

Senate Bill sb2188er

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2004 Legislature CS for CS for SB 2188, 1st Engrossed

Excerpts below relate only to Rural Lands Stewardship Program.

Amending s. [163.3177](#), F.S.:

1. providing that rural land stewardship area designation should be specifically encouraged as an overlay on the future land use map;
2. requiring the Department of Community Affairs, in cooperation with other specified state agencies, to provide assistance to local governments in implementing provisions relating to rural land stewardship areas;
3. providing for multi-county rural land stewardship areas;
4. revising requirements, including the acreage threshold for designating a rural land stewardship area; and
5. providing that transferable rural land use credits may be assigned at different ratios according to the natural resource or other beneficial use characteristics of the land.

Excerpt from Page 6:

Section 4. Paragraph (a) of subsection (6) and subsection (11) of section [163.3177](#), Florida Statutes, are amended to read:

11 [163.3177](#) Required and optional elements of

12 comprehensive plan; studies and surveys.--

13 (6) In addition to the requirements of subsections

14 (1)-(5), the comprehensive plan shall include the following

15 elements:

16 (a) A future land use plan element designating

17 proposed future general distribution, location, and extent of

18 the uses of land for residential uses, commercial uses,
19 industry, agriculture, recreation, conservation, education,
20 public buildings and grounds, other public facilities, and
21 other categories of the public and private uses of land.
22 Counties are encouraged to designate rural land stewardship
23 areas, pursuant to the provisions of paragraph (11)(d), as
24 overlays on the future land use map.

Excerpt from Page 11-18

5 (d)1. The department, in cooperation with the
6 Department of Agriculture and Consumer Services, the
7 Department of Environmental Protection, water management
8 districts, and regional planning councils, shall provide
9 assistance to local governments in the implementation of this
10 paragraph and rule 9J-5.006(5)(l), Florida Administrative
11 Code. Implementation of those provisions shall include a
12 process by which the department may authorize ~~up to five~~ local
13 governments to designate all or portions of lands classified
14 in the future land use element as predominantly agricultural,

15 rural, open, open-rural, or a substantively equivalent land
16 use, as a rural land stewardship area within which planning
17 and economic incentives are applied to encourage the
18 implementation of innovative and flexible planning and
19 development strategies and creative land use planning
20 techniques, including those contained herein and in rule
21 9J-5.006(5)(l), Florida Administrative Code. Assistance may
22 include, but is not limited to:

- 23 a. Assistance from the Department of Environmental
24 Protection and water management districts in creating the
25 geographic information systems land cover database and aerial
26 photogrammetry needed to prepare for a rural land stewardship
27 area;
- 28 b. Support for local government implementation of
29 rural land stewardship concepts by providing information and
30 assistance to local governments regarding land acquisition
31 programs that may be used by the local government or

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1 landowners to leverage the protection of greater acreage and

2 maximize the effectiveness of rural land stewardship areas;

3 and

4 c. Expansion of the role of the Department of

5 Community Affairs as a resource agency to facilitate

6 establishment of rural land stewardship areas in smaller rural

7 counties that do not have the staff or planning budgets to

8 create a rural land stewardship area.

9 2. The department shall encourage participation by

10 local governments of different sizes and rural characteristics

11 in establishing and implementing rural land stewardship areas.

12 It is the intent of the Legislature that rural land

13 stewardship areas be used to further the following broad

14 principles of rural sustainability: restoration and

15 maintenance of the economic value of rural land; control of

16 urban sprawl; identification and protection of ecosystems,
17 habitats, and natural resources; promotion of rural economic
18 activity; maintenance of the viability of Florida's
19 agricultural economy; and protection of the character of rural
20 areas of Florida. Rural land stewardship areas may be
21 multicounty in order to encourage coordinated regional
22 stewardship planning.

23 3. A local government, in conjunction with a regional
24 planning council, a stakeholder organization of private land
25 owners, or another local government, shall notify ~~may apply to~~
26 the department in writing of its intent ~~requesting~~
27 ~~consideration for authorization~~ to designate a rural land
28 stewardship area ~~and shall describe its reasons for applying~~
29 ~~for the authorization with supporting documentation regarding~~
30 ~~its compliance with criteria set forth in this section.~~

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- 1 ~~4. In selecting a local government, the department~~
- 2 ~~shall, by written agreement:~~
- 3 ~~a. Ensure that the local government has expressed its~~
- 4 ~~intent to designate a rural land stewardship area pursuant to~~
- 5 ~~the provisions of this subsection and clarify that the rural~~
- 6 ~~land stewardship area is intended.~~
- 7 ~~b. Ensure that the local government has the financial~~
- 8 ~~and administrative capabilities to implement a rural land~~
- 9 ~~stewardship area.~~
- 10 ~~5. The written notification agreement shall describe~~
- 11 ~~include the basis for the designation, authorization and~~
- 12 ~~provide criteria for evaluating the success of the~~
- 13 ~~authorization including the extent to which the rural land~~
- 14 ~~stewardship area enhances rural land values, controls; ~~control~~~~
- 15 ~~urban sprawl; provides necessary open space for agriculture~~

16 and protection of the natural environment,² promotes rural
17 economic activity,³ and maintains rural character and the
18 economic viability of agriculture. ~~The department may~~
19 ~~terminate the agreement at any time if it determines that the~~
20 ~~local government is not meeting the terms of the agreement.~~

21 4.6. A rural land stewardship area shall be not less
22 than 10,000 ~~50,000~~ acres and shall ~~not exceed 250,000 acres in~~
23 ~~size, shall~~ be located outside of municipalities and
24 established urban growth boundaries, and shall be designated
25 by plan amendment. The plan amendment designating a rural
26 land stewardship area shall be subject to review by the
27 Department of Community Affairs pursuant to s. [163.3184](#) and
28 shall provide for the following:

29 a. Criteria for the designation of receiving areas
30 within rural land stewardship areas in which innovative
31 planning and development strategies may be applied. Criteria

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1 shall at a minimum provide for the following: adequacy of
2 suitable land to accommodate development so as to avoid
3 conflict with environmentally sensitive areas, resources, and
4 habitats; compatibility between and transition from higher
5 density uses to lower intensity rural uses; the establishment
6 of receiving area service boundaries which provide for a
7 separation between receiving areas and other land uses within
8 the rural land stewardship area through limitations on the
9 extension of services; and connection of receiving areas with
10 the rest of the rural land stewardship area using rural design
11 and rural road corridors.

12 b. Goals, objectives, and policies setting forth the
13 innovative planning and development strategies to be applied
14 within rural land stewardship areas pursuant to the provisions
15 of this section.

16 c. A process for the implementation of innovative
17 planning and development strategies within the rural land
18 stewardship area, including those described in this subsection
19 and rule 9J-5.006(5)(I), Florida Administrative Code, which
20 provide for a functional mix of land uses and which are
21 applied through the adoption by the local government of zoning
22 and land development regulations applicable to the rural land
23 stewardship area.

24 d. A process which encourages visioning pursuant to s.
25 [163.3167](#)(11) to ensure that innovative planning and
26 development strategies comply with the provisions of this
27 section.

28 e. The control of sprawl through the use of innovative
29 strategies and creative land use techniques consistent with
30 the provisions of this subsection and rule 9J-5.006(5)(I),
31 Florida Administrative Code.

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1 5.7: A receiving area shall be designated by the
2 adoption of a land development regulation. Prior to the
3 designation of a receiving area, the local government shall
4 provide the Department of Community Affairs a period of 30
5 days in which to review a proposed receiving area for
6 consistency with the rural land stewardship area plan
7 amendment and to provide comments to the local government.
8 ~~6.8~~: Upon the adoption of a plan amendment creating a
9 rural land stewardship area, the local government shall, by
10 ordinance, assign to the area a certain number of credits, to
11 be known as "transferable rural land use credits," which shall
12 not constitute a right to develop land, nor increase density
13 of land, except as provided by this section. The total amount
14 of transferable rural land use credits assigned to the rural
15 land stewardship area must correspond to the 25-year or

16 greater projected population of the rural land stewardship

17 area. Transferable rural land use credits are subject to the

18 following limitations:

19 a. Transferable rural land use credits may only exist

20 within a rural land stewardship area.

21 b. Transferable rural land use credits may only be

22 used on lands designated as receiving areas and then solely

23 for the purpose of implementing innovative planning and

24 development strategies and creative land use planning

25 techniques adopted by the local government pursuant to this

26 section.

27 c. Transferable rural land use credits assigned to a

28 parcel of land within a rural land stewardship area shall

29 cease to exist if the parcel of land is removed from the rural

30 land stewardship area by plan amendment.

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- 1 d. Neither the creation of the rural land stewardship
2 area by plan amendment nor the assignment of transferable
3 rural land use credits by the local government shall operate
4 to displace the underlying density of land uses assigned to a
5 parcel of land within the rural land stewardship area;
6 however, if transferable rural land use credits are
7 transferred from a parcel for use within a designated
8 receiving area, the underlying density assigned to the parcel
9 of land shall cease to exist.
- 10 e. The underlying density on each parcel of land
11 located within a rural land stewardship area shall not be
12 increased or decreased by the local government, except as a
13 result of the conveyance or use of transferable rural land use
14 credits, as long as the parcel remains within the rural land
15 stewardship area.

16 f. Transferable rural land use credits shall cease to
17 exist on a parcel of land where the underlying density
18 assigned to the parcel of land is utilized.

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

23 h. A change in the density of land use on parcels
24 located within receiving areas shall be specified in a
25 development order which reflects the total number of
26 transferable rural land use credits assigned to the parcel of
27 land and the infrastructure and support services necessary to
28 provide for a functional mix of land uses corresponding to the
29 plan of development.

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- 1 i. Land within a rural land stewardship area may be
2 removed from the rural land stewardship area through a plan
3 amendment.
- 4 j. Transferable rural land use credits may be assigned
5 at different ratios of credits per acre according to the
6 natural resource or other beneficial use characteristics of
7 the land and according to the land use remaining following the
8 transfer of credits, with the highest number of credits per
9 acre assigned to the most ~~preserve~~ environmentally valuable
10 land and a lesser number of credits to be assigned to open
11 space and agricultural land.
- 12 k. The use or conveyance of transferable rural land
13 use credits must be recorded in the public records of the
14 county in which the property is located as a covenant or
15 restrictive easement running with the land in favor of the

16 county and either the Department of Environmental Protection,
17 Department of Agriculture and Consumer Services, a water
18 management district, or a recognized statewide land trust.

19 7.9: Owners of land within rural land stewardship
20 areas should be provided incentives to enter into rural land
21 stewardship agreements, pursuant to existing law and rules
22 adopted thereto, with state agencies, water management
23 districts, and local governments to achieve mutually agreed
24 upon conservation objectives. Such incentives may include,
25 but not be limited to, the following:

26 a. Opportunity to accumulate transferable mitigation
27 credits.

28 b. Extended permit agreements.

29 c. Opportunities for recreational leases and
30 ecotourism.

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

4 e. Option agreements for sale to public entities or
5 private land conservation entities ~~government~~, in either fee
6 or easement, upon achievement of conservation objectives.

7 ~~8.40:~~ The department shall report to the Legislature
8 on an annual basis on the results of implementation of rural
9 land stewardship areas authorized by the department, including
10 successes and failures in achieving the intent of the
11 Legislature as expressed in this paragraph. ~~It is further the~~
12 ~~intent of the Legislature that the success of authorized rural~~
13 ~~land stewardship areas be substantiated before implementation~~
14 ~~occurs on a statewide basis.~~