

AN ORDINANCE ESTABLISHING THE SEMINOLE FOREVER LAND ACQUISITION PROGRAM; AMENDING CHAPTER 190 BY ADDING PART 6, NOW RELATING TO THE ACQUISITION OF LANDS IN SEMINOLE COUNTY; TASKING AN ADVISORY BOARD TO AIDE IN THE ACQUISITION OF NATURAL AND OTHER IMPORTANT RESOURCE BASED PASSIVE LANDS, AND PASSIVE RECREATIONAL LANDS; TASKING THE LEISURE SERVICES DEPARTMENT TO ACT AS SUPPORT STAFF; PROVIDING THE DUTIES OF BOTH THE ADVISORY BOARD AND THE LEISURE SERVICES DEPARTMENT; PROVIDING DEDICATED FUNDING FOR ACQUISITION PROJECTS; PROVIDING CRITERIA FOR SELECTING PROPERTIES FOR ACQUISITION; MANDATING THE CREATION OF A FIVE-YEAR ACQUISITION PLAN; REQUIRING INCREASED PRIORITY FOR THE ACQUISITION OF CERTAIN LANDS; ADOPTING THE PROCEDURE FOR LAND SELECTION; REQUIRING THE USE OF A MANAGEMENT PLAN FOR ANY NEW ACQUISITION; REQUIRING THAT ANY FUTURE CHANGES TO THIS ORDINANCE BE BY A SUPERMAJORITY VOTE; PROVIDING FOR CODIFICATION IN THE SEMINOLE COUNTY CODE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Seminole County (“County”) has many natural and scenic lands of great ecological, educational, and recreational significance to its citizens, and the greater central Florida population and visitors; and

WHEREAS, the Seminole County Board of County Commissioners (“Board”) has endeavored to maintain the County’s natural character and scenic attributes; and

WHEREAS, Seminole County can protect and conserve its lands by identifying, acquiring, and preserving environmentally sensitive lands, water resources, forests, resource based passive recreation lands, and passive recreation lands; and

WHEREAS, Seminole County aims to create a process that allows for voluntary acquisitions and help the County in its preservation and conservation efforts; and

WHEREAS, Seminole County wishes to fund its own acquisition program in order to protect, conserve, and provide recreational opportunities for future generations.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA:

Section 1. Incorporation of Recitals. The above recitals represent the legislative findings of the Seminole County Board of County Commissioners supporting the need for this Ordinance.

Section 2. Chapter 190, Part 6 “Seminole Forever Land Acquisition Program”, Seminole County Code is hereby created to read as follows:

CHAPTER 190 – PARKS AND RECREATION

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PART 6. – SEMINOLE FOREVER LAND ACQUISITION PROGRAM

Sec. 190.201. Legislative intent/use of Acquired Lands by the public.

The purpose of this Part is to establish regulations relating to the acquisition of properties, acquired through Seminole Forever. The County commits to the acquisition and management of public lands provided for ecological protection, preservation, and recreation for the enjoyment of present and future citizens. As part of the efforts to maintain and uphold the County’s natural character, the County commits to fund its own acquisition program, Seminole Forever. Seminole Forever aims to identify and acquire lands to protect its water resources, natural communities, wildlife and to provide additional greenspace and recreational opportunities as defined in the County’s Park System Master Plan, whether through the addition of parks, community gardens, sustainable agriculture, or other lands for resource based passive recreation.

Sec. 190.202. Definitions.

The following definitions apply to this Part:

ARC. The Acquisition and Restoration Committee.

Board. The Seminole County Board of Commissioners.

Buffer Land. Land which is adjacent to publicly-owned land or to a land acquisition proposal or project, or that land which is an inholding within publicly owned land or within a land acquisition proposal or project, and which, if not acquired, would threaten the integrity of the existing property boundary.

Environmentally Sensitive Lands. Land which contains natural forest or wetland communities, native plant communities, rare and endangered flora and fauna, endemic species, endangered species habitat, a diversity of species, or outstanding geologic or other natural features, or that land which functions as an integral and sustaining component of an existing ecosystem.

Leisure Services. The Seminole County Leisure Services Department.

Natural Lands. Properties purchased or otherwise acquired or managed under Seminole County's Natural Lands Program under Part 3 of this Chapter. Such properties are described in a resolution adopted by the Board of County Commissioners, which may be amended from time-to-time as the Natural Lands inventory changes.

Passive Recreation. As it pertains to non-natural lands: parks that are principally designed for use in an unstructured or informal way, which is typically less developed than an active park but may contain features such as walking trails, community gardens, playgrounds, seating, picnic areas, and sustainable agriculture. Hunting, under limited circumstances, may be considered as a form of Passive Recreation when the property's size and location are suitable for hunting, the Board approves the designated parcel, and the County secures permission from the State.

Resource Based Passive Recreation. As it pertains to natural lands: non-consumptive recreation that focuses upon and is exclusively based on the resources present on a parcel of property that is accomplished with limited impact to the resources. Authorized Passive Recreation uses are determined by the County in accordance with this Part 3 of this Chapter.

Preservation Only Lands. A particular type of property purchased or otherwise acquired under Seminole Forever. Preservation only means environmentally sensitive lands, as defined above, which also have no public access due to their sensitive environmental conditions and/or restricted physical or legal barriers. This encompasses undevelopable properties that lie within a significant, environmental corridor or part of a regional conservation or restoration effort.

Program. Refers to the Seminole Forever Program.

Supermajority Vote. The requirement that, for the Board of County Commissioners to take action on a matter pending before them, at least four (4) of the five (5) Commissioners must vote in the affirmative to take such action.

Sustainable Agriculture. Farming in such a way to have the least amount of impact on the environment and to make the best use of renewable resources. Examples of sustainable agriculture includes organic farming, agroforestry, hydroponics, no-till farming, polyculture, and rainwater harvesting.

Sec. 190.203. The use of an Advisory Board and its Purpose.

(a) CREATION. To aid in Seminole Forever’s mission and help carry out its goals, the Board hereby establishes the Seminole County’s Acquisition and Restoration Committee (“ARC”).

(b) PURPOSE. ARC will aid in the acquisition of lands pursuant to specific criteria designed to prioritize potential acquisition projects. ARC will provide their input and suggestions to the Board on properties that further Seminole Forever’s goals.

(c) APPOINTMENT, QUALIFICATION, AND COMPENSATION. ARC will consist of seven (7) voting members, who are selected by, and serve at the pleasure of, the Board. Each Commissioner will select one Seminole County resident to serve on ARC. The other two (2) members, also Seminole County residents, will be nominated and voted on by the Board. ARC may also consist of nonvoting ex-officio members from agencies including but not limited to, the Department of Environmental Protection, St. Johns Water River Management District, the Florida Department of Agriculture and Consumer Services, and the Florida Fish and Wildlife Conservation Commission, 1000 Friends of Florida, Audubon of Florida, and the Seminole Soil & Water Conservation District. Local and statewide groups are invited to provide their expertise and input, including local citizen advisory organizations, nonprofits, and statewide land preservation and conservation groups. Notwithstanding, these groups will not have voting rights on ARC.

1. Each member shall serve a two-year term to run concurrently with the calendar year, except the first initial term where three or four of the appointees shall serve one-year terms to provide for staggered terms. Members shall be appointed or re-appointed annually.
2. In selecting citizens to serve on ARC, the Board must consider the citizen's qualifications and expertise in the disciplines related to land, water, environmental sciences, or at least five-years of experience in managing conservation lands. The Board should consider potential experts in fields such as restoration, biology, hydrology, forestry, conservation, environmental protection law, ecology, the American Disability Act, and sustainable agriculture.
3. ARC members must also comply with the rules of ethics. No ARC member shall participate or have any input concerning any property in which they may have a direct interest.
4. ARC members will receive no compensation for their services on the ARC.

Sec. 190.204. The Leisure Services Department.

The Seminole County Leisure Services Department (“Leisure Services”) will act as support staff to ARC, providing ARC help and guidance whenever necessary. ARC will report directly to the Board, providing their input and suggestions on public lands that the County should acquire.

Sec. 190.205. Duties of ARC and Leisure Services.

ARC shall make recommendations of properties suitable for purchase and that advance the goals of Seminole Forever. Leisure Services, shall assist ARC with the following:

- (a) Call for land nominations;
- (b) Review completed applications and visit eligible sites with ARC members;
- (c) Create property evaluation reports;
- (d) Determine whether properties qualify for acquisition according to specified criteria;
- (e) Initiate appraisals and title reports and confirm prices and funding;
- (f) Present selected properties and contracts to the Board for approval;
- (g) Pursue grants that can be used to acquire and restore natural lands; and
- (h) Create a Five-Year Acquisition Plan, as required by Section 190.211.

Sec. 190.206. Dedicated Funding of Seminole Forever.

The County must allocate and appropriate annual funding for Seminole Forever.

(a) The allocated and appropriated annual funding shall be segregated as a separate fund, maintained in trust by the Board, solely for the purposes to advance the goals of Seminole Forever, and shall not be commingled with any other County funds.

(b) The County shall allocate the equivalent of six percent of its General Fund non-ad valorem revenues to Seminole Forever. A combination of other applicable funds may be applied to meet this obligation. The County may also use, upon the approval of the Tourism Development Council, Tourism Development funds to the extent the law allows. Any use of the Tourism Development funds shall require review by the County Attorney’s Office.

(c) Funding for Seminole Forever will be evaluated every year. Funding will not preclude the County from continuing the program using funds from grants, matching funds, and donations, nor will it preclude the County from continuing to manage already acquired properties.

(d) For the purpose of this calculation, revenues are based on actual revenues collected in the last completed, audited fiscal year. The Resource Management Department, under the County Manager's discretion, must perform the calculation.

(e) At the discretion of the Board of County Commissioners, the County may issue bonds for special purposes related to conservation. This authority includes bonds to acquire lands that would otherwise be unattainable. Moreover, nothing here precludes a privately led initiative by the public.

(f) Dedicated funding may be allocated towards capital improvement projects of newly acquired lands. Any additional funding may be used towards the management of currently held natural lands.

Sec. 190.207. Partnerships & Additional Funding Sources.

To achieve maximum impact, Leisure Services may continue to seek partnerships with nonprofit groups and join in cooperative efforts to best achieve the goals of Seminole Forever. Partnerships may also include coordinated efforts with the local cities who have matching dollars for properties that fit the criteria for acquisition.

ARC with the help of Leisure Services must also seek additional funding sources, including but not limited to:

1. Florida Forever;
2. Florida Communities Trust Fund;
3. Land and Water Conservation Fund;

4. Florida Recreation Development Assistance Program;
5. Recreational Trails Program;
6. Natural Resources Conservation Service;
7. Rural and Family Lands Protection Program; and
8. Tax Increment Financing.

In addition to seeking partnerships and additional funding sources, ARC and Leisure Services shall continue to seek volunteers from the community to help support Seminole Forever.

Sec. 190.208. Property Eligible for Acquisition and Management.

Properties eligible to be considered for acquisition and management under Seminole Forever shall only be natural lands, preservation only lands, environmentally sensitive lands, resource based passive recreation lands, passive recreation lands, and buffer lands. At the discretion of ARC, and upon approval of the Board, acquisition may also include less-than-fee simple conservation easements, and properties available under a joint acquisition process, allowing the County to share the cost and title ownership to these lands.

Sec. 190.209. Criteria for Selecting Properties for Acquisition.

Seminole Forever's funding must be spent only on acquisitions that qualify for the program. In evaluating whether a particular parcel of land qualifies for the program, ARC may consider the following criteria:

1. Vulnerability to development;
2. Diversity of species and habitats;
3. Connectedness to other conservation lands;
4. Potential uses for passive recreation or environmental education;
5. Existence of important water resources, including whether the property protects or

recharges ground water, enhances the water quality, provides flood protection, protects the aquifer, or has high functioning wetlands; and

6. Special considerations including strong public interest.

ARC is to finalize this criteria and present a more finalized and detailed scoring criteria for the Board to approve. Moreover, even though a particular parcel of land may have several of the aforementioned criteria, the parcel does not automatically qualify for the program. ARC must exercise discretion in deciding not only whether the parcel qualifies for the program but also whether the parcel will go before the Board as a recommendation for purchase.

Sec. 190.210. Increased Priority Criteria for Acquisition.

Notwithstanding the preset criteria established by ARC and Leisure Services, increased priority will be given to properties that demonstrate:

(a) Acquisition will provide long-term protection for threatened or endangered species as defined by the Florida Fish and Wildlife Conservation Commission, the U.S. Fish and Wildlife Service, and the Florida Department of Agriculture and Consumer Services;

(b) Floodplain or wetland protection, including water quality and water quantity factors;

(c) Matching funds from other sources that will help acquire the property; or

(d) A sale price below appraised value.

Sec. 190.211. Five-year Acquisition Plan.

ARC, with input from Leisure Services, shall create a five-year acquisition plan, listing selected nominated properties that qualify for the program. Each qualifying property shall also include an operation and management prospectus. This plan will provide whether the property requires any improvements and any related costs for maintenance. ARC and Leisure Services shall review and update this list yearly. ARC shall provide an annual update on the acquisition

plan to the Board. In updating its five-year plan, ARC with the assistance of Leisure Services must consider its prescribed criteria for selecting properties for acquisition and determine whether a particular property has increased in priority by meeting other criteria prescribed in 190.210. The County can purchase any property that has increased in priority sooner than originally anticipated. Moreover, nothing here precludes the County from purchasing property as a direct response to the shifting forces of the real estate market.

Sec. 190.212. Land Selection Process.

Lands to be acquired will be selected using the following process:

(a) Nomination Process. Seminole County will accept nominations from any government entity, conservation organization, corporation, or individuals, including County staff. Nominated properties will be reviewed on a first-come, first-serve basis. Leisure Services will establish deadlines for consideration and shall periodically inform the public of the open process for accepting nominations.

(b) Acceptance of Nomination. Each nomination must be submitted on an application form provided by the County. Each application must include the following:

- (1) Property location and ownership (Street address, parcel identification # or identifying information);
- (2) Permission to conduct a site visit;
- (3) A signed willing-seller statement;
- (4) Approximate property size and existing designation on applicable future land use and zoning maps; and
- (5) Generalized description of the property and the reason the County should buy it.

(c) Initial Review of Proposals. Upon receipt of an application, Leisure Services shall review the application and any other information for completeness before submitting it for ARC's review.

(d) From Leisure Services to ARC and the Evaluation Process. Each application proposing a

fee-simple acquisition must meet several of the preset criteria established by this ordinance. ARC with Leisure Services' help, shall create evaluation reports showing whether the property conforms to Seminole Forever's goals.

(e) Public Meetings. At open, public meetings, ARC shall provide each applicant an opportunity to present additional information on why the County should consider their property for purchase. Leisure Services will aid ARC by notifying the potential sellers and ensuring public notice is given according to applicable laws. At this meeting, ARC shall vote on whether the eligible properties should be recommended to the Board.

(f) From ARC to the Board of County Commissioners. ARC with the assistance of Leisure Services shall make recommendations and suggestions to the Board of County Commissioners. If the Board approves the selections, Leisure Services shall move to acquire the properties.

(g) From Selection to Acquisition. Once the Board has approved the selection, the County Attorney Office shall draft a contract for acquisition. The County, using the dedicated funding, will purchase the selected properties.

Sec. 190.213. Post-Acquisition Management and Property Improvements.

A management plan must be completed not only pre-acquisition as described in 190.211, but also post-acquisition and must include, if appropriate, the following: detailed management goals for the property; a timetable for implementing various management stages and providing access to the public, if applicable; provisions for protecting existing infrastructure and ensuring the security of property; and the anticipated costs of management, capital costs of improvements required for public access if applicable; and projected sources of revenue.

Sec. 190.214. Alternatives to Fee Simple Acquisition.

(a) At the County's discretion, the County may also acquire properties that are

less than fee-simple. The acquisition of less-than fee simple interest in land by the County will not only allow more lands to be protected for preservation and conservation but also reduce long-term management costs by allowing private property owners to continue acting as stewards of the land, when appropriate.

(b) Acceptance of Donated Parcels. County will accept donated parcels of land when these parcels of land promote the goals of Seminole Forever. This includes lands solely for preservation. Donations to Seminole Forever require Board approval.

Sec. 190.215. Supermajority Required to Change any part of Ordinance.

If the County desires to change any part of this ordinance, a supermajority vote by the Board of County Commissioners is needed.

Secs. 190.216-400. Reserved.

Section 3. Codification. It is the intention of the Board of County Commissioners that the provisions of this Ordinance will become and be made a part of the Seminole County Code, and that the word “ordinance” may be changed to “section”, “article”, or other appropriate word or phrase and the sections of this Ordinance may be renumbered or re-lettered to accomplish such intention, except that Sections 1, 3, 4 and 5 of this Ordinance are not to be codified.

Section 4. Severability. If any provision or application of this Ordinance to any person or circumstance is held invalid, then it is the intent of the Board of County Commissioners that such invalidity will not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application and, to this end, the provisions of this Ordinance are declared severable.

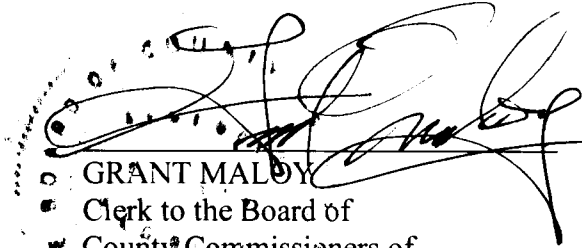
Section 5. Effective date. This Ordinance will take effect upon filing a copy of this Ordinance with the Department of State by the Clerk to the Board of County Commissioners.

BE IT ORDAINED by the Board of County Commissioners of Seminole County, this

8 day of August, 2023.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA



GRANT MALOY
Clerk to the Board of
County Commissioners of
Seminole County, Florida



AMY LOCKHART, Chairman

GLK/

01/04/2023; 2/6/23 2/10/23 5/22/23 6/7/23 7/27/23

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FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

August 10, 2023

Honorable Grant Maloy
Clerk of the Circuit Court
Seminole County
County Commission Records
1101 E. First Street, Room 2204
Sanford, Florida 32771

Attention: Terri Porter

Dear Honorable Grant Maloy:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Seminole County Ordinance No. 2023-17, which was filed in this office on August 10, 2023.

Sincerely,

Anya Owens
Administrative Code and Register Director

ACO/wlh