

By Senator Laurent

17-1424A-01

See HB

1 A bill to be entitled
2 An act relating to rural land conservation
3 easements; creating the "Rural and Family Lands
4 Protection Act"; defining terms; creating s.
5 570.70, F.S.; providing for the purchase of
6 rural land conservation easements by the
7 Department of Agriculture and Consumer
8 Services; providing criteria; providing for an
9 application process; directing the department
10 to seek funds from federal sources; amending s.
11 201.15, F.S.; providing for the distribution of
12 certain taxes to the department to be used for
13 the program; creating s. 215.619, F.S.;
14 providing for bonds; providing an effective
15 date.

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

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

21 Section 2. Definitions.--As used in this act, the
22 term:

23 (1) "Department" means the Department of Agriculture
24 and Consumer Services.

25 (2) "Rural land conservation easement" means a
26 perpetual or nonperpetual easement purchased by the department
27 under terms and procedures set forth in this act.

28 (3) "Resource conservation agreement" means a contract
29 for conservation services with annual payments for terms of
30 not less than 5 and not more than 10 years.

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

3 570.70 Purchase of rural land conservation easement.--

4 (1) For the purposes of limiting subdivision and
5 conversion of farmland that provides economic, open space,
6 water, and wildlife benefits, and to retain those benefits for
7 current and future generations, the department shall conduct a
8 program to purchase rural land conservation easements of the
9 following types:

10 (a) Permanent easements as described in s. 704.06(2).

11 (b) Thirty-year easements, the provisions of s. 704.06
12 to the contrary notwithstanding.

13 (2) Rural land conservation easements shall be
14 targeted toward timber and ranch lands as defined by policies
15 of the department in consultation with the Department of
16 Environmental Protection, the Fish and Wildlife Conservation
17 Commission, and the water management districts.

18 (3) The department shall establish an application,
19 selection, and agreement process to:

20 (a) Emphasize wildlife and watershed benefits in
21 selecting applicants.

22 (b) Define benefits, propose management plans, and
23 establish easement values.

24 (c) Appraise individual rural land conservation
25 easements and underlying fee values.

26 (d) Make annual or lump-sum payments for easements or
27 agreements.

28 (4) Agreements to a 30-year easement will grant the
29 right to the department, the Board of Trustees of the Internal
30 Improvement Trust Fund, or the water management district where
31 the property is located to purchase the property or extend the

1 easement based on current value at the time the easement was
2 conveyed plus a reasonable escalator not to exceed 60 percent.

3 (5) Easement payments may be distributed in a lump sum
4 from the proceeds of bonds under s. 215.619 or on a prorated
5 annual basis.

6 (6) Easements may not prevent landowners from
7 transferring the underlying fee title with the easement.

8 (7) For the purpose of compensating landowners for
9 habitat and hydrological restoration the department may enter
10 into resource conservation agreements with the landowners. In
11 order to qualify for a resource conservation agreement a
12 landowner must enter into:

13 (a) A conservation easement;

14 (b) A perpetual rural land conservation easement; or

15 (c) An enforceable option in favor of the Board of
16 Trustees of the Internal Improvement Trust Fund or its
17 designee to purchase a perpetual easement on the property or
18 fee title. This option would run with the term of the resource
19 conservation agreement and would establish the price of the
20 purchase at appraised value at the time of entering into the
21 agreement. The resource conservation agreement and the
22 accompanying option may be renewed by mutual consent. The
23 landowner and the state may agree on a purchase of the
24 easement at any time during the period of the resource
25 conservation agreement.

26 (8) The department is directed to seek funds from
27 federal sources to use in combination with state funds to
28 carry out the purposes of the program described in this
29 section.

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1 (9) The department is directed to develop criteria for
2 use of bonded, appropriated, or grant funds to purchase
3 conservation easements.

4 Section 4. Paragraph (c) of subsection (1) of section
5 201.15, Florida Statutes, as amended by chapters 99-247,
6 2000-151, 2000-170, and 2000-197, Laws of Florida, is amended
7 to read:

8 201.15 Distribution of taxes collected.--All taxes
9 collected under this chapter shall be distributed as follows
10 and shall be subject to the service charge imposed in s.
11 215.20(1), except that such service charge shall not be levied
12 against any portion of taxes pledged to debt service on bonds
13 to the extent that the amount of the service charge is
14 required to pay any amounts relating to the bonds:

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

18 (c) The remainder of the moneys distributed under this
19 subsection, after the required payments under paragraph (a),
20 shall be paid into the State Treasury to the credit of the
21 General Revenue Fund of the state to be used and expended for
22 the purposes for which the General Revenue Fund was created
23 and exists by law or to the Ecosystem Management and
24 Restoration Trust Fund or to the Marine Resources Conservation
25 Trust Fund as provided in subsection (11) or to the Department
26 of Agriculture and Consumer Services for payment or interest
27 on bonds for rural land conservation easements. Interest on
28 bonds for rural land conservation easements may not exceed \$10
29 million in fiscal year 2002, \$20 million in 2003, \$30 million
30 in 2004, \$40 million in 2005, \$50 million in 2006, \$60 million
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1 in 2007, \$70 million in 2008, \$80 million in 2009, \$90 million
2 in 2010, and \$100 million in fiscal year 2011.

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

5 215.619 Bonds for rural land conservation easements.--

6 (1) The issuance of bonds for the purchase of rural
7 land conservation easements is authorized.

8 (2) Bonds issued pursuant to this section shall be
9 payable from taxes distributed in s. 201.15(1)(c).

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

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13 LEGISLATIVE SUMMARY

14

15 Creates the "Rural and Family Lands Protection Act" for
16 the purpose of limiting subdivision and conversion of
17 farmland that provides economic, open space, water, and
18 wildlife benefits by directing the Department of
19 Agriculture and Consumer Services to conduct a program to
20 purchase rural land conservation easements. (See bill for
21 details.)

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