

By Senators Dockery, Argenziano, Smith, Atwater, Geller, Sebesta, Constantine, Alexander and Bennett

15-747-03

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. 215.6195, 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.

20  
21 Be It Enacted by the Legislature of the State of Florida:

22  
23           Section 1. Paragraph (d) 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           (d) The remainder of the moneys distributed under this  
5 subsection, after the required payments under paragraphs (a),  
6 (b), and (c), shall be paid into the State Treasury to the  
7 credit of the General Revenue Fund of the state to be used and  
8 expended for the purposes for which the General Revenue Fund  
9 was created and exists by law, or to the Ecosystem Management  
10 and Restoration Trust Fund or to the Marine Resources  
11 Conservation Trust Fund as provided in subsection (11), or to  
12 the Rural Lands Program Trust Fund of the Department of  
13 Agriculture and Consumer Services pursuant to s. 215.619.

14 Moneys available under this paragraph shall first be used to  
15 pay debt service due on any rural land protection bond or to  
16 make any other payments required pursuant to the bond  
17 documents authorizing the issuance before such moneys are used  
18 for other purposes authorized by this paragraph.

19           Section 2. Section 215.6195, Florida Statutes, is  
20 created to read:

21           215.6195 Bonds for rural land protection.--

22           (1) The issuance of rural land protection bonds not  
23 exceeding \$1 billion is authorized. The rural land protection  
24 bonds may be issued over the next 10 fiscal years commencing  
25 on July 1, 2003, in an amount not exceeding \$100 million in  
26 any fiscal year, subject to the provisions of s. 570.71 and  
27 pursuant to s. 11(e), Art. VII of the State Constitution. The  
28 duration of each series of bonds issued may not exceed 20  
29 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 the 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)(d). Bonds issued pursuant to  
11 this section do not constitute a general obligation of, or a  
12 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.

31

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. 215.6195 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  
31

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.  
28 215.6195;

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

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

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

1           (f)~~(e)~~ Private individuals.  
2  
3 Any such funds provided shall be deposited into the  
4 Conservation and Recreation Lands Program Trust Fund within  
5 the Department of Agriculture and Consumer Services and used  
6 for the purposes of this act.  
7           Section 6. This act shall take effect July 1, 2003, if  
8 Senate Bill \_\_\_\_\_ or similar legislation creating the Rural  
9 Lands Program Trust Fund is adopted in the same legislative  
10 session or an extension thereof and becomes law.

11  
12           \*\*\*\*\*

13           SENATE SUMMARY

14           Provides for the distribution of certain excise taxes on  
15 documents to the Rural Lands Program Trust Fund of the  
16 Department of Agriculture and Consumer Services.  
17 Authorizes the issuance of bonds for rural land  
18 protection and provides certain conditions. Provides for  
19 the deposit of proceeds. Provides uses for funds in the  
20 Conservation and Recreation Lands Program Trust Fund.  
21 Provides conclusions of a study by the department.  
22 Authorizes the use of rural land protection bonds to  
23 implement provisions relating to conservation and rural  
24 land protection easements and agreements.  
25  
26  
27  
28  
29  
30  
31