

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

314-1954-01

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 the sale of

14 an easement; requiring the department to adopt

15 rules; authorizing the use of specified funds;

16 authorizing the removal of property from lists

17 and maps; providing for the deposit of funds;

18 directing the completion of a needs assessment

19 and a report; providing an effective date.

20

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

22

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

24 "Rural and Family Lands Protection Act."

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

26 "department" means the Department of Agriculture and Consumer

27 Services.

28 Section 3. Section 570.70, Florida Statutes, is

29 created to read:

30 570.70 Legislative findings.--The Legislature finds

31 and declares that:

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

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

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

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

21 Section 4. Section 570.71, Florida Statutes, is
22 created to read:

23 570.71 Conservation easements and agreements.--

24 (1) The department, on behalf of the Board of Trustees
25 of the Internal Improvement Trust Fund, may allocate moneys to
26 acquire perpetual, less-than-fee interest in land, to enter
27 into agricultural protection agreements, and to enter into
28 resource conservation agreements for the following public
29 purposes:

30 (a) Promotion and improvement of wildlife habitat;
31

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

3 (c) Perpetuation of open space on lands with
4 significant natural areas; or

5 (d) Protection of agricultural lands threatened by
6 conversion to other uses.

7 (2) To achieve the purposes of this act, beginning no
8 sooner than July 1, 2002, and every year thereafter, the
9 department may accept applications for project proposals that:

10 (a) Purchase conservation easements, as defined in s.
11 704.06.

12 (b) Purchase rural-lands-protection easements pursuant
13 to this act.

14 (c) Fund resource conservation agreements pursuant to
15 this act.

16 (d) Fund agricultural protection agreements pursuant
17 to this act.

18
19 No funds may be expended to implement this subsection prior to
20 July 1, 2002.

21 (3) Rural-lands-protection easements shall be a
22 perpetual right or interest in agricultural land which is
23 appropriate to retain such land in predominantly its current
24 state and to prevent the subdivision and conversion of such
25 land into other uses. This right or interest in property shall
26 prohibit only the following:

27 (a) 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 (b) Subdivision of the property;

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

22 (5) Agricultural protection agreements shall be for
23 terms of 30 years and will 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 landowner.

27 (a) For the length of the agreement, the landowner
28 shall agree to prohibit:

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

1 agricultural operations on the land or structures necessary
2 for other activities allowed under the easement, and except
3 for linear facilities described in s. 704.06(11);

4 2. Subdivision of the property;

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

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

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

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1 (6) Payment for conservation easements and rural land
2 protection easements shall be a lump-sum payment at the time
3 the easement is entered into.

4 (7) Landowners entering into an agricultural
5 protection agreement may receive up to 50 percent of the
6 purchase price at the time the agreement is entered into and
7 remaining payments on the balance shall be equal annual
8 payments over the term of the agreement.

9 (8) Payments for the resource conservation agreements
10 shall be equal annual payments over the term of the agreement.

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, the Department of Community Affairs, and the
17 Florida Fish and Wildlife Conservation Commission, shall adopt
18 rules that establish an application process, a process and
19 criteria for setting priorities for use of funds consistent
20 with the purposes specified in s. 570.71(1) and giving
21 preference to ranch and timber lands managed using sustainable
22 practices, an appraisal process, and a process for title
23 review and compliance and approval of the rules by the Board
24 of Trustees of the Internal Improvement Trust Fund.

25 (11) If a landowner objects to having his property
26 included in any lists or maps developed to implement this act,
27 the department shall remove the property from any such lists
28 or maps upon receipt of the landowner's written request to do
29 so.

30 (12) The department is authorized to use funds from
31 the following sources to implement this act:

- 1 (a) State funds;
2 (b) Federal funds;
3 (c) Other governmental entities;
4 (d) Nongovernmental organizations; or
5 (e) Private individuals.
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7 Any such funds provided shall be deposited into the
8 Conservation and Recreation Lands Program Trust Fund within
9 the Department of Agriculture and Consumer Services and used
10 for the purposes of this act.

11 (13) No more than ten percent of any funds made
12 available to implement this act shall be expended for resource
13 conservation agreements and agricultural protection
14 agreements.

15 (14) The department, in consultation with the
16 Department of Environmental Protection, the Fish and Wildlife
17 Conservation Commission, and the water management districts
18 shall conduct a study to determine and prioritize needs for
19 implementing the act.

20 (a) The department may contract with the Florida
21 Natural Areas Inventory for an analysis of the geographic
22 distribution of certain types of natural resources, or
23 resource-based land uses that have been identified for
24 acquisition by previous conservation and recreation land
25 acquisition programs.

26 (b) The needs assessment shall locate areas of the
27 state where existing privately-owned ranch and timber lands
28 containing resources of the type identified in (a) can be
29 preserved or protected through implementation of the Rural and
30 Family Lands Protection Act.
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1 (c) The department shall report its findings to the
2 Governor, President of the Senate, and Speaker of the House of
3 Representatives by December 31, 2001. At a minimum, the report
4 must include a prioritization of the types of resources to be
5 preserved or protected, the location of privately-owned ranch
6 and timber lands containing such resources that could be
7 preserved or protected by easements or agreements pursuant to
8 this act, and the funding needs for the program.

9 Section 5. This act shall take effect July 1, 2001.

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11 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
12 COMMITTEE SUBSTITUTE FOR
13 CS/CS/SB 1758

14 The Committee Substitute (CS) by the Finance and Tax Committee
15 no longer provides for the sale of bonds and provides no
16 direct funding. The CS does authorize the use of state and
17 federal funds and other funds from other governmental
18 entities, funds from nongovernmental organizations, and from
19 private individuals. If any such funds are provided, however,
20 no expenditures to implement the program may be made prior to
21 July 1, 2002, which is the date the DACS may, rather than
22 shall, begin to accept applications for the program. Any funds
23 provided will be deposited into the Conservation and
24 Recreation Lands Program Trust Fund; no more than ten percent
25 of any funds made available may be used for resource
26 conservation and agricultural protection agreements.

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28 If a landowner objects to having his property included in any
29 lists or maps developed to implement this act, the DACS must
30 remove the property from any such lists or maps upon receipt
31 of the landowner's written request to do so.

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33 The CS requires the DACS to consult with the DEP, FWCC, and
34 the WMDs to conduct a needs analysis, establish priorities and
35 recommend funding needs. The DACS must report its findings and
36 recommendations to the Governor and Legislature by December
37 31, 2001.