

Amendment No. \_\_\_\_ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

11 The Committee on Agriculture & Consumer Affairs offered the  
12 following:

14 **Amendment (with title amendment)**

15 Remove from the bill: Everything after the enacting clause  
16  
17 and insert in lieu thereof:

18 Section 1. Short title.--This act may be cited as the  
19 "Rural and Family Lands Protection Act."

20 Section 2. Definitions.--As used in this act, the term  
21 "department" means the Department of Agriculture and Consumer  
22 Services.

23 Section 3. Section 570.70, Florida Statutes, is  
24 created to read:

25 570.70 Legislative findings.--The Legislature finds  
26 and declares that:

27 (1) A thriving rural economy with a strong  
28 agricultural base, healthy natural environment, and viable  
29 rural communities is an essential part of Florida. Rural areas  
30 also include the largest remaining intact ecosystems and best  
31 examples of remaining wildlife habitats as well as a majority

Amendment No. \_\_\_\_ (for drafter's use only)

1 of privately owned land targeted by local, state, and federal  
2 agencies for natural-resource protection.

3 (2) The growth of Florida's population can result in  
4 agricultural and rural lands being converted into residential  
5 or commercial development.

6 (3) The agricultural, rural, natural-resource, and  
7 commodity values of rural lands are vital to the state's  
8 economy, productivity, rural heritage, and quality of life.

9 (4) The purpose of this act is to bring under public  
10 protection lands that serve to limit subdivision and  
11 conversion of agricultural and natural areas that provide  
12 economic, open space, water, and wildlife benefits by  
13 acquiring land or related interests in land such as perpetual,  
14 less-than-fee acquisitions, agricultural protection  
15 agreements, and resource conservation agreements.

16 Section 4. Section 570.71, Florida Statutes, is  
17 created to read:

18 570.71 Conservation easements and agreements.--

19 (1) The department may allocate moneys to acquire  
20 perpetual, less-than-fee interest in land, to enter into  
21 agricultural protection agreements, and to enter into resource  
22 conservation agreements for the following public purposes:

23 (a) Promotion and improvement of wildlife habitat;

24 (b) Protection and enhancement of water bodies,  
25 aquifer recharge areas, wetlands, and watersheds;

26 (c) Perpetuation of open space on lands with  
27 significant natural areas; or

28 (d) Protection of agricultural lands threatened by  
29 conversion to other uses.

30 (2) To achieve the purposes of this act, beginning no  
31 later than July 1, 2002, and every year thereafter, the

Amendment No. \_\_\_\_ (for drafter's use only)

1 department shall accept applications for project proposals  
2 that:  
3 (a) Purchase conservation easements, as defined in s.  
4 704.06.  
5 (b) Purchase rural-lands-protection easements pursuant  
6 to this act.  
7 (c) Fund resource conservation agreements pursuant to  
8 this act.  
9 (d) Fund agricultural protection agreements pursuant  
10 to this act.  
11 (3) Rural-lands-protection easements shall be a  
12 perpetual right or interest in agricultural land which is  
13 appropriate to retain such land in predominantly its current  
14 state and to prevent the subdivision and conversion of such  
15 land into other uses. This right or interest in property shall  
16 prohibit only the following:  
17 (a) Construction or placing of buildings, roads,  
18 billboards or other advertising, utilities, or structures,  
19 except those structures and unpaved roads necessary for the  
20 agricultural operations on the land or structures necessary  
21 for other activities allowed under the easement, and except  
22 for linear facilities described in s. 704.06(11);  
23 (b) Subdivision of the property;  
24 (c) Dumping or placing of trash, waste, or offensive  
25 materials; and  
26 (d) Activities that affect the natural hydrology of  
27 the land or that detrimentally affect water conservation,  
28 erosion control, soil conservation, or fish or wildlife  
29 habitat, except those required for environmental restoration;  
30 federal, state, or local government regulatory programs; or  
31 best management practices.

Amendment No. \_\_\_\_ (for drafter's use only)

1           (4) Resource conservation agreements will be contracts  
2 for services which provide annual payments to landowners for  
3 services that actively improve habitat and water restoration  
4 or conservation on their lands over and above that which is  
5 already required by law or which provide recreational  
6 opportunities. They will be for a term of not less than 5  
7 years and not more than 10 years. Property owners will become  
8 eligible to enter into a resource conservation agreement only  
9 upon entering into a conservation easement or rural lands  
10 protection easement.

11           (5) Agricultural protection agreements shall be for  
12 terms of 30 years and will provide payments to landowners  
13 having significant natural areas on their land. Public access  
14 and public recreational opportunities may be negotiated at the  
15 request of the landowner.

16           (a) For the length of the agreement, the landowner  
17 shall agree to prohibit:

18           1. Construction or placing of buildings, roads,  
19 billboards or other advertising, utilities, or structures,  
20 except those structures and unpaved roads necessary for the  
21 agricultural operations on the land or structures necessary  
22 for other activities allowed under the easement, and except  
23 for linear facilities described in s. 704.06(11);

24           2. Subdivision of the property;

25           3. Dumping or placing of trash, waste, or offensive  
26 materials; and

27           4. Activities that affect the natural hydrology of the  
28 land, or that detrimentally affect water conservation, erosion  
29 control, soil conservation, or fish or wildlife habitat.

30           (b) Concurrently with entering into an agricultural  
31 protection agreement, the landowner shall grant to the state

Amendment No. \_\_\_\_ (for drafter's use only)

1 an option to purchase the property in fee simple at the end of  
2 the agreement based on the value of the property at the time  
3 the agreement is entered into plus a reasonable escalator. The  
4 escalator shall not exceed 2 percent of the value of the  
5 property at the time the agreement is entered into multiplied  
6 by the number of full calendar years from the date of the  
7 commencement of the agreement. At the end of an agreement, the  
8 parties may agree to extend the agreement for up to 5 years,  
9 but only if the option to purchase remains in effect until the  
10 end of the term extension. Upon mutual consent and agreement  
11 of the parties, a landowner may enter into a perpetual  
12 easement at any time during the term of an agricultural  
13 protection agreement. If the landowner sells the fee title,  
14 the buyer shall become the successor interest to the  
15 agriculture protection agreement and option.

16 (6) Payment for conservation easements and rural land  
17 protection easements shall be a lump-sum payment at the time  
18 the easement is entered into, payable from proceeds derived  
19 from revenues distributed pursuant to ss. 201.15 and 215.619.

20 (7) Landowners entering into an agricultural  
21 protection agreement may receive up to 50 percent of the  
22 purchase price at the time the agreement is entered into and  
23 remaining payments on the balance shall be equal annual  
24 payments over the term of the agreement, payable from proceeds  
25 derived from revenues distributed pursuant to ss. 201.15 and  
26 215.619, subject to the provisions of s. 11(e) of Art. VII of  
27 the State Constitution.

28 (8) Payments for the resource conservation agreements  
29 shall be equal annual payments over the term of the agreement,  
30 payable from proceeds derived from revenues distributed  
31 pursuant to s. 201.15.

Amendment No. \_\_\_\_ (for drafter's use only)

1           (9) Easements purchased pursuant to this act may not  
2 prevent landowners from transferring the remaining fee value  
3 with the easement.

4           (10) The department, in consultation with the  
5 Department of Environmental Protection, the water management  
6 districts, and the Florida Fish and Wildlife Conservation  
7 Commission, shall adopt rules that establish an application  
8 process, prioritize projects toward ranch and timber lands  
9 using sustainable practices to best achieve the purposes of  
10 this act, establish an appraisal process for easements, and  
11 establish a method to determine payments under an agricultural  
12 protection agreement or a resource conservation agreement.

13           (11) The department is directed to seek funds from  
14 federal sources to use in combination with state funds to  
15 carry out the purposes of this section.

16           Section 5. Paragraph (c) of subsection (1) of section  
17 201.15, Florida Statutes, as amended by chapters 99-247,  
18 2000-151, 2000-170, and 2000-197, Laws of Florida, is amended  
19 to read:

20           201.15 Distribution of taxes collected.--All taxes  
21 collected under this chapter shall be distributed as follows  
22 and shall be subject to the service charge imposed in s.  
23 215.20(1), except that such service charge shall not be levied  
24 against any portion of taxes pledged to debt service on bonds  
25 to the extent that the amount of the service charge is  
26 required to pay any amounts relating to the bonds:

27           (1) Sixty-two and sixty-three hundredths percent of  
28 the remaining taxes collected under this chapter shall be used  
29 for the following purposes:

30           (c) The remainder of the moneys distributed under this  
31 subsection, after the required payments under paragraph (a),

Amendment No. \_\_\_\_ (for drafter's use only)

1 shall be paid into the State Treasury to the credit of the  
2 General Revenue Fund of the state to be used and expended for  
3 the purposes for which the General Revenue Fund was created  
4 and exists by law or to the Ecosystem Management and  
5 Restoration Trust Fund or to the Marine Resources Conservation  
6 Trust Fund as provided in subsection (11) or to the  
7 Conservation and Recreation Lands Program Trust Fund of the  
8 Department of Agriculture and Consumer Services pursuant to s.  
9 570.71. Moneys available under this paragraph shall first be  
10 used to pay debt service due on any Rural Land Preservation  
11 Bond or to make any other payments required pursuant to the  
12 bond documents authorizing the issuance before such moneys are  
13 used for other purposes authorized by this paragraph.

14 Section 6. Section 215.619, Florida Statutes, is  
15 created to read:

16 215.619 Bonds for rural land protection.--

17 (1) The issuance of Rural Land Protection bonds not  
18 exceeding \$1 billion is hereby authorized. Such Rural Land  
19 Protection bonds may be issued over the next 10 fiscal years  
20 commencing on July 1, 2002, in an amount not exceeding \$100  
21 million in any fiscal year, subject to the provisions of s.  
22 570.71 and pursuant to s. 11(e) of Art. VII of the State  
23 Constitution. The duration of each series of bonds issued may  
24 not exceed 20 annual maturities.

25 (2) The state covenants with the holders of Rural  
26 Land Protection bonds that it will not take any action that  
27 will materially and adversely affect the rights of such  
28 holders so long as such bonds are outstanding, including, but  
29 not limited to, a reduction in the portion of documentary  
30 stamp taxes distributable to the Conservation and Recreation  
31 Lands Program Trust Fund of the Department of Agriculture and

Amendment No. \_\_\_\_ (for drafter's use only)

1 Consumer Services for payment of debt service.

2 (3) Bonds issued pursuant to this section shall be  
3 payable from taxes distributable to the Conservation and  
4 Recreation Lands Program Trust Fund of the Department of  
5 Agriculture and Consumer Services pursuant to s. 201.15(1)(c).  
6 Bonds issued pursuant to this section shall not constitute a  
7 general obligation of, or a pledge of the full faith and  
8 credit of, the state.

9 (4) The Department of Agriculture and Consumer  
10 Services shall request the Division of Bond Finance of the  
11 State Board of Administration to issue the Rural Land  
12 Protection bonds authorized by this section. The Division of  
13 Bond Finance shall issue such bonds pursuant to the State Bond  
14 Act.

15 (5) The proceeds from the sale of bonds issued  
16 pursuant to this section, less the costs of issuance, the  
17 costs of funding reserve accounts, and other costs with  
18 respect to the bonds, shall be deposited into the Conservation  
19 and Recreation Lands Program Trust Fund of the Department of  
20 Agriculture and Consumer Services as provided in s. 570.71.

21 (6) Pursuant to authority granted by s. 11(e) of Art.  
22 VII of the State Constitution, there is authorized the  
23 Conservation and Recreation Lands Program Trust Fund of the  
24 Department of Agriculture and Consumer Services.

25 (7) There shall be no sale, disposition, lease,  
26 easement, license, or other use of any land, water areas, or  
27 related property interests acquired or improved with proceeds  
28 of Rural Land Protection bonds which would cause all or any  
29 portion of the interest of such bonds to lose the exclusion  
30 from gross income for federal income tax purposes.

31 (8) The initial series of Rural Land Protection bonds



Amendment No. \_\_\_\_ (for drafter's use only)

1 shall be validated in addition to any other bonds required to  
2 be validated pursuant to s. 215.82. Any complaint for  
3 validation of bonds issued pursuant to this section shall be  
4 filed only in the circuit court of the county where the seat  
5 of state government is situated; the notice required to be  
6 published by s. 75.06 shall be published only in the county  
7 where the complaint is filed; and the complaint and order of  
8 the circuit court shall be served only on the state attorney  
9 of the circuit in which the action is pending.

10 Section 7. Subsection (1) of section 570.207, Florida  
11 Statutes, is amended to read:

12 570.207 Conservation and Recreation Lands Program  
13 Trust Fund of the Department of Agriculture and Consumer  
14 Services.--

15 (1) There is created a Conservation and Recreation  
16 Lands Program Trust Fund within the Department of Agriculture  
17 and Consumer Services. The purpose of the trust fund is to  
18 provide for the management of conservation and recreation  
19 lands by the department. Funds may be appropriated to the  
20 trust fund from the Conservation and Recreation Lands Trust  
21 Fund in the Department of Environmental Protection, as created  
22 by s. 259.032(2), or from such other sources as the  
23 Legislature may determine for the management of conservation  
24 and recreation lands by the department. Additionally, subject  
25 to the provisions of s. 11(e) of Art. VII of the State  
26 Constitution, the department may use moneys deposited pursuant  
27 to s. 201.15, bonded proceeds deposited pursuant to s.  
28 215.619, and funds from such other sources as the Legislature  
29 determines for the acquisition of conservation easements and  
30 rural-lands-protection easements and for funding agricultural  
31 protection agreements and resource conservation agreements

Amendment No. \_\_\_\_ (for drafter's use only)

1 pursuant to s. 570.71. The department is also authorized to  
2 pay debt service on Rural Land Protection bonds or other  
3 payments required pursuant to the bond documents authorizing  
4 their issuance from moneys in the Conservation and Recreation  
5 Lands Program Trust Fund.

6 Section 8. This act shall take effect July 1, 2001.

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9 ===== T I T L E A M E N D M E N T =====

10 And the title is amended as follows:

11 On page ,  
12 remove from the title of the bill:

13

14 and insert in lieu thereof:

15 An act relating to rural land conservation;  
16 creating the "Rural and Family Lands Protection  
17 Act"; defining terms; providing legislative  
18 intent; creating s. 570.70, F.S.; providing for  
19 the purchase of rural-lands-protection  
20 easements by the Department of Agriculture and  
21 Consumer Services; providing criteria;  
22 providing for resource conservation agreements  
23 and agricultural protection agreements;  
24 prescribing allowable land uses; providing for  
25 an application process; providing for an  
26 enforceable option to purchase property;  
27 directing the department to seek funds from  
28 federal sources; amending s. 201.15, F.S. ;  
29 providing for the distribution of certain taxes  
30 to the department to be used for the program;  
31 creating s. 215.619, F.S.; providing for bonds;

Amendment No. \_\_\_\_ (for drafter's use only)

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amending s. 570.207, F.S.; providing uses for  
funds from the Conservation and Recreation  
Lands Program Trust Fund; providing an  
effective date.