

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

Amendment No. Barcode 970672

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Senator Laurent moved the following amendment:

Senate Amendment (with title amendment)

On page 58, between lines 16 and 17,

insert:

Section 3. Short title.--Sections 3 through 7 of this act may be cited as the "Rural and Family Lands Protection Act."

Section 4. Definitions.--As used in sections 5 and 6 of this act, the term "department" means the Department of Agriculture and Consumer Services.

Section 5. Section 570.70, Florida Statutes, is created to read:

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

- (1) A thriving rural economy with a strong agricultural base, healthy natural environment, and viable rural communities is an essential part of Florida. Rural areas also include the largest remaining intact ecosystems and best examples of remaining wildlife habitats as well as a majority

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1 of privately owned land targeted by local, state, and federal
2 agencies for natural-resource protection.

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

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

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

18 (5) 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 and
25 innovative planning and development strategies in rural areas.

26 Section 6. Section 570.71, Florida Statutes, is
27 created to read:

28 570.71 Conservation easements and agreements.--

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

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1 into agricultural protection agreements, and to enter into
2 resource conservation agreements for the following public
3 purposes:

4 (a) Promotion and improvement of wildlife habitat;

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

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

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

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

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

16 (b) Purchase rural-lands-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

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

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

31 (a) Construction or placing of buildings, roads,

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

6 (b) Subdivision of the property;

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

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

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

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

30 (a) For the length of the agreement, the landowner
31 shall agree to prohibit:

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1 1. 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 2. Subdivision of the property;

8 3. Dumping or placing of trash, waste, or offensive
9 materials; 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 or 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
17 transferring or selling the property, whichever occurs later.
18 If 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 agreement. The purchase price of the easement shall be
22 established in the agreement and shall be based on the value
23 of the easement at the time the agreement is entered into,
24 plus a reasonable escalator multiplied by the number of full
25 calendar years following the date of the commencement of the
26 agreement. The landowner may transfer or sell the property
27 before the expiration of the 30-year term, but only if the
28 property is sold subject to the agreement and the buyer
29 becomes the successor in interest to the agricultural
30 protection agreement. Upon mutual consent of the parties, a
31 landowner may enter into a perpetual easement at any time

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1 during the term of an agricultural protection agreement.

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

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

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

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

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

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

31 (12) The department is authorized to use funds from

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1 the following sources to implement this act:

- 2 (a) State funds;
- 3 (b) Federal funds;
- 4 (c) Other governmental entities;
- 5 (d) Nongovernmental organizations; or
- 6 (e) Private individuals.

7
8 Any such funds provided shall be deposited into the
9 Conservation and Recreation Lands Program Trust Fund within
10 the Department of Agriculture and Consumer Services and used
11 for the purposes of this act.

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

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

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

27 (b) The needs assessment shall locate areas of the
28 state where existing privately-owned ranch and timber lands
29 containing resources of the type identified in (a) can be
30 preserved or protected through implementation of the Rural and
31 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 7. Subsection (11) of section 163.3177,
10 Florida Statutes, is amended to read:

11 163.3177 Required and optional elements of
12 comprehensive plan; studies and surveys.--

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

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

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

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

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

30 2. The department shall encourage participation by
31 local governments of different sizes and rural

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

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

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

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

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

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

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1 economic viability of agriculture. The department may
2 terminate the agreement at any time if it determines that the
3 local government is not meeting the terms of the agreement.

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

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

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

30 c. A process for the implementation of innovative
31 planning and development strategies within the rural land

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

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

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

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

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

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1 following limitations:

2 a. Transferable rural land use credits may only exist
3 within a rural land stewardship area.

4 b. Transferable rural land use credits may only be
5 used on lands designated as receiving areas and then solely
6 for the purpose of implementing innovative planning and
7 development strategies and creative land use planning
8 techniques adopted by the local government pursuant to this
9 section.

10 c. Transferable rural land use credits assigned to a
11 parcel of land within a rural land stewardship area shall
12 cease to exist if the parcel of land is removed from the rural
13 land stewardship area by plan amendment.

14 d. Neither the creation of the rural land stewardship
15 area by plan amendment nor the assignment of transferable
16 rural land use credits by the local government shall operate
17 to displace the underlying density of land uses assigned to a
18 parcel of land within the rural land stewardship area;
19 however, if transferable rural land use credits are
20 transferred from a parcel for use within a designated
21 receiving area, the underlying density assigned to the parcel
22 of land shall cease to exist.

23 e. The underlying density on each parcel of land
24 located within a rural land stewardship area shall not be
25 increased or decreased by the local government, except as a
26 result of the conveyance or use of transferable rural land use
27 credits, as long as the parcel remains within the rural land
28 stewardship area.

29 f. Transferable rural land use credits shall cease to
30 exist on a parcel of land where the underlying density
31 assigned to the parcel of land is utilized.

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

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

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

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

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

28 9. Owners of land within rural land stewardship areas
29 should be provided incentives to enter into rural land
30 stewardship agreements, pursuant to existing law and rules
31 adopted thereto, with state agencies, water management

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1 districts, and local governments to achieve mutually agreed
 2 upon conservation objectives. Such incentives may include,
 3 but not be limited to, the following:
 4 a. Opportunity to accumulate transferable mitigation
 5 credits.
 6 b. Extended permit agreements.
 7 c. Opportunities for recreational leases and
 8 ecotourism.
 9 d. Payment for specified land management services on
 10 publicly owned land, or property under covenant or restricted
 11 easement in favor of a public entity.
 12 e. Option agreements for sale to government, in either
 13 fee or easement, upon achievement of conservation objectives.
 14 10. The department shall report to the Legislature on
 15 an annual basis on the results of implementation of rural land
 16 stewardship areas authorized by the department, including
 17 successes and failures in achieving the intent of the
 18 Legislature as expressed in this paragraph. It is further the
 19 intent of the Legislature that the success of authorized rural
 20 land stewardship areas be substantiated before implementation
 21 occurs on a statewide basis.
 22 (e)(d) The implementation of this subsection shall be
 23 subject to the provisions of this chapter, chapters 186 and
 24 187, and applicable agency rules.
 25 (f)(e) The department may adopt rules necessary to
 26 shall implement the provisions of this subsection by rule.
 27
 28 (Redesignate subsequent sections.)
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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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