

CHAMBER ACTION

1 The Committee on Natural Resources 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

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:

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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

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.

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 \$50 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.

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 is authorized
 176 to use not more than one-half of 1 percent of the bond proceeds
 177 deposited into the trust fund for administrative purposes. Funds
 178 may be 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.