

By the Council for Competitive Commerce and
 Representatives Dockery, Alexander, Spratt, Harrington,
 Machek, Pickens, Stansel, Gannon, Goodlette, Detert, Atwater
 and Bean

1 A bill to be entitled
 2 An act relating to rural land conservation;
 3 creating the "Rural and Family Lands Protection
 4 Act"; providing a definition; creating s.
 5 570.70, F.S.; providing legislative findings;
 6 creating s. 570.71, F.S.; providing for the
 7 purchase of rural land protection easements by
 8 the Department of Agriculture and Consumer
 9 Services; providing criteria; providing for
 10 conservation easements, resource conservation
 11 agreements, and agricultural protection
 12 agreements; prescribing allowable land uses;
 13 requiring rulemaking; providing for an
 14 application process; providing for an option to
 15 purchase property; directing the department to
 16 seek funds from federal sources; amending s.
 17 201.15, F.S.; providing for the distribution of
 18 certain taxes to the department; creating s.
 19 215.619, F.S.; providing for bonds; amending s.
 20 570.207, F.S.; providing uses for funds from
 21 the Conservation and Recreation Lands Program
 22 Trust Fund; providing an effective date.

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 24 Be It Enacted by the Legislature of the State of Florida:

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

28 Section 2. Definition.--As used in this act, the term
 29 "department" means the Department of Agriculture and Consumer
 30 Services.

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1 Section 3. Section 570.70, Florida Statutes, is
2 created to read:

3 570.70 Legislative findings.--The Legislature finds
4 and declares that:

5 (1) A thriving rural economy with a strong
6 agricultural base, a healthy natural environment, and viable
7 rural communities is an essential part of Florida. Rural areas
8 include the largest remaining intact ecosystems and best
9 examples of remaining wildlife habitats as well as a majority
10 of privately owned land targeted by local, state, and federal
11 agencies for natural resource protection.

12 (2) The growth of Florida's population can result in
13 the conversion of agricultural and rural lands into
14 residential or commercial development areas.

15 (3) The agricultural, rural, natural resource, and
16 commodity values of rural lands are vital to the state's
17 economy, productivity, rural heritage, and quality of life.

18 (4) The purpose of this act is to bring under public
19 protection lands that serve to limit subdivision and
20 conversion of agricultural and natural areas that provide
21 economic, open space, water, and wildlife benefits by
22 acquiring land or related interests in land such as perpetual,
23 less-than-fee acquisitions, agricultural protection
24 agreements, and resource conservation agreements.

25 Section 4. Section 570.71, Florida Statutes, is
26 created to read:

27 570.71 Conservation easements and agreements.--

28 (1) The department, on behalf of the Board of Trustees
29 of the Internal Improvement Trust Fund, may allocate moneys to
30 acquire perpetual, less-than-fee interest in land, to enter
31 into agricultural protection agreements, and to enter into

1 resource conservation agreements for any of the following
2 public purposes:
3 (a) Promotion and improvement of wildlife habitat.
4 (b) Protection and enhancement of water bodies,
5 aquifer recharge areas, wetlands, and watersheds.
6 (c) Perpetuation of open space on lands with
7 significant natural areas.
8 (d) Protection of agricultural lands threatened by
9 conversion to other uses.
10 (2) To achieve the purposes of this act, beginning no
11 later than July 1, 2002, and every year thereafter, the
12 department shall accept applications for project proposals
13 that:
14 (a) Purchase conservation easements as defined in s.
15 704.06.
16 (b) Purchase rural land protection easements pursuant
17 to this act.
18 (c) Fund resource conservation agreements pursuant to
19 this act.
20 (d) Fund agricultural protection agreements pursuant
21 to this act.
22 (3) Rural land protection easements shall be perpetual
23 rights or interests in agricultural land which are appropriate
24 to retain such land in predominantly its current state and to
25 prevent the subdivision and conversion of such land into other
26 uses. Such easements shall prohibit only the following:
27 (a) Construction or placement of buildings, roads,
28 billboards or other advertising, utilities, or structures on
29 the land, except those structures and unpaved roads necessary
30 for agricultural operations or structures necessary for other
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1 activities allowed under the easement, and except for linear
2 facilities described in s. 704.06(11);
3 (b) Subdivision of the land;
4 (c) Dumping or placement of trash, waste, or offensive
5 materials on the land; and
6 (d) Activities that affect the natural hydrology of
7 the land or that detrimentally affect water conservation,
8 erosion control, soil conservation, or fish and wildlife
9 habitat, except those required for environmental restoration;
10 federal, state, or local government regulatory programs; or
11 best management practices.
12 (4) Resource conservation agreements shall be
13 contracts for services that provide annual payments to
14 landowners for services that actively improve habitat and
15 water restoration or conservation on their lands over and
16 above that which is already required by law or that provide
17 recreational opportunities. Such agreements shall be for a
18 term of not less than 5 years and not more than 10 years.
19 Property owners shall become eligible to enter into a resource
20 conservation agreement only upon entering into a conservation
21 easement or rural land protection easement.
22 (5) Agricultural protection agreements shall be for
23 terms of 30 years and shall provide payments to landowners
24 having significant natural areas on their land. Public access
25 and public recreational opportunities may be negotiated at the
26 request of the owner. At the end of the 30-year term, the
27 agreements shall automatically extend on an annual basis until
28 such time as the landowner tenders the property for transfer
29 or sale pursuant to paragraph (b).
30 (a) For the length of the agreement, the landowner
31 shall agree to prohibit:

1 1. Construction or placement of buildings, roads,
2 billboards or other advertising, utilities, or structures on
3 the land, except those structures and unpaved roads necessary
4 for agricultural operations or structures necessary for other
5 activities allowed under the agreement, and except for linear
6 facilities described in s. 704.06(11);

7 2. Subdivision of the land;

8 3. Dumping or placement of trash, waste, or offensive
9 materials on the land; and

10 4. Activities that affect the natural hydrology of the
11 land or that detrimentally affect water conservation, erosion
12 control, soil conservation, or fish and wildlife habitat.

13 (b) As part of the agricultural protection agreement,
14 the parties shall agree that the state shall have a right to
15 buy a conservation easement or rural land protection easement
16 at the end of the 30-year term or prior to the landowner's
17 transferring or selling the property, whichever is later. If
18 the landowner tenders the easement for the purchase and the
19 state does not timely exercise its right to buy the easement,
20 the landowner shall be released from the agricultural
21 protection agreement. The purchase price of the easement
22 shall be based on the value of such easement at the time the
23 agreement is entered into plus a reasonable escalator. The
24 escalator shall not exceed 2 percent of the value of the
25 easement at the time the agreement is entered into multiplied
26 by the number of full calendar years from the date of the
27 commencement of the agreement. The landowner may transfer or
28 sell the property before the expiration of the 30-year term,
29 but only if property is sold subject to the agreement and the
30 buyer becomes the successor in interest to the agricultural
31 protection agreement. Upon mutual consent of the parties, a

1 landowner may enter into a perpetual easement at any time
2 during the term of an agricultural protection agreement.
3 (6) Payment for conservation easements and rural land
4 protection easements shall be a lump-sum payment at the time
5 the easement is entered into, payable from proceeds derived
6 from revenues distributed pursuant to ss. 201.15 and 215.619.
7 (7) Landowners entering into an agricultural
8 protection agreement may receive up to 50 percent of the
9 purchase price at the time the agreement is entered into, and
10 remaining payments on the balance shall be equal annual
11 payments over the term of the agreement, payable from proceeds
12 derived from revenues distributed pursuant to ss. 201.15 and
13 215.619, subject to the provisions of s. 11(e), Art. VII of
14 the State Constitution.
15 (8) Payments for resource conservation agreements
16 shall be equal annual payments over the term of the agreement,
17 payable from proceeds derived from revenues distributed
18 pursuant to s. 201.15.
19 (9) Easements purchased pursuant to this act may not
20 prevent landowners from transferring the remaining fee value
21 with the easement.
22 (10) The department, in consultation with the
23 Department of Environmental Protection, water management
24 districts, the Department of Community Affairs, and the Fish
25 and Wildlife Conservation Commission, shall adopt rules that
26 establish an application process, a process and criteria for
27 setting priorities for use of funds consistent with the
28 purposes specified in subsection (1) and giving preference to
29 ranch and timber lands managed using sustainable practices, an
30 appraisal process, and a process for review and approval of
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1 the rules by the Board of Trustees of the Internal Improvement
2 Trust Fund.

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

6 Section 5. Paragraph (c) of subsection (1) of section
7 201.15, Florida Statutes, as amended by chapters 99-247,
8 2000-151, 2000-170, and 2000-197, Laws of Florida, is amended
9 to read:

10 201.15 Distribution of taxes collected.--All taxes
11 collected under this chapter shall be distributed as follows
12 and shall be subject to the service charge imposed in s.
13 215.20(1), except that such service charge shall not be levied
14 against any portion of taxes pledged to debt service on bonds
15 to the extent that the amount of the service charge is
16 required to pay any amounts relating to the bonds:

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

20 (c) The remainder of the moneys distributed under this
21 subsection, after the required payments under paragraph (a),
22 shall be paid into the State Treasury to the credit of the
23 General Revenue Fund of the state to be used and expended for
24 the purposes for which the General Revenue Fund was created
25 and exists by law or to the Ecosystem Management and
26 Restoration Trust Fund or to the Marine Resources Conservation
27 Trust Fund as provided in subsection (11) or to the
28 Conservation and Recreation Lands Program Trust Fund of the
29 Department of Agriculture and Consumer Services pursuant to s.
30 570.71. Moneys available under this paragraph shall first be
31 used to pay debt service due on any rural land protection bond

1 or to make any other payments required pursuant to the bond
2 documents authorizing the issuance before such moneys are used
3 for other purposes authorized by this paragraph.

4 Section 6. Section 215.619, Florida Statutes, is
5 created to read:

6 215.619 Bonds for rural land protection.--

7 (1) The issuance of rural land protection bonds not
8 exceeding \$1 billion is hereby authorized. Such rural land
9 protection bonds may be issued over the next 10 fiscal years
10 commencing on July 1, 2002, in an amount not exceeding \$100
11 million in any fiscal year, subject to the provisions of s.
12 570.71 and pursuant to s. 11(e), Art. VII of the State
13 Constitution. The duration of each series of bonds issued may
14 not exceed 20 annual maturities.

15 (2) The state covenants with the holders of rural land
16 protection bonds that it will not take any action that will
17 materially and adversely affect the rights of such holders so
18 long as such bonds are outstanding, including, but not limited
19 to, a reduction in the portion of documentary stamp taxes
20 distributable to the Conservation and Recreation Lands Program
21 Trust Fund of the Department of Agriculture and Consumer
22 Services for payment of debt service.

23 (3) Bonds issued pursuant to this section shall be
24 payable from taxes distributable to the Conservation and
25 Recreation Lands Program Trust Fund of the Department of
26 Agriculture and Consumer Services pursuant to s. 201.15(1)(c).
27 Bonds issued pursuant to this section shall not constitute a
28 general obligation of, or a pledge of the full faith and
29 credit of, the state.

30 (4) The Department of Agriculture and Consumer
31 Services shall request the Division of Bond Finance of the

1 State Board of Administration to issue the rural land
2 protection bonds authorized by this section. The Division of
3 Bond Finance shall issue such bonds pursuant to the State Bond
4 Act.

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

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

15 (7) There shall be no sale, disposition, lease,
16 easement, license, or other use of any land, water areas, or
17 related property interests acquired or improved with proceeds
18 of rural land protection bonds which would cause all or any
19 portion of the interest of such bonds to lose the exclusion
20 from gross income for federal income tax purposes.

21 (8) The initial series of rural land protection bonds
22 shall be validated in addition to any other bonds required to
23 be validated pursuant to s. 215.82. Any complaint for
24 validation of bonds issued pursuant to this section shall be
25 filed only in the circuit court of the county where the seat
26 of state government is situated; the notice required to be
27 published by s. 75.06 shall be published only in the county
28 where the complaint is filed; and the complaint and order of
29 the circuit court shall be served only on the state attorney
30 of the circuit in which the action is pending.

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

3 570.207 Conservation and Recreation Lands Program
4 Trust Fund of the Department of Agriculture and Consumer
5 Services.--

6 (1) There is created a Conservation and Recreation
7 Lands Program Trust Fund within the Department of Agriculture
8 and Consumer Services. The purpose of the trust fund is to
9 provide for the management of conservation and recreation
10 lands by the department. Funds may be appropriated to the
11 trust fund from the Conservation and Recreation Lands Trust
12 Fund in the Department of Environmental Protection, as created
13 by s. 259.032(2), or from such other sources as the
14 Legislature may determine for the management of conservation
15 and recreation lands by the department. Additionally, subject
16 to the provisions of s. 11(e), Art. VII of the State
17 Constitution, the department may use moneys deposited pursuant
18 to s. 201.15, bond proceeds deposited pursuant to s. 215.619,
19 and funds from such other sources as the Legislature
20 determines for the acquisition of conservation easements and
21 rural land protection easements and for funding agricultural
22 protection agreements and resource conservation agreements
23 pursuant to s. 570.71. The department is also authorized to
24 pay debt service on rural land protection bonds or other
25 payments required pursuant to the bond documents authorizing
26 their issuance from moneys in the Conservation and Recreation
27 Lands Program Trust Fund.

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