

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: SB 1436

SPONSOR: Senator Dockery

SUBJECT: Rural Lands Program Trust Fund

DATE: March 11, 2004 REVISED: 0317/2004 _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Akhavein</u>	<u>Poole</u>	<u>AG</u>	<u>Favorable</u>
2.	<u>Molloy</u>	<u>Kiger</u>	<u>NR</u>	<u>Favorable</u>
3.	_____	_____	<u>AGG</u>	_____
4.	_____	_____	<u>AP</u>	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

This bill creates the Rural Lands Program Trust Fund within the Department of Agriculture and Consumer Services (department). The purpose of the trust fund is to receive funds to pay debt service on bonds that are issued pursuant to s. 215.6195, F.S., which authorizes the issuance of bonds for rural land protection. The bill provides for the annual carry forward of funds and for future legislative review and termination or re-creation of the trust fund, and is contingent upon the Legislature passing SB 1420 which authorizes that documentary stamp tax revenue may be deposited into the trust fund for the purposes of paying debt service on bonds issued for rural lands protection.

This bill creates s. 570.209 of the Florida Statutes.

II. Present Situation:

The Rural and Family Lands Protection Act (Act) was created in 2001 when the Legislature enacted ch. 2001-279, Laws of Florida. The purpose of the Act is to bring under public protection lands that serve to limit subdivision and conversion of agricultural and natural areas providing economic, open space, water and wildlife benefits. The department is authorized to acquire perpetual, less-than-fee interests in lands through the purchase of conservation or rural lands protection easements, and through the funding of agricultural protection agreements or resource conservation agreements. However, funding to implement the Act has never been made available.

III. Effect of Proposed Changes:

Section 1. Creates s. 570.209, F.S., to establish the Rural Lands Program Trust Fund within the department. The purpose of the trust fund is to receive funds pursuant to s. 201.15(1)(d), F.S., to pay debt service on bonds issued pursuant to s. 215.6195, F.S.

Notwithstanding the provisions of s. 216.301, F.S., and pursuant to s. 216.351, F.S., any balance in the trust fund at the end of any fiscal year must remain in the trust fund and shall be available for carrying out the purposes of the trust fund.

Pursuant to the provisions of s. 19(f)(2), Art. III of the State Constitution, the trust fund will be terminated on July 1, 2008, unless it is terminated before that date. Prior to its scheduled termination, the trust fund must be reviewed as provided in s. 215.3206(1) and (2), F.S.

Section 2. Provides that this act shall take effect July 1, 2004, if SB 1420 or similar legislation that authorizes the payment of debt service and the issuance of bonds for rural lands protection is enacted in the same legislative session or an extension thereof and becomes law.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

As required by s. 19(f)(1), Art. III of the State Constitution, trust funds must be created by a separate bill and must pass by a three-fifths vote of each house of the Legislature.

V. Economic Impact and Fiscal Note:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

The documentary stamp tax revenues deposited into the Rural Lands Program Trust Fund would otherwise be deposited into the General Revenue Fund and used for a variety of other purposes.

C. Government Sector Impact:

This trust fund would be available to pay debt service on bonds issued to fund the implementation of the Rural and Family Lands Protection Act.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
