



FLORIDA KEYS STEWARDSHIP ACT
LAND ACQUISITION SET-ASIDE IN FLORIDA FOREVER

- **REQUEST: Support HB 995 / SB 1326 which extends the special Keys land acquisition set-aside to 2036-2037.**
- **FLORIDA KEYS STEWARDSHIP ACT:** The Florida Keys Stewardship Act (FKSA), the only **SPECIAL ACT** of its kind, was passed by the Florida State Legislature and signed into law in 2016, in recognition of the unique and fragile natural resources of the Florida Keys including the coral reef, the Florida Keys National Marine Sanctuary, and the Florida Bay, a critical part of the Everglades.
 - FKSA authorizes **\$5M** annual set-aside in Florida Forever to acquire land in the Florida Keys for conservation, protection of natural resources and critical habitat for threatened and endangered species. This special set-aside of Florida Forever funding is dedicated specifically to enabling FDEP to maintain an aggressive land acquisition program in the Florida Keys. **This set-aside expires in 2026-2027.**
 - FKSA also authorizes **\$20M** a year for water quality projects to preserve and protect the Florida Keys' **unique and fragile marine ecosystem** resources.
- **FLORIDA KEYS' ACSC CHALLENGES:** The State of Florida designated the Florida Keys an Area of Critical State Concern, in recognition of its unique and significant environmental resources, and through the Administration Commission, the State maintains oversight of the growth and development issues in the Florida Keys.



To protect public safety and the Keys' unique environmental resources, the State limits development through an annual rationing of building permits. The deficit of permits for vacant buildable lots creates potential liability for the local governments and the State from owners who may be denied a permit, and the ability to build a home on their property.

- The State of Florida and Monroe County work in partnership to acquire land to address the impacts of development limitations in the Keys' ACSC, and also to protect its natural resources.
- Land acquisition in the Keys accomplishes two goals: mitigating future takings liability and promoting conservation and habitat protection. Public acquisition of these parcels removes the development right and mitigates a future property rights lawsuit.
- Because many of the County's current privately-owned, undeveloped properties lie within the Florida Forever project boundaries, Florida Forever-funded acquisitions address the mission of land conservation while also retiring development rights.
- **FLORIDA FOREVER SET-SIDE FOR THE FLORIDA KEYS:** To this end, the Legislature approved an authorization in the Florida Keys Stewardship Act for a special set-aside of \$5M a year in the Florida Forever program to acquire environmentally sensitive lands that are within the Florida Forever project boundaries in the Florida Keys. The program prioritizes those parcels in the Florida Forever boundaries that also have development rights.
 - **Accomplishments to Date:** Thanks to this special set-aside, since July 1, 2016, through September 30, 2024:
 - ✓ Monroe County (the Board of County Commissioners and the Land Authority) has expended a total of \$40.6M in local funds to acquire land to retire development rights. The County has budgeted an additional \$20.1 M for fiscal year 2025.
 - ✓ State of Florida DEP has expended \$11.4 M and Florida Commerce has expended \$12.4 M.
 - ✓ During this period, a total of **556 development rights have been retired** (372 by the County, 162 by DEP, and 22 by Florida Commerce).



- **OTHER OPPORTUNITIES FOR LAND ACQUISITION:**

- **Military base buffering lands:** Hundreds of privately-owned, undeveloped parcels lie within the military buffer areas of the Naval Air Station Key West. In 2018, we secured legislative changes that prioritized NASKW within the State’s military buffer lands program, but the program’s level of funding limits its land buying ability in costly locations like the Florida Keys.
- **Non-conservation land:** In 2018, the County secured legislative changes that authorize the State to acquire non-conservation lands in ACSC for the specific purpose of retiring development rights. However, this type of acquisition does not currently have a state funding source.
- **Voluntary Home Buyout Program (VHBP):** Monroe County has also utilized this program to acquire land and retire development rights. This Florida Commerce program is designed to help reduce the impact of future disasters in high-risk flood areas. Monroe County was allocated \$15M which it is using to purchase the property and home of voluntary sellers who were impacted by Hurricane Irma. After buyout, the homes are demolished and the land is preserved in perpetuity for open space (or, when deemed necessary the land may be used for recreational or stormwater purposes).
 - **Progress to date:** In total, 87 VHBP applications were received and 21 of those were eligible applicants who sold their parcels to the County through VHBP closings. The acquisitions expended just over \$12.4 million of the \$15 million grant with the remaining monies being used for surveys, appraisals, demolition, environmental reviews, title reviews, and grant administration. The 21 transactions have **retired 22 development rights** (21 market rate ROGO Exemptions and 1 Transferrable Development Right).

REQUESTED ACTIONS:

- ✓ **SUPPORT** robust appropriation of Florida Forever funding that helps support the annual set-aside for land acquisition within the Florida Keys, in order to conserve environmentally sensitive land and retire development rights to mitigate future takings liability.
- ✓ **SUPPORT** legislation to extend the authorization of this set-aside, which is due to expire in 2026, to 2036.
- ✓ **SUPPORT** continued partnership with FDEP and Florida Commerce to fund and implement an aggressive, long-term land acquisition strategy aimed at reducing the total inventory of privately owned vacant land to curtail the threat of significant future takings liability.

Contacts:

Chirstine Hurley, County Administrator 305-292-4441

Cynthia Guerra, Acting Executive Director of the Monroe County Land Authority, 305-295-5180

Lisa Tennyson, Dir. Legislative Affairs 305-509-1709