

By Senator Dockery

15-910B-04

1 A bill to be entitled
2 An act relating to rural land protection;
3 amending s. 570.70, F.S.; providing conclusions
4 of a study by the Department of Agriculture and
5 Consumer Services; amending s. 201.15, F.S.;
6 providing for the distribution of certain
7 excise taxes on documents to the Rural Lands
8 Program Trust Fund of the department; creating
9 s. 215.6195, F.S.; authorizing the issuance of
10 bonds for rural land protection; providing
11 certain conditions; providing for the deposit
12 of proceeds; providing that issuance of such
13 bonds is in the best interests of the state;
14 amending s. 570.207, F.S.; providing uses for
15 funds in the Conservation and Recreation Lands
16 Program Trust Fund; amending s. 570.71, F.S.;
17 authorizing the use of rural land protection
18 bonds to implement provisions relating to
19 conservation and rural land protection
20 easements and agreements; providing a
21 contingent effective date.

22
23 Be It Enacted by the Legislature of the State of Florida:

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25 Section 1. Section 570.70, Florida Statutes, is
26 amended to read:

27 570.70 Legislative findings; study.--

28 (1) The Legislature finds and declares that:

29 (a)~~(1)~~ A thriving rural economy with a strong
30 agricultural base, healthy natural environment, and viable
31 rural communities is an essential part of Florida. Rural areas

1 also include the largest remaining intact ecosystems and best
2 examples of remaining wildlife habitats as well as a majority
3 of privately owned land targeted by local, state, and federal
4 agencies for natural resource protection.

5 (b)(2) The growth of Florida's population can result
6 in agricultural and rural lands being converted into
7 residential or commercial development.

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

11 (d)(4) ~~There is The Legislature further recognizes~~ the
12 need for enhancing the ability of rural landowners to obtain
13 economic value from their property, protecting rural
14 character, controlling urban sprawl, ~~and~~ providing necessary
15 open space for agriculture and the natural environment, and
16 ~~the importance of~~ maintaining and protecting Florida's rural
17 economy through innovative planning and development strategies
18 in rural areas and the use of incentives that reward
19 landowners for good stewardship of land and natural resources.

20 (e)(5) The purpose of this act is to bring under
21 public protection lands that serve to limit subdivision and
22 conversion of agricultural and natural areas that provide
23 economic, open space, water, and wildlife benefits by
24 acquiring land or related interests in land such as perpetual,
25 less-than-fee acquisitions, agricultural protection
26 agreements, and resource conservation agreements and
27 innovative planning and development strategies in rural areas.

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

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1 (a) Between 1964 and 1997, this state lost nearly 5
2 million acres of valuable agricultural land, with most of the
3 loss involving ranch and forest lands.

4 (b) This state currently has 9,114,000 acres of
5 agricultural land with natural resource attributes, including
6 groundwater recharge, natural floodplain, and significant
7 species habitat, and more than 900,000 acres of this land will
8 be converted to other uses within a decade.

9 (c) The objective of a program to protect agricultural
10 land with natural resource value through conservation
11 easements and other tools should be protection of 1 acre for
12 every acre lost.

13 Section 2. Paragraph (d) of subsection (1) of section
14 201.15, Florida Statutes, is amended to read:

15 201.15 Distribution of taxes collected.--All taxes
16 collected under this chapter shall be distributed as follows
17 and shall be subject to the service charge imposed in s.
18 215.20(1), except that such service charge shall not be levied
19 against any portion of taxes pledged to debt service on bonds
20 to the extent that the amount of the service charge is
21 required to pay any amounts relating to the bonds:

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

25 (d) The remainder of the moneys distributed under this
26 subsection, after the required payments under paragraphs (a),
27 (b), and (c), shall be paid into the State Treasury to the
28 credit of the General Revenue Fund of the state to be used and
29 expended for the purposes for which the General Revenue Fund
30 was created and exists by law, or to the Ecosystem Management
31 and Restoration Trust Fund or to the Marine Resources

1 Conservation Trust Fund as provided in subsection (11), or to
2 the Rural Lands Program Trust Fund of the Department of
3 Agriculture and Consumer Services pursuant to s. 215.6195.
4 Moneys available under this paragraph shall first be used to
5 pay debt service due on any rural land protection bond or to
6 make any other payments required pursuant to the bond
7 documents authorizing the issuance before such moneys are used
8 for other purposes authorized by this paragraph.

9 Section 3. Section 215.6195, Florida Statutes, is
10 created to read:

11 215.6195 Bonds for rural land protection.--

12 (1) The issuance of rural land protection bonds is
13 authorized. The rural land protection bonds may be issued over
14 the next 10 fiscal years commencing on July 1, 2004, in an
15 amount not exceeding \$100 million in any fiscal year, subject
16 to the provisions of s. 570.71 and pursuant to s. 11(e), Art.
17 VII of the State Constitution. The duration of each series of
18 bonds issued may not exceed 20 annual maturities. Except for
19 refunding bonds, a series of bonds may not be issued unless an
20 amount equal to the debt service coming due in the year of
21 issuance has been specifically appropriated in the General
22 Appropriations Act.

23 (2) The state covenants with the holders of rural land
24 protection bonds that it will not take any action that will
25 materially and adversely affect the rights of such holders so
26 long as the bonds are outstanding, including, but not limited
27 to, a reduction in the portion of documentary stamp taxes
28 distributable to the Rural Lands Program Trust Fund of the
29 Department of Agriculture and Consumer Services for payment of
30 debt service.

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

7 (4) The Department of Agriculture and Consumer
8 Services shall request the Division of Bond Finance of the
9 State Board of Administration to issue the rural land
10 protection bonds authorized by this section. The Division of
11 Bond Finance shall issue such bonds pursuant to the State Bond
12 Act.

13 (5) The proceeds from the sale of bonds issued
14 pursuant to this section, less the costs of issuance, the
15 costs of funding reserve accounts, and other costs with
16 respect to the bonds, shall be deposited into the Conservation
17 and Recreation Lands Program Trust Fund of the Department of
18 Agriculture and Consumer Services as provided in s. 570.71.

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

25 (7) The initial series of rural land protection bonds
26 shall be validated in addition to any other bonds required to
27 be validated pursuant to s. 215.82. Any complaint for
28 validation of bonds issued pursuant to this section shall be
29 filed only in the circuit court of the county where the seat
30 of state government is situated, the notice required to be
31 published by s. 75.06 shall be published only in the county

1 where the complaint is filed, and the complaint and order of
2 the circuit court shall be served only on the state attorney
3 of the circuit in which the action is pending.

4 Section 4. In accordance with section 215.98(1),
5 Florida Statutes, the Legislature determines that the issuance
6 of rural land protection bonds under section 3 of this act is
7 in the best interest of the state and should be implemented.

8 Section 5. Subsection (1) of section 570.207, Florida
9 Statutes, is amended to read:

10 570.207 Conservation and Recreation Lands Program
11 Trust Fund of the Department of Agriculture and Consumer
12 Services.--

13 (1) There is created a Conservation and Recreation
14 Lands Program Trust Fund within the Department of Agriculture
15 and Consumer Services. The purpose of the trust fund is to
16 provide for the management of conservation and recreation
17 lands by the department and to fund the Rural and Family Lands
18 Protection Act created in ss. 570.70 and 570.71. The
19 department may use not more than one-half of 1 percent of the
20 bond proceeds deposited into the trust fund for administrative
21 purposes. Funds may be appropriated to the trust fund from the
22 Conservation and Recreation Lands Trust Fund in the Department
23 of Environmental Protection, as created by s. 259.032(2), or
24 from such other sources as the Legislature may determine for
25 the management of conservation and recreation lands by the
26 department. Additionally, subject to the provisions of s.
27 11(e), Art. VII of the State Constitution, the department may
28 use bond proceeds deposited pursuant to s. 215.6195 and funds
29 from such other sources as the Legislature determines for the
30 acquisition of conservation easements and rural land
31 protection easements and for funding agricultural protection

1 agreements and resource conservation agreements pursuant to s.
2 570.71.

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.
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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, 2004, 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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SENATE SUMMARY

Provides conclusions of a study by the Department of Agriculture and Consumer Services. Provides for the distribution of certain excise taxes on documents to the Rural Lands Program Trust Fund of the department. Authorizes the issuance of bonds for rural land protection. Provides for the deposit of proceeds. Provides that issuance of such bonds is in the best interests of the state. Provides uses for funds in the Conservation and Recreation Lands Program Trust Fund. Authorizes the use of rural land protection bonds to implement provisions relating to conservation and rural land protection easements and agreements.