

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: Environmental Preservation Committee

BILL: SB 244

SPONSOR: Senator Dockery

SUBJECT: Rural Lands Program Trust Fund

DATE: February 2, 2005

REVISED: 02/02/05

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Akhavein</u>	<u>Poole</u>	<u>AG</u>	Favorable
2.	<u>Molloy</u>	<u>Kiger</u>	<u>EP</u>	Favorable
3.	<u></u>	<u></u>	<u>GE</u>	
4.	<u></u>	<u></u>	<u>GA</u>	
5.	<u></u>	<u></u>	<u></u>	
6.	<u></u>	<u></u>	<u></u>	

I. Summary:

This bill creates the Rural Lands Program Trust Fund within the Department of Agriculture and Consumer Services (department). The purpose of the trust fund is to receive funds to pay debt service on bonds that are issued pursuant to s. 215.6195, F.S., which authorizes the issuance of bonds for rural land protection. The bill provides for the annual carry forward of funds and for future legislative review and termination or re-creation of the trust fund. This bill is contingent upon the Legislature passing Senate Bill 242 which authorizes documentary stamp tax revenue to be deposited into the Rural Lands Program Trust Fund for the purposes of paying debt service on bonds issued for rural land protection..

This bill creates section 570.209 of the Florida Statutes.

II. Present Situation:

The Rural and Family Lands Protection Act (Act) was created in 2001 when the Legislature enacted ch. 2001-279, Laws of Florida. The purpose of the Act is to bring lands that serve to limit subdivision and conversion of agricultural and natural areas which provide economic, open space, water, and wildlife benefits under public protection. Under the Act, the department is authorized to acquire perpetual, less-than-fee interests in lands through the purchase of conservation or rural lands protection easements, and through the funding of agriculture protection agreements or resource conservation agreements. To date, the department has not received the funding necessary to implement the Act.

III. Effect of Proposed Changes:

Section 1. Creates s. 570.209, F.S., to establish the Rural Lands Program Trust Fund within the department. The purpose of the trust fund is to receive funds pursuant to s. 201.15(1)(d), F.S., in order to pay debt service on bonds issued under s. 215.6195, F.S.

The bill provides that notwithstanding the provisions of s. 216.301, F.S., and pursuant to s. 216.351, F.S., any balance in the trust fund at the end of any fiscal year must remain in the trust fund at the end of the year, and is available for carrying out the purposes of the trust fund.

Pursuant to the provisions of s. 19(f)(2), Art. III of the State Constitution, the trust fund will be terminated on July 1, 2009, unless it is terminated earlier. Prior to its scheduled termination, the trust fund must be reviewed as provided in s. 215.3206(1) and (2), F.S.

Section 2. Provides that this act shall take effect July 1, 2005, if Senate Bill 242 or similar legislation to authorize the payment of debt service and the issuance of bonds for rural lands protection is enacted in the same legislative session, or an extension thereof, and becomes law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

As required by s. 19(f)(1), Art. III of the State Constitution, trust funds must be created by a separate bill and must pass by a three-fifths vote of each house of the Legislature.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The documentary stamp tax proceeds that are deposited into the Rural Lands Program Trust Fund under the provisions of the bill would otherwise be deposited into the General Revenue Fund and used for a variety of other purposes.

C. Government Sector Impact:

This trust fund would be available to pay debt service on bonds issued to fund the implementation of the Rural and Family Lands Protection Act.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.

VIII. Summary of Amendments:

None.

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