

By the Committees on General Government Appropriations,
Environmental Protection and Representatives Dockery, Melvin
and Suarez

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 of rights and
24 interests conveyed through land protection
25 agreements and conservation easements;
26 providing for use of property conveyed;
27 deleting powers and duties of the Green Swamp
28 Land Authority; deleting provisions relating to
29 land protection agreements, termination of such
30 agreements, and availability and reversion of
31 certain appropriated funds; providing reporting

1 and staffing requirements; amending ss.
2 259.041, 259.101, 259.105, and 380.507, F.S.;
3 providing conforming language and cross
4 references; providing for vesting of title to
5 certain lands under the Florida Preservation
6 2000 Act; 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. The board of
9 trustees shall hold title to land protection agreements and
10 conservation easements that were or will be acquired pursuant
11 to this section. The Southwest Florida Water Management
12 District and the St. Johns River Water Management District
13 shall monitor such agreements and easements, within their
14 respective districts, until the state assumes this
15 responsibility ~~district where the acquisition project is~~
16 ~~located.~~ Among the procedures shall be a process for
17 determining the amount of consideration that may be paid in
18 exchange for an undivided perpetual interest in the real
19 property or a restriction on interest in the real property for
20 ~~the willingness of a property owner to accept restrictions or~~
21 ~~conditions according to the terms of a land protection~~
22 ~~agreement.~~ The division may adopt ~~authority shall make~~ rules
23 necessary to govern the conservation easement application
24 process, implement the conservation easements, implement a
25 work plan, and implement the conservation easement program,
26 along with other rules related to this section that are
27 necessary to carry out this section. ~~To encourage~~
28 ~~participation in the land protection agreement program and to~~
29 ~~create a sense of fairness, the land authority is directed in~~
30 ~~making rules to reflect changes in land values as a result of~~
31 ~~the designation of the Green Swamp Area of Critical State~~

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

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

19 (7)~~(8)~~ OWNERSHIP RIGHTS AND INTERESTS.--Ownership of
20 any rights or interests which are conveyed through a
21 conservation easement land protection agreement shall vest in
22 the Board of Trustees of the Internal Improvement Trust Fund.
23 The board of trustees shall hold title to land protection
24 agreements and conservation easements that were or will be
25 acquired pursuant to this section ~~Southwest Florida Water~~
26 ~~Management District or the St. Johns River Water Management~~
27 ~~District, based on where the acquisition project is located.~~
28 The districts shall monitor such conservation easements and
29 ~~the~~ agreements under their respective jurisdictions to ensure
30 compliance with the terms of the easements and agreements,
31 until the state assumes this responsibility, and shall provide

1 the county property appraiser, the county tax collector, and
2 the county manager with copies of conservation easements and
3 land protection agreements that specify the deed restrictions
4 on lands.

5 (8)~~(9)~~ USE OF PROPERTY AGREEMENT.--A private property
6 owner who enters into a conservation easement ~~land protection~~
7 ~~agreement~~ may use the property in any manner consistent with
8 the terms of the easement agreement. A conservation easement
9 ~~that land protection agreement which~~ limits the use of
10 property to agriculture shall allow the owner to change from
11 one agricultural activity to another unless otherwise
12 prohibited by the provisions of the easement agreement. Unless
13 otherwise stated, easements agreements shall not prohibit the
14 construction or operation of: barns or other buildings
15 necessary to agricultural activities, such as employment
16 housing; hunting and fishing camps; or a specified number of
17 single-family residences solely for the use of the property
18 owner or the owner's family.

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

30 (9)~~(11)~~ PROPERTY RIGHTS PROTECTED.--Nothing in this
31 section shall be construed to abrogate the constitutionally

1 protected property rights of private property owners within
2 the Green Swamp Area of Critical State Concern, whether or not
3 they choose to participate in the Green Swamp Land Protection
4 Initiative Authority's acquisition program.

5 (10) REPORTING REQUIREMENTS.--The Department of
6 Environmental Protection is directed to submit a report on the
7 status of the Green Swamp land acquisition program to the
8 Governor, the President of the Senate, and the Speaker of the
9 House of Representatives prior to the 2001 and 2002 Regular
10 Legislative Sessions. The department shall include in these
11 reports any recommendations relating to the Green Swamp land
12 acquisition program.

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

24 Section 2. Paragraph (b) of subsection (11) of section
25 259.041, Florida Statutes, is amended to read:

26 259.041 Acquisition of state-owned lands for
27 preservation, conservation, and recreation purposes.--

28 (11)

29 (b) All project applications shall identify, within
30 their acquisition plans, those projects which require a full
31 fee simple interest to achieve the public policy goals,

1 together with the reasons full title is determined to be
2 necessary. The state agencies and the water management
3 districts may use alternatives to fee simple acquisition to
4 bring the remaining projects in their acquisition plans under
5 public protection. For the purposes of this subsection, the
6 term "alternatives to fee simple acquisition" includes, but is
7 not limited to: purchase of development rights; obtaining
8 conservation easements; obtaining flowage easements; purchase
9 of timber rights, mineral rights, or hunting rights; purchase
10 of agricultural interests or silvicultural interests; entering
11 into land protection agreements; entering into conservation
12 easements as defined in s. 380.0677(3)~~(5)~~; fee simple
13 acquisitions with reservations; creating life estates; or any
14 other acquisition technique which achieves the public policy
15 goals listed in paragraph (a). It is presumed that a private
16 landowner retains the full range of uses for all the rights or
17 interests in the landowner's land which are not specifically
18 acquired by the public agency. The lands upon which hunting
19 rights are specifically acquired pursuant to this paragraph
20 shall be available for hunting in accordance with the
21 management plan or hunting regulations adopted by the Florida
22 Fish and Wildlife Conservation Commission, unless the hunting
23 rights are purchased specifically to protect activities on
24 adjacent lands.

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

27 259.101 Florida Preservation 2000 Act.--

28 (3) LAND ACQUISITION PROGRAMS SUPPLEMENTED.--Less the
29 costs of issuance, the costs of funding reserve accounts, and
30 other costs with respect to the bonds, the proceeds of bonds
31 issued pursuant to this act shall be deposited into the

1 Florida Preservation 2000 Trust Fund created by s. 375.045.
2 Ten percent of the proceeds of any bonds deposited into the
3 Preservation 2000 Trust Fund shall be distributed by the
4 Department of Environmental Protection to the Department of
5 Environmental Protection for the purchase by the South Florida
6 Water Management District of lands in Dade, Broward, and Palm
7 Beach Counties identified in s. 7, chapter 95-349, Laws of
8 Florida. This distribution shall apply for any bond issue for
9 the 1995-1996 fiscal year. For the 1997-1998 fiscal year only,
10 \$20 million per year from the proceeds of any bonds deposited
11 into the Florida Preservation 2000 Trust Fund shall be
12 distributed by the Department of Environmental Protection to
13 the St. Johns Water Management District for the purchase of
14 lands necessary to restore Lake Apopka. The remaining proceeds
15 shall be distributed by the Department of Environmental
16 Protection in the following manner:

17 (a) Fifty percent to the Department of Environmental
18 Protection for the purchase of public lands as described in s.
19 259.032. Of this 50 percent, at least one-fifth shall be used
20 for the acquisition of coastal lands.

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

30 (c) Ten percent to the Department of Community Affairs
31 to provide land acquisition grants and loans to local

1 governments through the Florida Communities Trust pursuant to
2 part III of chapter 380. From funds allocated to the trust,
3 \$3 million annually shall be used by the Division of State
4 Lands to implement the Green Swamp Land Protection Initiative
5 ~~Green Swamp Land Authority~~ or specifically for the purchase of
6 conservation easements through land protection agreements, as
7 defined in s. 380.0677(3)~~(5)~~, of lands, or severable interests
8 or rights in lands, in the Green Swamp Area of Critical State
9 Concern. From funds allocated to the trust, \$3 million
10 annually shall be used by the Monroe County Comprehensive Plan
11 Land Authority specifically for the purchase of any real
12 property interest in either those lands subject to the Rate of
13 Growth Ordinances adopted by local governments in Monroe
14 County or those lands within the boundary of an approved
15 Conservation and Recreation Lands project located within the
16 Florida Keys or Key West Areas of Critical State Concern;
17 however, title to lands acquired within the boundary of an
18 approved Conservation and Recreation Lands project may, in
19 accordance with an approved joint acquisition agreement, vest
20 in the Board of Trustees of the Internal Improvement Trust
21 Fund. Of the remaining funds allocated to the trust after the
22 above transfers occur, one-half shall be matched by local
23 governments on a dollar-for-dollar basis. To the extent
24 allowed by federal requirements for the use of bond proceeds,
25 the trust shall expend Preservation 2000 funds to carry out
26 the purposes of part III of chapter 380.

27 (d) Two and nine-tenths percent to the Department of
28 Environmental Protection for the purchase of inholdings and
29 additions to state parks. For the purposes of this paragraph,
30 "state park" means all real property in the state under the
31

1 jurisdiction of the Division of Recreation and Parks of the
2 department, or which may come under its jurisdiction.

3 (e) Two and nine-tenths percent to the Division of
4 Forestry of the Department of Agriculture and Consumer
5 Services to fund the acquisition of state forest inholdings
6 and additions pursuant to s. 589.07.

7 (f) Two and nine-tenths percent to the Fish and
8 Wildlife Conservation ~~Game and Fresh Water Fish~~ Commission to
9 fund the acquisition of inholdings and additions to lands
10 managed by the commission which are important to the
11 conservation of fish and wildlife.

12 (g) One and three-tenths percent to the Department of
13 Environmental Protection for the Florida Greenways and Trails
14 Program, to acquire greenways and trails or greenways and
15 trails systems pursuant to chapter 260, including, but not
16 limited to, abandoned railroad rights-of-way and the Florida
17 National Scenic Trail.

18

19 Local governments may use federal grants or loans, private
20 donations, or environmental mitigation funds, including
21 environmental mitigation funds required pursuant to s.
22 338.250, for any part or all of any local match required for
23 the purposes described in this subsection. Bond proceeds
24 allocated pursuant to paragraph (c) may be used to purchase
25 lands on the priority lists developed pursuant to s. 259.035.
26 Title to lands purchased pursuant to paragraphs (a), (d), (e),
27 (f), and (g) shall be vested in the Board of Trustees of the
28 Internal Improvement Trust Fund, ~~except that title to lands,~~
29 ~~or rights or interests therein, acquired by either the~~
30 ~~Southwest Florida Water Management District or the St. Johns~~
31 ~~River Water Management District in furtherance of the Green~~

1 ~~Swamp Land Authority's mission pursuant to s. 380.0677(3),~~
2 ~~shall be vested in the district where the acquisition project~~
3 ~~is located.~~ Title to lands purchased pursuant to paragraph (c)
4 may be vested in the Board of Trustees of the Internal
5 Improvement Trust Fund. The board of trustees shall hold title
6 to land protection agreements and conservation easements that
7 were or will be acquired pursuant to s. 380.0677, and, except
8 that title to lands, or rights or interests therein, acquired
9 by either the Southwest Florida Water Management District and
10 or the St. Johns River Water Management District shall monitor
11 such agreements and easements, within their respective
12 districts, until the state assumes this responsibility in
13 ~~furtherance of the Green Swamp Land Authority's mission~~
14 ~~pursuant to s. 380.0677(3), shall be vested in the district~~
15 ~~where the acquisition project is located. This subsection is~~
16 ~~repealed effective October 1, 2000. Prior to repeal, the~~
17 ~~Legislature shall review the provisions scheduled for repeal~~
18 ~~and shall determine whether to reenact or modify the~~
19 ~~provisions or to take no action.~~

20 Section 4. Paragraph (k) of subsection (9) of section
21 259.105, Florida Statutes, is amended to read:

22 259.105 The Florida Forever Act.--

23 (9) The Acquisition and Restoration Council shall
24 develop a rule to competitively evaluate, select, and rank
25 projects eligible for Florida Forever funds pursuant to
26 paragraph (3)(b). In developing this rule the Acquisition and
27 Restoration Council shall give weight to the following
28 criteria:

29 (k) The project may be acquired, in whole or in part,
30 using alternatives to fee simple, including but not limited
31 to, purchase of development rights, hunting rights,

1 agricultural or silvicultural rights, or mineral rights; or
2 obtaining conservation easements or flowage easements; ~~or use~~
3 ~~of land protection agreements as defined in s. 380.0677(5).~~

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

6 380.507 Powers of the trust.--The trust shall have all
7 the powers necessary or convenient to carry out the purposes
8 and provisions of this part, including:

9 (11) To make rules necessary to carry out the purposes
10 of this part and to exercise any power granted in this part,
11 pursuant to the provisions of chapter 120. The trust shall
12 adopt rules governing the acquisition of lands by local
13 governments or the trust using proceeds from the Preservation
14 2000 Trust Fund and the Florida Forever Trust Fund, consistent
15 with the intent expressed in the Florida Forever Act. Such
16 rules must include, but are not limited to, procedures for
17 appraisals and confidentiality consistent with ss.
18 125.355(1)(a) and (b) and 166.045(1)(a) and (b), a method of
19 determining a maximum purchase price, and procedures to assure
20 that the land is acquired in a voluntarily negotiated
21 transaction, surveyed, conveyed with marketable title, and
22 examined for hazardous materials contamination. Land
23 acquisition procedures of a local land authority or a land
24 protection initiative created pursuant to s. 380.0663 or s.
25 380.0677 may be used for the land acquisition programs
26 described by ss. 259.101(3)(c) and 259.105 if within areas of
27 critical state concern designated pursuant to s. 380.05,
28 subject to approval of the trust.

29 Section 6. This act shall take effect upon becoming a
30 law.

31