

Bill No. CS for SB 1922, 1st Eng.

Amendment No. Barcode 652794

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11 Senator Laurent moved the following substitute for amendment
 12 (970672):

13
 14 **Senate Amendment (with title amendment)**

15 On page 58, between lines 16 and 17,

16
 17 insert:

18 Section 60. Short title.--Sections 60 through 64 of
 19 this act may be cited as the "Rural and Family Lands
 20 Protection Act."

21 Section 61. Definitions.--As used in sections 62 and
 22 63 of this act, the term "department" means the Department of
 23 Agriculture and Consumer Services.

24 Section 62. Section 570.70, Florida Statutes, is
 25 created to read:

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

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

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1 examples of remaining wildlife habitats as well as a majority
2 of privately owned land targeted by local, state, and federal
3 agencies for natural-resource protection.

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

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

10 (4) The Legislature further recognizes the need for
11 enhancing the ability of rural landowners to obtain economic
12 value from their property, protecting rural character,
13 controlling urban sprawl, and providing necessary open space
14 for agriculture and the natural environment, and the
15 importance of maintaining and protecting Florida's rural
16 economy through innovative planning and development strategies
17 in rural areas and the use of incentives that reward
18 landowners for good stewardship of land and natural resources.

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

27 Section 63. Section 570.71, Florida Statutes, is
28 created to read:

29 570.71 Conservation easements and agreements.--

30 (1) The department, on behalf of the Board of Trustees
31 of the Internal Improvement Trust Fund, may allocate moneys to

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1 acquire perpetual, less-than-fee interest in land, to enter
2 into agricultural protection agreements, and to enter into
3 resource conservation agreements for the following public
4 purposes:

5 (a) Promotion and improvement of wildlife habitat;

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

8 (c) Perpetuation of open space on lands with
9 significant natural areas; or

10 (d) Protection of agricultural lands threatened by
11 conversion to other uses.

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

15 (a) Purchase conservation easements, as defined in s.
16 704.06.

17 (b) Purchase rural-lands-protection easements pursuant
18 to this act.

19 (c) Fund resource conservation agreements pursuant to
20 this act.

21 (d) Fund agricultural protection agreements pursuant
22 to this act.

23
24 No funds may be expended to implement this subsection prior to
25 July 1, 2002.

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

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

7 (b) Subdivision of the property;

8 (c) Dumping or placing of trash, waste, or offensive
9 materials; and

10 (d) Activities that affect the natural hydrology of
11 the land or that detrimentally affect water conservation,
12 erosion control, soil conservation, or fish or wildlife
13 habitat, except those required for environmental restoration;
14 federal, state, or local government regulatory programs; or
15 best management practices.

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

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

31 (a) For the length of the agreement, the landowner

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1 shall agree to prohibit:

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

8 2. Subdivision of the property;

9 3. Dumping or placing of trash, waste, or offensive
10 materials; and

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

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

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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.

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

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

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

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

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

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

3 (a) State funds;

4 (b) Federal funds;

5 (c) Other governmental entities;

6 (d) Nongovernmental organizations; or

7 (e) Private individuals.

8
9 Any such funds provided shall be deposited into the
10 Conservation and Recreation Lands Program Trust Fund within
11 the Department of Agriculture and Consumer Services and used
12 for the purposes of this act.

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

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

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

28 (b) The needs assessment shall locate areas of the
29 state where existing privately-owned ranch and timber lands
30 containing resources of the type identified in (a) can be
31 preserved or protected through implementation of the Rural and

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1 Family Lands Protection Act.

2 (c) The department shall report its findings to the
3 Governor, President of the Senate, and Speaker of the House of
4 Representatives by December 31, 2001. At a minimum, the report
5 must include a prioritization of the types of resources to be
6 preserved or protected, the location of privately-owned ranch
7 and timber lands containing such resources that could be
8 preserved or protected by easements or agreements pursuant to
9 this act, and the funding needs for the program.

10 Section 64. Subsection (11) of section 163.3177,
11 Florida Statutes, is amended to read:

12 163.3177 Required and optional elements of
13 comprehensive plan; studies and surveys.--

14 (11)(a) The Legislature recognizes the need for
15 innovative planning and development strategies which will
16 address the anticipated demands of continued urbanization of
17 Florida's coastal and other environmentally sensitive areas,
18 and which will accommodate the development of less populated
19 regions of the state which seek economic development and which
20 have suitable land and water resources to accommodate growth
21 in an environmentally acceptable manner. The Legislature
22 further recognizes the substantial advantages of innovative
23 approaches to development which may better serve to protect
24 environmentally sensitive areas, maintain the economic
25 viability of agricultural and other predominantly rural land
26 uses, and provide for the cost-efficient delivery of public
27 facilities and services.

28 (b) It is the intent of the Legislature that the local
29 government comprehensive plans and plan amendments adopted
30 pursuant to the provisions of this part provide for a planning
31 process which allows for land use efficiencies within existing

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1 urban areas and which also allows for the conversion of rural
2 lands to other uses, where appropriate and consistent with the
3 other provisions of this part and the affected local
4 comprehensive plans, through the application of innovative and
5 flexible planning and development strategies and creative land
6 use planning techniques, which may include, but not be limited
7 to, urban villages, new towns, satellite communities,
8 area-based allocations, clustering and open space provisions,
9 mixed-use development, and sector planning.

10 (c) It is the further intent of the Legislature that
11 local government comprehensive plans and implementing land
12 development regulations shall provide strategies which
13 maximize the use of existing facilities and services through
14 redevelopment, urban infill development, and other strategies
15 for urban revitalization.

16 (d)1. The department, in cooperation with the
17 Department of Agriculture and Consumer Services, shall provide
18 assistance to local governments in the implementation of this
19 paragraph and s. 9J-5.006(5)(1), Florida Administrative Code.
20 Implementation of those provisions shall include a process by
21 which the department may authorize up to five local
22 governments to designate all or portions of lands classified
23 in the future land use element as predominantly agricultural,
24 rural, open, open-rural, or a substantively equivalent land
25 use, as a rural land stewardship area within which planning
26 and economic incentives are applied to encourage the
27 implementation of innovative and flexible planning and
28 development strategies and creative land use planning
29 techniques, including those contained in Rule 9J-5.006(5)(1),
30 Florida Administrative Code.

31 2. The department shall encourage participation by

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1 local governments of different sizes and rural
2 characteristics. It is the intent of the Legislature that
3 rural land stewardship areas be used to further the following
4 broad principles of rural sustainability: restoration and
5 maintenance of the economic value of rural land; control of
6 urban sprawl; identification and protection of ecosystems,
7 habitats, and natural resources; promotion of rural economic
8 activity; maintenance of the viability of Florida's
9 agricultural economy; and protection of the character of rural
10 areas of Florida.

11 3. A local government may apply to the department in
12 writing requesting consideration for authorization to
13 designate a rural land stewardship area and shall describe its
14 reasons for applying for the authorization with supporting
15 documentation regarding its compliance with criteria set forth
16 in this section.

17 4. In selecting a local government, the department
18 shall, by written agreement:

19 a. Ensure that the local government has expressed its
20 intent to designate a rural land stewardship area pursuant to
21 the provisions of this subsection and clarify that the rural
22 land stewardship area is intended.

23 b. Ensure that the local government has the financial
24 and administrative capabilities to implement a rural land
25 stewardship area.

26 5. The written agreement shall include the basis for
27 the authorization and provide criteria for evaluating the
28 success of the authorization including the extent the rural
29 land stewardship area enhances rural land values; control
30 urban sprawl; provides necessary open space for agriculture
31 and protection of the natural environment; promotes rural

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1 economic activity; and maintains rural character and the
2 economic viability of agriculture. The department may
3 terminate the agreement at any time if it determines that the
4 local government is not meeting the terms of the agreement.

5 6. A rural land stewardship area shall be not less
6 than 50,000 acres and shall not exceed 250,000 acres in size,
7 shall be located outside of municipalities and established
8 urban growth boundaries, and shall be designated by plan
9 amendment. The plan amendment designating a rural land
10 stewardship area shall be subject to review by the Department
11 of Community Affairs pursuant to s. 163.3184, F.S., and shall
12 provide for the following:

13 a. Criteria for the designation of receiving areas
14 within rural land stewardship areas in which innovative
15 planning and development strategies may be applied. Criteria
16 shall at a minimum provide for the following: adequacy of
17 suitable land to accommodate development so as to avoid
18 conflict with environmentally sensitive areas, resources, and
19 habitats; compatibility between and transition from higher
20 density uses to lower intensity rural uses; the establishment
21 of receiving area service boundaries which provide for a
22 separation between receiving areas and other land uses within
23 the rural land stewardship area through limitations on the
24 extension of services; and connection of receiving areas with
25 the rest of the rural land stewardship area using rural design
26 and rural road corridors.

27 b. Goals, objectives, and policies setting forth the
28 innovative planning and development strategies to be applied
29 within rural land stewardship areas pursuant to the provisions
30 of this section.

31 c. A process for the implementation of innovative

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1 planning and development strategies within the rural land
2 stewardship area, including those described in this subsection
3 and s. 9J-5.006(5)(1), Florida Administrative Code, which
4 provide for a functional mix of land uses and which are
5 applied through the adoption by the local government of zoning
6 and land development regulations applicable to the rural land
7 stewardship area.

8 d. A process which encourages visioning pursuant to s.
9 163.3167(11) to ensure that innovative planning and
10 development strategies comply with the provisions of this
11 section.

12 e. The control of sprawl through the use of innovative
13 strategies and creative land use techniques consistent with
14 the provisions of this subsection and rural 9J-5.006(5)(1),
15 Florida Administrative Code.

16 7. A receiving area shall be designated by the
17 adoption of a land development regulation. Prior to the
18 designation of a receiving area, the local government shall
19 provide the Department of Community Affairs a period of 30
20 days in which to review a proposed receiving area for
21 consistency with the rural land stewardship area plan
22 amendment and to provide comments to the local government.

23 8. Upon the adoption of a plan amendment creating a
24 rural land stewardship area, the local government shall, by
25 ordinance, assign to the area a certain number of credits, to
26 be known as "transferable rural land use credits," which shall
27 not constitute a right to develop land, nor increase density
28 of land, except as provided by this section. The total amount
29 of transferrable rural land use credits assigned to the rural
30 land stewardship area must correspond to the 25-year or
31 greater projected population of the rural land stewardship

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- 1 area. Transferable rural land use credits are subject to the
2 following limitations:
- 3 a. Transferable rural land use credits may only exist
4 within a rural land stewardship area.
- 5 b. Transferable rural land use credits may only be
6 used on lands designated as receiving areas and then solely
7 for the purpose of implementing innovative planning and
8 development strategies and creative land use planning
9 techniques adopted by the local government pursuant to this
10 section.
- 11 c. Transferable rural land use credits assigned to a
12 parcel of land within a rural land stewardship area shall
13 cease to exist if the parcel of land is removed from the rural
14 land stewardship area by plan amendment.
- 15 d. Neither the creation of the rural land stewardship
16 area by plan amendment nor the assignment of transferable
17 rural land use credits by the local government shall operate
18 to displace the underlying density of land uses assigned to a
19 parcel of land within the rural land stewardship area;
20 however, if transferable rural land use credits are
21 transferred from a parcel for use within a designated
22 receiving area, the underlying density assigned to the parcel
23 of land shall cease to exist.
- 24 e. The underlying density on each parcel of land
25 located within a rural land stewardship area shall not be
26 increased or decreased by the local government, except as a
27 result of the conveyance or use of transferable rural land use
28 credits, as long as the parcel remains within the rural land
29 stewardship area.
- 30 f. Transferable rural land use credits shall cease to
31 exist on a parcel of land where the underlying density

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1 assigned to the parcel of land is utilized.

2 g. An increase in the density of use on a parcel of
3 land located within a designated receiving area may occur only
4 through the assignment or use of transferable rural land use
5 credits and shall not require a plan amendment.

6 h. A change in the density of land use on parcels
7 located within receiving areas shall be specified in a
8 development order which reflects the total number of
9 transferable rural land use credits assigned to the parcel of
10 land and the infrastructure and support services necessary to
11 provide for a functional mix of land uses corresponding to the
12 plan of development.

13 i. Land within a rural land stewardship area may be
14 removed from the rural land stewardship area through a plan
15 amendment.

16 j. Transferable rural land use credits may be assigned
17 at different ratios of credits per acre according to the land
18 use remaining following the transfer of credits, with the
19 highest number of credits per acre assigned to preserve
20 environmentally valuable land and a lesser number of credits
21 to be assigned to open space and agricultural land.

22 k. The use or conveyance of transferable rural land
23 use credits must be recorded in the public records of the
24 county in which the property is located as a covenant or
25 restrictive easement running with the land in favor of the
26 county and either the Department of Environmental Protection,
27 Department of Agriculture and Consumer Services, a water
28 management district, or a recognized statewide land trust.

29 9. Owners of land within rural land stewardship areas
30 should be provided incentives to enter into rural land
31 stewardship agreements, pursuant to existing law and rules

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1 adopted thereto, with state agencies, water management
2 districts, and local governments to achieve mutually agreed
3 upon conservation objectives. Such incentives may include,
4 but not be limited to, the following:

5 a. Opportunity to accumulate transferable mitigation
6 credits.

7 b. Extended permit agreements.

8 c. Opportunities for recreational leases and
9 ecotourism.

10 d. Payment for specified land management services on
11 publicly owned land, or property under covenant or restricted
12 easement in favor of a public entity.

13 e. Option agreements for sale to government, in either
14 fee or easement, upon achievement of conservation objectives.

15 10. The department shall report to the Legislature on
16 an annual basis on the results of implementation of rural land
17 stewardship areas authorized by the department, including
18 successes and failures in achieving the intent of the
19 Legislature as expressed in this paragraph. It is further the
20 intent of the Legislature that the success of authorized rural
21 land stewardship areas be substantiated before implementation
22 occurs on a statewide basis.

23 (e)(d) The implementation of this subsection shall be
24 subject to the provisions of this chapter, chapters 186 and
25 187, and applicable agency rules.

26 (f)(e) The department may adopt rules necessary to
27 ~~shall~~ implement the provisions of this subsection ~~by rule~~.
28
29 (Redesignate subsequent sections.)
30
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1 ===== T I T L E A M E N D M E N T =====

2 And the title is amended as follows:

3 On page 5, line 26, after the second semicolon

4

5 insert:

6 creating the "Rural and Family Lands Protection

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

8 providing legislative intent; creating s.

9 570.71, F.S.; providing for the purchase of

10 rural-lands-protection easements by the

11 Department of Agriculture and Consumer

12 Services; providing criteria; providing for

13 resource conservation agreements and

14 agricultural protection agreements; prescribing

15 allowable land uses; providing for an

16 application process; providing for the sale of

17 an easement; requiring the department to adopt

18 rules; authorizing the use of specified funds;

19 authorizing the removal of property from lists

20 and maps; providing for the deposit of funds;

21 directing the completion of a needs assessment

22 and a report; amending s. 163.3177, F.S.;

23 directing the department to authorize up to

24 five local governments to designate rural land

25 stewardship areas; requiring a written

26 agreement; providing requirements for

27 comprehensive plan amendments for such

28 designations; providing that owners of land

29 within such areas may convey development rights

30 in return for the assignment of transferable

31 rural land use credits; providing requirements

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1 with respect to such credits; specifying
2 incentives that should be provided such
3 landowners; requiring reports; providing
4 intent;
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