

By the Committee on Appropriations; and Senators Dockery, Argenziano, Smith, Atwater, Geller, Sebesta, Constantine, Alexander, Bennett, Lynn and Bullard

309-2540-03

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;

11 providing that issuance of such bonds is in the

12 best interests of the state; amending s.

13 570.207, F.S.; providing uses for funds in the

14 Conservation and Recreation Lands Program Trust

15 Fund; amending s. 570.70, F.S.; providing

16 conclusions of a study by the department;

17 amending s. 570.71, F.S.; authorizing the use

18 of rural land protection bonds to implement

19 provisions relating to conservation and rural

20 land protection easements and agreements;

21 providing a contingent effective date.

22

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

24

25 Section 1. Paragraph (d) of subsection (1) of section

26 201.15, Florida Statutes, is amended to read:

27 201.15 Distribution of taxes collected.--All taxes

28 collected under this chapter shall be distributed as follows

29 and shall be subject to the service charge imposed in s.

30 215.20(1), except that such service charge shall not be levied

31 against any portion of taxes pledged to debt service on bonds

1 to the extent that the amount of the service charge is
2 required to pay any amounts relating to the bonds:

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

6 (d) The remainder of the moneys distributed under this
7 subsection, after the required payments under paragraphs (a),
8 (b), and (c), shall be paid into the State Treasury to the
9 credit of the General Revenue Fund of the state to be used and
10 expended for the purposes for which the General Revenue Fund
11 was created and exists by law, ~~or~~ to the Ecosystem Management
12 and Restoration Trust Fund or to the Marine Resources
13 Conservation Trust Fund as provided in subsection (11), or to
14 the Rural Lands Program Trust Fund of the Department of
15 Agriculture and Consumer Services pursuant to s. 215.6195.
16 Moneys available under this paragraph shall first be used to
17 pay debt service due on any rural land protection bond or to
18 make any other payments required pursuant to the bond
19 documents authorizing the issuance before such moneys are used
20 for other purposes authorized by this paragraph.

21 Section 2. Section 215.6195, Florida Statutes, is
22 created to read:

23 215.6195 Bonds for rural land protection.--

24 (1) The issuance of rural land protection bonds not
25 exceeding \$1 billion is authorized. The rural land protection
26 bonds may be issued over the next 10 fiscal years commencing
27 on July 1, 2003, in an amount not exceeding \$100 million in
28 any fiscal year, subject to the provisions of s. 570.71 and
29 pursuant to s. 11(e), Art. VII of the State Constitution. The
30 duration of each series of bonds issued may not exceed 20
31 annual maturities. Except for refunding bonds, a series of

1 bonds may not be issued unless an amount equal to the debt
2 service coming due in the year of issuance has been
3 specifically appropriated in the General Appropriations Act.

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

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

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

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

30 (6) There shall be no sale, disposition, lease,
31 easement, license, or other use of any land, water areas, or

1 related property interests acquired or improved with proceeds
2 of rural land protection bonds which would cause all or any
3 portion of the interest of such bonds to lose the exclusion
4 from gross income for federal income tax purposes.

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

15 Section 3. In accordance with section 215.98(1),
16 Florida Statutes, the Legislature determines that the issuance
17 of rural land protection bonds under section 2 of this act is
18 in the best interest of the state and should be implemented.

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

21 570.207 Conservation and Recreation Lands Program
22 Trust Fund of the Department of Agriculture and Consumer
23 Services.--

24 (1) There is created a Conservation and Recreation
25 Lands Program Trust Fund within the Department of Agriculture
26 and Consumer Services. The purpose of the trust fund is to
27 provide for the management of conservation and recreation
28 lands by the department and to fund the Rural and Family Lands
29 Protection Act created in ss. 570.70 and 570.71. The
30 department is authorized to use not more than one-half of 1
31 percent of the bond proceeds deposited into the trust fund for

1 administrative purposes. Funds may be appropriated to the
2 trust fund from the Conservation and Recreation Lands Trust
3 Fund in the Department of Environmental Protection, as created
4 by s. 259.032(2), or from such other sources as the
5 Legislature may determine for the management of conservation
6 and recreation lands by the department. Additionally, subject
7 to the provisions of s. 11(e), Art. VII of the State
8 Constitution, the department may use bond proceeds deposited
9 pursuant to s. 215.6195 and funds from such other sources as
10 the Legislature determines for the acquisition of conservation
11 easements and rural land protection easements and for funding
12 agricultural protection agreements and resource conservation
13 agreements pursuant to s. 570.71.

14 Section 5. Section 570.70, Florida Statutes, is
15 amended to read:

16 570.70 Legislative findings; study.--

17 (1) The Legislature finds and declares that:

18 (a)~~(1)~~ A thriving rural economy with a strong
19 agricultural base, healthy natural environment, and viable
20 rural communities is an essential part of Florida. Rural areas
21 also include the largest remaining intact ecosystems and best
22 examples of remaining wildlife habitats as well as a majority
23 of privately owned land targeted by local, state, and federal
24 agencies for natural resource protection.

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

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

31

1 ~~(d)(4)~~ There is ~~The Legislature further recognizes~~ the
2 need for enhancing the ability of rural landowners to obtain
3 economic value from their property, protecting rural
4 character, controlling urban sprawl, ~~and~~ providing necessary
5 open space for agriculture and the natural environment, and
6 ~~the importance of~~ maintaining and protecting Florida's rural
7 economy through innovative planning and development strategies
8 in rural areas and the use of incentives that reward
9 landowners for good stewardship of land and natural resources.

10 ~~(e)(5)~~ The purpose of this act is to bring under
11 public protection lands that serve to limit subdivision and
12 conversion of agricultural and natural areas that provide
13 economic, open space, water, and wildlife benefits by
14 acquiring land or related interests in land such as perpetual,
15 less-than-fee acquisitions, agricultural protection
16 agreements, and resource conservation agreements and
17 innovative planning and development strategies in rural areas.

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

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

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

29 (c) The objective of a program to protect agricultural
30 land with natural resource value through conservation
31

1 easements and other tools should be protection of 1 acre for
2 every acre lost.

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

5 570.71 Conservation easements and agreements.--

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

8 (a) State funds;

9 (b) Rural land protection bonds as authorized by s.
10 215.6195;

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

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

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

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

15
16 Any such funds provided shall be deposited into the
17 Conservation and Recreation Lands Program Trust Fund within
18 the Department of Agriculture and Consumer Services and used
19 for the purposes of this act.

20 Section 7. This act shall take effect July 1, 2003, if
21 Senate Bill _____ or similar legislation creating the Rural
22 Lands Program Trust Fund is adopted in the same legislative
23 session or an extension thereof and becomes law.

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
Senate Bill 728

The committee substitute clarifies that it is the responsibility of the Division of Bond Finance at the State Board of Administration to issue rural land protection bonds.

The substitute authorizes the Department of Agriculture and Consumer Services to use rural land protection bond proceeds, and any other funds deposited in the Conservation and Recreation Lands Program Trust Fund to fund the Rural and Family Lands Protection Act, pursuant to ss. 570.70 and 570.71, F.S.

Authorizes the Department of Agriculture and Consumer Services to use not more than one-half of one percent of bond proceeds deposited into the Conservation and Recreation Lands Trust Fund for administrative purposes.

Provides that except for bond refunding, a series of bonds may not be issued unless an amount equal to the debt service coming due in the year of issuance has been specifically appropriated in the General Appropriations Act.