



CHAMBER ACTION

The Committee on Agriculture recommends the following:

**Committee Substitute**

Remove the entire bill and insert:

A bill to be entitled

An act relating to rural land protection; amending s. 201.15, F.S.; providing for the distribution of certain excise taxes on documents to the Rural Lands Program Trust Fund of the Department of Agriculture and Consumer Services; creating s. 215.6195, F.S.; authorizing the issuance of bonds for rural land protection; providing certain conditions; providing for the deposit of proceeds; providing legislative intent that the issuance of rural land protection bonds is in the best interest of the state; amending s. 570.207, F.S.; providing uses for funds in the Conservation and Recreation Lands Program Trust Fund; amending s. 570.70, F.S.; providing conclusions of a study by the department; amending s. 570.71, F.S.; authorizing the use of rural land protection bonds to implement provisions relating to conservation and rural land protection easements and agreements; providing a contingent effective date.



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

30

31 Section 1. Paragraph (d) of subsection (1) of section  
32 201.15, Florida Statutes, is amended to read:

33 201.15 Distribution of taxes collected.--All taxes  
34 collected under this chapter shall be distributed as follows and  
35 shall be subject to the service charge imposed in s. 215.20(1),  
36 except that such service charge shall not be levied against any  
37 portion of taxes pledged to debt service on bonds to the extent  
38 that the amount of the service charge is required to pay any  
39 amounts relating to the bonds:

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

43 (d) The remainder of the moneys distributed under this  
44 subsection, after the required payments under paragraphs (a),  
45 (b), and (c), shall be paid into the State Treasury to the  
46 credit of the General Revenue Fund of the state to be used and  
47 expended for the purposes for which the General Revenue Fund was  
48 created and exists by law, ~~or~~ to the Ecosystem Management and  
49 Restoration Trust Fund, ~~or~~ to the Marine Resources Conservation  
50 Trust Fund as provided in subsection (11), or to the Rural Lands  
51 Program Trust Fund of the Department of Agriculture and Consumer  
52 Services pursuant to s. 215.619. Moneys available under this  
53 paragraph shall first be used to pay debt service due on any  
54 rural land protection bond or to make any other payments  
55 required pursuant to the bond documents authorizing the issuance



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56 before such moneys are used for other purposes authorized by  
57 this paragraph.

58 Section 2. Section 215.6195, Florida Statutes, is created  
59 to read:

60 215.6195 Bonds for rural land protection.--

61 (1) The issuance of rural land protection bonds not  
62 exceeding \$1 billion is authorized. The rural land protection  
63 bonds may be issued over the next 10 fiscal years commencing on  
64 July 1, 2003, in an amount not exceeding \$100 million in any  
65 fiscal year, subject to the provisions of s. 570.71 and pursuant  
66 to s. 11(e), Art. VII of the State Constitution. The duration of  
67 each series of bonds issued may not exceed 20 annual maturities.

68 (2) The state covenants with the holders of rural land  
69 protection bonds that it will not take any action that will  
70 materially and adversely affect the rights of such holders so  
71 long as the bonds are outstanding, including, but not limited  
72 to, a reduction in the portion of documentary stamp taxes  
73 distributable to the Rural Lands Program Trust Fund of the  
74 Department of Agriculture and Consumer Services for payment of  
75 debt service.

76 (3) Bonds issued pursuant to this section shall be payable  
77 from taxes distributable to the Rural Lands Program Trust Fund  
78 of the Department of Agriculture and Consumer Services pursuant  
79 to s. 201.15(1)(d). Bonds issued pursuant to this section do not  
80 constitute a general obligation of, or a pledge of the full  
81 faith and credit of, the state.

82 (4) The Department of Agriculture and Consumer Services  
83 shall request the Division of Bond Finance of the State Board of



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84 Administration to issue the rural land protection bonds  
85 authorized by this section. The Division of Bond Finance shall  
86 issue such bonds pursuant to the State Bond Act.

87 (5) The proceeds from the sale of bonds issued pursuant to  
88 this section, less the costs of issuance, the costs of funding  
89 reserve accounts, and other costs with respect to the bonds,  
90 shall be deposited into the Conservation and Recreation Lands  
91 Program Trust Fund of the Department of Agriculture and Consumer  
92 Services as provided in s. 570.71.

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

99 (7) The initial series of rural land protection bonds  
100 shall be validated in addition to any other bonds required to be  
101 validated pursuant to s. 215.82. Any complaint for validation of  
102 bonds issued pursuant to this section shall be filed only in the  
103 circuit court of the county where the seat of state government  
104 is situated, the notice required to be published by s. 75.06  
105 shall be published only in the county where the complaint is  
106 filed, and the complaint and order of the circuit court shall be  
107 served only on the state attorney of the circuit in which the  
108 action is pending.

109 Section 3. In accordance with s. 215.98(1), Florida  
110 Statutes, the Legislature determines that the issuance of rural



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111 land protection bonds under section 2 of this act is in the best  
112 interest of the state and should be implemented.

113 Section 4. Subsection (1) of section 570.207, Florida  
114 Statutes, is amended to read:

115 570.207 Conservation and Recreation Lands Program Trust  
116 Fund of the Department of Agriculture and Consumer Services.--

117 (1) There is created a Conservation and Recreation Lands  
118 Program Trust Fund within the Department of Agriculture and  
119 Consumer Services. The purpose of the trust fund is to provide  
120 for the management of conservation and recreation lands by the  
121 department. Funds may be appropriated to the trust fund from the  
122 Conservation and Recreation Lands Trust Fund in the Department  
123 of Environmental Protection, as created by s. 259.032(2), or  
124 from such other sources as the Legislature may determine for the  
125 management of conservation and recreation lands by the  
126 department. Additionally, subject to the provisions of s. 11(e),  
127 Art. VII of the State Constitution, the department may use bond  
128 proceeds deposited pursuant to s. 215.6195 and funds from such  
129 other sources as the Legislature determines for the acquisition  
130 of conservation easements and rural land protection easements  
131 and for funding agricultural protection agreements and resource  
132 conservation agreements pursuant to s. 570.71.

133 Section 5. Section 570.70, Florida Statutes, is amended to  
134 read:

135 570.70 Legislative findings; study.--

136 (1) The Legislature finds and declares that:

137 ~~(a)(1)~~ A thriving rural economy with a strong agricultural  
138 base, healthy natural environment, and viable rural communities



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139 is an essential part of Florida. Rural areas also include the  
140 largest remaining intact ecosystems and best examples of  
141 remaining wildlife habitats as well as a majority of privately  
142 owned land targeted by local, state, and federal agencies for  
143 natural resource protection.

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

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

150 (d)~~(4)~~ There is ~~The Legislature further recognizes~~ the  
151 need for enhancing the ability of rural landowners to obtain  
152 economic value from their property, protecting rural character,  
153 controlling urban sprawl, ~~and~~ providing necessary open space for  
154 agriculture and the natural environment, and ~~the importance of~~  
155 maintaining and protecting Florida's rural economy through  
156 innovative planning and development strategies in rural areas  
157 and the use of incentives that reward landowners for good  
158 stewardship of land and natural resources.

159 (e)~~(5)~~ The purpose of this act is to bring under public  
160 protection lands that serve to limit subdivision and conversion  
161 of agricultural and natural areas that provide economic, open  
162 space, water, and wildlife benefits by acquiring land or related  
163 interests in land such as perpetual, less-than-fee acquisitions,  
164 agricultural protection agreements, and resource conservation  
165 agreements and innovative planning and development strategies in  
166 rural areas.



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

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

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

178           (c) The objective of a program to protect agricultural  
 179 land with natural resource value through conservation easements  
 180 and other tools should be protection of 1 acre for every acre  
 181 lost.

182           Section 6. Subsection (12) of section 570.71, Florida  
 183 Statutes, is amended to read:

184           570.71 Conservation easements and agreements.--

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

187           (a) State funds;

188           (b) Rural land protection bonds as authorized by s.  
 189 215.6195;

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

191           (d)~~(e)~~ Other governmental entities;

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

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

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

199 Section 7. This act shall take effect July 1, 2003, if  
200 House Bill 1111 or similar legislation creating the Rural Lands  
201 Program Trust Fund is adopted in the same legislative session or  
202 an extension thereof and becomes law.