

**AGENDA  
BOARD OF TRUSTEES  
DEPARTMENT OF AGRICULTURE & CONSUMER SERVICES  
SEPTEMBER 16, 2008**

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**Item 1            Minutes**

Submittal of the Minutes from the July 29, 2008 Cabinet Meeting.

(See Attachment 1, Pages 1-7)

**RECOMMEND APPROVAL**

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**Item 2            5I-7, F.A.C., Rule Adoption**

**REQUEST:** Adoption of proposed Rule 5I-7, F.A.C. This rule establishes the requirements for application, evaluation ranking and acquisition of perpetual less-than-fee easements on working agricultural lands pursuant to the Rural and Family Lands Protection Act, Sections 570.70 and 570.71, F.S.

**COUNTY:** Statewide

**APPLICANT:** Department of Agriculture and Consumer Services, Division of Forestry

**STAFF REMARKS:** On July, 29, 2008, the Board of Trustees approved the Department's initial rule language and its request to begin rulemaking for the Rural and Family Lands Protection Program. The Department published a Notice of Proposed Rulemaking on August 8, 2008. Although the Department was prepared to hold a public hearing on the proposed rule, no request for a hearing was received, so no public hearing was held.

Although no public hearing was held, the Department did receive comments on the proposed rule language and will publish the attached Notice of Change in the Florida Administrative Weekly on September 19, 2008 to make technical and/or clarifying changes to the proposed rule, including:

- Amend the definition the "Baseline Documentation Report" to specify that the report documents existing conditions on the property at the time of the execution of the easement;
- Clarify that applications will be reviewed during the application cycle in which the application is received;
- Specify that once the Board of Trustees has approved the annual acquisition priority list developed pursuant to this rule, that the Department may, subject to the availability of funds, proceed with the acquisition process, including obtaining appraisals, surveys and title review; and
- Delete paragraph (5) from the Compliance Monitoring and Enforcement section of the rule (5I-7.014).

The foregoing changes have been incorporated into the attached final rule language.

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**Item 2, cont.**

Pursuant to sections 570.71(10) and 259.105(3)(i), the Board of Trustees must approve the rules and determine that the rules are “consistent with the acquisition process provided for in s. 259.041, F.S.” In addition, the statutes require that the rule provide for the following:

- The development of annual priority acquisition list that is reviewed by the Acquisition and Restoration Council (ARC) and approved by the Board of Trustees;
- Terms of easements and acquisitions proposed under this program shall be approved by the Board of Trustees and shall not be delegated to any entity; and
- All acquisition documents shall contain a clear statement that acquisition is subject to legislative appropriation.

The Department recommends that the Board of Trustees determine that the acquisition process in the proposed rule, as amended by the Notice of Change, is consistent with the above enabling legislation and direct the Department to adopt, file and certify the proposed rule with the Secretary of State.

(See Attachment 2, Pages 1-28)

**RECOMMEND APPROVAL**