

By Representative Dockery

1 A bill to be entitled
 2 An act relating to rural land protection;
 3 amending s. 201.15, F.S.; providing for the
 4 distribution of certain excise taxes on
 5 documents to the Rural Lands Program Trust Fund
 6 of the Department of Agriculture and Consumer
 7 Services; creating s. 215.619, F.S.;
 8 authorizing the issuance of bonds for rural
 9 land protection; providing certain conditions;
 10 providing for the deposit of proceeds; amending
 11 s. 570.207, F.S.; providing uses for funds in
 12 the Conservation and Recreation Lands Program
 13 Trust Fund; amending s. 570.70, F.S.; providing
 14 conclusions of a study by the department;
 15 amending s. 570.71, F.S.; authorizing the use
 16 of rural land protection bonds to implement
 17 provisions relating to conservation and rural
 18 land protection easements and agreements;
 19 providing a contingent effective date.

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

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 23 Section 1. Paragraph (c) of subsection (1) of section
 24 201.15, Florida Statutes, is amended to read:

25 201.15 Distribution of taxes collected.--All taxes
 26 collected under this chapter shall be distributed as follows
 27 and shall be subject to the service charge imposed in s.
 28 215.20(1), except that such service charge shall not be levied
 29 against any portion of taxes pledged to debt service on bonds
 30 to the extent that the amount of the service charge is
 31 required to pay any amounts relating to the bonds:

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

4 (c) The remainder of the moneys distributed under this
5 subsection, after the required payments under paragraph (a),
6 shall be paid into the State Treasury to the credit of the
7 General Revenue Fund of the state to be used and expended for
8 the purposes for which the General Revenue Fund was created
9 and exists by law, ~~or~~ to the Ecosystem Management and
10 Restoration Trust Fund or to the Marine Resources Conservation
11 Trust Fund as provided in subsection (11), or to the Rural
12 Lands Program Trust Fund of the Department of Agriculture and
13 Consumer Services pursuant to s. 215.619. Moneys available
14 under this paragraph shall first be used to pay debt service
15 due on any rural land protection bond or to make any other
16 payments required pursuant to the bond documents authorizing
17 the issuance before such moneys are used for other purposes
18 authorized by this paragraph.

19 Section 2. Section 215.619, Florida Statutes, is
20 created to read:

21 215.619 Bonds for rural land protection.--

22 (1) The issuance of rural land protection bonds not
23 exceeding \$1 billion is hereby authorized. Such rural land
24 protection bonds may be issued over the next 10 fiscal years
25 commencing on July 1, 2002, in an amount not exceeding \$100
26 million in any fiscal year, subject to the provisions of s.
27 570.71 and pursuant to s. 11(e), Art. VII of the State
28 Constitution. The duration of each series of bonds issued may
29 not exceed 20 annual maturities.

30 (2) The state covenants with the holders of rural land
31 protection bonds that it will not take any action that will

1 materially and adversely affect the rights of such holders so
2 long as such bonds are outstanding, including, but not limited
3 to, a reduction in the portion of documentary stamp taxes
4 distributable to the Rural Lands Program Trust Fund of the
5 Department of Agriculture and Consumer Services for payment of
6 debt service.

7 (3) Bonds issued pursuant to this section shall be
8 payable from taxes distributable to the Rural Lands Program
9 Trust Fund of the Department of Agriculture and Consumer
10 Services pursuant to s. 201.15(1)(c). Bonds issued pursuant to
11 this section shall not constitute a general obligation of, or
12 a pledge of the full faith and credit of, the state.

13 (4) The Department of Agriculture and Consumer
14 Services shall request the Division of Bond Finance of the
15 State Board of Administration to issue the rural land
16 protection bonds authorized by this section. The Division of
17 Bond Finance shall issue such bonds pursuant to the State Bond
18 Act.

19 (5) The proceeds from the sale of bonds issued
20 pursuant to this section, less the costs of issuance, the
21 costs of funding reserve accounts, and other costs with
22 respect to the bonds, shall be deposited into the Conservation
23 and Recreation Lands Program Trust Fund of the Department of
24 Agriculture and Consumer Services as provided in s. 570.71.

25 (6) There shall be no sale, disposition, lease,
26 easement, license, or other use of any land, water areas, or
27 related property interests acquired or improved with proceeds
28 of rural land protection bonds which would cause all or any
29 portion of the interest of such bonds to lose the exclusion
30 from gross income for federal income tax purposes.

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1 (7) The initial series of rural land protection bonds
2 shall be validated in addition to any other bonds required to
3 be validated pursuant to s. 215.82. Any complaint for
4 validation of bonds issued pursuant to this section shall be
5 filed only in the circuit court of the county where the seat
6 of state government is situated; the notice required to be
7 published by s. 75.06 shall be published only in the county
8 where the complaint is filed; and the complaint and order of
9 the circuit court shall be served only on the state attorney
10 of the circuit in which the action is pending.

11 Section 3. Subsection (1) of section 570.207, Florida
12 Statutes, is amended to read:

13 570.207 Conservation and Recreation Lands Program
14 Trust Fund of the Department of Agriculture and Consumer
15 Services.--

16 (1) There is created a Conservation and Recreation
17 Lands Program Trust Fund within the Department of Agriculture
18 and Consumer Services. The purpose of the trust fund is to
19 provide for the management of conservation and recreation
20 lands by the department. Funds may be appropriated to the
21 trust fund from the Conservation and Recreation Lands Trust
22 Fund in the Department of Environmental Protection, as created
23 by s. 259.032(2), or from such other sources as the
24 Legislature may determine for the management of conservation
25 and recreation lands by the department. Additionally, subject
26 to the provisions of s. 11(e), Art. VII of the State
27 Constitution, the department may use bond proceeds deposited
28 pursuant to s. 215.619 and funds from such other sources as
29 the Legislature determines for the acquisition of conservation
30 easements and rural land protection easements and for funding
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1 agricultural protection agreements and resource conservation
2 agreements pursuant to s. 570.71.

3 Section 4. Section 570.70, Florida Statutes, is
4 amended to read:

5 570.70 Legislative findings; study.--

6 (1) The Legislature finds and declares that:

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

14 (b)~~(2)~~ The growth of Florida's population can result
15 in agricultural and rural lands being converted into
16 residential or commercial development.

17 (c)~~(3)~~ The agricultural, rural, natural resource, and
18 commodity values of rural lands are vital to the state's
19 economy, productivity, rural heritage, and quality of life.

20 (d)~~(4)~~ There is ~~The Legislature further recognizes~~ the
21 need for enhancing the ability of rural landowners to obtain
22 economic value from their property, protecting rural
23 character, controlling urban sprawl, ~~and~~ providing necessary
24 open space for agriculture and the natural environment, and
25 ~~the importance of~~ maintaining and protecting Florida's rural
26 economy through innovative planning and development strategies
27 in rural areas and the use of incentives that reward
28 landowners for good stewardship of land and natural resources.

29 (e)~~(5)~~ The purpose of this act is to bring under
30 public protection lands that serve to limit subdivision and
31 conversion of agricultural and natural areas that provide

1 economic, open space, water, and wildlife benefits by
2 acquiring land or related interests in land such as perpetual,
3 less-than-fee acquisitions, agricultural protection
4 agreements, and resource conservation agreements and
5 innovative planning and development strategies in rural areas.

6 (2) A study conducted by the department to determine
7 and prioritize needs for implementing the provisions of this
8 section and s. 570.71 concluded the following:

9 (a) Between 1964 and 1997, Florida lost nearly 5
10 million acres of valuable agricultural land, with most of the
11 loss involving ranch and forest lands.

12 (b) Florida currently has 9,114,000 acres of
13 agricultural land with natural resource attributes, including
14 groundwater recharge, natural floodplain, and significant
15 species habitat, and more than 900,000 acres of this land will
16 be converted to other uses within a decade.

17 (c) The objective of a program to protect agricultural
18 land with natural resource value through conservation
19 easements and other tools should be protection of 1 acre for
20 every acre lost.

21 Section 5. Subsection (12) of section 570.71, Florida
22 Statutes, is amended to read:

23 570.71 Conservation easements and agreements.--

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

26 (a) State funds;

27 (b) Rural land protection bonds as authorized by s.
28 215.619;

29 ~~(c)(b)~~ Federal funds;

30 ~~(d)(c)~~ Other governmental entities;

31 ~~(e)(d)~~ Nongovernmental organizations; or

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(f)~~(e)~~ Private individuals.

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

Section 6. This act shall take effect July 1, 2002, if House Bill _____ or similar legislation creating the Rural Lands Program Trust Fund is adopted in the same legislative session or an extension thereof and becomes law.

HOUSE SUMMARY

Provides for the distribution of certain excise taxes on documents to the Rural Lands Program Trust Fund of the Department of Agriculture and Consumer Services. Authorizes the issuance of bonds for rural land protection and provides certain conditions. Provides for the deposit of proceeds. Provides uses for funds in the Conservation and Recreation Lands Program Trust Fund. Provides conclusions of a study by the department. Authorizes the use of rural land protection bonds to implement provisions relating to conservation and rural land protection easements and agreements.