

CHAMBER ACTION

1 The Committee on Agriculture recommends the following:

2  
3 **Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to rural land protection; amending s.  
7 570.70, F.S.; providing conclusions of a study by the  
8 Department of Agriculture and Consumer Services; amending  
9 s. 201.15, F.S.; providing for the distribution of certain  
10 excise taxes on documents to the Rural Lands Program Trust  
11 Fund of the department; specifying required uses; creating  
12 s. 215.6195, F.S.; authorizing the issuance of bonds for  
13 rural land protection; providing certain conditions;  
14 providing for the deposit of proceeds; providing that  
15 issuance of such bonds is in the best interests of the  
16 state; amending s. 570.207, F.S.; providing uses for funds  
17 in the Conservation and Recreation Lands Program Trust  
18 Fund; amending s. 570.71, F.S.; authorizing the use of  
19 rural land protection bonds to implement provisions  
20 relating to conservation and rural land protection  
21 easements and agreements; authorizing the Department of  
22 Agriculture and Consumer Services to grant municipalities  
23 and local governments moneys to acquire land, enter into

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24 resource conservation agreements, and other related  
 25 activities; providing for conservation easements to be  
 26 held in the name of local governments; providing a  
 27 contingent effective date.

28

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

30

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

33 570.70 Legislative findings; study.--

34 (1) The Legislature finds and declares that:

35 (a)~~(1)~~ A thriving rural economy with a strong agricultural  
 36 base, healthy natural environment, and viable rural communities  
 37 is an essential part of Florida. Rural areas also include the  
 38 largest remaining intact ecosystems and best examples of  
 39 remaining wildlife habitats as well as a majority of privately  
 40 owned land targeted by local, state, and federal agencies for  
 41 natural resource protection.

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

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

48 (d)~~(4)~~ There is ~~The Legislature further recognizes~~ the  
 49 need for enhancing the ability of rural landowners to obtain  
 50 economic value from their property, protecting rural character,  
 51 controlling urban sprawl, ~~and~~ providing necessary open space for

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52 | agriculture and the natural environment, and ~~the importance of~~  
 53 | maintaining and protecting Florida's rural economy through  
 54 | innovative planning and development strategies in rural areas  
 55 | and the use of incentives that reward landowners for good  
 56 | stewardship of land and natural resources.

57 | (e)(5) The purpose of this act is to bring under public  
 58 | protection lands that serve to limit subdivision and conversion  
 59 | of agricultural and natural areas that provide economic, open  
 60 | space, water, and wildlife benefits by acquiring land or related  
 61 | interests in land such as perpetual, less-than-fee acquisitions,  
 62 | agricultural protection agreements, and resource conservation  
 63 | agreements and innovative planning and development strategies in  
 64 | rural areas.

65 | (2) A study conducted by the department to determine and  
 66 | prioritize needs for implementing the provisions of this section  
 67 | and s. 570.71 concluded the following:

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

71 | (b) This state currently has 9,114,000 acres of  
 72 | agricultural land with natural resource attributes, including  
 73 | groundwater recharge, natural floodplain, and significant  
 74 | species habitat, and more than 900,000 acres of this land will  
 75 | be converted to other uses within a decade.

76 | (c) The objective of a program to protect agricultural  
 77 | land with natural resource value through conservation easements  
 78 | and other tools should be protection of 1 acre for every acre  
 79 | lost.

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80 Section 2. Paragraph (d) of subsection (1) of section  
81 201.15, Florida Statutes, is amended to read:

82 201.15 Distribution of taxes collected.--All taxes  
83 collected under this chapter shall be distributed as follows and  
84 shall be subject to the service charge imposed in s. 215.20(1),  
85 except that such service charge shall not be levied against any  
86 portion of taxes pledged to debt service on bonds to the extent  
87 that the amount of the service charge is required to pay any  
88 amounts relating to the bonds:

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

92 (d) The remainder of the moneys distributed under this  
93 subsection, after the required payments under paragraphs (a),  
94 (b), and (c), shall be paid into the State Treasury to the  
95 credit of the General Revenue Fund of the state to be used and  
96 expended for the purposes for which the General Revenue Fund was  
97 created and exists by law, ~~or~~ to the Ecosystem Management and  
98 Restoration Trust Fund or to the Marine Resources Conservation  
99 Trust Fund as provided in subsection (11), or to the Rural Lands  
100 Program Trust Fund of the Department of Agriculture and Consumer  
101 Services pursuant to s. 215.6195. Moneys available under this  
102 paragraph shall first be used to pay debt service due on any  
103 rural land protection bond or to make any other payments  
104 required pursuant to the bond documents authorizing the issuance  
105 before such moneys are used for other purposes authorized by  
106 this paragraph.

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107 Section 3. Section 215.6195, Florida Statutes, is created  
108 to read:

109 215.6195 Bonds for rural land protection.--

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

121 (2) The state covenants with the holders of rural land  
122 protection bonds that it will not take any action that will  
123 materially and adversely affect the rights of such holders so  
124 long as the bonds are outstanding, including, but not limited  
125 to, a reduction in the portion of documentary stamp taxes  
126 distributable to the Rural Lands Program Trust Fund of the  
127 Department of Agriculture and Consumer Services for payment of  
128 debt service.

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

135       (4) The Department of Agriculture and Consumer Services  
 136 shall request the Division of Bond Finance of the State Board of  
 137 Administration to issue the rural land protection bonds  
 138 authorized by this section. The Division of Bond Finance shall  
 139 issue such bonds pursuant to the State Bond Act.

140       (5) The proceeds from the sale of bonds issued pursuant to  
 141 this section, less the costs of issuance, the costs of funding  
 142 reserve accounts, and other costs with respect to the bonds,  
 143 shall be deposited into the Conservation and Recreation Lands  
 144 Program Trust Fund of the Department of Agriculture and Consumer  
 145 Services as provided in s. 570.71.

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

152       (7) The initial series of rural land protection bonds  
 153 shall be validated in addition to any other bonds required to be  
 154 validated pursuant to s. 215.82. Any complaint for validation of  
 155 bonds issued pursuant to this section shall be filed only in the  
 156 circuit court of the county where the seat of state government  
 157 is situated, the notice required to be published by s. 75.06  
 158 shall be published only in the county where the complaint is  
 159 filed, and the complaint and order of the circuit court shall be  
 160 served only on the state attorney of the circuit in which the  
 161 action is pending.

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

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

168           570.207 Conservation and Recreation Lands Program Trust  
 169 Fund of the Department of Agriculture and Consumer Services.--

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

183 Additionally, subject to the provisions of s. 11(e), Art. VII of  
 184 the State Constitution, the department may use bond proceeds  
 185 deposited pursuant to s. 215.6195 and funds from such other  
 186 sources as the Legislature determines for the acquisition of  
 187 conservation easements and rural land protection easements and  
 188 for funding agricultural protection agreements and resource  
 189 conservation agreements pursuant to s. 570.71.

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190 Section 6. Subsection (12) of section 570.71, Florida  
191 Statutes, is amended, and subsection (15) is added to said  
192 section, to read:

193 570.71 Conservation easements and agreements.--

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

196 (a) State funds;

197 (b) Rural land protection bonds as authorized by s.  
198 215.6195;

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

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

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

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

203  
204 Any such funds provided shall be deposited into the Conservation  
205 and Recreation Lands Program Trust Fund within the Department of  
206 Agriculture and Consumer Services and used for the purposes of  
207 this act.

208 (15) The department is authorized to grant municipalities  
209 and counties a portion of moneys available for the purposes of  
210 this section to acquire perpetual, less-than-fee interest in  
211 land, to enter into agricultural protection agreements, and to  
212 enter into resource conservation agreements, as defined by and  
213 for the public purposes set forth in this section. The  
214 department shall adopt rules that provide for a grants program  
215 to fund local government acquisition projects that are  
216 consistent with the appropriate local government comprehensive  
217 plan and that encourage the use of matching federal and local



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218 government funding to acquire conservation easements,  
219 agricultural protection agreements, and resource protection  
220 agreements. The department is authorized to enter management  
221 agreements with municipalities and counties for the purpose of  
222 administering resource conservation agreements and agricultural  
223 protection agreements. Conservation easements purchased by local  
224 governments under this subsection may be held in the name of the  
225 local government.

226 Section 7. This act shall take effect July 1, 2004, if  
227 House Bill 1659, or similar legislation creating the Rural Lands  
228 Program Trust Fund, is adopted in the same legislative session  
229 or an extension thereof and becomes law.