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A bill to be entitled

An act relating to rural land protection; amending s. 570.70, F.S.; providing conclusions of a study by the Department of Agriculture and Consumer Services; amending s. 201.15, F.S.; providing for the distribution of certain excise taxes on documents to the Rural Lands Program Trust Fund of the department; specifying required uses; creating s. 215.6195, F.S.; authorizing the issuance of bonds for rural land protection; providing certain conditions; providing for the deposit of proceeds; providing that issuance of such bonds is in the best interests of the state; amending s. 570.207, F.S.; providing uses for funds in the Conservation and Recreation Lands Program Trust Fund; amending s. 570.71, F.S.; authorizing the use of rural land protection bonds to implement provisions relating to conservation and rural land protection easements and agreements; providing a contingent effective date.

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

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

570.70 Legislative findings; study.--

(1) The Legislature finds and declares that:

(a)~~(1)~~ A thriving rural economy with a strong agricultural base, healthy natural environment, and viable rural communities is an essential part of Florida. Rural areas also include the largest remaining intact ecosystems and best examples of

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30 remaining wildlife habitats as well as a majority of privately
 31 owned land targeted by local, state, and federal agencies for
 32 natural resource protection.

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

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

39 ~~(d)(4)~~ There is ~~The Legislature further recognizes~~ the
 40 need for enhancing the ability of rural landowners to obtain
 41 economic value from their property, protecting rural character,
 42 controlling urban sprawl, ~~and~~ providing necessary open space for
 43 agriculture and the natural environment, ~~and the importance of~~
 44 maintaining and protecting Florida's rural economy through
 45 innovative planning and development strategies in rural areas
 46 and the use of incentives that reward landowners for good
 47 stewardship of land and natural resources.

48 ~~(e)(5)~~ The purpose of this act is to bring under public
 49 protection lands that serve to limit subdivision and conversion
 50 of agricultural and natural areas that provide economic, open
 51 space, water, and wildlife benefits by acquiring land or related
 52 interests in land such as perpetual, less-than-fee acquisitions,
 53 agricultural protection agreements, and resource conservation
 54 agreements and innovative planning and development strategies in
 55 rural areas.

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

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

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

67 (c) The objective of a program to protect agricultural
68 land with natural resource value through conservation easements
69 and other tools should be protection of 1 acre for every acre
70 lost.

71 Section 2. Paragraph (d) of subsection (1) of section
72 201.15, Florida Statutes, is amended to read:

73 201.15 Distribution of taxes collected.--All taxes
74 collected under this chapter shall be distributed as follows and
75 shall be subject to the service charge imposed in s. 215.20(1),
76 except that such service charge shall not be levied against any
77 portion of taxes pledged to debt service on bonds to the extent
78 that the amount of the service charge is required to pay any
79 amounts relating to the bonds:

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

83 (d) The remainder of the moneys distributed under this
84 subsection, after the required payments under paragraphs (a),
85 (b), and (c), shall be paid into the State Treasury to the
86 credit of the General Revenue Fund of the state to be used and
87 expended for the purposes for which the General Revenue Fund was

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88 created and exists by law, ~~or~~ to the Ecosystem Management and
 89 Restoration Trust Fund or to the Marine Resources Conservation
 90 Trust Fund as provided in subsection (11), or to the Rural Lands
 91 Program Trust Fund of the Department of Agriculture and Consumer
 92 Services pursuant to s. 215.6195. Moneys available under this
 93 paragraph shall first be used to pay debt service due on any
 94 rural land protection bond or to make any other payments
 95 required pursuant to the bond documents authorizing the issuance
 96 before such moneys are used for other purposes authorized by
 97 this paragraph.

98 Section 3. Section 215.6195, Florida Statutes, is created
 99 to read:

100 215.6195 Bonds for rural land protection.--

101 (1) The issuance of rural land protection bonds is
 102 authorized. The rural land protection bonds may be issued over
 103 the next 10 fiscal years commencing on July 1, 2004, in an
 104 amount not exceeding \$100 million in any fiscal year, subject to
 105 the provisions of s. 570.71 and pursuant to s. 11(e), Art. VII
 106 of the State Constitution. The duration of each series of bonds
 107 issued may not exceed 20 annual maturities. Except for refunding
 108 bonds, a series of bonds may not be issued unless an amount
 109 equal to the debt service coming due in the year of issuance has
 110 been specifically appropriated in the General Appropriations
 111 Act.

112 (2) The state covenants with the holders of rural land
 113 protection bonds that it will not take any action that will
 114 materially and adversely affect the rights of such holders so
 115 long as the bonds are outstanding, including, but not limited
 116 to, a reduction in the portion of documentary stamp taxes

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117 distributable to the Rural Lands Program Trust Fund of the
118 Department of Agriculture and Consumer Services for payment of
119 debt service.

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

126 (4) The Department of Agriculture and Consumer Services
127 shall request the Division of Bond Finance of the State Board of
128 Administration to issue the rural land protection bonds
129 authorized by this section. The Division of Bond Finance shall
130 issue such bonds pursuant to the State Bond Act.

131 (5) The proceeds from the sale of bonds issued pursuant to
132 this section, less the costs of issuance, the costs of funding
133 reserve accounts, and other costs with respect to the bonds,
134 shall be deposited into the Conservation and Recreation Lands
135 Program Trust Fund of the Department of Agriculture and Consumer
136 Services as provided in s. 570.71.

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

143 (7) The initial series of rural land protection bonds
144 shall be validated in addition to any other bonds required to be
145 validated pursuant to s. 215.82. Any complaint for validation of

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146 bonds issued pursuant to this section shall be filed only in the
 147 circuit court of the county where the seat of state government
 148 is situated, the notice required to be published by s. 75.06
 149 shall be published only in the county where the complaint is
 150 filed, and the complaint and order of the circuit court shall be
 151 served only on the state attorney of the circuit in which the
 152 action is pending.

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

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

159 570.207 Conservation and Recreation Lands Program Trust
 160 Fund of the Department of Agriculture and Consumer Services.--

161 (1) There is created a Conservation and Recreation Lands
 162 Program Trust Fund within the Department of Agriculture and
 163 Consumer Services. The purpose of the trust fund is to provide
 164 for the management of conservation and recreation lands by the
 165 department and to fund the Rural and Family Lands Protection Act
 166 created in ss. 570.70 and 570.71. The department may use not
 167 more than one-half of 1 percent of the bond proceeds deposited
 168 into the trust fund for administrative purposes. Funds may be
 169 appropriated to the trust fund from the Conservation and
 170 Recreation Lands Trust Fund in the Department of Environmental
 171 Protection, as created by s. 259.032(2), or from such other
 172 sources as the Legislature may determine for the management of
 173 conservation and recreation lands by the department.

174 Additionally, subject to the provisions of s. 11(e), Art. VII of

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175 the State Constitution, the department may use bond proceeds
 176 deposited pursuant to s. 215.6195 and funds from such other
 177 sources as the Legislature determines for the acquisition of
 178 conservation easements and rural land protection easements and
 179 for funding agricultural protection agreements and resource
 180 conservation agreements pursuant to s. 570.71.

181 Section 6. Subsection (12) of section 570.71, Florida
 182 Statutes, is amended to read:

183 570.71 Conservation easements and agreements.--

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

186 (a) State funds;

187 (b) Rural land protection bonds as authorized by s.

188 215.6195;

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

190 (d)~~(e)~~ Other governmental entities;

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

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

193
 194 Any such funds provided shall be deposited into the Conservation
 195 and Recreation Lands Program Trust Fund within the Department of
 196 Agriculture and Consumer Services and used for the purposes of
 197 this act.

198 Section 7. This act shall take effect July 1, 2004, if
 199 House Bill _____, or similar legislation creating the Rural
 200 Lands Program Trust Fund, is adopted in the same legislative
 201 session or an extension thereof and becomes law.