

By the Committee on Natural Resources; and Senator Laurent

312-2003-02

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 legislative intent that the issuance  
20          of rural land protection bonds is in the best  
21          interest of the state and should be  
22          implemented; providing a contingent effective  
23          date.

24  
25 Be It Enacted by the Legislature of the State of Florida:

26  
27           Section 1. Paragraph (c) of subsection (1) of section  
28 201.15, Florida Statutes, is amended to read:

29           201.15 Distribution of taxes collected.--All taxes  
30 collected under this chapter shall be distributed as follows  
31 and shall be subject to the service charge imposed in s.

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

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

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

23 Section 2. Section 215.619, Florida Statutes, is  
24 created to read:

25 215.619 Bonds for rural land protection.--

26 (1) The issuance of rural land protection bonds not  
27 exceeding \$1 billion is hereby authorized. Such rural land  
28 protection bonds may be issued over the next 10 fiscal years  
29 commencing on July 1, 2002, in an amount not exceeding \$100  
30 million in any fiscal year, subject to the provisions of s.  
31 570.71 and pursuant to s. 11(e), Art. VII of the State

1 Constitution. The duration of each series of bonds issued may  
2 not exceed 20 annual maturities.

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

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

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

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

29 (6) There shall be no sale, disposition, lease,  
30 easement, license, or other use of any land, water areas, or  
31 related property interests acquired or improved with proceeds

1 of rural land protection bonds which would cause all or any  
2 portion of the interest of such bonds to lose the exclusion  
3 from gross income for federal income tax purposes.

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

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

16 570.207 Conservation and Recreation Lands Program  
17 Trust Fund of the Department of Agriculture and Consumer  
18 Services.--

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

1 the Legislature determines for the acquisition of conservation  
2 easements and rural land protection easements and for funding  
3 agricultural protection agreements and resource conservation  
4 agreements pursuant to s. 570.71.

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

7 570.70 Legislative findings; study.--

8 (1) The Legislature finds and declares that:

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

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

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

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

31

1           ~~(e)(5)~~ The purpose of this act is to bring under  
2 public protection lands that serve to limit subdivision and  
3 conversion of agricultural and natural areas that provide  
4 economic, open space, water, and wildlife benefits by  
5 acquiring land or related interests in land such as perpetual,  
6 less-than-fee acquisitions, agricultural protection  
7 agreements, and resource conservation agreements and  
8 innovative planning and development strategies in rural areas.

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

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

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

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

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

26           570.71 Conservation easements and agreements.--

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

29           (a) State funds;

30           (b) Rural land protection bonds as authorized by s.  
31 215.619;

- 1           ~~(c)(b)~~ Federal funds;  
2           ~~(d)(c)~~ Other governmental entities;  
3           ~~(e)(d)~~ Nongovernmental organizations; or  
4           ~~(f)(e)~~ Private individuals.  
5

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

10           Section 6. In accordance with section 215.98(1),  
11 Florida Statutes, the Legislature determines that the issuance  
12 of rural land protection bonds under section 2 of this act is  
13 in the best interest of the state and should be implemented.

14           Section 7. This act shall take effect July 1, 2002, if  
15 Committee Substitute for Senate Bill 1768 or similar  
16 legislation creating the Rural Lands Program Trust Fund is  
17 adopted in the same legislative session or an extension  
18 thereof and becomes law.

19  
20           STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
21           COMMITTEE SUBSTITUTE FOR  
22           Senate Bill 1770

23 The committee substitute includes a new section 6 expressing  
24 legislative intent that the issuance of rural land protection  
25 bonds is in the best interest of the state and should be  
26 implemented.

27 The bill will take effect only if CS/SB 1768 or similar  
28 legislation is enacted during the same legislative session.  
29  
30  
31