

By the Committee on Agriculture; and Senator Dockery

303-2142-04

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; authorizing the
21 Department of Agriculture and Consumer Services
22 to grant municipalities and local governments
23 moneys to acquire land, enter into resource
24 conservation agreements, and undertake other
25 related activities; providing for conservation
26 easements to be held in the name of a local
27 government; providing a contingent effective
28 date.

30 Be It Enacted by the Legislature of the State of Florida:
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1 Section 1. Section 570.70, Florida Statutes, is
2 amended to read:

3 570.70 Legislative findings; study.--

4 (1) The Legislature finds and declares that:

5 (a)~~(1)~~ A thriving rural economy with a strong
6 agricultural base, healthy natural environment, and viable
7 rural communities is an essential part of Florida. Rural areas
8 also include the largest remaining intact ecosystems and best
9 examples of remaining wildlife habitats as well as a majority
10 of privately owned land targeted by local, state, and federal
11 agencies for natural resource protection.

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

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

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

27 (e)~~(5)~~ The purpose of this act is to bring under
28 public protection lands that serve to limit subdivision and
29 conversion of agricultural and natural areas that provide
30 economic, open space, water, and wildlife benefits by
31 acquiring land or related interests in land such as perpetual,

1 less-than-fee acquisitions, agricultural protection
2 agreements, and resource conservation agreements and
3 innovative planning and development strategies in rural areas.

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

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

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

15 (c) The objective of a program to protect agricultural
16 land with natural resource value through conservation
17 easements and other tools should be protection of 1 acre for
18 every acre lost.

19 Section 2. Paragraph (d) of subsection (1) of section
20 201.15, Florida Statutes, is amended to read:

21 201.15 Distribution of taxes collected.--All taxes
22 collected under this chapter shall be distributed as follows
23 and shall be subject to the service charge imposed in s.
24 215.20(1), except that such service charge shall not be levied
25 against any portion of taxes pledged to debt service on bonds
26 to the extent that the amount of the service charge is
27 required to pay any amounts relating to the bonds:

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

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

16 Section 3. Section 215.6195, Florida Statutes, is
17 created to read:

18 215.6195 Bonds for rural land protection.--

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

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.

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

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

17 570.207 Conservation and Recreation Lands Program
18 Trust Fund of the Department of Agriculture and Consumer
19 Services.--

20 (1) There is created a Conservation and Recreation
21 Lands Program Trust Fund within the Department of Agriculture
22 and Consumer Services. The purpose of the trust fund is to
23 provide for the management of conservation and recreation
24 lands by the department and to fund the Rural and Family Lands
25 Protection Act created in ss. 570.70 and 570.71. The
26 department may use not more than one-half of 1 percent of the
27 bond proceeds deposited into the trust fund for administrative
28 purposes. Funds may be appropriated to the trust fund from the
29 Conservation and Recreation Lands Trust Fund in the Department
30 of Environmental Protection, as created by s. 259.032(2), or
31 from such other sources as the Legislature may determine for

1 the management of conservation and recreation lands by the
2 department. Additionally, subject to the provisions of s.
3 11(e), Art. VII of the State Constitution, the department may
4 use bond proceeds deposited pursuant to s. 215.6195 and funds
5 from such other sources as the Legislature determines for the
6 acquisition of conservation easements and rural land
7 protection easements and for funding agricultural protection
8 agreements and resource conservation agreements pursuant to s.
9 570.71.

10 Section 6. Subsection (12) of section 570.71, Florida
11 Statutes, is amended, and subsection (15) is added to that
12 section, to read:

13 570.71 Conservation easements and agreements.--

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

16 (a) State funds;

17 (b) Rural land protection bonds as authorized by s.
18 215.6195;

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

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

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

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

23
24 Any such funds provided shall be deposited into the
25 Conservation and Recreation Lands Program Trust Fund within
26 the Department of Agriculture and Consumer Services and used
27 for the purposes of this act.

28 (15) The department is authorized to grant
29 municipalities and counties a portion of moneys available for
30 the purposes of this section to acquire perpetual,
31 less-than-fee interest in land, to enter into agricultural

1 protection agreements, and to enter into resource conservation
2 agreements, as defined by and for the public purposes set
3 forth in this section. The department shall adopt rules that
4 provide for a grants program to fund local government
5 acquisition projects that are consistent with the appropriate
6 local government comprehensive plan and that encourage the use
7 of matching federal and local government funding to acquire
8 conservation easements, agricultural protection agreements,
9 and resource protection agreements. The department is
10 authorized to enter management agreements with municipalities
11 and counties for the purpose of administering resource
12 conservation agreements and agricultural protection
13 agreements. Conservation easements purchased by local
14 governments under this subsection may be held in the name of
15 the local government.

16 Section 7. This act shall take effect July 1, 2004, if
17 Senate Bill 1436, or similar legislation creating the Rural
18 Lands Program Trust Fund, is adopted in the same legislative
19 session or an extension thereof and becomes law.
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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
Senate Bill 1420

Committee Substitute for Senate Bill 1420 is different from Senate Bill 1420 in that it:

1. Authorizes the Department of Agriculture and Consumer Services to grant municipalities and counties monies to acquire perpetual, less-than-fee interest in land, to enter into agricultural protection agreements, and to enter into resource conservation agreements.
2. Directs the Department to adopt rules that provide for a grants program to fund local government acquisition projects.
3. Authorizes the Department to enter into management agreements with cities and counties for the purpose of administering resource conservation agreements and agricultural protection agreements.
4. Provides for conservation easements purchased by local governments to be held in the name of the local government.