (P-2000)**

- **Local governments only**
- **Written request**
- **To be considered, the exchange parcel(s) **MUST**:**
  - 1. Contiguous to an FCT project site**
  - 2. Equal or greater upland acreage**
  - 3. Same (or greater) real estate value (or else monetary compensation)**
  - 4. Significant and clear net benefit**
  - 5. Does not result in a lower score based on the application criteria**





# Land Exchanges

**If no net environmental, conservation, or recreational benefit, the request will be denied.**



**HOWEVER**

**If the previous tests are met, the FCT will request the following information. . .**





# Land Exchanges

- 1. Written statement from governing council**
- 2. Revised Management Plan and Master Site Plan**
- 3. Information on natural communities and cultural features**
- 4. Survey and legal description**
- 5. Title policy**
- 6. Appraisal(s) for each parcel**
- 7. Phase I ESA**
- 8. Other items as requested**



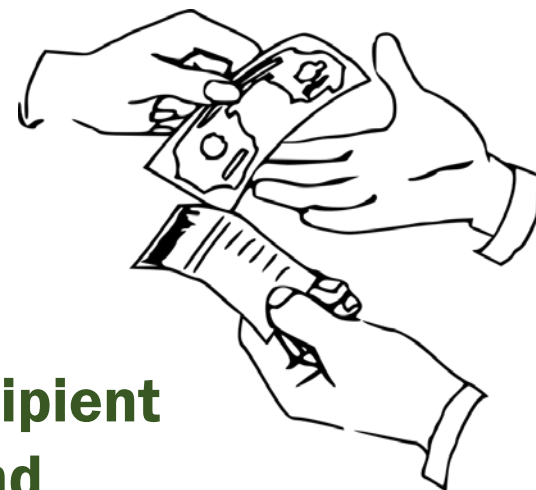
**If these requirements are met, and a net benefit is determined, the request goes to the Board.**



# Land Exchanges

**If the Board approves:**

- **Amendment to the DRC**
- **Record the amended DRC**
- **Monetary compensation**
  - **From the party receiving the Land to the FCT and grant recipient**
  - **Due if the value of the land provided is greater than the land received by the FCT/grant recipient**
  - **Distributed between the FCT and the grant recipient according to grant/match ratio**





# **DRC Amendments**

## **What is a DRC? (Declaration of Restrictive Covenants)**

- **A document signed by both the recipient and the FCT**
- **On file with county public records**
- **Governs what may or may not be done on the project site**
- **Limits the use of the site to conservation, outdoor recreation and related activities**
- **Includes Special Management Conditions from the Grant Agreement**



# DRC Amendments

## Why Amend the DRC?

- **Management Plan Revision**
- **Linear Facility**
- **Land Exchange**
- **Boundary Modification**
- **Any Change to Special Management Conditions**





# DRC Amendments

## How to Amend the DRC?

- 1. Written request, with backup, to your FCT Planner**
  - Unless Linear Facility/Land Exchange
- 2. FCT will draft Amended DRC**
- 3. Draft Amended DRC to recipient for review and execution**
- 4. Draft DRC returned to FCT for execution**
- 5. Executed DRC returned to recipient for filing in public records**
- 6. Recorded copy returned to FCT**





# Transfer or Reversion

## Transfer from one Managing Entity to another

- **Per section 380.510(3)(e), F.S.**
- **Transfer subject to approval by FCT Board**
- **New DRC and Management Plan**
- **Transferee takes on all FCT post-completion responsibilities**

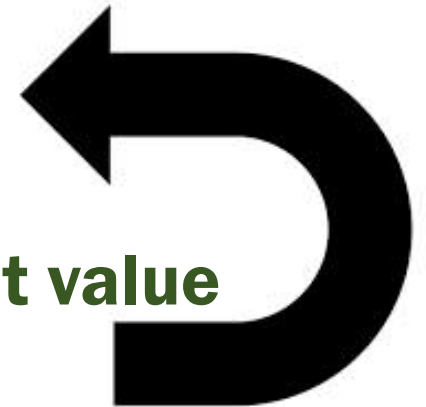




# Transfer or Reversion

## Reversion

- **Per section 380.510(3)(d), F.S.**
- **If any essential term or condition is violated, title will revert to the Board of Trustees of the Internal Improvement Trust Fund**
- **FCT will hold the site for subsequent transfer to an appropriate governmental agency or non-profit agency**
- **After 5 years, the land may be disposed of at fair market value or traded for other land of comparable value**





# Re-Cap: Post Completion Responsibilities

- **Development**
- **Stewardship Reports**
- **Five-Year Transition**
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# Questions?





# FCT Contacts

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