

1                                   A bill to be entitled  
 2       An act relating to rural land protection; amending s.  
 3       570.70, F.S.; providing conclusions of a study by the  
 4       Department of Agriculture and Consumer Services; amending  
 5       s. 201.15, F.S.; providing for the distribution of certain  
 6       excise taxes on documents to the Rural Lands Program Trust  
 7       Fund of the department; creating s. 215.6195, F.S.;  
 8       authorizing the issuance of bonds for rural land  
 9       protection; providing certain conditions; providing for  
 10      the deposit of proceeds; providing that issuance of such  
 11      bonds is in the best interest of the state; amending s.  
 12      570.207, F.S.; providing uses for funds in the  
 13      Conservation and Recreation Lands Program Trust Fund;  
 14      amending s. 570.71, F.S.; authorizing the use of rural  
 15      land protection bonds to implement provisions relating to  
 16      conservation and rural land protection easements and  
 17      agreements; authorizing the Department of Agriculture and  
 18      Consumer Services to grant municipalities and local  
 19      governments moneys to acquire land, enter into resource  
 20      conservation agreements, and undertake other related  
 21      activities; providing for conservation easements to be  
 22      held in the name of a local government; providing a  
 23      contingent effective date.

24  
 25   Be It Enacted by the Legislature of the State of Florida:

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

29 | 570.70 Legislative findings; study.--

30 | (1) The Legislature finds and declares that:

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

38 | (b)(2) The growth of Florida's population can result in  
 39 | agricultural and rural lands being converted into residential or  
 40 | commercial development.

41 | (c)(3) The agricultural, rural, natural resource, and  
 42 | commodity values of rural lands are vital to the state's  
 43 | economy, productivity, rural heritage, and quality of life.

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

53 | (e)(5) The purpose of this act is to bring under public  
 54 | protection lands that serve to limit subdivision and conversion  
 55 | of agricultural and natural areas that provide economic, open  
 56 | space, water, and wildlife benefits by acquiring land or related

57 interests in land such as perpetual, less-than-fee acquisitions,  
58 agricultural protection agreements, and resource conservation  
59 agreements and innovative planning and development strategies in  
60 rural areas.

61 (2) A study conducted by the department to determine and  
62 prioritize needs for implementing this section and s. 570.71  
63 concluded the following:

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

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

72 (c) The objective of a program to protect agricultural  
73 land with natural resource value through conservation easements  
74 and other tools should be the protection of 1 acre for every  
75 acre lost.

76 Section 2. Paragraph (d) of subsection (1) of section  
77 201.15, Florida Statutes, is amended to read:

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

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

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

103 Section 3. Section 215.6195, Florida Statutes, is created  
 104 to read:

105 215.6195 Bonds for rural land protection.--

106 (1) The issuance of rural land protection bonds is  
 107 authorized. The rural land protection bonds may be issued over  
 108 the next 10 fiscal years commencing on July 1, 2005, in an  
 109 amount not exceeding \$50 million in any fiscal year, subject to  
 110 s. 570.71 and s. 11(e), Art. VII of the State Constitution. The  
 111 duration of each series of bonds issued may not exceed 20 annual  
 112 maturities. Except for refunding bonds, a series of bonds may

113 not be issued unless an amount equal to the debt service coming  
 114 due in the year of issuance has been specifically appropriated  
 115 in the General Appropriations Act.

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

124 (3) Bonds issued under this section shall be payable from  
 125 taxes distributable to the Rural Lands Program Trust Fund of the  
 126 Department of Agriculture and Consumer Services under s.  
 127 201.15(1)(d). Bonds issued under this section do not constitute  
 128 a general obligation of, or a pledge of the full faith and  
 129 credit of, the state.

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

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

141       (6) The sale, disposition, lease, easement, license, or  
 142 other use of any land, water areas, or related property  
 143 interests acquired or improved with proceeds of rural land  
 144 protection bonds which would cause all or any portion of the  
 145 interest of such bonds to lose the exclusion from gross income  
 146 for federal income tax purposes is prohibited.

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

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

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

163       570.207 Conservation and Recreation Lands Program Trust  
 164 Fund of the Department of Agriculture and Consumer Services.--

165       (1) There is created a Conservation and Recreation Lands  
 166 Program Trust Fund within the Department of Agriculture and  
 167 Consumer Services. The purpose of the trust fund is to provide  
 168 for the management of conservation and recreation lands by the

169 department and to fund the Rural and Family Lands Protection Act  
 170 created in ss. 570.70 and 570.71. The department may use not  
 171 more than one-half of 1 percent of the bond proceeds deposited  
 172 into the trust fund for administrative purposes. Funds may be  
 173 appropriated to the trust fund from the Conservation and  
 174 Recreation Lands Trust Fund in the Department of Environmental  
 175 Protection, as created by s. 259.032(2), or from such other  
 176 sources as the Legislature may determine for the management of  
 177 conservation and recreation lands by the department.  
 178 Additionally, subject to s. 11(e), Art. VII of the State  
 179 Constitution, the department may use bond proceeds deposited  
 180 under s. 215.6195 and funds from such other sources as the  
 181 Legislature determines for acquiring conservation easements and  
 182 rural land protection easements and for funding agricultural  
 183 protection agreements and resource conservation agreements  
 184 pursuant to s. 570.71.

185 Section 6. Subsection (12) of section 570.71, Florida  
 186 Statutes, is amended, and subsection (15) is added to that  
 187 section, to read:

188 570.71 Conservation easements and agreements.--

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

191 (a) State funds;

192 (b) Rural land protection bonds as authorized by s.  
 193 215.6195;

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

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

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

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

198  
 199 Any such funds provided shall be deposited into the Conservation  
 200 and Recreation Lands Program Trust Fund within the Department of  
 201 Agriculture and Consumer Services and used for the purposes of  
 202 this act.

203            (15) The department may grant municipalities and counties  
 204 a portion of moneys available for the purposes of this section  
 205 to acquire perpetual, less-than-fee interest in land, to enter  
 206 into agricultural protection agreements, and to enter into  
 207 resource conservation agreements, as defined by and for the  
 208 public purposes set forth in this section. The department shall  
 209 adopt rules that provide for a grants program to fund local  
 210 government acquisition projects that are consistent with the  
 211 appropriate local government comprehensive plan and that  
 212 encourage the use of matching federal and local government  
 213 funding to acquire conservation easements, agricultural  
 214 protection agreements, and resource protection agreements. The  
 215 department may enter into management agreements with  
 216 municipalities and counties for the purpose of administering  
 217 resource conservation agreements and agricultural protection  
 218 agreements. Conservation easements purchased by local  
 219 governments under this subsection may be held in the name of the  
 220 local government.

221            Section 7. This act shall take effect July 1, 2005, if  
 222 House Bill \_\_\_\_, or similar legislation creating the Rural Lands  
 223 Program Trust Fund, is adopted in the same legislative session  
 224 or an extension thereof and becomes law.