

By the Committee on Comprehensive Planning, Local and Military Affairs; and Senator Laurent

316-1959-00

1                                   A bill to be entitled  
2           An act relating to the Green Swamp Area of  
3           Critical State Concern; amending s. 380.0677,  
4           F.S.; creating the Green Swamp Land Protection  
5           Initiative as successor to the Green Swamp Land  
6           Authority; providing mission; providing powers  
7           of the Division of State Lands of the  
8           Department of Environmental Protection;  
9           providing for negotiation of conservation  
10          easements for land protection; requiring  
11          development of an acquisition work plan;  
12          providing factors for selection of properties;  
13          providing for an annual list of proposed  
14          acquisitions; directing the division to develop  
15          a conservation easement program; providing  
16          rulemaking authority; providing for  
17          coordination and assistance of the Florida  
18          Communities Trust Program within the Department  
19          of Community Affairs, the Boards of County  
20          Commissioners for Polk and Lake Counties, the  
21          Southwest Florida Water Management District,  
22          and the St. Johns River Water Management  
23          District; providing for ownership rights and  
24          interests and use of property conveyed through  
25          a conservation easement; deleting powers and  
26          duties of the Green Swamp Land Authority;  
27          deleting provisions relating to land protection  
28          agreements, termination of such agreements, and  
29          availability and reversion of certain  
30          appropriated funds; providing reporting and  
31          staffing requirements; amending ss. 259.041,

1           259.101, 259.105, and 380.507, F.S.; providing  
2           conforming language and cross-references;  
3           providing for vesting of title to certain lands  
4           under the Florida Preservation 2000 Act in  
5           furtherance of the mission of the initiative;  
6           providing an effective date.

7  
8 Be It Enacted by the Legislature of the State of Florida:

9  
10           Section 1. Section 380.0677, Florida Statutes, is  
11 amended to read:

12           380.0677 Green Swamp Land Protection Initiative  
13 Authority.--

14           (1) CREATION; INTENT.--There is hereby created the  
15 Green Swamp Land Protection Initiative Authority. The Green  
16 Swamp Land Protection Initiative is to proceed as the  
17 successor in interest to the Green Swamp Land Authority and  
18 shall not unlawfully affect the terms of pending land  
19 protection agreements, easements, or other contracts  
20 previously entered into under this section.

21           (2) MISSION.--The mission of the Green Swamp Land  
22 Protection Initiative Authority shall be to balance the  
23 protection of the ecological values of the Green Swamp Area of  
24 Critical State Concern with the protection of private property  
25 rights and the interests of taxpayers through the acquisition  
26 of lands, or rights or interests in lands, from willing  
27 sellers within the Green Swamp Area of Critical State Concern.  
28 To that end, ~~the authority is encouraged to coordinate with~~  
29 the Division of State Lands of the Department of Environmental  
30 Protection is encouraged to coordinate with the Florida  
31 Communities Trust Program within the Department of Community

1 Affairs, the Boards of County Commissioners for Polk and Lake  
2 Counties, the Southwest Florida Water Management District, and  
3 the St. Johns River Water Management District to identify,  
4 select, and acquire less-than-fee-simple interests or rights  
5 in parcels within the Green Swamp Area of Critical State  
6 Concern, as part of overall land acquisition efforts by the  
7 state and the districts. When the Department of Environmental  
8 Protection and the water management districts are planning to  
9 acquire parcels within the Green Swamp Area of Critical State  
10 Concern, they shall consider acquiring such parcels using  
11 alternatives to fee simple techniques ~~in consultation with the~~  
12 ~~land authority.~~

13 ~~(3) POWERS; BUDGET; GOVERNOR'S APPROVAL OF PROPOSED~~  
14 ~~ACQUISITIONS.--The Green Swamp Land Authority shall have all~~  
15 ~~the powers pursuant to s. 380.0666, except that it may not~~  
16 ~~issue bonds and must annually submit its budget to the~~  
17 ~~Governor and the Legislature for review. In addition, the~~  
18 ~~authority must annually submit a list of proposed acquisitions~~  
19 ~~to the Governor for review and approval. The Governor may~~  
20 ~~remove proposed acquisitions from the list, with cause, if the~~  
21 ~~Governor determines such acquisitions would not further the~~  
22 ~~mission of the authority. By September 5 of the fiscal year in~~  
23 ~~which the authority's budget is submitted, the chairpersons of~~  
24 ~~the appropriations committees of the Senate and the House of~~  
25 ~~Representatives may transmit to the Governor and the authority~~  
26 ~~comments on and objections to the proposed budget. The~~  
27 ~~Governor shall respond in writing to the comments and~~  
28 ~~objections.~~

29 ~~(3)(4) APPLICATION FOR CONSERVATION EASEMENT LAND~~  
30 ~~PROTECTION AGREEMENT; LIST OF PROPOSED ACQUISITIONS.--Owners~~  
31 ~~of agricultural and other property within the Green Swamp Area~~

1 of Critical State Concern may ~~shall have 3 years from the~~  
2 ~~effective date of the land authority's rules to apply to the~~  
3 Division of State Lands ~~land authority~~ concerning their  
4 interest in signing a conservation easement. A conservation  
5 easement ~~land protection agreement restricting some or all of~~  
6 ~~their rights to their land. A land protection agreement is a~~  
7 voluntarily negotiated instrument which may provide  
8 compensation to a landowner in return for an undivided  
9 perpetual interest in real property ~~the willingness of the~~  
10 ~~landowner to accept restrictions or conditions on the use of~~  
11 ~~the parcel of land, including the right to develop the land as~~  
12 defined in s. 380.04, and may be created or stated in the form  
13 of an easement in any deed, will, or other instrument executed  
14 by or on the behalf of the owner of the property and subject  
15 to the provisions in s. 704.06. The conservation easement  
16 ~~agreement~~ shall include provisions for compliance and shall be  
17 recorded and indexed in the same manner as any other  
18 instrument affecting the title to real property. A  
19 conservation easement ~~land protection agreement~~ signed by the  
20 fee simple owner does not confer with it the right of public  
21 access to the real property, unless public access is a right  
22 specified within the easement ~~agreement~~. ~~Selected applicants'~~  
23 ~~properties shall be ranked on the authority's list of proposed~~  
24 ~~acquisitions. Work shall continue on listed projects for which~~  
25 ~~acquisition has begun but not closed within the 3-year period,~~  
26 ~~until the acquisition is successfully completed. During the~~  
27 ~~time the property remains on the authority's list of proposed~~  
28 ~~acquisitions, and for 2 years thereafter, the property owner~~  
29 ~~may not change the current use of the property.~~

30 (4)(5) ACQUISITION WORK PLAN SELECTION; CRITERIA.--The  
31 Division of State Lands, with the Florida Communities Trust

1 Program within the Department of Community Affairs, the Boards  
2 of County Commissioners for Polk and Lake Counties, the  
3 Southwest Florida Water Management District, and the St. Johns  
4 River Water Management District,~~authority~~ shall develop a  
5 work plan to identify ~~procedure for competitive selection of~~  
6 properties appropriate for conservation easements ~~and~~  
7 ~~protection agreements~~. Selection of properties to be included  
8 in the work plan ~~criteria~~ shall be based primarily on the  
9 water resource and ecological and environmental resource  
10 values of the parcels. Other factors may include the threat of  
11 impending development, and the historical significance of the  
12 property, or other factors determined to be relevant by the  
13 division, in consultation with the Florida Communities Trust  
14 Program within the Department of Community Affairs, the Boards  
15 of County Commissioners for Polk and Lake Counties, the  
16 Southwest Florida Water Management District, and the St. Johns  
17 River Water Management District ~~authority~~. Conservation  
18 easements ~~and protection agreements~~ shall be voluntary. The  
19 price paid for an interest in land or restricting the rights  
20 or interests in land shall not exceed the appraised value of  
21 those rights or interests. The selected properties shall  
22 constitute a list of proposed acquisitions, to be updated at  
23 least annually.

24 (5)(6) PROGRAM; CONSIDERATION.--The Division of State  
25 Lands ~~authority~~, with the assistance of the Florida  
26 Communities Trust Program within the Department of Community  
27 Affairs, the Boards of County Commissioners for Polk and Lake  
28 Counties, the Southwest Florida Water Management District, and  
29 the St. Johns River Water Management District ~~Districts~~, shall  
30 develop a conservation easement ~~and protection agreement~~  
31 program, including procedures for selecting, valuing, and

1 monitoring to ensure compliance with the purposes of this  
2 section within the Green Swamp Area of Critical State Concern.  
3 The Division of State Lands shall ~~Southwest Florida and St.~~  
4 ~~Johns River Water Management Districts~~ may act as the  
5 acquisition agent ~~agents~~ for the initiative land authority,  
6 and title to the lands, or interests or rights in lands  
7 acquired pursuant to this section, shall vest in the Board of  
8 Trustees of the Internal Improvement Trust Fund ~~district where~~  
9 ~~the acquisition project is located.~~ The division shall provide  
10 staff resources and support sufficient to fulfill the mission  
11 of the Green Swamp Land Protection Initiative in an  
12 expeditious manner. Among the procedures shall be a process  
13 for determining the amount of consideration that may be paid  
14 in exchange for an undivided perpetual interest in the real  
15 property or a restriction on interest in the real property for  
16 ~~the willingness of a property owner to accept restrictions or~~  
17 ~~conditions according to the terms of a land protection~~  
18 ~~agreement.~~ The division may adopt ~~authority shall make~~ rules  
19 necessary to govern the conservation easement application  
20 process, implement the conservation easements, implement a  
21 work plan, and implement the conservation easement program,  
22 along with other rules related to this section that are  
23 necessary to carry out this section. ~~To encourage~~  
24 ~~participation in the land protection agreement program and to~~  
25 ~~create a sense of fairness, the land authority is directed in~~  
26 ~~making rules to reflect changes in land values as a result of~~  
27 ~~the designation of the Green Swamp Area of Critical State~~  
28 ~~Concern and implementation of Polk and Lake Counties'~~  
29 ~~comprehensive plans. Such rules shall be reviewed by the~~  
30 ~~Southwest Florida and St. Johns River Water Management~~  
31 ~~Districts.~~

1            (6)~~(7)~~ APPROPRIATIONS.--From funds appropriated to the  
2 Department of Environmental Protection for land acquisition  
3 from the Conservation and Recreation Lands Trust Fund for  
4 fiscal years 1994-1995, 1995-1996, and 1996-1997, \$4 million  
5 shall be reserved each fiscal year to carry out the purposes  
6 of this section. To the extent practicable, moneys  
7 appropriated from the Conservation and Recreation Lands Trust  
8 Fund, Save Our Rivers Trust Fund, and Florida Communities  
9 Trust Fund shall be used to acquire lands, or interests or  
10 rights in lands, on the Conservation and Recreation Lands,  
11 Save Our Rivers, or Florida Communities Trust land acquisition  
12 plans or lists, as defined in s. 259.035, or a land  
13 acquisition plan under s. 373.59 or s. 380.508. However,  
14 nothing in this subsection prohibits the Division of State  
15 Lands ~~Green Swamp Land Authority~~ from entering into  
16 conservation easements ~~land protection agreements~~ with any  
17 property owner whose property is not on any of such lists.  
18 From sums appropriated to the Department of Environmental  
19 Protection from the Water Management District Lands Trust Fund  
20 for fiscal years 1994-1995, 1995-1996, and 1996-1997, \$3  
21 million shall be reserved each fiscal year to carry out the  
22 purposes of this section. Such amounts as are used from the  
23 Water Management District Lands Trust Fund shall be credited  
24 against the allocations as provided in s. 373.59 to the St.  
25 Johns River Water Management District or the Southwest Florida  
26 Water Management District in proportion to the amount of lands  
27 for which an interest was acquired, and shall not be required  
28 by a district for debt service payments or land management  
29 purposes. From funds appropriated to the Department of  
30 Community Affairs for the Florida Communities Trust Program  
31 from the Preservation 2000 Trust Fund for fiscal years

1 1994-1995 through 1999-2000, \$3 million shall be reserved each  
2 fiscal year to carry out the purposes of this section.  
3 Appropriations identified pursuant to this subsection shall  
4 fund the acquisition of lands, or the interests or rights in  
5 lands, and related costs of acquisition. ~~Such funds shall be~~  
6 ~~available for expenditure after the land authority has adopted~~  
7 ~~rules to begin its program. Funds reserved pursuant to this~~  
8 ~~subsection, for each of the referenced fiscal years, shall~~  
9 ~~remain available for the purposes specified in this subsection~~  
10 ~~for 24 months from the date on which such funds become~~  
11 ~~available for disbursement. After such time has elapsed, any~~  
12 ~~funds which are not legally obligated for expenditure shall be~~  
13 ~~released for the lawful purposes for which they were otherwise~~  
14 ~~appropriated.~~

15       (7)(8) OWNERSHIP RIGHTS AND INTERESTS.--Ownership of  
16 any rights or interests that ~~which~~ are conveyed through a  
17 conservation easement ~~land protection agreement~~ shall vest in  
18 the Board of Trustees of the Internal Improvement Trust Fund  
19 ~~Southwest Florida Water Management District or the St. Johns~~  
20 ~~River Water Management District, based on where the~~  
21 ~~acquisition project is located. The districts shall monitor~~  
22 ~~the~~ conservation easements ~~agreements~~ under their respective  
23 jurisdictions to ensure compliance with the terms of the  
24 easements until the state assumes this responsibility. The  
25 division agreements, ~~and~~ shall provide the county property  
26 appraiser, the county tax collector, and the county manager  
27 with copies of conservation easements ~~land protection~~  
28 ~~agreements~~ that specify the deed restrictions on lands.

29       (8)(9) USE OF PROPERTY ~~AGREEMENT~~.--A private property  
30 owner who enters into a conservation easement ~~land protection~~  
31 ~~agreement~~ may use the property in any manner consistent with



1 the terms of the easement agreement. A conservation easement  
2 that land protection agreement which limits the use of  
3 property to agriculture shall allow the owner to change from  
4 one agricultural activity to another unless otherwise  
5 prohibited by the provisions of the easement agreement. Unless  
6 otherwise stated, easements agreements shall not prohibit the  
7 construction or operation of: barns or other buildings  
8 necessary to agricultural activities, such as employment  
9 housing; hunting and fishing camps; or a specified number of  
10 single-family residences solely for the use of the property  
11 owner or the owner's family.

12 ~~(10) TERMINATION OF LAND PROTECTION AGREEMENTS.--A fee~~  
13 ~~simple owner of lands subject to a land protection agreement~~  
14 ~~may petition the governing board of the water management~~  
15 ~~district which holds title to the interests or rights in those~~  
16 ~~lands to terminate the agreement. If the district finds that~~  
17 ~~ownership of a parcel of land or interests or rights in a~~  
18 ~~parcel of land acquired pursuant to this section is no longer~~  
19 ~~needed to protect the Green Swamp Area of Critical State~~  
20 ~~Concern, the district may dispose of the land, or interests or~~  
21 ~~rights in the land, according to procedures adopted pursuant~~  
22 ~~to s. 373.089.~~

23 (9)(11) PROPERTY RIGHTS PROTECTED.--Nothing in this  
24 section shall be construed to abrogate the constitutionally  
25 protected property rights of private property owners within  
26 the Green Swamp Area of Critical State Concern, whether or not  
27 they choose to participate in the Green Swamp Land Protection  
28 Initiative Authority's acquisition program.

29 (10) REPORTING REQUIREMENTS.--The Department of  
30 Environmental Protection is directed to submit a report on the  
31 status of the Green Swamp land acquisition program to the

1 Governor, the President of the Senate, and the Speaker of the  
2 House of Representatives prior to the 2001 and 2002 Regular  
3 Legislative Sessions. The department shall include in these  
4 reports any recommendations relating to the Green Swamp land  
5 acquisition program.

6 (11) STAFFING REQUIREMENTS.--The Division of State  
7 Lands shall provide staff, resources, and support sufficient  
8 to fulfill the mission of the Green Swamp Land Protection  
9 Initiative in an expeditious manner. The division shall  
10 designate a coordinator for the initiative who shall  
11 physically travel to the Green Swamp Area of Critical State  
12 Concern, on at least a quarterly basis, to provide assistance  
13 and services to the area landowners. The division shall  
14 provide reasonable notice to the landowners of the  
15 coordinator's visits, which shall include the time, date, and  
16 location of each visit.

17 Section 2. Paragraph (b) of subsection (11) of section  
18 259.041, Florida Statutes, is amended to read:

19 259.041 Acquisition of state-owned lands for  
20 preservation, conservation, and recreation purposes.--

21 (11)

22 (b) All project applications shall identify, within  
23 their acquisition plans, those projects which require a full  
24 fee simple interest to achieve the public policy goals,  
25 together with the reasons full title is determined to be  
26 necessary. The state agencies and the water management  
27 districts may use alternatives to fee simple acquisition to  
28 bring the remaining projects in their acquisition plans under  
29 public protection. For the purposes of this subsection, the  
30 term "alternatives to fee simple acquisition" includes, but is  
31 not limited to: purchase of development rights; obtaining

1 conservation easements; obtaining flowage easements; purchase  
2 of timber rights, mineral rights, or hunting rights; purchase  
3 of agricultural interests or silvicultural interests; entering  
4 into land protection agreements; entering into conservation  
5 easements as defined in s. 380.0677(3)~~(5)~~; fee simple  
6 acquisitions with reservations; creating life estates; or any  
7 other acquisition technique which achieves the public policy  
8 goals listed in paragraph (a). It is presumed that a private  
9 landowner retains the full range of uses for all the rights or  
10 interests in the landowner's land which are not specifically  
11 acquired by the public agency. The lands upon which hunting  
12 rights are specifically acquired pursuant to this paragraph  
13 shall be available for hunting in accordance with the  
14 management plan or hunting regulations adopted by the Florida  
15 Fish and Wildlife Conservation Commission, unless the hunting  
16 rights are purchased specifically to protect activities on  
17 adjacent lands.

18 Section 3. Subsection (3) of section 259.101, Florida  
19 Statutes, is amended to read:

20 259.101 Florida Preservation 2000 Act.--

21 (3) LAND ACQUISITION PROGRAMS SUPPLEMENTED.--Less the  
22 costs of issuance, the costs of funding reserve accounts, and  
23 other costs with respect to the bonds, the proceeds of bonds  
24 issued pursuant to this act shall be deposited into the  
25 Florida Preservation 2000 Trust Fund created by s. 375.045.  
26 Ten percent of the proceeds of any bonds deposited into the  
27 Preservation 2000 Trust Fund shall be distributed by the  
28 Department of Environmental Protection to the Department of  
29 Environmental Protection for the purchase by the South Florida  
30 Water Management District of lands in Dade, Broward, and Palm  
31 Beach Counties identified in s. 7, chapter 95-349, Laws of

1 Florida. This distribution shall apply for any bond issue for  
2 the 1995-1996 fiscal year. For the 1997-1998 fiscal year only,  
3 \$20 million per year from the proceeds of any bonds deposited  
4 into the Florida Preservation 2000 Trust Fund shall be  
5 distributed by the Department of Environmental Protection to  
6 the St. Johns Water Management District for the purchase of  
7 lands necessary to restore Lake Apopka. The remaining proceeds  
8 shall be distributed by the Department of Environmental  
9 Protection in the following manner:

10 (a) Fifty percent to the Department of Environmental  
11 Protection for the purchase of public lands as described in s.  
12 259.032. Of this 50 percent, at least one-fifth shall be used  
13 for the acquisition of coastal lands.

14 (b) Thirty percent to the Department of Environmental  
15 Protection for the purchase of water management lands pursuant  
16 to s. 373.59, to be distributed among the water management  
17 districts as provided in that section. Funds received by each  
18 district may also be used for acquisition of lands necessary  
19 to implement surface water improvement and management plans  
20 approved in accordance with s. 373.456 or for acquisition of  
21 lands necessary to implement the Everglades Construction  
22 Project authorized by s. 373.4592.

23 (c) Ten percent to the Department of Community Affairs  
24 to provide land acquisition grants and loans to local  
25 governments through the Florida Communities Trust pursuant to  
26 part III of chapter 380. From funds allocated to the trust,  
27 \$3 million annually shall be used by the Division of State  
28 Lands to implement the Green Swamp Land Protection Initiative  
29 ~~Green Swamp Land Authority~~ or specifically for the purchase of  
30 conservation easements through land protection agreements, as  
31 defined in s. 380.0677(3)~~(5)~~, of lands, or severable interests

1 or rights in lands, in the Green Swamp Area of Critical State  
2 Concern. From funds allocated to the trust, \$3 million  
3 annually shall be used by the Monroe County Comprehensive Plan  
4 Land Authority specifically for the purchase of any real  
5 property interest in either those lands subject to the Rate of  
6 Growth Ordinances adopted by local governments in Monroe  
7 County or those lands within the boundary of an approved  
8 Conservation and Recreation Lands project located within the  
9 Florida Keys or Key West Areas of Critical State Concern;  
10 however, title to lands acquired within the boundary of an  
11 approved Conservation and Recreation Lands project may, in  
12 accordance with an approved joint acquisition agreement, vest  
13 in the Board of Trustees of the Internal Improvement Trust  
14 Fund. Of the remaining funds allocated to the trust after the  
15 above transfers occur, one-half shall be matched by local  
16 governments on a dollar-for-dollar basis. To the extent  
17 allowed by federal requirements for the use of bond proceeds,  
18 the trust shall expend Preservation 2000 funds to carry out  
19 the purposes of part III of chapter 380.

20 (d) Two and nine-tenths percent to the Department of  
21 Environmental Protection for the purchase of inholdings and  
22 additions to state parks. For the purposes of this paragraph,  
23 "state park" means all real property in the state under the  
24 jurisdiction of the Division of Recreation and Parks of the  
25 department, or which may come under its jurisdiction.

26 (e) Two and nine-tenths percent to the Division of  
27 Forestry of the Department of Agriculture and Consumer  
28 Services to fund the acquisition of state forest inholdings  
29 and additions pursuant to s. 589.07.

30 (f) Two and nine-tenths percent to the Fish and  
31 Wildlife Conservation ~~Game and Fresh Water Fish~~ Commission to

1 fund the acquisition of inholdings and additions to lands  
2 managed by the commission which are important to the  
3 conservation of fish and wildlife.

4 (g) One and three-tenths percent to the Department of  
5 Environmental Protection for the Florida Greenways and Trails  
6 Program, to acquire greenways and trails or greenways and  
7 trails systems pursuant to chapter 260, including, but not  
8 limited to, abandoned railroad rights-of-way and the Florida  
9 National Scenic Trail.

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11 Local governments may use federal grants or loans, private  
12 donations, or environmental mitigation funds, including  
13 environmental mitigation funds required pursuant to s.  
14 338.250, for any part or all of any local match required for  
15 the purposes described in this subsection. Bond proceeds  
16 allocated pursuant to paragraph (c) may be used to purchase  
17 lands on the priority lists developed pursuant to s. 259.035.  
18 Title to lands purchased pursuant to paragraphs (a), (d), (e),  
19 (f), and (g) shall be vested in the Board of Trustees of the  
20 Internal Improvement Trust Fund, ~~except that title to lands,~~  
21 ~~or rights or interests therein, acquired by either the~~  
22 ~~Southwest Florida Water Management District or the St. Johns~~  
23 ~~River Water Management District in furtherance of the Green~~  
24 ~~Swamp Land Authority's mission pursuant to s. 380.0677(3),~~  
25 ~~shall be vested in the district where the acquisition project~~  
26 ~~is located.~~ Title to lands purchased pursuant to paragraph  
27 (c) may be vested in the Board of Trustees of the Internal  
28 Improvement Trust Fund. The board of trustees shall hold title  
29 to land protection agreements and conservation easements that  
30 were or will be acquired pursuant to s. 380.0177, and, except  
31 ~~that title to lands, or rights or interests therein, acquired~~

1 ~~by either~~ the Southwest Florida Water Management District and  
2 ~~or~~ the St. Johns River Water Management District shall monitor  
3 such agreements and easements within their respective  
4 districts until the state assumes this responsibility in  
5 ~~furtherance of the Green Swamp Land Authority's mission~~  
6 ~~pursuant to s. 380.0677(3), shall be vested in the district~~  
7 ~~where the acquisition project is located. This subsection is~~  
8 ~~repealed effective October 1, 2000. Prior to repeal, the~~  
9 ~~legislature shall review the provisions scheduled for repeal~~  
10 ~~and shall determine whether to reenact or modify the~~  
11 ~~provisions or to take no action.~~

12 Section 4. Paragraph (k) of subsection (9) of section  
13 259.105, Florida Statutes, is amended to read:

14 259.105 The Florida Forever Act.--

15 (9) The Acquisition and Restoration Council shall  
16 develop a rule to competitively evaluate, select, and rank  
17 projects eligible for Florida Forever funds pursuant to  
18 paragraph (3)(b). In developing this rule the Acquisition and  
19 Restoration Council shall give weight to the following  
20 criteria:

21 (k) The project may be acquired, in whole or in part,  
22 using alternatives to fee simple, including but not limited  
23 to, purchase of development rights, hunting rights,  
24 agricultural or silvicultural rights, or mineral rights; or  
25 obtaining conservation easements or flowage easements; ~~or use~~  
26 ~~of land protection agreements as defined in s. 380.0677(5).~~

27 Section 5. Subsection (11) of section 380.507, Florida  
28 Statutes, is amended to read:

29 380.507 Powers of the trust.--The trust shall have all  
30 the powers necessary or convenient to carry out the purposes  
31 and provisions of this part, including:

1           (11) To make rules necessary to carry out the purposes  
2 of this part and to exercise any power granted in this part,  
3 pursuant to the provisions of chapter 120. The trust shall  
4 adopt rules governing the acquisition of lands by local  
5 governments or the trust using proceeds from the Preservation  
6 2000 Trust Fund and the Florida Forever Trust Fund, consistent  
7 with the intent expressed in the Florida Forever Act. Such  
8 rules must include, but are not limited to, procedures for  
9 appraisals and confidentiality consistent with ss.  
10 125.355(1)(a) and (b) and 166.045(1)(a) and (b), a method of  
11 determining a maximum purchase price, and procedures to assure  
12 that the land is acquired in a voluntarily negotiated  
13 transaction, surveyed, conveyed with marketable title, and  
14 examined for hazardous materials contamination. Land  
15 acquisition procedures of a local land authority or a land  
16 protection initiative created pursuant to s. 380.0663 or s.  
17 380.0677 may be used for the land acquisition programs  
18 described by ss. 259.101(3)(c) and 259.105 if within areas of  
19 critical state concern designated pursuant to s. 380.05,  
20 subject to approval of the trust.

21           Section 6. This act shall take effect upon becoming a  
22 law.

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1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
2 COMMITTEE SUBSTITUTE FOR  
3 SB 1274

4 Requires that the Green Swamp Land Protection Initiative shall  
5 not lawfully affect the terms of pending land protection  
6 agreements, easements or other contracts previously entered  
7 into under s. 380.0677, F.S.

8 Provides that title to interests in land obtained under the  
9 Green Swamp Land Protection Initiative shall vest in the Board  
10 of Trustees of the Internal Improvement Trust Fund, rather  
11 than water management district where the interest acquired is  
12 located. The Southwest Florida Water Management District and  
13 the St. Johns Water Management districts are required to  
14 monitor easements within their respective districts until the  
15 state assumes the responsibility.

16 Requires the division of State Lands of the Department of  
17 Environmental Protection to provide staff, resources and  
18 designate a coordinator for the Initiative who will provide  
19 assistance to landowners, and grants the division rulemaking  
20 authority to accomplish these tasks.

21 Requires the Department of Environmental Protection to submit  
22 a report on the status of the Green Swamp Land Protection  
23 Initiative to the Governor, President of the Senate and  
24 Speaker of the House of Representatives prior to the 2001 and  
25 2002 Legislative Sessions.