

1 RESOLUTION NO. 2000-1230

2 A RESOLUTION OF THE BOARD OF COUNTY  
3 COMMISSIONERS OF BROWARD COUNTY, FLORIDA, TO BE  
4 KNOWN AS THE LAND PRESERVATION AND ACQUISITION  
5 RESOLUTION; PROVIDING FOR DEFINITIONS; PROVIDING  
6 FOR ELIGIBILITY CRITERIA FOR THE SELECTION FOR  
7 ACQUISITION OF LAND; PROVIDING FOR CONSERVATION  
8 AND RECREATION MANAGEMENT GOALS FOR THE  
9 ACQUIRED LANDS; PROVIDING FOR THE ESTABLISHMENT  
10 OF PREFERENCES FOR THE EXPENDITURE OF BOND  
11 FUNDS FOR THE ACQUISITION OF LANDS; PROVIDING FOR  
12 ESTABLISHMENT OF A LAND PRESERVATION AND  
13 ACQUISITION ADVISORY BOARD; AND PROVIDING FOR AN  
14 EFFECTIVE DATE.

15 WHEREAS, it is the desire of the Board of County Commissioners of Broward County,  
16 Florida, to purchase, protect, and manage conservation lands to improve water quality, air  
17 quality, and habitat for wildlife and acquire additional park land for both regional and  
18 neighborhood use; and

19 WHEREAS, it is in the best interests of the citizens of Broward County to preserve the  
20 remaining unprotected undeveloped land for conservation and recreation; and

21 WHEREAS, Broward County has grown from a sparsely populated rural county to a  
22 major urban center of approximately 1.5 million people in just few a years and, by 2010, it is  
23 expected to grow by an additional 200,000 residents; and

24 WHEREAS, a Bond Referendum is being held on November 7, 2000, whereby qualified  
electors of Broward County will vote on whether the County should issue bonds (the "Bonds")  
to, among other things, preserve, acquire, reclaim and restore natural lands and open spaces  
and park lands; and

1 WHEREAS, the County desires to set forth the goals, criteria and selection process for  
2 those natural lands, open spaces and park lands which would be acquired in connection with  
3 the Bonds, NOW, THEREFORE,

4 BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF BROWARD  
5 COUNTY, FLORIDA:

6 **Section 1.** This Resolution shall be known as the Broward County Land Preservation  
7 and Acquisition Resolution.

8 **Section 2.** The Board of County Commissioners (Board) wishes to establish  
9 procedures for acquisition, protection, reclamation and restoration of conservation lands, green  
10 space, open space, and park lands; to limit acquisition to those lands which satisfy the  
11 ecological and planning criteria set forth herein; to define management goals for the acquired  
12 lands; and to establish a Land Preservation and Acquisition Advisory Board.

13 **Section 3.** Definitions.

14 Acquisition/purchase: The act of obtaining real property or interests and rights therein  
15 by various legal means.

16 Agricultural Land: Land whose actual land use is mainly agricultural.

17 Agriculture: The science and art of production of plants and animals useful to humans,  
18 including aquiculture, horticulture, floriculture, viticulture, forestry, dairy, livestock, poultry,  
19 bees, and any and all forms of farm products and farm production.

20 Board: The Board of County Commissioners of Broward County, Florida.

21 Broward County Environmentally Sensitive Lands: Lands owned in full or in partnership  
22 by Broward County, purchased through the 1989 Broward County Environmentally  
23 Sensitive Lands Bond Program.

24 Broward County Parks: Parks and natural areas owned or leased by Broward County  
and managed by the Broward County Parks and Recreation Division.

Buffer Land: Land adjacent to a publicly-owned environmental land or to a conservation  
land acquisition proposal or project.

1 | Connector: Land which serves the scope of connecting two or more existing natural  
2 | lands, parks, or other recreational facilities.

3 | Conservation Easements: Restriction(s) of land use granted by the owner of fee-title  
4 | which legally binds present and future owners that are conveyed for less than fee  
5 | interest, normally with the same restriction(s), to a conservation organization, trust or  
6 | governmental agency, as more fully set forth in Section 704.06, Florida Statutes, as  
7 | amended.

8 | Conservation Land: Land which contains one or more native vegetative communities,  
9 | rare, endangered, threatened or endemic flora and fauna, or outstanding physiographic  
10 | or archeological features, or land which functions as an integral and sustaining  
11 | component of an existing ecosystem.

12 | County: Broward County, Florida.

13 | Due Diligence: Investigation and review of property prior to protection, including without  
14 | limitation, independently conducted appraisals, title searches and commitments,  
15 | surveys, environmental assessments, and any other items deemed necessary by the  
16 | County staff.

17 | Environmental Land: Land specifically managed for maintaining or restoring natural  
18 | resource values.

19 | Green Space: Land where only some aspects of the native vegetative community still  
20 | remain; or greenway component; or land with a potential as buffer to environmental lands  
21 | and conservation lands, or connector to existing protected natural lands and parks.

22 | Greenways: Land linear in shape, protected and managed as part of linked  
23 | conservation or recreation lands. Greenways may protect the habitat of native plants  
24 | and wildlife, maintain wildlife movement routes and natural connections, or provide  
opportunities for outdoor recreation.

Inventory: List of lands which meet the eligibility criteria set forth for a particular inventory  
in this Resolution.

Land Preservation and Acquisition Advisory Board: A committee appointed by the  
Board serving as an advisory committee to the Board on issues involving acquisition  
and restoration of natural lands, open space, and park lands.

Native Vegetative Community: A natural community that is dominated by native plant  
species and is structured as a natural community type described in the Florida Natural  
Land Inventory publication, "Guide to the Natural Communities of Florida."

Natural Land: Land classified as Conservation Land or Green Space in this Resolution.

1 Open Space: Undeveloped land within the urban area of Broward County where the  
2 native vegetative community has been cleared or replaced; or agricultural land such as  
3 row crops, nurseries, groves, or pasture, or, solely for the purpose of this Resolution,  
4 developed land selected for acquisition to be reclaimed to open space in perpetuity.

5 Park Land: Land utilized for regional and neighborhood purposes inventoried in the  
6 Park Land Inventory and selected for acquisition under Section 4.07.

7 Reclamation Project: Project aimed at reverting a developed land to an open space or  
8 park.

9 Service Facility: Any facility which enables the management of a natural land, open  
10 space or park land, such as but not limited to: parking space, restrooms, entrance,  
11 information center, fences, walkways, boardwalks, maintenance facilities, and other  
12 facilities to enable and favor the educational and recreational use of the land.

13 **Section 4. Eligibility Criteria For The Selection For Acquisition of Conservation Lands,**  
14 **Green Space, Open Space And Park Lands.**

15 4.01. *Property eligible for listing in the Conservation Land Inventory.* Criteria for  
16 eligibility for inclusion within the Conservation Land Inventory are the following:

- 17 a. Land which contains one or more native vegetative communities, rare,  
18 endangered, threatened or endemic flora and fauna, or outstanding  
19 physiographic or archeological features, or which functions as an integral and  
20 sustaining component of an existing ecosystem; and  
21 b. Land whose ecological components and functions can be maintained through a  
22 management practice aimed at the restoration, stabilization, and enhancement  
23 of the existing natural resources for use by the public.

24 4.02. *Property eligible for listing in the Green Space Inventory.* Land which does not  
meet the criteria set forth in 4.01 above may be included in the Green Space Inventory if at least  
one of the following criteria are met:

- a. Land which still contains the dominant components typical of one or more native  
vegetative communities, but whose other components have been suppressed by  
direct or indirect human impacts, and where the extent of the disturbance is such  
that the main functions typical of that vegetative community are substantially  
limited and restoration of the native community is not feasible; or  
b. Land which can, once managed appropriately, function as a buffer to existing  
environmentally sensitive lands or other protected natural lands; the management  
operations necessary to maintain the buffer function of the land cannot be more

1 intense than the management operations necessary to maintain the ecological  
2 components and functions in the buffered land in the absence of the buffer; or

- 3 c. Land which can function as a greenway and used by the public.

4 4.03. *Property eligible for listing in the Open Space Inventory.* Land which does not  
5 meet the criteria set forth in 4.01 or 4.02 above may be included in the Open Space Inventory  
6 if at least one of the following criteria is met:

- 7 a. Undeveloped or agricultural land which can function, if appropriately developed  
8 and managed, to optimize water recharge quality and quantity, air quality and  
9 environmental benefits of the site while providing public use; or
- 10 b. Developed land, including contaminated land, which can be cost-effectively  
11 reclaimed as primarily open space or park in perpetuity to optimize water  
12 recharge quality and quantity, air quality and environmental benefits with the  
13 agreement of the local government where the land is located.

14 4.04. *Property eligible for listing in the Park Land Inventory.* Land may be included  
15 in the Park Land Inventory if at least one of the following criteria is met:

- 16 a. Undeveloped or agricultural land which can function, if appropriately developed  
17 and managed, primarily as a park; or
- 18 b. Developed land, including contaminated land, which can be cost-effectively  
19 reclaimed primarily as a park in perpetuity with the agreement of the local  
20 government or unincorporated area where the land is located.

21 4.05. *Selection of the Conservation Lands and Green Spaces.* All lands inventoried  
22 as Conservation Land or Green Space and recommended for acquisition by the Land  
23 Preservation and Acquisition Advisory Board are eligible for acquisition under the provisions  
24 of this Resolution. Lands for inclusion in either inventory which have not been previously  
assessed or have been excluded from either inventory by County staff can be considered or  
reconsidered for inclusion at any time as permitted by the Bond documents.

4.06. *Selection of the Open Spaces.* The selection for acquisition of property as Open  
Space will be reviewed and recommended to the Board by the Land Preservation and  
Acquisition Advisory Board. The selection for acquisition of lands which meet the criteria to be  
classified as Open Space or park shall be based on their location, giving priority to those  
properties which are located in areas of Broward County where few opportunities exist to  
acquire Conservation Lands and Green Space and for which a local government has  
expressed an interest in managing them as open space or park.

4.07. *Selection of the Park Lands.* The selection for acquisition of property as Park  
Land will be reviewed and recommended to the Board by the Land Preservation and  
Acquisition Advisory Board.

1           **Section 5.** Conservation And Recreation Management Goals For The Acquired Lands

2           5.01 *Conservation Lands.* The lands included in the Conservation Land Inventory and  
3 acquired with Bond proceeds shall be managed primarily for the conservation of their natural  
4 resources and compatible public use. The management goals shall be one or any combination  
5 of the following:

- 6           a.     Restore, preserve, or enhance the integrity of the components and functions of  
7 the native vegetative communities present on the site; or
- 8           b.     Restore, preserve, and stabilize the integrity of the components and functions of  
9 the wildlife populations present on the site or favor the reintroduction of wildlife  
10 populations which have been displaced from the site by direct or indirect human  
11 disturbances; or
- 12           c.     Protect existing endangered, threatened, or rare species or species of special  
13 concern as listed by the Florida Department of Agriculture and Consumer  
14 Service, the United States Fish and Wildlife Service, and the Florida Fish and  
15 Wildlife Conservation Commission; or
- 16           d.     Enhance water storage, infiltration, quality, and groundwater recharge by limiting  
17 runoff and protecting and enhancing the natural soil functions; or
- 18           e.     Enhance air quality by favoring a larger and thicker vegetative canopy; or
- 19           f.     Provide public access consistent and compatible with this section.

20           5.02. *Green Space and Open Space.* The lands included in the Green Space Inventory  
21 and in the Open Space Inventory and acquired with Bond proceeds will be managed primarily  
22 to optimize water recharge quality and quantity, air quality and environmental benefits of the  
23 site. Any remaining native vegetative community on the acquired site or any of its components  
24 shall be maintained to the greatest extent possible.

          5.03. *Park Lands.* The lands included in the Park Land Inventory and acquired with  
Bond proceeds will be managed primarily for park and recreation purposes. Any remaining  
native vegetative community on the acquired site or any of its components shall be maintained  
to the greatest extent possible.

**Section 6.** Establishment of Preferences For The Expenditure of Bond Funds For The  
Acquisition of Conservation Lands, Green Space, Open Space.

          6.01 Resolution 2000-1063 adopted by the Board on August 29, 2000, provides that  
of the proposed four hundred million dollars (\$400,000,000.00) in Bond funds, approximately  
two hundred million dollars (\$200,000,000.00) shall be appropriated for the acquisition and

1 restoration of Conservation Land and the acquisition of Green Space and Open Space as  
2 follows:

- 3 a. Approximately ninety-two million dollars (\$92,000,000.00) shall be appropriated  
4 for the acquisition and restoration of Conservation Lands, approximately  
5 seventy-eight million dollars (\$78,000,000.00) of which shall be appropriated for  
6 the acquisition of Conservation Lands and approximately fourteen million dollars  
7 (\$14,000,000.00) of which shall be appropriated for the ecological restoration  
8 of the acquired Conservation Lands;
- 9 b. Approximately sixty million dollars (\$60,000,000.00) shall be appropriated for the  
10 acquisition of Green Space;
- 11 c. Approximately forty-eight million dollars (\$48,000,000.00) shall be appropriated  
12 for the acquisition of Open Space.

13 6.02 To the extent that the total allocated Bond proceeds are not completely expended  
14 for each of the three land categories referenced in 6.01(a), 6.01(b), and 6.01(c) above, for any  
15 reason whatsoever, the Board establishes a non-binding preference to utilize such unexpended  
16 Bond funds first for the acquisition of Conservation Lands, second for the acquisition of Green  
17 Space and third for the acquisition of Open Space.

## 18 **Section 7. Land Preservation And Acquisition Advisory Board**

19 7.01 *Land Preservation and Acquisition Advisory Board established.* Subject to the  
20 passage of the bond referendum on November 7, 2000, for the preservation, acquisition,  
21 reclamation of Conservation, Green Space, Open Space and Park Land, a Land Preservation  
22 and Acquisition Advisory Board shall be created which shall serve as the advisory committee  
23 to the Board on issues involving acquisition of Conservation, Green Space, Open Space, and  
24 Park Land.

7.02 *Method of appointment; terms of membership; conflict of interest.* The Land  
Preservation and Acquisition Advisory Board shall be comprised of nine (9) members who shall  
serve at the pleasure of the Board of County Commissioners, in compliance with section 1-233,  
Broward County Code of Ordinances. All members of the Land Preservation and Acquisition  
Advisory Board shall comply with the conflict of interest provisions set forth within section  
286.012, Florida Statutes and section 1-234, Broward County Code of Ordinances.  
Appointments shall be made from the following categories:

- a. *Category A.* Members of organizations representing business, economic, and  
agricultural interests in Broward County;
- b. *Category B.* Members of organizations representing environmental interests in  
Broward County;

- 1 c. *Category C.* Members of organizations representing educational interests in  
2 Broward County and with scientific knowledge and experience of environmental  
3 issues in Broward County;
- 4 d. *Category D.* Members with expertise in developing and operating recreational  
5 facilities;
- 6 e. *Category E.* Representatives of federal, state, or regional agencies with  
7 experience and knowledge of federal and/or state programs supporting local  
8 governments in their land protection efforts or with regional planning expertise,  
9 and whose responsibilities relate directly to environmental resources in Broward  
10 County;
- 11 f. *Category F.* Members appointed by the Broward League of Cities.
- 12 g. *Category G.* Member of the Broward County Parks and Recreation Advisory  
13 Board.

14 There shall be three (3) members from Category A, two (2) members from Category B, one (1)  
15 member from Category C, one (1) member from Category D, two (2) members from Category  
16 E, two (2) members from Category F and one (1) member from Category G. A list of proposed  
17 nominees shall be submitted by the Committee for Broward's Safe Parks and Land  
18 Preservation (DPEP) to the Board for its consideration. The Board shall select from this list.  
19 Consideration shall be given to assure that the Advisory Board reflects the diversity of the  
20 community.

21 *7.03 Quorum; Conduct of Land Preservation and Acquisition Advisory Board and*  
22 *Rules of Procedure; Meetings.* The Land Preservation and Acquisition Advisory Board shall  
23 adopt reasonable rules of procedure to govern the conduct of its meetings, consistent with the  
24 provisions of this Resolution and other ordinances adopted by the Board of County  
Commissioners and with state law. Such rules shall provide for the election of officers and for  
the conduct of meetings.

*7.04 Responsibilities of the Land Preservation and Acquisition Advisory Board.* The  
Land Preservation and Acquisition Advisory Board shall have the following responsibilities:

- a. Review the Conservation Land Inventory and Green Space Inventory prepared  
by DPEP staff based on the ecological and planning criteria set forth herein and  
the results of the appropriate environmental audits. Review proposals from  
cities, organizations, and individuals to include lands in the Conservation Land  
Inventory and in the Green Space Inventory, including the recommendations of  
DPEP staff. The inventories shall provide the sites for which purchase  
negotiations and due diligence investigations shall be conducted. The Land  
Preservation and Acquisition Advisory Board will submit the respective  
inventories of Conservation Lands and Green Spaces to the Board for it to  
authorize the Broward County Public Works Department, Real Property Section,

1 to allow for negotiations pursuant to established administrative procedures as  
2 funds remain available. The Land Preservation and Acquisition Advisory Board  
3 may revise the list based upon the results and due diligence investigations by  
4 Broward County Public Works Department, Real Property Section.

5 b. Review proposals from cities, organizations, and individuals to include in the  
6 Open Space Inventory and in the Park Land Inventory lands which do not meet  
7 the criteria for eligibility to be included in the Conservation Land Inventory and in  
8 the Green Space Inventory. Based on the criteria set forth herein and the results  
9 of the appropriate environmental audits, these lands may be included by the  
10 Land Preservation and Acquisition Advisory Board in the Open Space Inventory  
11 or in the Park Land Inventory, which shall provide the sites for which purchase  
12 negotiations and due diligence investigations shall be conducted. The Land  
13 Preservation and Acquisition Advisory Board will submit the respective  
14 inventories for Open Space and Park Land to the Board for it to authorize the  
15 Broward County Public Works Department, Real Property Section, to allow for  
16 negotiations pursuant to established administrative procedures as funds remain  
17 available. The Land Preservation and Acquisition Advisory Board may revise  
18 the list based upon the results of due diligence investigations by Broward County  
19 Public Works Department, Real Property Section.

20 c. Based on the Conservation Land Inventory, the Green Space Inventory, the Open  
21 Space Inventory, and the Park Land Inventory, the results of purchase  
22 negotiations, and the due diligence conducted by the Broward County Public  
23 Works Department, Real Property Section, the Land Preservation and  
24 Acquisition Advisory Board may provide advice to the Board in connection with  
each specific property purchase to be made with Bond proceeds. The advice  
may accompany the Board agenda item prepared by County staff for each  
potential acquisition.

d. The Land Preservation and Acquisition Advisory Board will review management  
plans for sites not managed by the County for Consistency with Section 5 of this  
Resolution.

**Section 8. Effective Date**

This Resolution shall become effective upon its adoption.

ADOPTED this 17th of October, 2000.

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