

By the Committees on Agriculture and Consumer Services; Natural Resources; and Senators Laurent, Posey, Lawson, Bronson, Smith, Brown-Waite, Pruitt, Mitchell, Constantine and Sanderson

303-1740-01

1                                   A bill to be entitled

2           An act relating to rural land conservation;

3           creating the "Rural and Family Lands Protection

4           Act"; defining terms; creating s. 570.70, F.S.;

5           providing legislative intent; creating s.

6           570.71, F.S.; providing for the purchase of

7           rural-lands-protection easements by the

8           Department of Agriculture and Consumer

9           Services; providing criteria; providing for

10          resource conservation agreements and

11          agricultural protection agreements; prescribing

12          allowable land uses; providing for an

13          application process; providing for an

14          enforceable option to purchase property;

15          directing the department to seek funds from

16          federal sources; amending s. 201.15, F.S.;

17          providing for the distribution of certain taxes

18          to the department to be used for the program;

19          creating s. 215.619, F.S.; providing for bonds;

20          amending s. 570.207, F.S.; providing uses for

21          funds from the Conservation and Recreation

22          Lands Program Trust Fund; providing an

23          effective date.

24

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

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27           Section 1. Short title.--This act may be cited as the

28 "Rural and Family Lands Protection Act."

29           Section 2. Definitions.--As used in this act, the term

30 "department" means the Department of Agriculture and Consumer

31 Services.

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, healthy natural environment, and viable  
7 rural communities is an essential part of Florida. Rural areas  
8 also 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 agricultural and rural lands being converted into residential  
14 or commercial development.

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 may allocate moneys to acquire  
29 perpetual, less-than-fee interest in land, to enter into  
30 agricultural protection agreements, and to enter into resource  
31 conservation agreements for the following public purposes:

1           (a) Promotion and improvement of wildlife habitat;  
2           (b) Protection and enhancement of water bodies,  
3 aquifer recharge areas, wetlands, and watersheds;  
4           (c) Perpetuation of open space on lands with  
5 significant natural areas; or  
6           (d) Protection of agricultural lands threatened by  
7 conversion to other uses.  
8           (2) To achieve the purposes of this act, beginning no  
9 later than July 1, 2002, and every year thereafter, the  
10 department shall accept applications for project proposals  
11 that:  
12           (a) Purchase conservation easements, as defined in s.  
13 704.06.  
14           (b) Purchase rural-lands-protection easements pursuant  
15 to this act.  
16           (c) Fund resource conservation agreements pursuant to  
17 this act.  
18           (d) Fund agricultural protection agreements pursuant  
19 to this act.  
20           (3) Rural-lands-protection easements shall be a  
21 perpetual right or interest in agricultural land which is  
22 appropriate to retain such land in predominantly its current  
23 state and to prevent the subdivision and conversion of such  
24 land into other uses. This right or interest in property shall  
25 prohibit only the following:  
26           (a) Construction or placing of buildings, roads,  
27 billboards or other advertising, utilities, or structures,  
28 except those structures and unpaved roads necessary for the  
29 agricultural operations on the land or structures necessary  
30 for other activities allowed under the easement, and except  
31 for linear facilities described in s. 704.06(11);

1           (b) Subdivision of the property;  
2           (c) Dumping or placing of trash, waste, or offensive  
3 materials; and  
4           (d) Activities that affect the natural hydrology of  
5 the land or that detrimentally affect water conservation,  
6 erosion control, soil conservation, or fish or wildlife  
7 habitat, except those required for environmental restoration;  
8 federal, state, or local government regulatory programs; or  
9 best management practices.

10           (4) Resource conservation agreements will be contracts  
11 for services which provide annual payments to landowners for  
12 services that actively improve habitat and water restoration  
13 or conservation on their lands over and above that which is  
14 already required by law or which provide recreational  
15 opportunities. They will be for a term of not less than 5  
16 years and not more than 10 years. Property owners will become  
17 eligible to enter into a resource conservation agreement only  
18 upon entering into a conservation easement or rural lands  
19 protection easement.

20           (5) Agricultural protection agreements shall be for  
21 terms of 30 years and will provide payments to landowners  
22 having significant natural areas on their land. Public access  
23 and public recreational opportunities may be negotiated at the  
24 request of the landowner.

25           (a) For the length of the agreement, the landowner  
26 shall agree to prohibit:

27           1. Construction or placing of buildings, roads,  
28 billboards or other advertising, utilities, or structures,  
29 except those structures and unpaved roads necessary for the  
30 agricultural operations on the land or structures necessary  
31

1 for other activities allowed under the easement, and except  
2 for linear facilities described in s. 704.06(11);

3 2. Subdivision of the property;

4 3. Dumping or placing of trash, waste, or offensive  
5 materials; and

6 4. Activities that affect the natural hydrology of the  
7 land, or that detrimentally affect water conservation, erosion  
8 control, soil conservation, or fish or wildlife habitat.

9 (b) Concurrently with entering into an agricultural  
10 protection agreement, the landowner shall grant to the state  
11 an option to purchase the property in fee simple at the end of  
12 the agreement based on the value of the property at the time  
13 the agreement is entered into plus a reasonable escalator. The  
14 escalator shall not exceed 2 percent of the value of the  
15 property at the time the agreement is entered into multiplied  
16 by the number of full calendar years from the date of the  
17 commencement of the agreement. At the end of an agreement, the  
18 parties may agree to extend the agreement for up to 5 years,  
19 but only if the option to purchase remains in effect until the  
20 end of the term extension. Upon mutual consent and agreement  
21 of the parties, a landowner may enter into a perpetual  
22 easement at any time during the term of an agricultural  
23 protection agreement. If the landowner sells the fee title,  
24 the buyer shall become the successor interest to the  
25 agriculture protection agreement and option.

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

30 (7) Landowners entering into an agricultural  
31 protection agreement may receive up to 50 percent of the

1 purchase price at the time the agreement is entered into and  
2 remaining payments on the balance shall be equal annual  
3 payments over the term of the agreement, payable from proceeds  
4 derived from revenues distributed pursuant to ss. 201.15 and  
5 215.619, subject to the provisions of s. 11(e) of Art. VII of  
6 the State Constitution.

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

11 (9) Easements purchased pursuant to this act may not  
12 prevent landowners from transferring the remaining fee value  
13 with the easement.

14 (10) The department, in consultation with the  
15 Department of Environmental Protection, the water management  
16 districts, and the Florida Fish and Wildlife Conservation  
17 Commission, shall adopt rules that establish an application  
18 process, prioritize projects toward ranch and timber lands  
19 using sustainable practices to best achieve the purposes of  
20 this act, establish an appraisal process for easements, and  
21 establish a method to determine payments under an agricultural  
22 protection agreement or a resource conservation agreement.

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

26 Section 5. Paragraph (c) of subsection (1) of section  
27 201.15, Florida Statutes, as amended by chapters 99-247,  
28 2000-151, 2000-170, and 2000-197, Laws of Florida, is amended  
29 to read:

30 201.15 Distribution of taxes collected.--All taxes  
31 collected under this chapter shall be distributed as follows

1 and shall be subject to the service charge imposed in s.  
2 215.20(1), except that such service charge shall not be levied  
3 against any portion of taxes pledged to debt service on bonds  
4 to the extent that the amount of the service charge is  
5 required to pay any amounts relating to the bonds:

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

9 (c) The remainder of the moneys distributed under this  
10 subsection, after the required payments under paragraph (a),  
11 shall be paid into the State Treasury to the credit of the  
12 General Revenue Fund of the state to be used and expended for  
13 the purposes for which the General Revenue Fund was created  
14 and exists by law or to the Ecosystem Management and  
15 Restoration Trust Fund or to the Marine Resources Conservation  
16 Trust Fund as provided in subsection (11) or to the  
17 Conservation and Recreation Lands Program Trust Fund of the  
18 Department of Agriculture and Consumer Services pursuant to s.  
19 570.71. Moneys available under this paragraph shall first be  
20 used to pay debt service due on any Rural Land Preservation  
21 Bond or to make any other payments required pursuant to the  
22 bond documents authorizing the issuance before such moneys are  
23 used for other purposes authorized by this paragraph.

24 Section 6. Section 215.619, Florida Statutes, is  
25 created to read:

26 215.619 Bonds for rural land protection.--

27 (1) The issuance of Rural Land Protection bonds not  
28 exceeding \$1 billion is hereby authorized. Such Rural Land  
29 Protection bonds may be issued over the next 10 fiscal years  
30 commencing on July 1, 2002, in an amount not exceeding \$100  
31 million in any fiscal year, subject to the provisions of s.

1 570.71 and pursuant to s. 11(e) of Art. VII of the State  
2 Constitution. The duration of each series of bonds issued may  
3 not exceed 20 annual maturities.

4 (2) The state covenants with the holders of Rural  
5 Land Protection bonds that it will not take any action that  
6 will materially and adversely affect the rights of such  
7 holders so long as such bonds are outstanding, including, but  
8 not limited to, a reduction in the portion of documentary  
9 stamp taxes distributable to the Conservation and Recreation  
10 Lands Program Trust Fund of the Department of Agriculture and  
11 Consumer Services for payment of debt service.

12 (3) Bonds issued pursuant to this section shall be  
13 payable from taxes distributable to the Conservation and  
14 Recreation Lands Program Trust Fund of the Department of  
15 Agriculture and Consumer Services pursuant to s. 201.15(1)(c).  
16 Bonds issued pursuant to this section shall not constitute a  
17 general obligation of, or a pledge of the full faith and  
18 credit of, the state.

19 (4) The Department of Agriculture and Consumer  
20 Services shall request the Division of Bond Finance of the  
21 State Board of Administration to issue the Rural Land  
22 Protection bonds authorized by this section. The Division of  
23 Bond Finance shall issue such bonds pursuant to the State Bond  
24 Act.

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

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

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

11           (8) The initial series of Rural Land Protection bonds  
12 shall be validated in addition to any other bonds required to  
13 be validated pursuant to s. 215.82. Any complaint for  
14 validation of bonds issued pursuant to this section shall be  
15 filed only in the circuit court of the county where the seat  
16 of state government is situated; the notice required to be  
17 published by s. 75.06 shall be published only in the county  
18 where the complaint is filed; and the complaint and order of  
19 the circuit court shall be served only on the state attorney  
20 of the circuit in which the action is pending.

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

23           570.207 Conservation and Recreation Lands Program  
24 Trust Fund of the Department of Agriculture and Consumer  
25 Services.--

26           (1) There is created a Conservation and Recreation  
27 Lands Program Trust Fund within the Department of Agriculture  
28 and Consumer Services. The purpose of the trust fund is to  
29 provide for the management of conservation and recreation  
30 lands by the department. Funds may be appropriated to the  
31 trust fund from the Conservation and Recreation Lands Trust

1 Fund in the Department of Environmental Protection, as created  
2 by s. 259.032(2), or from such other sources as the  
3 Legislature may determine for the management of conservation  
4 and recreation lands by the department. Additionally, subject  
5 to the provisions of s. 11(e) of Art. VII of the State  
6 Constitution, the department may use moneys deposited pursuant  
7 to s. 201.15, bonded proceeds deposited pursuant to s.  
8 215.619, and funds from such other sources as the Legislature  
9 determines for the acquisition of conservation easements and  
10 rural-lands-protection easements and for funding agricultural  
11 protection agreements and resource conservation agreements  
12 pursuant to s. 570.71. The department is also authorized to  
13 pay debt service on Rural Land Protection bonds or other  
14 payments required pursuant to the bond documents authorizing  
15 their issuance from moneys in the Conservation and Recreation  
16 Lands Program Trust Fund.

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

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19 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
20 COMMITTEE SUBSTITUTE FOR  
21 CS for Senate Bill 1758

22 Committee Substitute for Committee Substitute for Senate Bill  
23 1758 is different from Committee Substitute for Senate Bill  
1758 in that it:

- 24 1. Provides for agricultural protection agreements to be for  
25 terms of 30 years, rather than terms of not more than 30  
years.
- 26 2. Provides that certain available moneys shall first be  
27 used to pay debt service due on any Rural Land  
Preservation Bond or to make certain other required  
28 payments.
- 29 3. Changes "Rural Land Preservation" to "Rural Land  
Protection."

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