

By the Committees on Natural Resources; Agriculture; and  
Senator Dockery

312-2268-04

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 \$50 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 is authorized to use not more than one-half of 1  
27 percent of the bond proceeds deposited into the trust fund for  
28 administrative purposes. Funds may be appropriated to the  
29 trust fund from the Conservation and Recreation Lands Trust  
30 Fund in the Department of Environmental Protection, as created  
31 by s. 259.032(2), or from such other sources as the

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

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

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

22 ~~(f)~~ 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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21 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
22 COMMITTEE SUBSTITUTE FOR  
23 CS for Senate Bill 1420

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25 The committee substitute substantially changes the CS for  
26 Senate Bill 1420 by authorizing the issuance of up to \$50  
million in bonds each year for 10 years to fund the Rural and  
Family Lands Protection Act created by the Legislature during  
the 2001 Regular Session.

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