



HB 0883

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1 A bill to be entitled

2 An act relating to environmental property acquisition and  
3 development; amending s. 163.3177, F.S.; requiring the  
4 Department of Community Affairs to develop a pilot project  
5 with a water management district and a feasibility study  
6 to develop a pilot project in certain counties for certain  
7 rural land stewardship or alternatives to fee simple land  
8 acquisition purposes; requiring reports to the  
9 Legislature; amending s. 195.092, F.S.; authorizing local  
10 government taxing authorities to contest certain property  
11 assessor actions relating to property assessments of tax-  
12 exempt nongovernmental entities; authorizing local  
13 government taxing authorities to establish agreements for  
14 services to be provided by certain tax-exempt  
15 nongovernmental entities for the purpose of maintaining  
16 tax-exempt status; amending ss. 259.032 and 373.59, F.S.;  
17 revising certain agency responsibilities and procedures  
18 under certain payment in lieu of taxes provisions under  
19 the Conservation and Recreation Lands Trust Fund and the  
20 Water Management Lands Trust Fund; amending s. 259.105,  
21 F.S.; requiring the Department of Environmental Protection  
22 to develop an economic impact analysis for certain state  
23 land acquisitions under the Florida Forever Act relating  
24 to effects upon local ad valorem tax rolls; requiring  
25 estimates of revenues received as payments in lieu of  
26 taxes and other benefits of acquisition; providing an  
27 effective date.

28  
29 Be It Enacted by the Legislature of the State of Florida:  
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31 Section 1. Paragraph (d) of subsection (11) of section  
32 163.3177, Florida Statutes, is amended to read:

33 163.3177 Required and optional elements of comprehensive  
34 plan; studies and surveys.--

35 (11)

36 (d)1. The department, in cooperation with the Department  
37 of Agriculture and Consumer Services, shall provide assistance  
38 to local governments in the implementation of this paragraph and  
39 rule 9J-5.006(5)(1), Florida Administrative Code. Implementation  
40 of those provisions shall include a process by which the  
41 department may authorize up to five local governments to  
42 designate all or portions of lands classified in the future land  
43 use element as predominantly agricultural, rural, open, open-  
44 rural, or a substantively equivalent land use, as a rural land  
45 stewardship area within which planning and economic incentives  
46 are applied to encourage the implementation of innovative and  
47 flexible planning and development strategies and creative land  
48 use planning techniques, including those contained in rule 9J-  
49 5.006(5)(1), Florida Administrative Code.

50 2. The department shall encourage participation by local  
51 governments of different sizes and rural characteristics. It is  
52 the intent of the Legislature that rural land stewardship areas  
53 be used to further the following broad principles of rural  
54 sustainability: restoration and maintenance of the economic  
55 value of rural land; control of urban sprawl; identification and  
56 protection of ecosystems, habitats, and natural resources;  
57 promotion of rural economic activity; maintenance of the  
58 viability of Florida's agricultural economy; and protection of  
59 the character of rural areas of Florida.



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60           3. A local government may apply to the department in  
61 writing requesting consideration for authorization to designate  
62 a rural land stewardship area and shall describe its reasons for  
63 applying for the authorization with supporting documentation  
64 regarding its compliance with criteria set forth in this  
65 section.

66           4. In selecting a local government, the department shall,  
67 by written agreement:

68           a. Ensure that the local government has expressed its  
69 intent to designate a rural land stewardship area pursuant to  
70 the provisions of this subsection and clarify that the rural  
71 land stewardship area is intended.

72           b. Ensure that the local government has the financial and  
73 administrative capabilities to implement a rural land  
74 stewardship area.

75           5. The written agreement shall include the basis for the  
76 authorization and provide criteria for evaluating the success of  
77 the authorization including the extent the rural land  
78 stewardship area enhances rural land values; control urban  
79 sprawl; provides necessary open space for agriculture and  
80 protection of the natural environment; promotes rural economic  
81 activity; and maintains rural character and the economic  
82 viability of agriculture. The department may terminate the  
83 agreement at any time if it determines that the local government  
84 is not meeting the terms of the agreement.

85           6. A rural land stewardship area shall be not less than  
86 50,000 acres and shall not exceed 250,000 acres in size, shall  
87 be located outside of municipalities and established urban  
88 growth boundaries, and shall be designated by plan amendment.  
89 The plan amendment designating a rural land stewardship area



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90 shall be subject to review by the Department of Community  
 91 Affairs pursuant to s. 163.3184 and shall provide for the  
 92 following:

93 a. Criteria for the designation of receiving areas within  
 94 rural land stewardship areas in which innovative planning and  
 95 development strategies may be applied. Criteria shall at a  
 96 minimum provide for the following: adequacy of suitable land to  
 97 accommodate development so as to avoid conflict with  
 98 environmentally sensitive areas, resources, and habitats;  
 99 compatibility between and transition from higher density uses to  
 100 lower intensity rural uses; the establishment of receiving area  
 101 service boundaries which provide for a separation between  
 102 receiving areas and other land uses within the rural land  
 103 stewardship area through limitations on the extension of  
 104 services; and connection of receiving areas with the rest of the  
 105 rural land stewardship area using rural design and rural road  
 106 corridors.

107 b. Goals, objectives, and policies setting forth the  
 108 innovative planning and development strategies to be applied  
 109 within rural land stewardship areas pursuant to the provisions  
 110 of this section.

111 c. A process for the implementation of innovative planning  
 112 and development strategies within the rural land stewardship  
 113 area, including those described in this subsection and rule 9J-  
 114 5.006(5)(1), Florida Administrative Code, which provide for a  
 115 functional mix of land uses and which are applied through the  
 116 adoption by the local government of zoning and land development  
 117 regulations applicable to the rural land stewardship area.



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118 d. A process which encourages visioning pursuant to s.  
119 163.3167(11) to ensure that innovative planning and development  
120 strategies comply with the provisions of this section.

121 e. The control of sprawl through the use of innovative  
122 strategies and creative land use techniques consistent with the  
123 provisions of this subsection and rule 9J-5.006(5)(1), Florida  
124 Administrative Code.

125 7. A receiving area shall be designated by the adoption of  
126 a land development regulation. Prior to the designation of a  
127 receiving area, the local government shall provide the  
128 Department of Community Affairs a period of 30 days in which to  
129 review a proposed receiving area for consistency with the rural  
130 land stewardship area plan amendment and to provide comments to  
131 the local government.

132 8. Upon the adoption of a plan amendment creating a rural  
133 land stewardship area, the local government shall, by ordinance,  
134 assign to the area a certain number of credits, to be known as  
135 "transferable rural land use credits," which shall not  
136 constitute a right to develop land, nor increase density of  
137 land, except as provided by this section. The total amount of  
138 transferable rural land use credits assigned to the rural land  
139 stewardship area must correspond to the 25-year or greater  
140 projected population of the rural land stewardship area.  
141 Transferable rural land use credits are subject to the following  
142 limitations:

143 a. Transferable rural land use credits may only exist  
144 within a rural land stewardship area.

145 b. Transferable rural land use credits may only be used on  
146 lands designated as receiving areas and then solely for the  
147 purpose of implementing innovative planning and development



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148 strategies and creative land use planning techniques adopted by  
149 the local government pursuant to this section.

150 c. Transferable rural land use credits assigned to a  
151 parcel of land within a rural land stewardship area shall cease  
152 to exist if the parcel of land is removed from the rural land  
153 stewardship area by plan amendment.

154 d. Neither the creation of the rural land stewardship area  
155 by plan amendment nor the assignment of transferable rural land  
156 use credits by the local government shall operate to displace  
157 the underlying density of land uses assigned to a parcel of land  
158 within the rural land stewardship area; however, if transferable  
159 rural land use credits are transferred from a parcel for use  
160 within a designated receiving area, the underlying density  
161 assigned to the parcel of land shall cease to exist.

162 e. The underlying density on each parcel of land located  
163 within a rural land stewardship area shall not be increased or  
164 decreased by the local government, except as a result of the  
165 conveyance or use of transferable rural land use credits, as  
166 long as the parcel remains within the rural land stewardship  
167 area.

168 f. Transferable rural land use credits shall cease to  
169 exist on a parcel of land where the underlying density assigned  
170 to the parcel of land is utilized.

171 g. An increase in the density of use on a parcel of land  
172 located within a designated receiving area may occur only  
173 through the assignment or use of transferable rural land use  
174 credits and shall not require a plan amendment.

175 h. A change in the density of land use on parcels located  
176 within receiving areas shall be specified in a development order  
177 which reflects the total number of transferable rural land use



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178 credits assigned to the parcel of land and the infrastructure  
179 and support services necessary to provide for a functional mix  
180 of land uses corresponding to the plan of development.

181 i. Land within a rural land stewardship area may be  
182 removed from the rural land stewardship area through a plan  
183 amendment.

184 j. Transferable rural land use credits may be assigned at  
185 different ratios of credits per acre according to the land use  
186 remaining following the transfer of credits, with the highest  
187 number of credits per acre assigned to preserve environmentally  
188 valuable land and a lesser number of credits to be assigned to  
189 open space and agricultural land.

190 k. The use or conveyance of transferable rural land use  
191 credits must be recorded in the public records of the county in  
192 which the property is located as a covenant or restrictive  
193 easement running with the land in favor of the county and either  
194 the Department of Environmental Protection, Department of  
195 Agriculture and Consumer Services, a water management district,  
196 or a recognized statewide land trust.

197 9. Owners of land within rural land stewardship areas  
198 should be provided incentives to enter into rural land  
199 stewardship agreements, pursuant to existing law and rules  
200 adopted thereto, with state agencies, water management  
201 districts, and local governments to achieve mutually agreed upon  
202 conservation objectives. Such incentives may include, but not be  
203 limited to, the following:

204 a. Opportunity to accumulate transferable mitigation  
205 credits.

206 b. Extended permit agreements.

207 c. Opportunities for recreational leases and ecotourism.



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208 d. Payment for specified land management services on  
 209 publicly owned land, or property under covenant or restricted  
 210 easement in favor of a public entity.

211 e. Option agreements for sale to government, in either fee  
 212 or easement, upon achievement of conservation objectives.

213 10. The department shall report to the Legislature on an  
 214 annual basis on the results of implementation of rural land  
 215 stewardship areas authorized by the department, including  
 216 successes and failures in achieving the intent of the  
 217 Legislature as expressed in this paragraph. It is further the  
 218 intent of the Legislature that the success of authorized rural  
 219 land stewardship areas be substantiated before implementation  
 220 occurs on a statewide basis.

221 11. The department, in cooperation with the Department of  
 222 Agriculture and Consumer Services, the Fish and Wildlife  
 223 Conservation Commission, at least one water management district,  
 224 the Office of Tourism, Trade, and Economic Development, the  
 225 Rural Lands Stewardship Council, and Enterprise Florida, Inc.,  
 226 shall:

227 a. Develop a pilot project with one water management  
 228 district that adheres to the intent and guidelines established  
 229 for rural land stewardship area programs, or uses an alternative  
 230 to fee simple acquisitions for properties currently considered  
 231 for fee simple purchases, and report to the President of the  
 232 Senate and the Speaker of the House of Representatives on the  
 233 status of the project prior to the 2004 Regular Session of the  
 234 Legislature.

235 b. Undertake a feasibility study to develop a pilot  
 236 project in one rural county and in one urbanizing county  
 237 pursuant to the intent and guidelines established for rural land





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238 stewardship area programs as an alternative to fee simple  
 239 purchases in its land acquisition programs and report to the  
 240 President of the Senate and the Speaker of the House of  
 241 Representatives on activities necessary to establish such  
 242 projects prior to the 2004 Regular Session of the Legislature.

243 Section 2. Subsection (6) is added to section 195.092,  
 244 Florida Statutes, to read:

245 195.092 Authority to bring and maintain suits.--

246 (6)(a) Any local government taxing authority shall have  
 247 the authority to bring and maintain such actions as may be  
 248 necessary to contest the validity of any rule, regulation,  
 249 order, directive, or determination of the property assessor  
 250 within the county where the taxing authority is located relating  
 251 to disapproval of any part of an assessment roll or a  
 252 determination of assessment levels regarding the tax-exempt  
 253 status of nongovernmental entities.

254 (b) The governing body of any county government, municipal  
 255 government, school district, or any other local government with  
 256 taxing authority is authorized to establish services in lieu of  
 257 tax agreements with tax-exempt nongovernmental entities under  
 258 which the tax-exempt entities agree to provide a service for the  
 259 local government or residents of the local government at no cost  
 260 or a reduced cost as a condition for maintaining their tax-  
 261 exempt status.

262 Section 3. Paragraph (d) of subsection (12) of section  
 263 259.032, Florida Statutes, is amended to read:

264 259.032 Conservation and Recreation Lands Trust Fund;  
 265 purpose.--

266 (12)



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267 (d) The payment amount shall be based on the average  
268 amount of actual taxes paid on the property for the 3 years  
269 preceding acquisition. Vouchers ~~Applications~~ for payment in lieu  
270 of taxes shall be prepared by the lead agency designated in  
271 subsection (9) with management responsibilities for the eligible  
272 property on behalf of the local government and shall be made no  
273 later than January 31 of the year following acquisition. The  
274 department shall coordinate the agencies' activities to ensure  
275 that vouchers for payments are prepared and submitted for all  
276 local governments that qualify for payment in lieu of taxes. No  
277 payment in lieu of taxes shall be made for properties which were  
278 exempt from ad valorem taxation for the year immediately  
279 preceding acquisition. If property which was subject to ad  
280 valorem taxation was acquired by a tax-exempt entity for  
281 ultimate conveyance to the state under this chapter, payment in  
282 lieu of taxes shall be made for such property based upon the  
283 average amount of taxes paid on the property for the 3 years  
284 prior to its being removed from the tax rolls. The department  
285 shall certify to the Department of Revenue those properties that  
286 may be eligible under this provision. Once eligibility has been  
287 established, that county or local government shall receive 10  
288 consecutive annual payments for each tax loss, and no further  
289 eligibility determination shall be made during that period.

290  
291 For the purposes of this subsection, "local government" includes  
292 municipalities, the county school board, mosquito control  
293 districts, and any other local government entity which levies ad  
294 valorem taxes, with the exception of a water management  
295 district.



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296 Section 4. Subsection (21) is added to section 259.105,  
 297 Florida Statutes, to read:

298 259.105 The Florida Forever Act.--

299 (21) An economic impact analysis that identifies impacts  
 300 from proposed acquisition to affected local governments shall be  
 301 developed by the department with the assistance of the water  
 302 management districts, the Office of Trade, Tourism, and Economic  
 303 Development, Enterprise Florida, Inc., and Visit Florida. The  
 304 analysis shall be conducted when the value of the proposed  
 305 acquisition in combination with the value of existing state and  
 306 water management district properties within the affected county  
 307 would represent more than 10 percent of the total assessed value  
 308 of the ad valorem tax rolls of affected local governments within  
 309 the county, including the county government. At a minimum, the  
 310 analysis shall contain an estimate of the amount of assessed  
 311 value removed from county ad valorem tax rolls, an estimate of  
 312 the amount of revenue that affected governments would receive in  
 313 payments in lieu of taxes pursuant to s. 259.032(12), and a list  
 314 of other benefits that affected local governments would receive  
 315 as a result of the state's purchase of the proposed acquisition.  
 316 At the department's discretion, the Regional Economic Models,  
 317 Inc., model used by Enterprise Florida, Inc., and the Office of  
 318 Tourism, Trade, and Economic Development may be used. A copy of  
 319 the department's completed analysis and list of benefits  
 320 received shall be provided to all affected local governments.

321 Section 5. Paragraph (d) of subsection (10) of section  
 322 373.59, Florida Statutes, is amended to read:

323 373.59 Water Management Lands Trust Fund.--

324 (10)



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325 (d) The payment amount shall be based on the average  
 326 amount of actual taxes paid on the property for the 3 years  
 327 preceding acquisition. Vouchers ~~Applications~~ for payment in lieu  
 328 of taxes shall be prepared by the appropriate water management  
 329 districts on behalf of local governments within each of their  
 330 respective districts with lands that qualify for payment in lieu  
 331 of taxes and shall be made no later than January 31 of the year  
 332 following acquisition. No payment in lieu of taxes shall be made  
 333 for properties which were exempt from ad valorem taxation for  
 334 the year immediately preceding acquisition. If property that was  
 335 subject to ad valorem taxation was acquired by a tax-exempt  
 336 entity for ultimate conveyance to the state under this chapter,  
 337 payment in lieu of taxes shall be made for such property based  
 338 upon the average amount of taxes paid on the property for the 3  
 339 years prior to its being removed from the tax rolls. The water  
 340 management districts shall certify to the Department of Revenue  
 341 those properties that may be eligible under this provision. Once  
 342 eligibility has been established, that governmental entity shall  
 343 receive 10 consecutive annual payments for each tax loss, and no  
 344 further eligibility determination shall be made during that  
 345 period.

346 Section 6. This act shall take effect upon becoming a law.  
 347