

Bill No. CS for SB 1226

Barcode 153484

CHAMBER ACTION

Senate

House

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The Committee on General Government Appropriations (Lawson)  
recommended the following amendment:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause

and insert:

Section 1. Paragraph (b) of subsection (1) and  
subsection (13) of section 201.15, Florida Statutes, are  
amended to read:

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

(1) Sixty-two and sixty-three hundredths percent of  
the remaining taxes collected under this chapter shall be used  
for the following purposes:

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

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

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

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

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

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1 required to pay any amounts relating to the bonds:

2 (1) Sixty-two and sixty-three hundredths percent of  
3 the remaining taxes collected under this chapter shall be used  
4 for the following purposes:

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

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

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

29 215.619 Bonds for Everglades restoration.--

30 (3) Everglades restoration bonds are payable from, and  
31 secured by a first lien on, taxes distributable under s.

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1 201.15(1)(b) and do not constitute a general obligation of, or  
 2 a pledge of the full faith and credit of, the state.  
 3 Everglades restoration bonds shall be secured on a parity  
 4 basis with ~~are junior and subordinate to~~ bonds secured by  
 5 moneys distributable under s. 201.15(1)(a).

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

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

12 (2)

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

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1 Moneys in the Conservation and Recreation Lands Trust Fund  
2 also shall be used to manage lands and to pay for related  
3 costs, activities, and functions pursuant to the provisions of  
4 this section.

5 (9) All lands managed under this chapter and s.  
6 253.034 shall be:

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

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

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1 conservation district to perform its contractual land  
2 management responsibilities and proportionate to its  
3 responsibilities, and which otherwise would have been expended  
4 by the state agency to manage the property.

5 (10)

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

19 2. The requirements of subparagraph 1. do not apply to  
20 the individual management plan for the Babcock Crescent B  
21 Ranch being acquired pursuant to s. 259.1052. The management  
22 plan for the ranch shall be adopted and in place no later than  
23 2 years following the date of acquisition by the state.

24 (11)

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

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1 to this section, s. 259.101, s. 259.105, s. 259.1052, or  
2 previous programs for the acquisition of lands for  
3 conservation and recreation, including state forests, to which  
4 title is vested in the board of trustees and other  
5 conservation and recreation lands managed by a state agency.  
6 Of this amount, \$250,000 shall be transferred annually to the  
7 Plant Industry Trust Fund within the Department of Agriculture  
8 and Consumer Services for the purpose of implementing the  
9 Endangered or Threatened Native Flora Conservation Grants  
10 Program pursuant to s. 581.185(11). Each agency with  
11 management responsibilities shall annually request from the  
12 Legislature funds sufficient to fulfill such responsibilities.  
13 For the purposes of this paragraph, capital improvements shall  
14 include, but need not be limited to, perimeter fencing, signs,  
15 firelanes, access roads and trails, and minimal public  
16 accommodations, such as primitive campsites, garbage  
17 receptacles, and toilets. Any equipment purchased with funds  
18 provided pursuant to this paragraph may be used for the  
19 purposes described in this paragraph on any conservation and  
20 recreation lands managed by a state agency.

21 Section 5. Subsections (1) and (2) of section  
22 259.1051, Florida Statutes, are amended to read:

23 259.1051 Florida Forever Trust Fund.--

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

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1 this trust fund to be distributed and used as provided in s.  
 2 259.105(3). The bond resolution adopted by the governing board  
 3 of the Division of Bond Finance of the State Board of  
 4 Administration may provide for additional provisions that  
 5 govern the disbursement of the bond proceeds.

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

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

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

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

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



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1 horseback riding, and hunting.

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

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

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

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

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

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1 Wildlife Conservation Commission, the Department of  
 2 Agriculture and Consumer Services, and the participating local  
 3 government, as purchaser, and MSKP, III, a Florida  
 4 corporation, as seller.

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

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

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

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

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

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

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

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1 citizen support organization may be created to operate for the  
2 direct or indirect benefit of the Babcock Crescent B Ranch.

3 (2) USE OF PROPERTY.--

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

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

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

23 (3) PARTNERSHIPS.--

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

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1 in the public interest to provide incentives for partnerships  
2 with private organizations with the intent of producing  
3 additional revenue to help enhance the use and potential of  
4 the ranch.

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

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

30 Section 9. Except as otherwise expressly provided in  
31 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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