

Bill No. CS for CS for SB 1226, 1st Eng.

Barcode 032710

	CHAMBER ACTION	
<u>Senate</u>		<u>House</u>

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Floor: WD/3R
05/05/2006 05:38 PM

11 Senator Dockery moved the following amendment:

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13 **Senate Amendment (with title amendment)**

14 Delete everything after the enacting clause

15

16 and insert:

17 Section 1. Paragraph (b) of subsection (1) and

18 subsection (13) of section 201.15, Florida Statutes, are

19 amended to read:

20 201.15 Distribution of taxes collected.--All taxes

21 collected under this chapter shall be distributed as follows

22 and shall be subject to the service charge imposed in s.

23 215.20(1), except that such service charge shall not be levied

24 against any portion of taxes pledged to debt service on bonds

25 to the extent that the amount of the service charge is

26 required to pay any amounts relating to the bonds:

27 (1) Sixty-two and sixty-three hundredths percent of

28 the remaining taxes collected under this chapter shall be used

29 for the following purposes:

30 (b) Moneys ~~The remainder of the moneys distributed~~

31 ~~under this subsection, after the required payment under~~

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1 ~~paragraph (a)~~, shall be paid into the State Treasury to the
 2 credit of the Save Our Everglades Trust Fund in amounts
 3 necessary to pay debt service, provide reserves, and pay
 4 rebate obligations and other amounts due with respect to bonds
 5 issued under s. 215.619. Taxes distributed under paragraph (a)
 6 and this paragraph must be collectively distributed on a pro
 7 rata basis.

8 (13) The distribution of proceeds deposited into the
 9 Water Management Lands Trust Fund and the Conservation and
 10 Recreation Lands Trust Fund, pursuant to subsections (4) and
 11 (5), shall not be used for land acquisition, but may be used
 12 for preacquisition costs associated with land purchases. The
 13 Legislature intends that the Florida Forever program supplant
 14 the acquisition programs formerly authorized under ss. 259.032
 15 and 373.59. ~~Prior to the 2005 Regular Session of the~~
 16 ~~Legislature, the Acquisition and Restoration Council shall~~
 17 ~~review and make recommendations to the Legislature concerning~~
 18 ~~the need to repeal this provision. Based on these~~
 19 ~~recommendations, the Legislature shall review the need to~~
 20 ~~repeal this provision during the 2005 Regular Session.~~

21 Section 2. Effective July 1, 2007, paragraph (b) of
 22 subsection (1) and subsection (13) of section 201.15, Florida
 23 Statutes, as amended by section 1 of chapter 2005-92, Laws of
 24 Florida, are amended to read:

25 201.15 Distribution of taxes collected.--All taxes
 26 collected under this chapter shall be distributed as follows
 27 and shall be subject to the service charge imposed in s.
 28 215.20(1), except that such service charge shall not be levied
 29 against any portion of taxes pledged to debt service on bonds
 30 to the extent that the amount of the service charge is
 31 required to pay any amounts relating to the bonds:

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2 the remaining taxes collected under this chapter shall be used
3 for the following purposes:

4 (b) Moneys ~~The remainder of the moneys distributed~~
5 ~~under this subsection, after the required payment under~~
6 ~~paragraph (a),~~ shall be paid into the State Treasury to the
7 credit of the Save Our Everglades Trust Fund in amounts
8 necessary to pay debt service, provide reserves, and pay
9 rebate obligations and other amounts due with respect to bonds
10 issued under s. 215.619. Taxes distributed under paragraph (a)
11 and this paragraph must be collectively distributed on a pro
12 rata basis.

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14 Water Management Lands Trust Fund and the Conservation and
15 Recreation Lands Trust Fund, pursuant to subsections (4) and
16 (5), shall not be used for land acquisition, but may be used
17 for preacquisition costs associated with land purchases. The
18 Legislature intends that the Florida Forever program supplant
19 the acquisition programs formerly authorized under ss. 259.032
20 and 373.59. ~~Prior to the 2005 Regular Session of the~~
21 ~~Legislature, the Acquisition and Restoration Council shall~~
22 ~~review and make recommendations to the Legislature concerning~~
23 ~~the need to repeal this provision. Based on these~~
24 ~~recommendations, the Legislature shall review the need to~~
25 ~~repeal this provision during the 2005 Regular Session.~~

26 Section 3. Subsection (3) of section 215.619, Florida
27 Statutes, is amended to read:

28 215.619 Bonds for Everglades restoration.--

29 (3) Everglades restoration bonds are payable from, and
30 secured by a first lien on, taxes distributable under s.
31 201.15(1)(b) and do not constitute a general obligation of, or

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1 a pledge of the full faith and credit of, the state.

2 Everglades restoration bonds shall be secured on a parity
3 basis with ~~are junior and subordinate to~~ bonds secured by
4 moneys distributable under s. 201.15(1)(a).

5 Section 4. Paragraph (b) of subsection (2), paragraphs
6 (e) and (f) of subsection (9), paragraph (d) of subsection
7 (10), and paragraph (b) of subsection (11) of section 259.032,
8 Florida Statutes, are amended to read:

9 259.032 Conservation and Recreation Lands Trust Fund;
10 purpose.--

11 (2)

12 (b) There shall annually be transferred from the
13 Conservation and Recreation Lands Trust Fund to the Land
14 Acquisition Trust Fund that amount, not to exceed \$20 million
15 annually, as shall be necessary to pay the debt service on, or
16 fund debt service reserve funds, rebate obligations, or other
17 amounts with respect to bonds issued pursuant to s. 375.051 to
18 acquire lands on the established priority list developed
19 pursuant to ss. 259.101(4) and 259.105 ~~this section~~; however,
20 no moneys transferred to the Land Acquisition Trust Fund
21 pursuant to this paragraph, or earnings thereon, shall be used
22 or made available to pay debt service on the Save Our Coast
23 revenue bonds. Amounts transferred annually from the
24 Conservation and Recreation Lands Trust Fund to the Land
25 Acquisition Trust Fund pursuant to this paragraph shall have
26 the highest priority over other payments or transfers from the
27 Conservation and Recreation Lands Trust Fund, and no other
28 payments or transfers shall be made from the Conservation and
29 Recreation Lands Trust Fund until such transfers to the Land
30 Acquisition Trust Fund have been made. ~~Effective July 1, 2001,~~

31 Moneys in the Conservation and Recreation Lands Trust Fund

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1 also shall be used to manage lands and to pay for related
2 costs, activities, and functions pursuant to the provisions of
3 this section.

4 (9) All lands managed under this chapter and s.
5 253.034 shall be:

6 (e) Concurrent with the approval of the acquisition
7 contract pursuant to s. 259.041(3)(c) for any interest in
8 lands except those lands being acquired under the provisions
9 of s. 259.1052, the board of trustees shall designate an
10 agency or agencies to manage such lands. The board ~~and~~ shall
11 evaluate and amend, as appropriate, the management policy
12 statement for the project as provided by s. 259.035,
13 consistent with the purposes for which the lands are acquired.
14 For any fee simple acquisition of a parcel which is or will be
15 leased back for agricultural purposes, or any acquisition of a
16 less-than-fee interest in land that is or will be used for
17 agricultural purposes, the Board of Trustees of the Internal
18 Improvement Trust Fund shall first consider having a soil and
19 water conservation district, created pursuant to chapter 582,
20 manage and monitor such interests.

21 (f) State agencies designated to manage lands acquired
22 under this chapter except those lands acquired under s.
23 259.1052 may contract with local governments and soil and
24 water conservation districts to assist in management
25 activities, including the responsibility of being the lead
26 land manager. Such land management contracts may include a
27 provision for the transfer of management funding to the local
28 government or soil and water conservation district from the
29 Conservation and Recreation Lands Trust Fund in an amount
30 adequate for the local government or soil and water
31 conservation district to perform its contractual land

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1 management responsibilities and proportionate to its
2 responsibilities, and which otherwise would have been expended
3 by the state agency to manage the property.

4 (10)

5 (d)1. For each project for which lands are acquired
6 after July 1, 1995, an individual management plan shall be
7 adopted and in place no later than 1 year after the essential
8 parcel or parcels identified in the priority list developed
9 pursuant to ss. 259.101(4) and 259.105 ~~in the annual~~
10 ~~Conservation and Recreation Lands report prepared pursuant to~~
11 ~~s. 259.035(2)(a)~~ have been acquired. ~~Beginning in fiscal year~~
12 ~~1998-1999~~, The Department of Environmental Protection shall
13 distribute only 75 percent of the acquisition funds to which a
14 budget entity or water management district would otherwise be
15 entitled from the Preservation 2000 Trust Fund to any budget
16 entity or any water management district that has more than
17 one-third of its management plans overdue.

18 2. The requirements of subparagraph 1. do not apply to
19 the individual management plan for the Babcock Crescent B
20 Ranch being acquired pursuant to s. 259.1052. The management
21 plan for the ranch shall be adopted and in place no later than
22 2 years following the date of acquisition by the state.

23 (11)

24 (b) An amount up to 1.5 percent of the cumulative
25 total of funds ever deposited into the Florida Preservation
26 2000 Trust Fund and the Florida Forever Trust Fund shall be
27 made available for the purposes of management, maintenance,
28 and capital improvements not eligible for funding pursuant to
29 s. 11(e), Art. VII of the State Constitution, and for
30 associated contractual services, for lands acquired pursuant
31 to this section, s. 259.101, s. 259.105, s. 259.1052, or

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1 previous programs for the acquisition of lands for
 2 conservation and recreation, including state forests, to which
 3 title is vested in the board of trustees and other
 4 conservation and recreation lands managed by a state agency.
 5 Of this amount, \$250,000 shall be transferred annually to the
 6 Plant Industry Trust Fund within the Department of Agriculture
 7 and Consumer Services for the purpose of implementing the
 8 Endangered or Threatened Native Flora Conservation Grants
 9 Program pursuant to s. 581.185(11). Each agency with
 10 management responsibilities shall annually request from the
 11 Legislature funds sufficient to fulfill such responsibilities.
 12 For the purposes of this paragraph, capital improvements shall
 13 include, but need not be limited to, perimeter fencing, signs,
 14 firelanes, access roads and trails, and minimal public
 15 accommodations, such as primitive campsites, garbage
 16 receptacles, and toilets. Any equipment purchased with funds
 17 provided pursuant to this paragraph may be used for the
 18 purposes described in this paragraph on any conservation and
 19 recreation lands managed by a state agency.

20 Section 5. Subsections (1) and (2) of section
 21 259.1051, Florida Statutes, are amended to read:

22 259.1051 Florida Forever Trust Fund.--

23 (1) There is created the Florida Forever Trust Fund to
 24 carry out the purposes of ss. 259.032, 259.105, 259.1052, and
 25 375.031. The Florida Forever Trust Fund shall be held and
 26 administered by the Department of Environmental Protection.
 27 Proceeds from the sale of bonds, except proceeds of refunding
 28 bonds, issued under s. 215.618 and payable from moneys
 29 transferred to the Land Acquisition Trust Fund under s.
 30 201.15(1)(a), not to exceed \$3 billion, must be deposited into
 31 this trust fund to be distributed and used as provided in s.

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1 259.105(3). The bond resolution adopted by the governing board
2 of the Division of Bond Finance of the State Board of
3 Administration may provide for additional provisions that
4 govern the disbursement of the bond proceeds.

5 (2) The Department of Environmental Protection shall
6 distribute revenues from the Florida Forever Trust Fund only
7 to programs of state agencies or local governments as set out
8 in s. 259.105(3) or as provided in s. 259.1052. Excluding
9 distributions to the Save Our Everglades Trust Fund and
10 distributions for the acquisition of the Babcock Crescent B
11 Ranch Florida Forever acquisition as provided in s. 259.1052,
12 the distributions shall be spent by the recipient within 90
13 days after the date on which the Department of Environmental
14 Protection initiates the transfer.

15 Section 6. Section 259.1052, Florida Statutes, is
16 created to read:

17 259.1052 Babcock Crescent B Ranch Florida Forever
18 acquisition; conditions for purchase.--

19 (1) The purchase of the state's portion of the Babcock
20 Crescent B Ranch by the Board of Trustees of the Internal
21 Improvement Trust Fund is a conservation acquisition under the
22 Florida Forever program created in s. 259.105.

23 (2) The Babcock Crescent B Ranch constitutes a unique
24 land mass that has significant scientific, cultural,
25 historical, recreational, ecological, wildlife, fisheries, and
26 productive values. The property is part of a potential
27 greenway of undeveloped land extending from Lake Okeechobee to
28 the east and Charlotte Harbor to the west. The natural beauty
29 and abundant resources of the ranch provide numerous public
30 recreational opportunities such as hiking, fishing, camping,
31 horseback riding, and hunting.

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1 (3) The Legislature recognizes that the acquisition of
 2 the state's portion of the Babcock Crescent B Ranch represents
 3 a unique opportunity to assist in preserving the largest
 4 private and undeveloped single-ownership tract of land in
 5 Charlotte County. The Legislature further recognizes Lee
 6 County as a partner in the acquisition of the ranch.

7 (4) This section authorizes the acquisition of the
 8 state's portion of the Babcock Crescent B Ranch in order to
 9 protect and preserve for future generations the scientific,
 10 scenic, historic, and natural values of the ranch, including
 11 rivers and ecosystems; to protect and preserve the
 12 archaeological, geological, and cultural resources of the
 13 ranch; to provide for species recovery; and to provide
 14 opportunities for public recreation.

15 (5) The Fish and Wildlife Conservation Commission and
 16 the Department of Agriculture and Consumer Services shall be
 17 the lead managing agencies responsible for the management of
 18 Babcock Crescent B Ranch.

19 (6) In addition to distributions authorized under s.
 20 259.105(3), the Department of Environmental Protection is
 21 authorized to distribute \$310 million in revenues from the
 22 Florida Forever Trust Fund. This distribution shall represent
 23 payment in full for the portion of the Babcock Crescent B
 24 Ranch to be acquired by the state under this section.

25 (7) As used in this section, the term "state's portion
 26 of the Babcock Crescent B Ranch" comprises those lands to be
 27 conveyed by special warranty deed to the Board of Trustees of
 28 the Internal Improvement Trust Fund under the provisions of
 29 the agreement for sale and purchase executed by the Board of
 30 Trustees of the Internal Improvement Trust Fund, the Fish and
 31 Wildlife Conservation Commission, the Department of

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1 Agriculture and Consumer Services, and the participating local
2 government, as purchaser, and MSKP, III, a Florida
3 corporation, as seller.

4 Section 7. Section 259.10521, Florida Statutes, is
5 created to read:

6 259.10521 Citizen support organization; use of
7 property; audit.--

8 (1) DEFINITIONS.--For the purpose of this section, the
9 "Citizen support organization" means an organization that is:

10 (a) A Florida corporation not for profit incorporated
11 under the provisions of chapter 617 and approved by the
12 Department of State;

13 (b) Organized and operated to conduct programs and
14 activities in the best interest of the state; raise funds;
15 request and receive grants, gifts, and bequests of money;
16 acquire, receive, hold, invest, and administer, in its own
17 name, securities, funds, objects of value, or other property,
18 real or personal; and make expenditures to or for the direct
19 or indirect benefit of the Babcock Crescent B Ranch;

20 (c) Determined by the Fish and Wildlife Conservation
21 Commission and the Division of Forestry within the Department
22 of Agriculture and Consumer Services to be consistent with the
23 goals of the state in acquiring the ranch and in the best
24 interests of the state; and

25 (d) Approved in writing by the Fish and Wildlife
26 Conservation Commission and the Division of Forestry to
27 operate for the direct or indirect benefit of the ranch and in
28 the best interest of the state. Such approval shall be given
29 in a letter of agreement from the Fish and Wildlife
30 Conservation Commission and the Division of Forestry. Only one
31 citizen support organization may be created to operate for the

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1 direct or indirect benefit of the Babcock Crescent B Ranch.

2 (2) USE OF PROPERTY.--

3 (a) The Fish and Wildlife Conservation Commission and
4 the Division of Forestry may permit, without charge,
5 appropriate use of fixed property and facilities of the
6 Babcock Crescent B Ranch by a citizen support organization,
7 subject to the provisions of this section. Such use must be
8 directly in keeping with the approved purposes of the citizen
9 support organization, and may not be made at times or places
10 that would unreasonably interfere with recreational
11 opportunities for the general public.

12 (b) The Fish and Wildlife Conservation Commission and
13 the Division of Forestry may prescribe by rule any condition
14 with which the citizen support organization shall comply in
15 order to use fixed property or facilities of the ranch.

16 (c) The Fish and Wildlife Conservation Commission and
17 the Division of Forestry shall not permit the use of any fixed
18 property or facilities of the ranch by a citizen support
19 organization that does not provide equal membership and
20 employment opportunities to all persons regardless of race,
21 color, religion, sex, age, or national origin.

22 (3) PARTNERSHIPS.--

23 (a) The Legislature recognizes that the Babcock
24 Crescent B Ranch will need a variety of facilities to enhance
25 its public use and potential. Such facilities include, but are
26 not limited to, improved access, camping areas, picnic
27 shelters, management facilities, and environmental education
28 facilities. The need for such facilities may exceed the
29 ability of the state to provide such facilities in a timely
30 manner with moneys available. The Legislature finds it to be
31 in the public interest to provide incentives for partnerships

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1 with private organizations with the intent of producing
2 additional revenue to help enhance the use and potential of
3 the ranch.

4 (b) The Legislature may annually appropriate funds
5 from the Land Acquisition Trust Fund for use only as state
6 matching funds, in conjunction with private donations in
7 aggregates of at least \$60,000, matched by \$40,000 of state
8 funds, for a total minimum project amount of \$100,000 for
9 capital improvement facility development at the ranch at
10 either individually designated locations or for priority
11 projects within the overall ranch system. The citizen support
12 organization may acquire private donations pursuant to this
13 section, and matching state funds for approved projects may be
14 provided in accordance with this subsection. The Fish and
15 Wildlife Conservation Commission and the Division of Forestry
16 are authorized to properly recognize and honor a private donor
17 by placing a plaque or other appropriate designation noting
18 the contribution on project facilities or by naming project
19 facilities after the person or organization that provided
20 matching funds. The Fish and Wildlife Conservation Commission
21 and the Division of Forestry are authorized to adopt necessary
22 administrative rules to carry out the purposes of this
23 subsection.

24 Section 8. For the 2006-2007 fiscal year, the sum of
25 \$310 million in nonrecurring funds is appropriated from the
26 Florida Forever Trust Fund in the Department of Environmental
27 Protection for the purchase of the Babcock Crescent B Ranch as
28 provided in s. 259.1052, Florida Statutes.

29 Section 9. Except as otherwise expressly provided in
30 this act, this act shall take effect upon becoming a law.

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1 ===== T I T L E A M E N D M E N T =====

2 And the title is amended as follows:

3 Delete everything before the enacting clause

4

5 and insert:

6 A bill to be entitled

7 An act relating to land acquisition; amending

8 s. 201.15, F.S.; providing that taxes

9 distributed to pay debt service on Preservation

10 2000 bonds, Florida Forever bonds, and Save Our

11 Everglades bonds shall be collectively

12 distributed on a pro rata basis; deleting

13 obsolete provisions; amending s. 215.619, F.S.;

14 providing that Everglades restoration bonds are

15 on a parity basis with other land acquisition

16 bonds; amending s. 259.032, F.S.; authorizing

17 the use of funds in the Conservation and

18 Recreation Lands Trust Fund for management,

19 maintenance, and capital improvements for

20 conservation and recreation lands, including

21 lands acquired under the Babcock Crescent B

22 Ranch Florida Forever acquisition; revising

23 requirements for the development of an

24 individual land management plan; amending s.

25 259.1051, F.S.; conforming the distribution of

26 funds from the Florida Forever Trust Fund;

27 creating s. 259.1052, F.S.; providing for the

28 acquisition of the state's portion of the

29 Babcock Crescent B Ranch; providing a

30 definition; granting authority to the

31 Department of Environmental Protection to

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1 distribute funds for the acquisition of the
2 Babcock Crescent B Ranch; creating s.
3 259.10521, F.S.; authorizing the creation of a
4 citizen support organization; providing duties
5 and responsibilities; providing an
6 appropriation; providing effective dates.

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