

**ORDINANCE NO. 2025-013**

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA, AMENDING CHAPTER 35, CONSERVATION LANDS ACQUISITION AND MANAGEMENT, OF THE NASSAU COUNTY CODE OF ORDINANCES, SPECIFICALLY SECTION 35-5. DEFINITIONS, SECTION 35-6. ADOPTION OF THE NASSAU COUNTY CONSERVATION LANDS ACQUISITION AND MANAGEMENT MANUAL AND CONSERVATION PLAN, SECTION 35-7. CREATION OF THE NASSAU COUNTY CONSERVATION LANDS ACQUISITION AND MANAGEMENT TRUST FUND, SECTION 35-8. PROCESS FOR NOMINATING AND RANKING PROPERTIES FOR ACQUISITION, SECTION 35-9. PRIORITY GROUP PROPERTIES FOR ACQUISITION, SECTION 35-10. MANAGEMENT PLANS, SECTION 35-11, CONSERVATION LAND ACQUISITION MANAGEMENT COMMITTEE; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Legislature of the State of Florida has, in Chapter 125, Florida Statutes, conferred upon local governments the authority to adopt regulations designed to promote the public health, safety and general welfare of its citizenry; and

**WHEREAS**, on January 25, 2021, the Nassau County Board of County Commissioners (“Board”) adopted Ordinance 2021-02, the Nassau County Conservation Lands Acquisition and Management (“CLAM”) Ordinance; and

**WHEREAS**, the CLAM Ordinance established the CLAM Program, the intent of which is to provide processes and procedures for the identification and acquisition of environmentally sensitive lands within the County for conservation, preservation, and to afford recreational opportunities to present and future citizens of the County; and

**WHEREAS**, the CLAM Ordinance also created the CLAM Committee, which serves as the advisory board over the CLAM Program, and adopted the CLAM Manual, which is a manual of operations for the administration, management, and implementation of the CLAM Program; and

**WHEREAS**, the CLAM Committee, pursuant to the CLAM Program and CLAM Manual, has evaluated properties for potential acquisition by the County and recommended to the Board lists of “priority” and “eligible” projects, which lists the Board then adopted in Resolution 2022-179 (dated September 26, 2022); and

**WHEREAS**, to fund the CLAM Program’s acquisition and management of properties,

Nassau County voters approved a referendum on November 8, 2022 that authorized the County to issue up to \$30 million in general obligation bonds payable from ad valorem taxes, with the Board clarifying in Resolution 2023-114 (dated May 22, 2023) that costs and expenses of the CLAM Program would be reimbursable from the issuance of said bonds; and

**WHEREAS**, although the County has not yet issued any bonds, in expectation of doing so the Board has designated certain ad valorem tax revenues, via an allocation of a portion of the general millage rate, to “CONSERVATION/RESILIENCY,” which allocation was adopted by the Board for Fiscal Years 2023-2024 in Resolution 2023-171 (dated September 25, 2023) and for Fiscal Years 2024-2025 in Resolution 2024-149 (dated September 23, 2024); and

**WHEREAS**, the Board desires to amend provisions of the CLAM Ordinance in order to clarify processes, accurately reflect the practical operations of the CLAM Program, and reduce inconsistencies between the CLAM Ordinance and the CLAM Manual; and

**WHEREAS**, the Board desires to further amend provisions of the CLAM Ordinance to provide more flexibility to County staff, the CLAM Committee, and the Board in terms of evaluating properties for potential acquisition by the County to better serve the purpose and intent of the CLAM Program; and

**WHEREAS**, the Board desires to further amend provisions of the CLAM Ordinance to clarify the funding mechanisms for acquiring properties under the CLAM Program and properties outside of the CLAM Program that still serve the purpose and intent of the CLAM Program, so that the County can be more agile in acquiring environmentally sensitive lands within the County; and

**WHEREAS**, the Board desires to further amend provisions of the CLAM Ordinance to more clearly identify the roles and tasks of the CLAM Committee and any restrictions or limitations on their service; and

**WHEREAS**, public notice of all hearings required by law has been provided in accordance with Chapter 125 Florida Statutes; and

**WHEREAS**, the Board of County Commissioners finds it in the best interests and welfare of the citizens of Nassau County to adopt the following amendments to the Code of Ordinances.

**NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA, AS FOLLOWS:**

**SECTION 1. AMENDING CHAPTER 35, CONSERVATION LANDS ACQUISITION AND MANAGEMENT.** The Nassau County Code of Ordinances is here by amended to read as follows:

## Sec. 35-5. Definitions.

The following words and phrases, when used in this chapter, shall have the meanings ascribed to them in this section:

~~CLAM acquisition score shall mean the final score applied to a nominated property representing its acquisition value under the CLAM program, which is determined by taking the initial CLAM resource ranking for that property and then applying any management adjustments and value adjustments, as set forth in the CLAM manual.~~

~~CLAM resource rankings shall mean the ultimate product of the conservation plan, showing the relative position and weighted value, according to input of the public and subject matter experts, of all the natural resources within the county, which resource rankings are used to rank and prioritize properties nominated for acquisition under the CLAM program.~~

Conservation easement shall mean a real property interest that runs with the land and is established through agreement between the landowner and the county, pursuant to which the landowner agrees to restrict development on their land and stop, reduce, or increase certain management practices according to the natural resource needs on the property, or perform other actions to achieve conservation purposes.

Eligible group shall mean the ~~properties ranked number sixteen (16) through twenty-five (25) for potential acquisition by the county through the CLAM program, as group of projects ranked pursuant to the process described herein~~ as the second tier (below the priority group) in terms of precedence for potential acquisition by the county under the CLAM program. The eligible group may contain up to ten (10) projects.

Management plan shall mean a long-term plan related to the administration and management of conservation property acquired through the CLAM program.

Nassau County Conservation Lands Acquisition and Management Fund or CLAM fund means the Nassau County Conservation Lands Acquisition and Management Fund maintained in a separate and segregated financial accounting of the county and as approved for the purposes identified in this Chapter.

Nassau County Conservation Lands Acquisition and Management Manual and Conservation Plan or CLAM manual means that certain document, and all appendices and attachments to same, ~~attached hereto as exhibit A,~~ which sets forth a manual of operations for the administration, management, and implementation of the Nassau County Conservation Lands Acquisition and Management Program.

Nassau County Conservation Lands Acquisition and Management Program or CLAM program means the program described in this chapter and the CLAM manual for the acquisition of environmentally sensitive land for conservation, preservation, and to afford recreational opportunities to present and future citizens of the county.

Nassau County Conservation Lands Acquisition and Management Program Committee or CLAM committee means the advisory board appointed by the board of county commissioners for the purpose of reviewing and making recommendations to the board of county commissioners



regarding property to potentially be acquired by the county pursuant to the CLAM program and performing such other duties and functions as are described in section 35-11 of this chapter.

*Nassau County Conservation Plan* or *conservation plan* means the Nassau County Conservation Plan, attached to the CLAM manual as appendix A, which aggregates, weighs and maps, all the natural resources within the county, according to public and subject matter expert opinions.

*Non-eligible group* means all properties nominated for potential acquisition by the county through the CLAM program but which did not ~~rank highly enough to~~ qualify for the priority group or the eligible group and are not candidates for acquisition by the county at this time.

*Ordinance* means this Nassau County Conservation Lands Acquisition and Management chapter.

*Priority group* means the ~~fifteen (15) group of projects ranked as the highest ranked nominated properties pursuant to the process described herein as the first tier (above the eligible group) in terms of precedence~~ for potential acquisition by the county through the CLAM program, ~~as ranked pursuant to the process described herein. The priority group may contain up to 15 projects.~~

*Project* means ~~one or more properties, each of which has been nominated pursuant to the CLAM program, that can reasonably be grouped together based on geographic location, ecological or environmental features, or other basis supported by the purpose and intent of the CLAM program as provided herein.~~

*Property* means any parcel of real property, or any portion thereof or interest therein, ~~that is nominated for acquisition or under management as part of the CLAM program.~~

*Staff* means county staff designated to administer the CLAM program, as designated by the county manager or his or her designee, and shall also include the office of the county attorney.

*Trust fund* means ~~the Nassau County Conservation Lands Acquisition and Management Trust Fund as approved by the board of county commissioners.~~

#### **Sec. 35-6. Adoption of Nassau County Conservation Lands Acquisition and Management Manual and Conservation Plan.**

The "Nassau County Conservation Lands Acquisition and Management Manual and Conservation Plan," dated August 17, 2020, prepared by North Florida Land Trust on behalf of the county, ~~attached hereto as Exhibit "A," and as may be amended by resolution,~~ is hereby adopted and incorporated herein by reference. In the event of any conflict between the provisions of this chapter and the provisions of the adopted CLAM manual, the provisions of this chapter shall control.

**Sec. 35-7. Creation of the Nassau County Conservation Lands Acquisition and Management Trust Fund.**

The Nassau County voters approved in November 2022 a referendum authorizing the county to issue up to \$30 million in general obligation bonds to support the acquisition of property under the CLAM program. The revenue to support such bonds shall be payable from ad valorem taxes through an allocation of the general fund millage rate designating a portion for conservation/resiliency.

- (a) The county manager is authorized to establish separate and segregated financial accounting tracking for the allocation of the general fund millage rate designating a portion for conservation/resiliency along with any additional funding or grants received. Additionally, the County Manager is authorized to establish ~~There is hereby created~~ the Nassau County Conservation Lands Acquisition and Management Trust Fund (hereinafter referred to as the "trust CLAM fund") for the acquisition, preservation, conservation, enhancement, and management of property pursuant to the CLAM program.
- (b) ~~The county manager is hereby~~ CLAM fund shall be maintained in a separate and segregated financial accounting of the county to be used solely for the following authorized to establish the trust fund and to receive and disburse monies in accordance with the provisions of this section. purposes:
  - (1) Acquisition of properties under the CLAM program which have been approved for purchase by the board of county commissioners, whether acquiring fee simple or easement interest.
  - (2) Costs associated with each acquisition including, but not limited to, appraisals, surveys, environmental reports, title commitments and insurance policies, real property taxes, documentary stamps and surtax fees, and other transaction costs.
  - (3) Costs of administering the CLAM program. Administration of the CLAM program may be conducted by county staff or by contract with a private or not for profit entity subject to meeting county purchasing policies.
  - (4) To borrow money through the issuance of bonds for the purposes provided herein, to provide for and secure the payment thereof, and to provide for the rights of the holders thereof.
  - (5) To engage the services of private consultants on a contract basis for rendering professional and technical assistance and advice.
  - (6) To do any and all things necessary or convenient to carry out the purposes of, and exercise the powers given and granted herein to the full extent of the law.
- (c) The county manager ~~shall~~ may identify and receive revenue from compatible sources of monetary support to fund the CLAM program, such as, but not limited to, long term financing through issuance of bonds, notes, and other indebtedness, concessions, sale of forest products and other renewable resources, grants, user and mitigation fees, leases, and



other legally available revenue sources for the acquisition and long-term management of the properties included in the CLAM program.

- (d) The ~~trust fund shall be maintained in a separate and segregated trust fund of the county to be used solely for the authorized purposes set forth herein.~~
- (e) ~~The trust~~ CLAM fund shall receive those monies allocated to it in the approved county budget.
- (ef) Disbursements from the ~~trust~~ CLAM fund shall be made by the county manager or her/his designee only for the authorized purposes set forth herein and as approved by the board of county commissioners.
- (f) Notwithstanding the foregoing, the county manager may utilize ad valorem tax revenue that is designated for conservation/resiliency under the general fund millage (but not maintained in the CLAM fund) for the following:
  - (1) To acquire and manage lands outside of the CLAM program as approved by the board of county commissioners, provided that such acquisitions and supporting activities serve the purpose and intent identified in section 35-4 hereof.
  - (2) To acquire and manage lands identified as part of the Atlantic to Okefenokee Conservation Corridor and approved by the state for inclusion on the Florida Forever list, even if such lands are ranked for potential acquisition under the CLAM Program, to allow for flexibility in utilizing various financial resources available for lands on the Florida Forever list.

**Sec. 35-8. Process for nominating properties and ranking properties projects for acquisition.**

- (a) *Nominations.*
  - (1) The county shall accept nominations of properties for potential acquisition by the county through the CLAM program from any person or organization, including the county, nonprofit organizations, and local, regional, state, or federal governmental entities. The ~~county shall advertise an initial nomination period within one hundred eighty (180) days after the effective date of this chapter. Thereafter, the~~ county shall accept nominations on a rolling basis.
  - (2) To nominate a property for potential acquisition, the nominator shall submit an application to the county ~~department of planning and economic opportunity~~ on a form provided by the county. Nominators may nominate an entire tax parcel for acquisition in fee simple or only a specific portion thereof or interest therein. In nominating properties, nominators should consider, at a minimum, the information contained in ~~the conservation plan, the CLAM resource rankings, and~~ the CLAM manual.
  - (3) If the nominator has an ownership interest in any real property covered by an application for proposed acquisition, such interest shall be disclosed on the application.

(b) Initial Evaluation, scoring and ranking by staff.

- (1) ~~Upon closure of the initial nomination period as described in paragraph (1) hereof, staff shall initially be responsible for applying the CLAM resource rankings and Staff shall use~~ the methodology described in the CLAM manual for evaluating, scoring and ranking all nominated properties and, when appropriate, grouping properties into projects when reasonable based on geographic location, ecological or environmental features, or other basis supported by the purpose and intent of the CLAM program as provided herein. Such projects shall also then be scored and ranked using the methodology described in the CLAM manual. Utilizing the CLAM manual, the conservation plan, and the scoring criteria set forth below, staff shall assign each nominated property a CLAM acquisition score, which utilizes the initial CLAM resource rankings and then applies any management adjustments and value adjustments, as set forth in the CLAM manual, to arrive at a final score representing the acquisition value of the property:

<b>Resource Category</b>	<b>Resource Category Score Total</b>	<b>Data-Layer</b>	<b>Data-Layer Score</b>
<u>Water issues</u>	<u>40 points</u>		
		<u>Surface water buffering</u>	<u>7 points</u>
		<u>Sea level rise adaptation</u>	<u>15 points</u>
		<u>Storm surge and flooding</u>	<u>18 points</u>
<u>Species and habitat protection</u>	<u>29 points</u>		
		<u>Priority natural communities</u>	<u>6 points</u>
		<u>Strategic habitat conservation</u>	<u>7 points</u>
		<u>Most threatened habitats</u>	<u>6 points</u>
		<u>Gopher tortoise suitability</u>	<u>3 points</u>
		<u>Wildlife corridors</u>	<u>7 points</u>
<u>Working lands</u>	<u>11 points</u>		
		<u>Sustainable forestry</u>	<u>5 points</u>
		<u>Significant farmland soils</u>	<u>2 points</u>
		<u>High productivity timberlands</u>	<u>1 point</u>
		<u>Existing farms and ranches</u>	<u>3 points</u>
<u>Outdoor recreation and quality of life</u>	<u>20 points</u>		
		<u>Service area density</u>	<u>3 points</u>
		<u>Underserved areas for parks</u>	<u>4 points</u>
		<u>Adjacent to parks</u>	<u>5 points</u>
		<u>Proximity to trails and blueways</u>	<u>7 points</u>



		Historic resources	1 point
<b>Total CLAM score</b>	<b>100 points</b>		<b>100 points</b>

(2) ~~Additionally, staff shall compile all relevant information concerning the nominated properties, including boundary and location maps, descriptions of the biological and hydrological characteristics, a summary of its potential for appropriate use, development potential of the site and adjacent land, an assessment of the management needs and costs, the assessed value, and any potentially available matching funds.~~

(23) Thereafter, staff shall utilize the process in the CLAM manual ~~scores assigned to the nominated properties~~ to sort ~~such properties~~ projects into a top-tier priority group (the consisting of up to fifteen (15) highest ranked nominated ~~properties~~ projects for potential acquisition by the county) and ~~an a second-tier~~ eligible group (consisting of up to ten (10) of the properties next highest ranked projects number sixteen (16) through twenty-five (25) for potential acquisition by the county). All nominated properties ~~that did not rank highly enough to qualify for~~ in the priority group or the eligible group shall be placed in the non-eligible group, which properties shall not be considered as candidates for acquisition by the county unless later reprioritized as provided herein.

(c) *Consideration by CLAM committee.*

- (1) Upon staffs ~~initial~~ scoring and ranking of the ~~nominated properties~~ projects as described in paragraph (b) of this section, such ~~nominated properties~~ projects and the ranking lists shall be presented to the CLAM committee for review and consideration at a public meeting.
- (2) A courtesy notice shall be provided to the owners of properties that are to be considered at the meeting, although failure to notify said owners shall not invalidate the proceedings.
- (3) At such meeting, the CLAM committee shall receive presentations by staff and public comment regarding the ~~nominated properties~~ projects. Thereafter, the CLAM committee may make adjustments to staffs ~~initial ranking of nominated properties and~~ the grouping of nominated properties into projects, the ranking of projects, and the placing of projects into the priority group, eligible group, and non-eligible group, which adjustments shall be based upon additional information that may not have been considered in the ~~initial~~ scoring and application of the factors contained in the CLAM manual, ~~the conservation plan, and the scoring criteria set forth above based upon additional information. In making changes to staffs initial ranking of nominated properties, the.~~ The CLAM committee shall then recommend a priority group and eligible group of projects with rankings ~~provide written justification for making such changes.~~

(d) *Presentation to the board of county commissioners.*



- (1) ~~Upon Following~~ the CLAM committee's recommendation finalization of the ranking of the nominated properties as described in paragraph (c) of this section, the properties projects contained in the priority group and the eligible group shall be presented to the board of county commissioners for consideration at a public meeting.
  - (2) A courtesy notice shall be provided to the owners of properties that are to be considered at the meeting, although failure to notify said owners shall not invalidate the proceedings.
  - (3) The board of county commissioners may ~~modify~~ make adjustments to the grouping of the rankings, including moving properties ~~from into projects, the ranking of projects, and the placing of projects into~~ the priority group and to the eligible group ~~and vice versa~~, and shall approve a final priority group and eligible group, ~~which~~ The priority group shall represent the targeted list of parcels for acquisition by the county.
- (e) *Updates to rankings; priority group and eligible group.*
- (1) Following the board of county commissioners' approval of the initial ranking ~~of properties~~, the eligible group and priority group lists ~~of properties~~ may be modified at any time by subsequent vote of the board of county commissioners.
  - (2) Additionally, ~~following the processing of applications received during the initial nomination period~~, upon the county's receipt of additional nominated properties, the eligible group and priority group lists may be modified through the process described in paragraphs (a)—(d) of this section.
- (f) *Request for removal.* At any time, any property owner may have their property removed from inclusion on or consideration for the priority group or eligible group by submitting a written request to the county. If a property is removed from consideration the priority group or eligible group, such property may not be ~~nominated again~~ considered by staff for a minimum of one (1) year.

#### **Sec. 35-9. Priority group properties for acquisition.**

- (a) Once the priority group list is approved by the board of county commissioners, staff shall actively pursue acquisition of properties contained in the priority group projects in accordance with the CLAM manual. All properties shall only be pursued on a voluntary basis from willing sellers, without the use of the county's eminent domain powers.
- ~~(b) Upon approval of the priority group list by the board of county commissioners, staff shall formulate an acquisition plan for each property contained on the list, including but not limited to the type of property interest that the county should seek to obtain that is most cost effective and aligned with the goals and objectives of the CLAM program. Upon approval of the priority group list, staff is authorized to communicate with the property owner(s); identify and communicate with potential funding partners; conduct title research; obtain appraisals; perform environmental due diligence; obtain surveys and maps; prepare baseline document reports for proposed acquisition of conservation easements; and conduct such~~



~~other due diligence as is described in the CLAM manual or otherwise reasonably related to the acquisition of the property. All such due diligence shall be conducted in accordance with applicable state law, this Code, and the CLAM manual. Staff shall prioritize the properties on the priority group list for acquisition in the order in which they were ranked by the board of county commissioners.~~

- (e) ~~Following staff's development of the acquisition plan for a property on the priority group list and any initial due diligence, staff shall seek to negotiate a suitable acquisition agreement with the property owner(s). Any such acquisition agreement may also be structured as an option contract whereby the county obtains the right to purchase the property or an interest therein for an agreed upon price within a specified period of time. At staff's discretion, staff may also utilize a third-party negotiator to negotiate the proposed terms of the acquisition on behalf of the county. All such negotiations shall be conducted in accordance with F.S. § 125.355, and all other applicable provisions of law. In the event staff is unable to negotiate a suitable acquisition agreement with a property owner for a property contained on the priority group list, staff shall declare an impasse and provide written notice to the property owner of same. The property owner shall have three (3) days following the date of the impasse notice in which to notify staff and request an impasse meeting. If the impasse meeting fails to result in the negotiation of a suitable acquisition agreement, staff shall note any issues or reasons for the impasse for the project file and provide written notice to the property owner of same.~~
- (bd) Upon successful completion of negotiations and receipt of the acquisition agreement signed by the property owner, staff will present the proposed acquisition agreement to the CLAM committee for its review and recommendation as to the proposed acquisition and whether it meets the goals and objectives of the CLAM program. If the CLAM committee recommends that the acquisition agreement not be approved, the CLAM committee shall provide written justifications for its decision. The recommendation of the CLAM committee shall not be binding on the board of county commissioners. Following review by the CLAM committee, staff shall present the acquisition agreement as well as the CLAM committee's recommendation as to same to the board of county commissioners. The board of county commissioners has final approval authority for any acquisition agreement.
- (e) ~~Properties will only be removed from the priority group list by successful purchase of the property or property interest, approval of the next succeeding list, withdrawal of positive interest by the property owner, or by direction of the board of county commissioners. Upon removal, such properties may still be considered at a later time.~~
- (cf) The county finds and determines that conservation easements are a valuable tool through which the county may realize the goals and objectives of the CLAM program, given their flexibility, effectiveness in providing for the conservation and preservation of land and natural resources, and often-times lower cost as compared with fee simple acquisition of a property. The county further finds and determines that the county's acquisition of a conservation easement may in certain circumstances be preferable to acquisition of a fee simple interest in property that is identified for acquisition through the CLAM program. The county finds and determines that the county's acquisition of a conservation easement shall



constitute an acquisition for purposes of the CLAM program. The county encourages the use of conservation easements as applicable to the unique circumstances of each property that is a candidate for acquisition by the county through the CLAM program.

#### **Sec. 35-10. Management plans.**

- (a) A management plan shall be created and implemented for all properties acquired by the county through the CLAM program with funding provided by the CLAM fund. All management plans shall be consistent with the purposes set forth herein and in the CLAM manual. All properties acquired or managed through the CLAM program shall be managed in accordance with the approved management plan for that property. No use, infrastructure, or improvement shall be permitted on any property acquired or managed under the CLAM program that is inconsistent with the purposes of the program or that is not provided by an approved management plan for the property.
- (b) No later than one (1) year from the date of acquisition of a property by the county through the CLAM program, staff shall oversee the creation of a management plan for such property in accordance with. ~~All management plans shall be prepared by a duly qualified forester, natural resource professional, landscape architect, or other qualified personnel and shall adhere to~~ the minimum requirements for management plans contained in the CLAM manual.
- (c) Staff will present the proposed management plan to the CLAM committee for its review and recommendation as to the proposed plan and whether it meets the goals and objectives of the CLAM program. The CLAM committee may also propose modifications and amendments to the management plan in furtherance of the goals and objectives of the CLAM program. ~~If the CLAM committee recommends that the management plan not be approved, the CLAM committee shall provide written justifications for its decision.~~ The recommendation of the CLAM committee shall not be binding on the board of county commissioners. Following review by the CLAM committee, staff shall present the management plan as well as the CLAM committee's recommendation as to same to the board of county commissioners. The board of county commissioners shall have final approval authority over each management plan.
- (d) Management plans shall be for a duration of not more than ten (10) years and may be amended as often as required. Staff shall conduct a comprehensive review of each management plan at a minimum at successive three-year intervals to ensure that the management plan is still suitable for the property. All management plan amendments shall be subject to the same review and approval process as governs adoption of the original plan as set forth in paragraph (c) of this section.
- (e) The county may seek cooperative management arrangements with other agencies and entities, including non-profit organizations and other governmental entities, to further the goals and objectives of the CLAM program and/or realize cost efficiencies in managing and administering properties acquired through the CLAM program.

- (f) It is the intent of the county that the acquisition of property through the CLAM program shall permanently extinguish all development rights except those strictly compatible with the purposes and goals of the CLAM program. Any development rights associated with property acquired through the CLAM program shall be expressly described in the legal documents conveying the property to the county and/or the approved management plan.
- (g) The county finds and declares that public access is an important element of the CLAM program and it is the county's intent to permit public use of and access to property acquired through the CLAM program in a manner that is compatible with such property, except where such use would otherwise be inconsistent with the goals and objectives of the program, such as due to the environmental sensitivity of the property or the presence of endangered or threatened wildlife located thereon. Examples of permitted uses, subject to compatibility with specific parcels, include: camping, hiking, nature photography, bird watching, kayaking, canoeing, swimming, hunting and fishing, and like resource based activities. The county shall also endeavor to make acquired properties acquired through the CLAM program available, with minimal risk to the environmental integrity of the site, to educate the county's school-age population and the general public about the uniqueness and importance of the county's ecosystems and natural communities.

**Sec. 35-11. Conservation land acquisition management committee.**

- (a) *Creation and purpose.* An advisory board to be known as the CLAM committee is hereby established to assist in the identification and evaluation of properties for acquisition by the county pursuant to the CLAM program with funding provided by the CLAM fund, and to otherwise facilitate the implementation of the CLAM program, as further described herein.
- (b) *Appointment regular members; qualifications.* The CLAM committee shall be composed of five (5) regular members who are appointed by and will serve at the pleasure of the board of county commissioners. Committee members shall have skills, expertise, and/or demonstrable experience in at least one (1) of the following areas:
  - (1) Natural resource management and biology;
  - (2) Agriculture and forestry;
  - (3) Community planning;
  - (4) Environmental engineering or civil engineering of stormwater or green infrastructure projects; or
  - (5) Environmental regulations, land use law, or commercial real estate.

Members should include representatives from different areas of Nassau County, but are not required to be residents of the county. Members shall receive no compensation. However, members may be entitled to receive such reimbursement for transportation expenses in accordance with F.S. § 112.061(7), provided those expenses are pre-authorized by the board of county commissioners and reasonably incurred in the performance of duties as a member of the CLAM committee.



(c) *Terms of office.* ~~The initial terms of office of the members shall be staggered as follows:~~

~~(1) Three (3) members shall serve four (4) years.~~

~~(2) Two (2) members shall serve two (2) years.~~

Thereafter, ~~all~~ All appointments shall be for a term of four (4) years. There shall be no limitations on the ability of any member to serve consecutive or multiple terms.

~~(d) Advisory members. At the discretion of the CLAM committee, the committee may appoint up to three (3) additional non-voting advisory members to the CLAM committee. Any such advisory members shall serve strictly in an advisory capacity to the CLAM committee. The term of office for advisory members shall be within the discretion of the CLAM committee, but in no instances shall any advisory member be appointed for more than a one-year term. There shall be no limitation on the ability of advisory members to serve multiple or consecutive terms if appointed by the CLAM committee.~~

~~(e)~~ *Officers; meetings; rules of procedure.*

(1) At its inaugural meeting, and annually thereafter, the CLAM committee shall elect a chairperson and; ~~vice chairperson, and secretary-treasurer~~ from among the regular members. Officers' terms shall be for a period of one (1) year. There shall be no limitation on the ability of members to serve multiple or consecutive terms as officers.

(2) The presence of three (3) or more regular members shall constitute a quorum of the CLAM committee necessary to take action and transact business. After a quorum has been established, a simple majority of the quorum may transact any official business of the CLAM committee.

(3) The CLAM committee ~~may adopt bylaws and rules~~ shall utilize the applicable policies and procedures as adopted by the board of county commissioners for the conduct of its meetings.

(4) Notice for and the conduct of the CLAM committee's meetings shall be pursuant to and in accordance with F.S. ch. 286. The CLAM committee shall keep the permanent records of the committee, which shall include but not be limited to the recorded minutes of all meetings, resolutions, and any and all written documentation of official actions of the committee. The CLAM committee's records shall at reasonable times be open to inspection in the same manner as county records pursuant to F.S. ch. 119.

(5) The CLAM committee shall meet at least six (6) times per year, unless staff, in consultation with the chairperson, determine that fewer meetings are required due to a lack of business to be conducted by the committee.

~~(e)~~ *Regulation of members; vacancies.*

(1) Except as otherwise expressly provided herein, members of the CLAM committee shall be subject to all applicable rules and regulations governing volunteers serving on boards, committees, commissions, and other advisory groups adopted by the county.

- (2) All members of the CLAM committee (~~including advisory members~~) shall abide by and be subject to F.S. ch. 112, pt. III, Code of Ethics for Public Officers and Employees.
  - (3) No member of the CLAM committee (~~including advisory members~~) or their relative, as defined in F.S. § 112.3143, may represent a property owner that has nominated their property for potential acquisition by the county pursuant to section 35-8 hereof in proceedings before the CLAM committee or the board of county commissioners, or in any other aspect of the nomination and acquisition process.
  - (4) Any vacancy occurring on the committee shall be filled for the remainder of the unexpired term in the manner established in this section for regular appointments of members.
- ~~(g) Financial disclosures. All members of the CLAM committee, including advisory members, shall be deemed "local officers" and shall file a form 1 financial disclosure annually in accordance F.S. § 112.3145.~~
- ~~(fh) Use of staff.~~ The county manager, or his or her designee, shall appoint staff to provide support and assistance to the committee. The agenda for CLAM committee meetings shall be developed by staff in consultation with the chairperson. The CLAM committee shall be represented by the office of the county attorney.
- ~~(gi) Functions, powers and duties of the CLAM committee.~~ The CLAM committee shall have the following powers, duties, and responsibilities:
- (1) Making recommendations to the board of county commissioners regarding the potential acquisition of properties projects that are nominated ranked in the priority and eligible groups for potential acquisition by the county through the CLAM program, in accordance with the procedures described in this chapter.
  - (2) Reviewing ~~proposed acquisition agreements for~~ the proposed acquisition of properties and providing a recommendation to the board of county commissioners as to whether the proposed acquisition meets the goals and objectives of the CLAM program.
  - (3) Reviewing proposed management plans for properties acquired by the county through the CLAM program and proposed amendments and modifications to same and providing a recommendation to the board of county commissioners as to whether a proposed management plan or amendment or modification to same meets the goals and objectives of the CLAM program. ~~The CLAM committee may also make proposed amendments and modifications to proposed management plans presented by staff for consideration by the board of county commissioners. At least once annually following the first year in which the CLAM program is established, the CLAM committee shall hold a public meeting for the purpose of receiving a report from staff concerning the status of all properties acquired by the county through the CLAM program. Based upon such meeting, the CLAM committee may provide recommendations to the board of county commissioners regarding potential updates or amendments to the management plans for any such properties.~~



- (4) For any properties for which the county acquires a conservation easement, the CLAM committee shall ~~monitor~~ review the status of such conservation easements as monitored by staff to ensure that all applicable terms, conditions, restrictions, and covenants are not being violated. ~~At least once annually following the first year in which the CLAM program is established, the CLAM committee shall hold a public meeting for the purpose of receiving a report from staff concerning the status of all conservation easements acquired by the county through the CLAM program. Based upon such meeting, the CLAM committee may provide recommendations to the board of county commissioners regarding such properties under conservation easements.~~
- (5) Performing such other duties and functions as are specifically delegated to the CLAM committee by the board of county commissioners.

(hj) *Advisory board.* The CLAM committee shall have no power or authority to commit or bind the county to any policies or actions, to incur any financial obligations, or to create any liability on the part of the county. The actions and recommendations of the CLAM committee are advisory in nature and shall not be binding upon the county unless approved or adopted by the board of county commissioners.

[Remainder of page intentionally blank.]

**SECTION 2. CODIFICATION.** It is the intent of the Board of County Commissioners for Nassau County that the provisions of this Ordinance shall become and shall be made part of the Code of Ordinances of Nassau County, Florida. The sections of this Ordinance may be re-numbers or re-lettered and the words may be changed to section, article or other such appropriate word or phrase in order to accomplish such intention. The Nassau County Clerk of Courts will ensure that this Ordinance is codified into, and published, as part of the Nassau County Code of Ordinances.

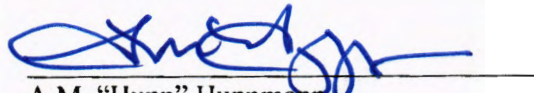
**SECTION 3. CONFLICTING PROVISIONS.** All ordinances, or parts of ordinances, in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

**SECTION 4. SEVERABILITY.** It is the intent of the Board of County Commissioners of Nassau County, Florida, and is hereby provided, that if any section, subsection, sentence, clause, phrase, or provision of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality shall not be so construed as to render invalid or unconstitutional the remaining provisions of this Ordinance.

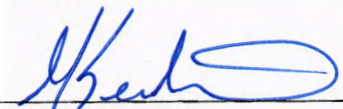
**SECTION 5. EFFECTIVE DATE.** This Ordinance shall take effect upon filing with the Secretary of State as provided in Florida Statutes, Section 125.66.

**ADOPTED THIS 28th DAY OF April, 2025 BY THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA.**

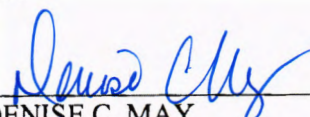
BOARD OF COUNTY COMMISSIONERS  
NASSAU COUNTY, FLORIDA

  
A.M. "Hupp" Huppmann  
Chairman

ATTEST AS TO CHAIRMAN'S SIGNATURE:

  
MITCH L. KEITER  
Its: Ex-Officio Clerk

Approved as to form by the Nassau County Attorney:

  
DENISE C. MAY





## FLORIDA DEPARTMENT *of* STATE

**RON DESANTIS**  
Governor

**CORD BYRD**  
Secretary of State

May 2, 2025

John A. Crawford  
Clerk of the Circuit Court  
Nassau County  
76347 Veteran's Way, Suite 456  
Yulee, Florida 32097

Dear John Crawford:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Nassau County Ordinance No. 2025-013, which was filed in this office on May 2, 2025.

Sincerely,

Alexandra Leijon  
Administrative Code and Register Director

AL/dp