

**A LIVEABLE FLORIDA FOR TODAY AND TOMORROW**

**Excerpt:**

**Recommendations of the Rural Lands Subcommittee**

*Florida's Growth Management Study Commission  
Final Report - February 2001*

## **EXECUTIVE SUMMARY**

The Commission recommends that the 2001 Legislature consider eight items, including the following:

8. Develop an incentive based state rural policy which restores rural land values and protects private property rights, including dedication of additional revenue for public purchase of conservation and agricultural easements and a special overlay of transferable density allocations for rural property to be used for the implementation of cluster development in appropriate locations. [See Recommendations 82-89]

## **INTRODUCTION**

Governor Jeb Bush created the Growth Management Study Commission on July 3, 2000, pursuant to Executive Order Number 2000-196, appointing twenty three (23) voting members, including its Chairman, and three (3) non-voting ex-officio members. These individuals originated from a variety of backgrounds and experiences, reflecting the diversity of Florida. An Executive Director and an Administrative Assistant served as full time staff to the Commission. The staff of the Department of Community Affairs, the Department of Environmental Protection, the Department of Transportation, the Governor's Office, the Office of the Chairman of Orange County Government, and other State agencies provided support and consultation. In addition, J. Mac Holladay of Market Street Services provided facilitation for the Commission.

Governor Bush created the Commission to address the fact that, although the processes established by the existing growth management laws were well intended, the quality of growth has not met expectations, the strains on infrastructure have been only marginally reduced and, in essence, a more complicated, more costly process has been established which does not provide the expected corresponding benefits. And, given that Florida's population is expected to increase by 50 percent from 16 million to 23 million over the next three decades, with commensurate impacts to the State's natural resources and public infrastructure, Governor Bush determined that Florida's growth management system should be reviewed in order to assure that the system meets the needs of a diverse and growing State and to make adjustments as necessary based on the experience of implementing the current system.

## **THE WORK OF THE COMMISSION**

Pursuant to the Executive Order, the Commission held its first meeting on August 9, 2000, and held subsequent meetings in eight different cities around the State (Orlando, Tampa, Pensacola, Tallahassee, Miami, West Palm Beach, Fort Myers and Jacksonville), providing an opportunity for the public to participate. The Commission heard from over 130 members of the public, various experts, professionals and interest groups, and received in excess of 300 written comments and suggestions. The Commission also reviewed summaries of surveys and regional forums previously conducted by the Department of Community Affairs, and the growth

management efforts of other states. To ensure maximum access to the public of the Commission's schedule and progress, the Commission created and maintained a Web-site at [www.FloridaGrowth.org](http://www.FloridaGrowth.org), which was updated regularly with meeting notices, agendas, minutes, summaries and outlines of presentations made to the Commission. The Web-site also contained background information on Commission members, a chronological listing of materials provided to the Commission by the public, and photographs of Commission meetings. In addition, the public was able to communicate with the Commission through the Commission's own E-mail address, toll free telephone line, and through the Executive Director.

To assist the Commission in its work, the Chairman, Mel Martinez, established and appointed the subcommittee working groups comprised of Commission members that met, considered, and provided recommendations to the full Commission on their assigned subject areas:

Rural Policy - Chair: J.D. Alexander; Vice Chair: Charles Lee; Members: Robert Crawford, Allan Egbert and John Manning

## **V. Develop a State Rural Policy**

The Commission recognizes the long-term value of retaining rural lands for agriculture, open space and conservation uses. A thriving rural economy with a strong agricultural base, healthy natural environment, and viable rural communities is an essential part of Florida's present and future vision. Rural areas also include the largest remaining intact ecosystems and best examples of remaining wildlife habitats as well as a majority of privately owned land targeted by local, state and federal agencies for natural resource protection.

The growth of Florida's population and the demand for low density and moderately priced housing to serve it create increasing pressure to develop rural lands. Florida's growth management policies have not successfully controlled, and have in many instances accelerated rather than reversed this trend.

There is a direct relationship between land values and the ability of rural landowners to keep their properties in agricultural production. Florida's agricultural economy is land rich and cash poor. The value of agricultural lands as collateral for borrowed capital needed to support agricultural operations is based in large part on the underlying development rights for non-agricultural uses. These underlying development rights have been reduced over time as a byproduct of ineffective land use policies.

Regulatory controls do not stop growth or permanently assure the protection of habitats or ecosystems. Where permanent protection and management has been achieved, this has occurred primarily through programs such as voluntary land conservation easement and acquisition programs, and incentives based on cooperation by landowners, such as resource conservation easements.

Even with the best efforts at urban infill, the pressures for development will impact almost every rural county. Florida lacks a comprehensive growth management policy, which proactively and realistically addresses both the pressures of population growth and the unique characteristics and multiple needs of rural Florida.

The Commission recommends that land acquisition agencies be more aggressive in their use of conservation easements, that development rights be acquired and that the viability of Florida's agricultural economy be maintained and protected through innovative development strategies in rural areas and the use of incentives that reward landowners for good stewardship of land and natural resources. Along with incentives for maintaining agriculture and good natural resource stewardship, such stewardship should be rewarded through a new program of agricultural land conservation and natural resource conservation agreements.

The fundamental basis of the State's rural policy should be the restoration of rural land values, enhancement of the ability of land owners to obtain economic value from their property, and protection of private property rights.

Recommendation 82: Restore and maintain the economic value of rural land and control sprawl. Local decisions about the most appropriate location and type of growth that occurs in rural areas should be part of a program of planning and development incentives for the consolidation of development into discrete clustered patterns that provide ample open space for agriculture, recreation and regional environmental protection. Such a program will:

- Prohibit further involuntary reduction of intensities and densities of rural lands.
- Include criteria for the identification of areas in which innovative planning and development strategies may best be applied.
- Provide guidelines for the implementation of innovative planning and development strategies within rural areas.
- Take full advantage of provisions of the Florida Statutes which allow flexibility in planning and development decisions, such as section 163.3177(11), *F.S.*
- Develop a process which assures that innovative planning and development strategies comply with applicable local plans and development regulations, including state oversight and assistance toward that end.
- Allow local governments in rural areas to restore property values and control sprawl through innovative growth patterns based on clustering and traditional community design.

- Assign a special overlay of transferable density allocations for rural property to be used for the implementation of clustered development in appropriate locations and innovative planning and development strategies.

Recommendation 83: Promotion of rural economic development.

- Acquire development rights or permit the transfer of those rights from lands intended to remain in agriculture in the long term, allowing landowners to reinvest payments for those development rights in the rural economy.
- Ensure adequate funding for infrastructure in rural towns, and apply the Fix It First concept to establish funding priorities.
- Establish a technology outreach program to support rural local governments, farmers and small businesses in taking advantages of the Internet and other technology advances.
- Resubmit legislation from last year establishing a Rural Heritage Act with revisions consistent with the report of this Commission.
- Amend the revenue sharing provisions of Chapter 212, Florida Statutes, to provide a disproportionate increase in the allocation of state revenue to rural counties in recognition of their inherently lower ad valorem tax base.
- Consider other initiatives to assist rural communities in developing and diversifying local economies such as directing Enterprise Florida and the Office of Tourism Trade and Economic Development to include rural communities in their outreach efforts for expanded and improved economic development; supporting and further publicizing the Main Street Program (Department of State); offering technical assistance and other support services for small business development and entrepreneurial activity in rural areas; encouraging environmentally sensitive eco-tourism and heritage tourism in rural areas; capitalizing on and enhancing the sustainability features of rural areas, including local food production, environmental resources and the potential for distributed energy resource technologies.
- Develop an infrastructure funding program to invest in the development of infrastructure in communities that have been designated by the Governor as a "rural area of critical economic concern."

Recommendation 84: Identification and protection of areas of compelling State interests.

- Following guidelines developed pursuant to Recommendation 43 above, clearly identify (mapping where appropriate) natural resources of compelling state interest in rural areas and prioritize state involvement in land use decisions made with respect to those areas.
- Natural resources that merit overriding state protection as compelling state interests should be prioritized for acquisition of those lands in either fee or easement through fair compensation payments leveraged by appraisals which reflect the fair market value.
- The Legislature should evaluate the advantages as well as the disadvantages of purchase appraisals that reflect the value of wildlife habitat, unique ecosystem components and the benefits of natural system productivity. Any evaluation should take into consideration such issues as protection of private property rights, property tax assessments, successful methodology for placing an appropriate value on a natural resource, impacts to the state's current land acquisition and land management policies and capabilities including fiscal impact.
- Dedicate at least \$100 million annually of additional revenue for public purchase of conservation and agricultural easements, prioritized on clearly identified areas of compelling state interest sufficient to purchase or otherwise protect five million acres over twenty years.
- Easements could include sustainable yield timberland easements, unimproved pasture easements, wildlife management areas, etc.
- Prioritize different levels and types of conservation or agricultural easements with varying levels of protections and terms of application. Easements could include sustainable yield timberland easements, unimproved pasture easements, wildlife management areas, etc. Establish simplified statutory easement forms easily understandable and suited for use by a wide variety of property owners and identify the appropriate managing entities.
- Scientific information on resource values and the relative pressure for conservation of valuable natural resource lands should guide the priorities for using public money for acquisition and less than fee mechanisms.

- Explore, and where appropriate, develop bridge mechanisms involving incentives or payments to property owners in exchange for services to maintain and enhance wildlife values on property prior to and in anticipation of eventual state fee or easement acquisition.

Recommendation 85: Land acquisition agencies shall be more aggressive in their use of conservation easements as a means of preserving priority natural resource areas, and Florida Forever funds shall be prioritized consistent with identified state compelling resources appropriate for public ownership.

Recommendation 86: Maintain the viability of Florida's agricultural economy and protect the character of rural areas by developing incentives which reward landowners for good stewardship of land and natural resources.

- Funding for land acquisition, with title vested in either fee or easement, should be sufficient to assure that inclusion of property on land acquisition lists or in mapped designations of compelling state interests enhances, rather than reduces, land values.
- Resource conservation agreements that compensate or provide other incentives to landowners for specific services to enhance wildlife or habitat values of land.
- Where appropriate, promote the use of best management practices or whole farm plans, developed by agricultural producers in conjunction with regulatory agencies and local governments, to replace the appropriate permitting processes for agricultural operations, in order to remove or reduce the financial and bureaucratic obstacles to keeping land in agricultural production.

Recommendation 87: Florida shall promote the use of best management practices or whole farm plans to replace permitting processes for agricultural operations.

Recommendation 88: Florida shall urge Congress to lift the inheritance tax on agricultural and conservation lands.

Recommendation 89: Full implementation of the Rural Policy subcommittee recommendations is a multi-year task. The subcommittee encourages the DCA and the Department of Agriculture and Consumer Services to enter into a memorandum of agreement which provides for the development of a process including pilot programs for continued implementation of a comprehensive planning strategy for rural Florida in conjunction with the Florida Association of Counties, Legislature, and other affected agencies and interests.