

1 A bill to be entitled
 2 An act relating to rural land stewardship; amending s.
 3 163.3177, F.S.; providing for agricultural landowners to
 4 participate in the rural land stewardship program;
 5 revising criteria for rural land stewardship areas;
 6 requiring the Department of Community Affairs to make
 7 provisions for landowner agreements; providing an
 8 effective date.

9
 10 Be It Enacted by the Legislature of the State of Florida:

11
 12 Section 1. Paragraph (d) of subsection (11) of section
 13 163.3177, Florida Statutes, is amended to read:

14 163.3177 Required and optional elements of comprehensive
 15 plan; studies and surveys.--

16 (11)

17 (d)1. The department, in cooperation with the Department
 18 of Agriculture and Consumer Services, the Department of
 19 Environmental Protection, water management districts, and
 20 regional planning councils, shall provide assistance to local
 21 governments in the implementation of this paragraph and rule 9J-
 22 5.006(5)(1), Florida Administrative Code. Implementation of
 23 those provisions shall include a process by which the department
 24 may authorize local governments and landowners to designate all
 25 or portions of lands classified in the future land use element
 26 as predominantly agricultural, rural, open, open-rural, or a
 27 substantively equivalent land use, as a rural land stewardship
 28 area within which planning and economic incentives are applied

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

29 | to encourage the implementation of innovative and flexible
30 | planning and development strategies and creative land use
31 | planning techniques, including those contained herein and in
32 | rule 9J-5.006(5)(1), Florida Administrative Code. Assistance may
33 | include, but is not limited to:

34 | a. Assistance from the Department of Environmental
35 | Protection and water management districts in creating the
36 | geographic information systems land cover database and aerial
37 | photogrammetry needed to prepare for a rural land stewardship
38 | area;

39 | b. Support for local government implementation of rural
40 | land stewardship concepts by providing information and
41 | assistance to local governments regarding land acquisition
42 | programs that may be used by the local government or landowners
43 | to leverage the protection of greater acreage and maximize the
44 | effectiveness of rural land stewardship areas; and

45 | c. Expansion of the role of the Department of Community
46 | Affairs as a resource agency to facilitate establishment of
47 | rural land stewardship areas in smaller rural counties that do
48 | not have the staff or planning budgets to create a rural land
49 | stewardship area.

50 | 2. The department shall encourage participation by local
51 | governments of different sizes and rural characteristics in
52 | establishing and implementing rural land stewardship areas. It
53 | is the intent of the Legislature that rural land stewardship
54 | areas be used to further the following broad principles of rural
55 | sustainability: restoration and maintenance of the economic
56 | value of rural land; control of urban sprawl; identification and

57 protection of ecosystems, habitats, and natural resources;
58 promotion of rural economic activity; maintenance of the
59 viability of Florida's agricultural economy; and protection of
60 the character of rural areas of Florida. Rural land stewardship
61 areas may be multicounty in order to encourage coordinated
62 regional stewardship planning.

63 3. A local government, in conjunction with a regional
64 planning council, a stakeholder organization of private land
65 owners, ~~or~~ another local government, or any landowner or
66 landowners with 2,500 acres or more of contiguous agricultural
67 land as described in s. 193.451, shall notify the department in
68 writing of its intent to designate a rural land stewardship
69 area. The written notification shall describe the basis for the
70 designation, including the extent to which the rural land
71 stewardship area enhances rural land values, controls urban
72 sprawl, provides necessary open space for agriculture and
73 protection of the natural environment, promotes rural economic
74 activity, and maintains rural character and the economic
75 viability of agriculture.

76 4. A rural land stewardship area shall be not less than
77 2,500 ~~10,000~~ acres and shall be located outside of
78 municipalities and established urban growth boundaries, and
79 shall be designated by plan amendment. The plan amendment
80 designating a rural land stewardship area shall be subject to
81 review by the Department of Community Affairs pursuant to s.
82 163.3184 and shall provide for the following:

83 a. Criteria for the designation of receiving areas within
84 rural land stewardship areas in which innovative planning and

85 development strategies may be applied. Criteria shall at a
86 minimum provide for the following: adequacy of suitable land to
87 accommodate development so as to avoid conflict with
88 environmentally sensitive areas, resources, and habitats;
89 compatibility between and transition from higher density uses to
90 lower intensity rural uses; the establishment of receiving area
91 service boundaries which provide for a separation between
92 receiving areas and other land uses within the rural land
93 stewardship area through limitations on the extension of
94 services; and connection of receiving areas with the rest of the
95 rural land stewardship area using rural design and rural road
96 corridors.

97 b. Goals, objectives, and policies setting forth the
98 innovative planning and development strategies to be applied
99 within rural land stewardship areas pursuant to the provisions
100 of this section.

101 c. A process for the implementation of innovative planning
102 and development strategies within the rural land stewardship
103 area, including those described in this subsection and rule 9J-
104 5.006(5)(1), Florida Administrative Code, which provide for a
105 functional mix of land uses and which are applied through the
106 adoption by the local government of zoning and land development
107 regulations applicable to the rural land stewardship area.

108 d. A process which encourages visioning pursuant to s.
109 163.3167(11) to ensure that innovative planning and development
110 strategies comply with the provisions of this section.

111 e. The control of sprawl through the use of innovative
112 strategies and creative land use techniques consistent with the

113 provisions of this subsection and rule 9J-5.006(5)(1), Florida
 114 Administrative Code.

115 5. In selecting a landowner or landowners, the department
 116 shall by written agreement:

117 a. Ensure that the landowner has expressed intent to
 118 designate a rural land stewardship area pursuant to the
 119 provisions of this paragraph and clarify the intended rural land
 120 stewardship area.

121 b. Ensure that the landowner has the financial and
 122 administrative capabilities to implement a rural land
 123 stewardship area.

124 ~~6.5-~~ A receiving area shall be designated by the adoption
 125 of a land development regulation. Prior to the designation of a
 126 receiving area, the local government shall provide the
 127 Department of Community Affairs a period of 30 days in which to
 128 review a proposed receiving area for consistency with the rural
 129 land stewardship area plan amendment and to provide comments to
 130 the local government.

131 ~~7.6-~~ Upon the adoption of a plan amendment creating a
 132 rural land stewardship area, the local government shall, by
 133 ordinance, assign to the area a certain number of credits, to be
 134 known as "transferable rural land use credits," which shall not
 135 constitute a right to develop land, nor increase density of
 136 land, except as provided by this section. The total amount of
 137 transferable rural land use credits assigned to the rural land
 138 stewardship area must correspond to the 25-year or greater
 139 projected population of the rural land stewardship area.

140 Transferable rural land use credits are subject to the following
141 limitations:

142 a. Transferable rural land use credits may only exist
143 within a rural land stewardship area.

144 b. Transferable rural land use credits may only be used on
145 lands designated as receiving areas and then solely for the
146 purpose of implementing innovative planning and development
147 strategies and creative land use planning techniques adopted by
148 the local government pursuant to this section.

149 c. Transferable rural land use credits assigned to a
150 parcel of land within a rural land stewardship area shall cease
151 to exist if the parcel of land is removed from the rural land
152 stewardship area by plan amendment.

153 d. Neither the creation of the rural land stewardship area
154 by plan amendment nor the assignment of transferable rural land
155 use credits by the local government shall operate to displace
156 the underlying density of land uses assigned to a parcel of land
157 within the rural land stewardship area; however, if transferable
158 rural land use credits are transferred from a parcel for use
159 within a designated receiving area, the underlying density
160 assigned to the parcel of land shall cease to exist.

161 e. The underlying density on each parcel of land located
162 within a rural land stewardship area shall not be increased or
163 decreased by the local government, except as a result of the
164 conveyance or use of transferable rural land use credits, as
165 long as the parcel remains within the rural land stewardship
166 area.

167 f. Transferable rural land use credits shall cease to
 168 exist on a parcel of land where the underlying density assigned
 169 to the parcel of land is utilized.

170 g. An increase in the density of use on a parcel of land
 171 located within a designated receiving area may occur only
 172 through the assignment or use of transferable rural land use
 173 credits and shall not require a plan amendment.

174 h. A change in the density of land use on parcels located
 175 within receiving areas shall be specified in a development order
 176 which reflects the total number of transferable rural land use
 177 credits assigned to the parcel of land and the infrastructure
 178 and support services necessary to provide for a functional mix
 179 of land uses corresponding to the plan of development.

180 i. Land within a rural land stewardship area may be
 181 removed from the rural land stewardship area through a plan
 182 amendment.

183 j. Transferable rural land use credits may be assigned at
 184 different ratios of credits per acre according to the natural
 185 resource or other beneficial use characteristics of the land and
 186 according to the land use remaining following the transfer of
 187 credits, with the highest number of credits per acre assigned to
 188 the most environmentally valuable land and a lesser number of
 189 credits to be assigned to open space and agricultural land.

190 k. The use or conveyance of transferable rural land use
 191 credits must be recorded in the public records of the county in
 192 which the property is located as a covenant or restrictive
 193 easement running with the land in favor of the county and either
 194 the Department of Environmental Protection, Department of

195 Agriculture and Consumer Services, a water management district,
196 or a recognized statewide land trust.

197 ~~8.7.~~ Owners of land within rural land stewardship areas
198 should be provided incentives to enter into rural land
199 stewardship agreements, pursuant to existing law and rules
200 adopted thereto, with state agencies, water management
201 districts, and local governments to achieve mutually agreed upon
202 conservation objectives. Such incentives may include, but not be
203 limited to, the following:

204 a. Opportunity to accumulate transferable mitigation
205 credits.

206 b. Extended permit agreements.

207 c. Opportunities for recreational leases and ecotourism.

208 d. Payment for specified land management services on
209 publicly owned land, or property under covenant or restricted
210 easement in favor of a public entity.

211 e. Option agreements for sale to public entities or
212 private land conservation entities, in either fee or easement,
213 upon achievement of conservation objectives.

214 ~~9.8.~~ The department shall report to the Legislature on an
215 annual basis on the results of implementation of rural land
216 stewardship areas authorized by the department, including
217 successes and failures in achieving the intent of the
218 Legislature as expressed in this paragraph.

219 Section 2. This act shall take effect July 1, 2005.