

Bill No. CS for CS for SB 1226

Barcode 971882

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

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Senators Bennett and Dockery moved the following amendment:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause

and insert:

Section 1. Paragraph (b) of subsection (1) and subsections (11) and (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 under this subsection, after the required payment under~~

Bill No. CS for CS for SB 1226

Barcode 971882

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 when the available moneys under this subsection are  
 8 not sufficient to cover the amounts required under paragraph  
 9 (a) and this paragraph.

10 (11) From the moneys specified in paragraphs (1)(e)  
 11 ~~paragraphs (1)(d)~~ and (2)(a) and prior to deposit of any  
 12 moneys into the General Revenue Fund, \$30 million shall be  
 13 paid into the State Treasury to the credit of the Ecosystem  
 14 Management and Restoration Trust Fund in fiscal year 2000-2001  
 15 and each fiscal year thereafter, to be used for the  
 16 preservation and repair of the state's beaches as provided in  
 17 ss. 161.091-161.212, and \$2 million shall be paid into the  
 18 State Treasury to the credit of the Marine Resources  
 19 Conservation Trust Fund to be used for marine mammal care as  
 20 provided in s. 370.0603(3).

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

Bill No. CS for CS for SB 1226

Barcode 971882

1 ~~recommendations, the Legislature shall review the need to~~  
2 ~~repeal this provision during the 2005 Regular Session.~~

3       Section 2. Effective July 1, 2007, paragraph (b) of  
4 subsection (1), and subsections (11) and (13) of section  
5 201.15, Florida Statutes, as amended by section 1 of chapter  
6 2005-92, Laws of Florida, are amended to read:

7       201.15 Distribution of taxes collected.--All taxes  
8 collected under this chapter shall be distributed as follows  
9 and shall be subject to the service charge imposed in s.  
10 215.20(1), except that such service charge shall not be levied  
11 against any portion of taxes pledged to debt service on bonds  
12 to the extent that the amount of the service charge is  
13 required to pay any amounts relating to the bonds:

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

17       (b) Moneys ~~The remainder of the moneys distributed~~  
18 ~~under this subsection, after the required payment under~~  
19 ~~paragraph (a),~~ shall be paid into the State Treasury to the  
20 credit of the Save Our Everglades Trust Fund in amounts  
21 necessary to pay debt service, provide reserves, and pay  
22 rebate obligations and other amounts due with respect to bonds  
23 issued under s. 215.619. Taxes distributed under paragraph (a)  
24 and this paragraph must be collectively distributed on a pro  
25 rata basis when the available moneys under this subsection are  
26 not sufficient to cover the amounts required under paragraph  
27 (a) and this paragraph.

28       (11) From the moneys specified in paragraphs (1)(e)  
29 ~~paragraphs (1)(d)~~ and (2)(a) and prior to deposit of any  
30 moneys into the General Revenue Fund, \$30 million shall be  
31 paid into the State Treasury to the credit of the Ecosystem

Bill No. CS for CS for SB 1226

Barcode 971882

1 Management and Restoration Trust Fund in fiscal year 2000-2001  
 2 and each fiscal year thereafter, to be used for the  
 3 preservation and repair of the state's beaches as provided in  
 4 ss. 161.091-161.212, and \$2 million shall be paid into the  
 5 State Treasury to the credit of the Marine Resources  
 6 Conservation Trust Fund to be used for marine mammal care as  
 7 provided in s. 370.0603(3).

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

23 215.619 Bonds for Everglades restoration.--

24 (3) Everglades restoration bonds are payable from, and  
 25 secured by a first lien on, taxes distributable under s.  
 26 201.15(1)(b) and do not constitute a general obligation of, or  
 27 a pledge of the full faith and credit of, the state.  
 28 Everglades restoration bonds shall be secured on a parity  
 29 basis with ~~are junior and subordinate to~~ bonds secured by  
 30 moneys distributable under s. 201.15(1)(a).

31 Section 4. Paragraph (b) of subsection (2), paragraphs

Bill No. CS for CS for SB 1226

Barcode 971882

1 (e) and (f) of subsection (9), paragraph (d) of subsection  
2 (10), and paragraph (b) of subsection (11) of section 259.032,  
3 Florida Statutes, are amended to read:

4           259.032 Conservation and Recreation Lands Trust Fund;  
5 purpose.--

6           (2)

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

30           (9) All lands managed under this chapter and s.  
31 253.034 shall be:

Bill No. CS for CS for SB 1226

Barcode 971882

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

16           (f) State agencies designated to manage lands acquired  
17 under this chapter except those lands acquired under s.  
18 259.1052 may contract with local governments and soil and  
19 water conservation districts to assist in management  
20 activities, including the responsibility of being the lead  
21 land manager. Such land management contracts may include a  
22 provision for the transfer of management funding to the local  
23 government or soil and water conservation district from the  
24 Conservation and Recreation Lands Trust Fund in an amount  
25 adequate for the local government or soil and water  
26 conservation district to perform its contractual land  
27 management responsibilities and proportionate to its  
28 responsibilities, and which otherwise would have been expended  
29 by the state agency to manage the property.

30           (10)

31           (d)1. For each project for which lands are acquired

Bill No. CS for CS for SB 1226

Barcode 971882

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

13 2. The requirements of subparagraph 1. do not apply to  
 14 the individual management plan for the Babcock Crescent B  
 15 Ranch being acquired pursuant to s. 259.1052. The management  
 16 plan for the ranch shall be adopted and in place no later than  
 17 2 years following the date of acquisition by the state.

18 (11)

19 (b) An amount up to 1.5 percent of the cumulative  
 20 total of funds ever deposited into the Florida Preservation  
 21 2000 Trust Fund and the Florida Forever Trust Fund shall be  
 22 made available for the purposes of management, maintenance,  
 23 and capital improvements not eligible for funding pursuant to  
 24 s. 11(e), Art. VII of the State Constitution, and for  
 25 associated contractual services, for lands acquired pursuant  
 26 to this section, s. 259.101, s. 259.105, s. 259.1052, or  
 27 previous programs for the acquisition of lands for  
 28 conservation and recreation, including state forests, to which  
 29 title is vested in the board of trustees and other  
 30 conservation and recreation lands managed by a state agency.

31 Of this amount, \$250,000 shall be transferred annually to the

Bill No. CS for CS for SB 1226

Barcode 971882

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

15 Section 5. Subsections (2), and (10) of section  
 16 259.105, Florida Statutes, are amended to read:

17 259.105 The Florida Forever Act.--

18 (2)(a) The Legislature finds and declares that:

19 1. The Preservation 2000 program provided tremendous  
 20 financial resources for purchasing environmentally significant  
 21 lands to protect those lands from imminent development,  
 22 thereby assuring present and future generations access to  
 23 important open spaces and recreation and conservation lands.

24 2. The continued alteration and development of  
 25 Florida's natural areas to accommodate the state's rapidly  
 26 growing population have contributed to the degradation of  
 27 water resources, the fragmentation and destruction of wildlife  
 28 habitats, the loss of outdoor recreation space, and the  
 29 diminishment of wetlands, forests, and public beaches.

30 3. The potential development of Florida's remaining  
 31 natural areas and escalation of land values require a



Bill No. CS for CS for SB 1226

Barcode 971882

1 continuation of government efforts to restore, bring under  
2 public protection, or acquire lands and water areas to  
3 preserve the state's invaluable quality of life.

4           4. Florida's groundwater, surface waters, and springs  
5 are under tremendous pressure due to population growth and  
6 economic expansion and require special protection and  
7 restoration efforts. To ensure that sufficient quantities of  
8 water are available to meet the current and future needs of  
9 the natural systems and citizens of the state, and assist in  
10 achieving the planning goals of the department and the water  
11 management districts, water resource development projects on  
12 public lands, where compatible with the resource values of and  
13 management objectives for the lands, are appropriate.

14           5. The needs of urban Florida for high-quality outdoor  
15 recreational opportunities, greenways, trails, and open space  
16 have not been fully met by previous acquisition programs.  
17 Through such programs as the Florida Communities Trust and the  
18 Florida Recreation Development Assistance Program, the state  
19 shall place additional emphasis on acquiring, protecting,  
20 preserving, and restoring open space, greenways, and  
21 recreation properties within urban areas where pristine  
22 natural communities or water bodies no longer exist because of  
23 the proximity of developed property.

24           6. Many of Florida's unique ecosystems, such as the  
25 Florida Everglades, are facing ecological collapse due to  
26 Florida's burgeoning population. To preserve these valuable  
27 ecosystems for future generations, parcels of land must be  
28 acquired to facilitate ecosystem restoration.

29           7. Access to public lands to support a broad range of  
30 outdoor recreational opportunities and the development of  
31 necessary infrastructure, where compatible with the resource

Barcode 971882

1 values of and management objectives for such lands, promotes  
2 an appreciation for Florida's natural assets and improves the  
3 quality of life.

4           8. Acquisition of lands, in fee simple or in any  
5 lesser interest, should be based on a comprehensive assessment  
6 of Florida's natural resources and planned so as to protect  
7 the integrity of ecological systems and provide multiple  
8 benefits, including preservation of fish and wildlife habitat,  
9 recreation space for urban as well as rural areas, and water  
10 recharge.

11           9. The state has embraced performance-based program  
12 budgeting as a tool to evaluate the achievements of publicly  
13 funded agencies, build in accountability, and reward those  
14 agencies which are able to consistently achieve quantifiable  
15 goals. While previous and existing state environmental  
16 programs have achieved varying degrees of success, few of  
17 these programs can be evaluated as to the extent of their  
18 achievements, primarily because performance measures,  
19 standards, outcomes, and goals were not established at the  
20 outset. Therefore, the Florida Forever program shall be  
21 developed and implemented in the context of measurable state  
22 goals and objectives.

23           10. It is the intent of the Legislature to change the  
24 focus and direction of the state's major land acquisition  
25 programs and to extend funding and bonding capabilities, so  
26 that future generations may enjoy the natural resources of  
27 Florida.

28           (b) The Legislature recognizes that acquisition is  
29 only one way to achieve the aforementioned goals and  
30 encourages the development of creative partnerships between  
31 governmental agencies and private landowners. Land protection

Bill No. CS for CS for SB 1226

Barcode 971882

1 agreements and similar tools should be used, where  
2 appropriate, to bring environmentally sensitive tracts under  
3 an acceptable level of protection at a lower financial cost to  
4 the public, and to provide private landowners with the  
5 opportunity to enjoy and benefit from their property.

6 (c) Public agencies or other entities that receive  
7 funds under this section are encouraged to better coordinate  
8 their expenditures so that project acquisitions, when combined  
9 with acquisitions under Preservation 2000, Save Our Rivers,  
10 the Florida Communities Trust, and other public land  
11 acquisition programs, will form more complete patterns of  
12 protection for natural areas and functioning ecosystems, to  
13 better accomplish the intent of this section.

14 (d) A long-term financial commitment to managing  
15 Florida's public lands must accompany any new land acquisition  
16 program to ensure that the natural resource values of such  
17 lands are protected, that the public has the opportunity to  
18 enjoy the lands to their fullest potential, and that the state  
19 achieves the full benefits of its investment of public  
20 dollars.

21 (e) With limited dollars available for restoration and  
22 acquisition of land and water areas and for providing  
23 long-term management and capital improvements, a competitive  
24 selection process can select those projects best able to meet  
25 the goals of Florida Forever and maximize the efficient use of  
26 the program's funding.

27 (f) To ensure success and provide accountability to  
28 the citizens of this state, it is the intent of the  
29 Legislature that any bond proceeds used pursuant to this  
30 section be used to implement the goals and objectives  
31 recommended by the Florida Forever Advisory Council as

Bill No. CS for CS for SB 1226

Barcode 971882

1 approved by the Board of Trustees of the Internal Improvement  
2 Trust Fund and the Legislature.

3 (g) As it has with previous land acquisition programs,  
4 the Legislature recognizes the desires of the citizens of this  
5 state to prosper through economic development and to preserve  
6 the natural areas and recreational open space of Florida. The  
7 Legislature further recognizes the urgency of restoring the  
8 natural functions of public lands or water bodies before they  
9 are degraded to a point where recovery may never occur, yet  
10 acknowledges the difficulty of ensuring adequate funding for  
11 restoration efforts in light of other equally critical  
12 financial needs of the state. It is the Legislature's desire  
13 and intent to fund the implementation of this section and to  
14 do so in a fiscally responsible manner, by issuing bonds to be  
15 repaid with documentary stamp tax revenue.

16 (h) The Legislature further recognizes the important  
17 role that many of our state and federal military installations  
18 contribute to protecting and preserving Florida's natural  
19 resources as well as our economic prosperity. Where the  
20 state's land conservation plans overlap with the military's  
21 need to protect lands, waters, and habitat to ensure the  
22 sustainability of military missions, it is the Legislature's  
23 intent that agencies receiving funds under this program  
24 cooperate with our military partners to protect and buffer  
25 military installations and military airspace, by:

26 1. Protecting habitat on non-military land for any  
27 species found on military land that is designated as  
28 threatened or endangered, or is a candidate for such  
29 designation under the Endangered Species Act or any Florida  
30 statute.

31 2. Protecting areas underlying low-level military air

Bill No. CS for CS for SB 1226

Barcode 971882

1 corridors or operating areas, and

2 3. Protecting areas identified as clear zones,  
3 accident potential zones, and air installation compatible use  
4 buffer zones delineated by our military partners.

5 (10) The Acquisition and Restoration Council shall  
6 give increased priority to those projects for which matching  
7 funds are available and to project elements previously  
8 identified on an acquisition list pursuant to this section  
9 that can be acquired at 80 percent or less of appraised value.

10 The council shall also give increased priority to those  
11 projects where the state's land conservation plans overlap  
12 with the military's need to protect lands, water, and habitat  
13 to ensure the sustainability of military missions including:

14 (a) Protecting habitat on non-military land for any  
15 species found on military land that is designated as  
16 threatened or endangered, or is a candidate for such  
17 designation under the Endangered Species Act or any Florida  
18 statute.

19 (b) Protecting areas underlying low-level military air  
20 corridors or operating areas, and

21 (c) Protecting areas identified as clear zones,  
22 accident potential zones, and air installation compatible use  
23 buffer zones delineated by our military partners, and for  
24 which federal or other funding is available to assist with the  
25 project.

26 Section 6. Subsections (1) and (2) of section  
27 259.1051, Florida Statutes, are amended to read:

28 259.1051 Florida Forever Trust Fund.--

29 (1) There is created the Florida Forever Trust Fund to  
30 carry out the purposes of ss. 259.032, 259.105, 259.1052, and  
31 375.031. The Florida Forever Trust Fund shall be held and

Bill No. CS for CS for SB 1226

Barcode 971882

1 administered by the Department of Environmental Protection.  
 2 Proceeds from the sale of bonds, except proceeds of refunding  
 3 bonds, issued under s. 215.618 and payable from moneys  
 4 transferred to the Land Acquisition Trust Fund under s.  
 5 201.15(1)(a), not to exceed \$3 billion, must be deposited into  
 6 this trust fund to be distributed and used as provided in s.  
 7 259.105(3). The bond resolution adopted by the governing board  
 8 of the Division of Bond Finance of the State Board of  
 9 Administration may provide for additional provisions that  
 10 govern the disbursement of the bond proceeds.

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

21 Section 7. Section 259.1052, Florida Statutes, is  
 22 created to read:

23 259.1052 Babcock Crescent B Ranch Florida Forever  
 24 acquisition; conditions for purchase.--

25 (1) The acquisition of the state's portion of the  
 26 Babcock Crescent B Ranch by the Board of Trustees of the  
 27 Internal Improvement Trust Fund is a conservation acquisition  
 28 under the Florida Forever program created in s. 259.105, with  
 29 a goal of sustaining the ecological and economic integrity of  
 30 the property being acquired while allowing the business of the  
 31 ranch to operate and prosper.

Bill No. CS for CS for SB 1226

Barcode 971882

1       (2) The Babcock Crescent B Ranch constitutes a unique  
 2 land mass that has significant scientific, cultural,  
 3 historical, recreational, ecological, wildlife, fisheries, and  
 4 productive values. The property is part of a potential  
 5 greenway of undeveloped land extending from Lake Okeechobee to  
 6 the east and Charlotte Harbor to the west. The natural beauty  
 7 and abundant resources of the ranch provide numerous public  
 8 recreational opportunities such as hiking, fishing, camping,  
 9 horseback riding, and hunting.

10       (3) The Legislature recognizes that the acquisition of  
 11 the state's portion of the Babcock Crescent B Ranch represents  
 12 a unique opportunity to assist in preserving the largest  
 13 private and undeveloped single-ownership tract of land in  
 14 Charlotte County. The Legislature further recognizes Lee  
 15 County as a partner in the acquisition of the ranch.

16       (4) This section authorizes the acquisition of the  
 17 state's portion of the Babcock Crescent B Ranch in order to  
 18 protect and preserve for future generations the scientific,  
 19 scenic, historic, and natural values of the ranch, including  
 20 rivers and ecosystems; to protect and preserve the  
 21 archaeological, geological, and cultural resources of the  
 22 ranch; to provide for species recovery; and to provide  
 23 opportunities for public recreation.

24       (5) The Fish and Wildlife Conservation Commission and  
 25 the Department of Agriculture and Consumer Services shall be  
 26 the lead managing agencies responsible for the management of  
 27 Babcock Crescent B Ranch.

28       (6) In addition to distributions authorized under s.  
 29 259.105(3), the Department of Environmental Protection is  
 30 authorized to distribute \$310 million in revenues from the  
 31 Florida Forever Trust Fund. This distribution shall represent

Bill No. CS for CS for SB 1226

Barcode 971882

1 payment in full for the portion of the Babcock Crescent B  
2 Ranch to be acquired by the state under this section.

3 (7) As used in this section, the term "state's portion  
4 of the Babcock Crescent B Ranch" comprises those lands to be  
5 conveyed by special warranty deed to the Board of Trustees of  
6 the Internal Improvement Trust Fund under the provisions of  
7 the agreement for sale and purchase executed by the Board of  
8 Trustees of the Internal Improvement Trust Fund, the Fish and  
9 Wildlife Conservation Commission, the Department of  
10 Agriculture and Consumer Services, and the participating local  
11 government, as purchaser, and MSKP, III, a Florida  
12 corporation, as seller.

13 Section 8. Section 259.10521, Florida Statutes, is  
14 created to read:

15 259.10521 Citizen support organization; use of  
16 property; audit.--

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

19 (a) A Florida corporation not for profit incorporated  
20 under the provisions of chapter 617 and approved by the  
21 Department of State;

22 (b) Organized and operated to conduct programs and  
23 activities in the best interest of the state; raise funds;  
24 request and receive grants, gifts, and bequests of money;  
25 acquire, receive, hold, invest, and administer, in its own  
26 name, securities, funds, objects of value, or other property,  
27 real or personal; and make expenditures to or for the direct  
28 or indirect benefit of the Babcock Crescent B Ranch;

29 (c) Determined by the Fish and Wildlife Conservation  
30 Commission and the Division of Forestry within the Department  
31 of Agriculture and Consumer Services to be consistent with the



Bill No. CS for CS for SB 1226

Barcode 971882

1 goals of the state in acquiring the ranch and in the best  
2 interests of the state; and

3 (d) Approved in writing by the Fish and Wildlife  
4 Conservation Commission and the Division of Forestry to  
5 operate for the direct or indirect benefit of the ranch and in  
6 the best interest of the state. Such approval shall be given  
7 in a letter of agreement from the Fish and Wildlife  
8 Conservation Commission and the Division of Forestry. Only one  
9 citizen support organization may be created to operate for the  
10 direct or indirect benefit of the Babcock Crescent B Ranch.

11 (2) USE OF PROPERTY.--

12 (a) The Fish and Wildlife Conservation Commission and  
13 the Division of Forestry may permit, without charge,  
14 appropriate use of fixed property and facilities of the  
15 Babcock Crescent B Ranch by a citizen support organization,  
16 subject to the provisions of this section. Such use must be  
17 directly in keeping with the approved purposes of the citizen  
18 support organization, and may not be made at times or places  
19 that would unreasonably interfere with recreational  
20 opportunities for the general public.

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

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

31 (3) PARTNERSHIPS.--

Bill No. CS for CS for SB 1226

Barcode 971882

1           (a) The Legislature recognizes that the Babcock  
2 Crescent B Ranch will need a variety of facilities to enhance  
3 its public use and potential. Such facilities include, but are  
4 not limited to, improved access, camping areas, picnic  
5 shelters, management facilities, and environmental education  
6 facilities. The need for such facilities may exceed the  
7 ability of the state to provide such facilities in a timely  
8 manner with moneys available. The Legislature finds it to be  
9 in the public interest to provide incentives for partnerships  
10 with private organizations with the intent of producing  
11 additional revenue to help enhance the use and potential of  
12 the ranch.

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

Bill No. CS for CS for SB 1226

Barcode 971882

1 subsection.

2 Section 9. Section 259.1053, Florida Statutes, is  
3 created to read:

4 259.1053 Babcock Ranch Preserve; Babcock Ranch, Inc.;  
5 creation; membership; organization; meetings.--

6 (1) SHORT TITLE.--This section may be cited as the  
7 "Babcock Ranch Preserve Act."

8 (2) DEFINITIONS.--As used in this section, the term:

9 (a) "Babcock Ranch Preserve" and "preserve" mean the  
10 lands and facilities acquired in the purchase of the Babcock  
11 Crescent B Ranch, as provided in s. 259.1052.

12 (b) "Babcock Ranch, Inc.," and "corporation" mean the  
13 not-for-profit corporation created under this section to  
14 operate and manage the Babcock Ranch Preserve as a working  
15 ranch.

16 (c) "Board of directors" means the governing board of  
17 the not-for-profit corporation created under this section.

18 (d) "Commission" means the Fish and Wildlife  
19 Conservation Commission.

20 (e) "Commissioner" means the Commissioner of  
21 Agriculture.

22 (f) "Department" means the Department of Agriculture  
23 and Consumer Services.

24 (g) "Executive director" means the Executive Director  
25 of the Fish and Wildlife Conservation Commission.

26 (h) "Financially self-sustaining" means having  
27 management and operation expenditures not more than the  
28 revenues collected from fees and other receipts for resource  
29 use and development, and from interest and invested funds.

30 (i) "Management and operating expenditures" means  
31 expenses of the corporation, including, but not limited to,

Bill No. CS for CS for SB 1226

Barcode 971882

1 salaries and benefits of officers and staff, administrative  
 2 and operating expenses, costs of improvements to and  
 3 maintenance of lands and facilities of the Babcock Ranch  
 4 Preserve, and other similar expenses. Such expenditures shall  
 5 be made from revenues generated from the operation of the  
 6 ranch and not from funds appropriated by the Legislature  
 7 except as provided in this section.

8 (j) "Member" means a person appointed to the board of  
 9 directors of the not-for-profit corporation created under this  
 10 section.

11 (k) "Multiple use" means the management of all of the  
 12 renewable surface resources of the Babcock Ranch Preserve to  
 13 best meet the needs of the public, including the use of the  
 14 land for some or all of the renewable surface resources or  
 15 related services over areas large enough to allow for periodic  
 16 adjustments in use to conform to the changing needs and  
 17 conditions of the preserve while recognizing that a portion of  
 18 the land will be used for some of the renewable surface  
 19 resources available on that land. The goal of multiple use is  
 20 the harmonious and coordinated management of the renewable  
 21 surface resources without impairing the productivity of the  
 22 land and considering the relative value of the renewable  
 23 surface resources, and not necessarily a combination of uses  
 24 to provide the greatest monetary return or the greatest unit  
 25 output.

26 (l) "Sustained yield of the renewable surface  
 27 resources" means the achievement and maintenance of a high  
 28 level of annual or regular periodic output of the various  
 29 renewable surface resources of the preserve without impairing  
 30 the productivity of the land.

31 (3) CREATION OF BABCOCK RANCH PRESERVE.--

Bill No. CS for CS for SB 1226

Barcode 971882

1       (a) Upon the date of acquisition of the Babcock  
2 Crescent B Ranch, there is created the Babcock Ranch Preserve,  
3 which shall be managed in accordance with the purposes and  
4 requirements of this section.

5       (b) The preserve is established to protect and  
6 preserve the environmental, agricultural, scientific, scenic,  
7 geologic, watershed, fish, wildlife, historic, cultural, and  
8 recreational values of the preserve, and to provide for the  
9 multiple use and sustained yield of the renewable surface  
10 resources within the preserve consistent with this section.

11       (c) Babcock Ranch, Inc., and its officers and  
12 employees shall participate in the management of the Babcock  
13 Ranch Preserve in an advisory capacity only until the  
14 management agreement referenced in paragraph (11)(a) is  
15 terminated or expires.

16       (d) Nothing in this section shall preclude Babcock  
17 Ranch, Inc., prior to assuming management and operation of the  
18 preserve and thereafter, from allowing the use of common  
19 varieties of mineral materials such as sand, stone, and gravel  
20 for construction and maintenance of roads and facilities  
21 within the preserve.

22       (e) Nothing in this section shall be construed as  
23 affecting the constitutional responsibilities of the  
24 commission in the exercise of its regulatory and executive  
25 power with respect to wild animal life and freshwater aquatic  
26 life, including the regulation of hunting, fishing, and  
27 trapping within the preserve.

28       (f) Nothing in this section shall be construed to  
29 interfere with or prevent the ability of Babcock Ranch, Inc.,  
30 to implement agricultural practices authorized by the  
31 agricultural land use designations established in the local

Bill No. CS for CS for SB 1226

Barcode 971882

1 comprehensive plans of either Charlotte or Lee Counties as  
2 those plans apply to the Babcock Ranch Preserve.

3 (g) To clarify the responsibilities of the lead  
4 managing agencies and the not-for-profit corporation created  
5 under this section, the lead managing agencies are directed to  
6 establish a range of resource protection values for the  
7 Babcock Ranch Preserve, and the corporation shall establish  
8 operational parameters to conduct the business of the ranch  
9 within the range of values. The corporation shall establish a  
10 range of operational values for conducting the business of the  
11 ranch, and the lead managing agencies providing ground support  
12 to the ranch outside of each agency's jurisdictional  
13 responsibilities shall establish management parameters within  
14 that range of values.

15 (h) Nothing in this section shall preclude the  
16 maintenance and use of roads and trails or the relocation of  
17 roads in existence on the effective date of this section, or  
18 the construction, maintenance, and use of new trails, or any  
19 motorized access necessary for the administration of the land  
20 contained within the preserve, including motorized access  
21 necessary for emergencies involving the health or safety of  
22 persons within the preserve.

23 (i) The Division of State Lands of the Department of  
24 Environmental Protection shall perform staff duties and  
25 functions for Babcock Ranch, Inc., the not-for-profit  
26 corporation created under this section, until such time as the  
27 corporation organizes to elect officers, file articles of  
28 incorporation, and exercise its powers and duties.

29 (4) CREATION OF BABCOCK RANCH, INC.--

30 (a) Subject to filing articles of incorporation, there  
31 is created a not-for-profit corporation, to be known as

Bill No. CS for CS for SB 1226

Barcode 971882

1 Babcock Ranch, Inc., which shall be registered, incorporated,  
 2 organized, and operated in compliance with the provisions of  
 3 chapter 617, and which shall not be a unit or entity of state  
 4 government. For purposes of sovereign immunity, the  
 5 corporation shall be a corporation primarily acting as an  
 6 instrumentality of the state but otherwise shall not be an  
 7 agency within the meaning of s. 20.03(11) or a unit or entity  
 8 of state government.

9       (b) The corporation is organized on a nonstock basis  
 10 and shall operate in a manner consistent with its public  
 11 purpose and in the best interest of the state.

12       (c) Meetings and records of the corporation, its  
 13 directors, advisory committees, or similar groups created by  
 14 the corporation, including any not-for-profit subsidiaries,  
 15 are subject to the public records provisions of chapter 119  
 16 and the public meetings and records provisions of s. 286.011.

17       (5) APPLICABILITY OF SECTION.--In any conflict between  
 18 a provision of this section and a provision of chapter 617,  
 19 the provisions of this section shall prevail.

20       (6) PURPOSE.--The purpose of Babcock Ranch, Inc., is  
 21 to provide management and administrative services for the  
 22 preserve, to establish and implement management policies that  
 23 will achieve the purposes and requirements of this section, to  
 24 cooperate with state agencies to further the purposes of the  
 25 preserve, and to establish the administrative and accounting  
 26 procedures for the operation of the corporation.

27       (7) BOARD; MEMBERSHIP; REMOVAL; LIABILITY.--The  
 28 corporation shall be governed by a nine-member board of  
 29 directors who shall be appointed by the Board of Trustees of  
 30 the Internal Improvement Trust Fund; the executive director of  
 31 the commission; the Commissioner of Agriculture; the Babcock

Bill No. CS for CS for SB 1226

Barcode 971882

1 Florida Company, a corporation registered to do business in  
 2 the state, or its successors or assigns; the Charlotte County  
 3 Board of County Commissioners, and the Lee County Board of  
 4 County Commissioners in the following manner:

5 (a)1. The Board of Trustees of the Internal  
 6 Improvement Trust Fund shall appoint four members. One  
 7 appointee shall have expertise in domesticated livestock  
 8 management, production, and marketing, including range  
 9 management and livestock business management. One appointee  
 10 shall have expertise in the management of game and nongame  
 11 wildlife and fish populations, including hunting, fishing, and  
 12 other recreational activities. One appointee shall have  
 13 expertise in the sustainable management of forest lands for  
 14 commodity purposes. One appointee shall have expertise in  
 15 financial management, budget and program analysis, and small  
 16 business operations.

17 2. The executive director shall appoint one member  
 18 with expertise in hunting; fishing; nongame species  
 19 management; or wildlife habitat management, restoration, and  
 20 conservation.

21 3. The commissioner shall appoint one member with  
 22 expertise in agricultural operations or forestry management.

23 4. The Babcock Florida Company, or its successors or  
 24 assigns, shall appoint one member with expertise in the  
 25 activities and management of the Babcock Ranch on the date of  
 26 acquisition of the ranch by the state as provided under s.  
 27 259.1052. This appointee shall serve on the board of directors  
 28 only until the termination of or expiration of the management  
 29 agreement attached as Exhibit "E" to that certain Agreement  
 30 for Sale and Purchase approved by the Board of Trustees of the  
 31 Internal Improvement Trust Fund on November 22, 2005, and by



Bill No. CS for CS for SB 1226

Barcode 971882

1 Lee County, a political subdivision of the state, on November  
 2 20, 2005. Upon termination of or expiration of the management  
 3 agreement, the person serving as the head of the property  
 4 owners' association, if any, required to be created under the  
 5 agreement for sale and purchase shall serve as a member of the  
 6 board of directors of Babcock Ranch, Inc.

7 5. The Charlotte County Board of County Commissioners  
 8 shall appoint one member who shall be a resident of the county  
 9 and who shall be active in an organization concerned with the  
 10 activities of the ranch.

11 6. The Lee County Board of County Commissioners shall  
 12 appoint one member who shall be a resident of the county and  
 13 who shall have experience in land conservation and management.  
 14 This appointee, or a successor appointee, shall serve as a  
 15 member of the board of directors so long as the county  
 16 participates in the state land management plan.

17 (b) All members of the board of directors shall be  
 18 appointed no later 90 days following the initial acquisition  
 19 of the Babcock Ranch by the state, and:

20 1. Four members initially appointed by the Board of  
 21 Trustees of the Internal Improvement Trust Fund shall each  
 22 serve a 4-year term.

23 2. The remaining initial five appointees shall each  
 24 serve a 2-year term.

25 3. Each member appointed thereafter shall serve a  
 26 4-year term.

27 4. A vacancy shall be filled in the same manner in  
 28 which the original appointment was made, and a member  
 29 appointed to fill a vacancy shall serve for the remainder of  
 30 that term.

31 5. No member may serve more than 8 years in

Bill No. CS for CS for SB 1226

Barcode 971882

1 consecutive terms.

2 (c) With the exception of the Babcock Florida Company  
3 appointee, no member may be an officer, director, or  
4 shareholder in any entity that contracts with or receives  
5 funds from the corporation or its subsidiaries.

6 (d) No member shall vote in an official capacity upon  
7 any measure that would inure to his or her special private  
8 gain or loss, that he or she knows would inure to the special  
9 private gain or loss of any principal by whom he or she is  
10 retained or to the parent organization or subsidiary of a  
11 principal by which he or she is retained, or that he or she  
12 knows would inure to the special private gain or loss of a  
13 relative or business associate of the member. Such member  
14 shall, prior to the vote being taken, publicly state the  
15 nature of his or her interest in the matter from which he or  
16 she is abstaining from voting and, no later than 15 days  
17 following the date the vote occurs, shall disclose the nature  
18 of his or her interest as a public record in a memorandum  
19 filed with the person responsible for recording the minutes of  
20 the meeting, who shall incorporate the memorandum in the  
21 minutes of the meeting.

22 (e) Each member of the board of directors is  
23 accountable for the proper performance of the duties of  
24 office, and each member owes a fiduciary duty to the people of  
25 the state to ensure that funds provided in furtherance of this  
26 section are disbursed and used as prescribed by law and  
27 contract. Any official appointing a member may remove that  
28 member for malfeasance, misfeasance, neglect of duty,  
29 incompetence, permanent inability to perform official duties,  
30 unexcused absence from three consecutive meetings of the  
31 board, arrest or indictment for a crime that is a felony or

Bill No. CS for CS for SB 1226

Barcode 971882

1 misdemeanor involving theft or a crime of dishonesty, or  
2 pleading nolo contendere to, or being found guilty of, any  
3 crime.

4 (f) Each member of the board of directors shall serve  
5 without compensation, but shall receive travel and per diem  
6 expenses as provided in s. 112.061 while in the performance of  
7 his or her duties.

8 (g) No appointee shall be an employee of any  
9 governmental entity.

10 (8) ORGANIZATION; MEETINGS.--

11 (a)1. The board of directors shall annually elect a  
12 chairperson and a vice chairperson from among the board's  
13 members. The members may, by a vote of five of the nine board  
14 members, remove a member from the position of chairperson or  
15 vice chairperson prior to the expiration of his or her term as  
16 chairperson or vice chairperson. His or her successor shall be  
17 elected to serve for the balance of the removed chairperson's  
18 or vice chairperson's term.

19 2. The chairperson shall ensure that records are kept  
20 of the proceedings of the board of directors, and is the  
21 custodian of all books, documents, and papers filed with the  
22 board, the minutes of meetings of the board, and the official  
23 seal of the corporation.

24 (b)1. The board of directors shall meet upon the call  
25 of the chairperson at least three times per year in Charlotte  
26 County or in Lee County.

27 2. A majority of the members of the board of directors  
28 constitutes a quorum. Except as otherwise provided in this  
29 section, the board of directors may take official action by a  
30 majority of the members present at any meeting at which a  
31 quorum is present. Members may not vote by proxy.

Bill No. CS for CS for SB 1226

Barcode 971882

1       (9) POWERS AND DUTIES.--

2       (a) The board of directors shall adopt articles of  
3 incorporation and bylaws necessary to govern its activities.  
4 The adopted articles of incorporation and bylaws must be  
5 approved by the Board of Trustees of the Internal Improvement  
6 Trust Fund prior to filing with the Department of State.

7       (b) The board of directors shall review and approve  
8 any management plan developed pursuant to ss. 253.034 and  
9 259.032 for the management of lands in the preserve prior to  
10 the submission of that plan to the Board of Trustees of the  
11 Internal Improvement Trust Fund for approval and  
12 implementation.

13       (c)1. Except for the constitutional powers of the  
14 commission as provided in s. 9, Art. IV of the State  
15 Constitution, the board of directors shall have all necessary  
16 and proper powers for the exercise of the authority vested in  
17 the corporation, including, but not limited to, the power to  
18 solicit and accept donations of funds, property, supplies, or  
19 services from individuals, foundations, corporations, and  
20 other public or private entities for the purposes of this  
21 section. All funds received by the corporation shall be  
22 deposited into the operating fund authorized under this  
23 section unless otherwise directed by the Legislature.

24       2. The board of directors may not increase the number  
25 of its members.

26       3. Except as necessary to manage and operate the  
27 preserve as a working ranch, the corporation may not purchase,  
28 take, receive, lease, take by gift, devise, or bequest, or  
29 otherwise acquire, own, hold, improve, use, or otherwise deal  
30 in and with real property, or any interest therein, wherever  
31 situated.

Bill No. CS for CS for SB 1226

Barcode 971882

1           4. The corporation may not sell, convey, mortgage,  
2 pledge, lease, exchange, transfer, or otherwise dispose of any  
3 real property.

4           5. The corporation may not purchase, take, receive,  
5 subscribe for, or otherwise acquire, own, hold, vote, use,  
6 employ, sell, mortgage, lend, pledge, or otherwise dispose of  
7 or otherwise use and deal in and with, shares and other  
8 interests in, or obligations of, other domestic or foreign  
9 corporations, whether for profit or not for profit,  
10 associations, partnerships, or individuals, or direct or  
11 indirect obligations of the United States, or any other  
12 government, state, territory, government district,  
13 municipality, or any instrumentality thereof.

14           6. The corporation may not lend money for its  
15 corporate purposes, invest and reinvest its funds, or take and  
16 hold real and personal property as security for the payment of  
17 funds lent or invested.

18           7. The corporation may not merge with other  
19 corporations or other business entities.

20           8. The corporation may not enter into any contract,  
21 lease, or other agreement related to the use of ground or  
22 surface waters located in, on, or through the preserve without  
23 the consent of the Board of Trustees of the Internal  
24 Improvement Trust Fund and permits that may be required by the  
25 Department of Environmental Protection or the appropriate  
26 water management district under chapters 373 and 403.

27           9. The corporation may not grant any easements in, on,  
28 or across the preserve. Any easements to be granted for the  
29 use of, access to, or ingress and egress across state property  
30 within the preserve must be executed by the Board of Trustees  
31 of the Internal Improvement Trust Fund as the owners of the

Bill No. CS for CS for SB 1226

Barcode 971882

1 state property within the preserve. Any easements to be  
 2 granted for the use of, access to, or ingress and egress  
 3 across property within the preserve titled in the name of a  
 4 local government must be granted by the governing body of that  
 5 local government.

6 10. The corporation may not enter into any contract,  
 7 lease, or other agreement related to the use and occupancy of  
 8 the property within the preserve for a period greater than 10  
 9 years.

10 (c) The members may, with the written approval of the  
 11 commission and in consultation with the department, designate  
 12 hunting, fishing, and trapping zones and may establish  
 13 additional periods when no hunting, fishing, or trapping shall  
 14 be permitted for reasons of public safety, administration, and  
 15 the protection and enhancement of nongame habitat and nongame  
 16 species, as defined under s. 372.001.

17 (d) The corporation shall have the sole and exclusive  
 18 right to use the words "Babcock Ranch, Inc.," and any seal,  
 19 emblem, or other insignia adopted by the members. Without the  
 20 express written authority of the corporation, no person may  
 21 use the words "Babcock Ranch, Inc.," as the name under which  
 22 that person conducts or purports to conduct business, for the  
 23 purpose of trade or advertisement, or in any manner that may  
 24 suggest any connection with the corporation.

25 (e) The corporation may from time to time appoint  
 26 advisory committees to further any part of this section. The  
 27 advisory committees shall be reflective of the expertise  
 28 necessary for the particular function for which the committee  
 29 is created, and may include public agencies, private entities,  
 30 and not-for-profit conservation and agricultural  
 31 representatives.

Bill No. CS for CS for SB 1226

Barcode 971882

1       (f) State laws governing the procurement of  
2 commodities and services by state agencies, as provided in s.  
3 287.057, shall apply to the corporation.

4       (g) The corporation and its subsidiaries must provide  
5 equal employment opportunities for all persons regardless of  
6 race, color, religion, gender, national origin, age, handicap,  
7 or marital status.

8       (10) OPERATING FUND, ANNUAL BUDGET, AUDIT, REPORTING  
9 REQUIREMENTS.--

10       (a) The board of directors may establish and manage an  
11 operating fund to address the corporation's unique cash-flow  
12 needs and to facilitate the management and operation of the  
13 preserve as a working ranch.

14       (b) The board of directors shall provide for an annual  
15 financial audit of the corporate accounts and records to be  
16 conducted by an independent certified public accountant in  
17 accordance with rules adopted by the Auditor General under s.  
18 11.45(8). The audit report shall be submitted no later than 3  
19 months following the end of the fiscal year to the Auditor  
20 General, the President of the Senate, the Speaker of the House  
21 of Representatives, and the appropriate substantive and fiscal  
22 committees of the Legislature. The Auditor General, the Office  
23 of Program Policy Analysis and Government Accountability, and  
24 the substantive or fiscal committees of the Legislature to  
25 which legislation affecting the Babcock Ranch Preserve may be  
26 referred shall have the authority to require and receive from  
27 the corporation or from the independent auditor any records  
28 relative to the operation of the corporation.

29       (c) Not later than January 15 of each year, Babcock  
30 Ranch, Inc., shall submit to the Board of Trustees of the  
31 Internal Improvement Trust Fund, the President of the Senate,

Bill No. CS for CS for SB 1226

Barcode 971882

1 the Speaker of the House of Representatives, the department,  
 2 and the commission a comprehensive and detailed report of its  
 3 operations, activities, and accomplishments for the prior  
 4 year, including information on the status of the ecological,  
 5 cultural, and financial resources being managed by the  
 6 corporation, and benefits provided by the preserve to local  
 7 communities. The report shall also include a section  
 8 describing the corporation's goals for the current year.

9       (d) The board of directors shall prepare an annual  
 10 budget with the goal of achieving a financially  
 11 self-sustaining operation within 15 full fiscal years after  
 12 the initial acquisition of the Babcock Ranch by the state. The  
 13 department shall provide necessary assistance, including  
 14 details as necessary, to the corporation for the timely  
 15 formulation and submission of an annual legislative budget  
 16 request for appropriations, if any, to support the  
 17 administration, operation, and maintenance of the preserve. A  
 18 request for appropriations shall be submitted to the  
 19 department and shall be included in the department's annual  
 20 legislative budget request. Requests for appropriations shall  
 21 be submitted to the department in time to allow the department  
 22 to meet the requirements of s. 216.023. The department may not  
 23 deny a request or refuse to include in its annual legislative  
 24 budget submission a request from the corporation for an  
 25 appropriation.

26       (e) Notwithstanding any other provision of law, all  
 27 moneys received from donations or from management of the  
 28 preserve shall be retained by the corporation in the operating  
 29 fund and shall be available, without further appropriation,  
 30 for the administration, preservation, restoration, operation  
 31 and maintenance, improvements, repairs, and related expenses



Bill No. CS for CS for SB 1226

Barcode 971882

1 incurred with respect to properties being managed by the  
 2 corporation. Except as provided in this section, moneys  
 3 received by the corporation for the management of the preserve  
 4 shall not be subject to distribution by the state. Upon  
 5 assuming management responsibilities for the preserve, the  
 6 corporation shall optimize the generation of income based on  
 7 existing marketing conditions to the extent that activities do  
 8 not unreasonably diminish the long-term environmental,  
 9 agricultural, scenic, and natural values of the preserve, or  
 10 the multiple-use and sustained-yield capability of the land.

11 (f) All parties in contract with the corporation and  
 12 all holders of leases from the corporation which are  
 13 authorized to occupy, use, or develop properties under the  
 14 management jurisdiction of the corporation must procure proper  
 15 insurance as is reasonable or customary to insure against any  
 16 loss in connection with the properties or with activities  
 17 authorized in the leases or contracts.

18 (11) COMPREHENSIVE BUSINESS PLAN.--

19 (a) A comprehensive business plan for the management  
 20 and operation of the preserve as a working ranch and  
 21 amendments to the business plan may be developed only with  
 22 input from the department and the commission, and may be  
 23 implemented by Babcock Ranch, Inc., only upon expiration of  
 24 the management agreement attached as Exhibit "E" to that  
 25 certain agreement for sale and purchase approved by the Board  
 26 of Trustees of the Internal Improvement Trust Fund on November  
 27 22, 2005, and by Lee County on November 20, 2005.

28 (b) Any final decision of Babcock Ranch, Inc., to  
 29 adopt or amend the comprehensive business plan or to approve  
 30 any activity related to the management of the renewable  
 31 surface resources of the preserve shall be made in sessions

Bill No. CS for CS for SB 1226

Barcode 971882

1 that are open to the public. The board of directors shall  
 2 establish procedures for providing adequate public information  
 3 and opportunities for public comment on the proposed  
 4 comprehensive business plan for the preserve or for amendments  
 5 to the comprehensive business plan adopted by the members.

6 (c) Not less than 2 years prior to the corporation's  
 7 assuming management and operation responsibilities for the  
 8 preserve, the corporation, with input from the commission and  
 9 the department, must begin developing the comprehensive  
 10 business plan to carry out the purposes of this section. To  
 11 the extent consistent with these purposes, the comprehensive  
 12 business plan shall provide for:

13 1. The management and operation of the preserve as a  
 14 working ranch;

15 2. The protection and preservation of the  
 16 environmental, agricultural, scientific, scenic, geologic,  
 17 watershed, fish, wildlife, historic, cultural, and  
 18 recreational values of the preserve;

19 3. The promotion of high-quality hunting experiences  
 20 for the public, with emphasis on deer, turkey, and other game  
 21 species;

22 4. Multiple use and sustained yield of renewable  
 23 surface resources within the preserve;

24 5. Public use of and access to the preserve for  
 25 recreation; and

26 6. The use of renewable resources and management  
 27 alternatives that, to the extent practicable, benefit local  
 28 communities and small businesses and enhance the coordination  
 29 of management objectives with those on surrounding public or  
 30 private lands. The use of renewable resources and management  
 31 alternatives should provide cost savings to the corporation

Bill No. CS for CS for SB 1226

Barcode 971882

1 through the exchange of services, including, but not limited  
2 to, labor and maintenance of facilities, for resources or  
3 services provided to the corporation.

4 (d) On or before the date on which title to the  
5 portion of the Babcock Crescent B Ranch being purchased by the  
6 state as provided in s. 259.1052 is vested in the Board of  
7 Trustees of the Internal Improvement Trust Fund, Babcock Ranch  
8 Management, LLC, a limited liability company incorporated in  
9 this state, shall provide the commission and the department  
10 with the proprietary management plan and business plan in  
11 place for the operation of the ranch as of November 22, 2005,  
12 the date on which the board of trustees approved the purchase.

13 (12) MANAGEMENT OF PRESERVE; FEES.--

14 (a) The corporation shall assume all authority  
15 provided by this section to manage and operate the preserve as  
16 a working ranch upon a determination by the Board of Trustees  
17 of the Internal Improvement Trust Fund that the corporation is  
18 able to conduct business, and that provision has been made for  
19 essential services on the preserve, which, to the maximum  
20 extent practicable, shall be made no later than 60 days prior  
21 to the termination of the management agreement referenced in  
22 paragraph (11)(a).

23 (b) Upon assuming management and operation of the  
24 preserve, the corporation shall:

25 1. With input from the commission and the department,  
26 manage and operate the preserve and the uses thereof,  
27 including, but not limited to, the activities necessary to  
28 administer and operate the preserve as a working ranch; the  
29 activities necessary for the preservation and development of  
30 the land and renewable surface resources of the preserve; the  
31 activities necessary for interpretation of the history of the

Bill No. CS for CS for SB 1226

Barcode 971882

1 preserve on behalf of the public; the activities necessary for  
 2 the management, public use, and occupancy of facilities and  
 3 lands within the preserve; and the maintenance,  
 4 rehabilitation, repair, and improvement of property within the  
 5 preserve;

6       2. Develop programs and activities relating to the  
 7 management of the preserve as a working ranch;

8       3. Negotiate directly with and enter into such  
 9 agreements, leases, contracts, and other arrangements with any  
 10 person, firm, association, organization, corporation, or  
 11 governmental entity, including entities of federal, state, and  
 12 local governments, as are necessary and appropriate to carry  
 13 out the purposes and activities authorized by this section;

14       4. Establish procedures for entering into lease  
 15 agreements and other agreements for the use and occupancy of  
 16 the facilities of the preserve. The procedures shall ensure  
 17 reasonable competition and set guidelines for determining  
 18 reasonable fees, terms, and conditions for such agreements;  
 19 and

20       5. Assess reasonable fees for admission to, use of,  
 21 and occupancy of the preserve to offset costs of operating the  
 22 preserve as a working ranch. These fees are independent of  
 23 fees assessed by the commission for the privilege of hunting,  
 24 fishing, or pursuing outdoor recreational activities within  
 25 the preserve, and shall be deposited into the operating fund  
 26 established by the board of directors under the authority  
 27 provided under this section.

28       (13) MISCELLANEOUS PROVISIONS.--

29       (a) Except for the powers of the commissioner provided  
 30 in this section, and the powers of the commission provided in  
 31 s. 9, Art. IV of the State Constitution, the preserve shall be

Bill No. CS for CS for SB 1226

Barcode 971882

1 managed by Babcock Ranch, Inc.

2 (b) Officers and employees of Babcock Ranch, Inc., are  
3 private employees. At the request of the board of directors,  
4 the commission and the department may provide state employees  
5 for the purpose of implementing this section. Any state  
6 employees provided to assist the directors in implementing  
7 this section for more than 30 days shall be provided on a  
8 reimbursable basis. Reimbursement to the commission and the  
9 department shall be made from the corporation's operating fund  
10 provided under this section and not from any funds  
11 appropriated to the corporation by the Legislature.

12 (14) DISSOLUTION OF BABCOCK RANCH, INC.--

13 (a) The corporation may be dissolved only by an act of  
14 the Legislature.

15 (b) Upon dissolution of the corporation, the  
16 management responsibilities provided in this section shall  
17 revert to the commission and the department unless otherwise  
18 provided by the Legislature under the act dissolving Babcock  
19 Ranch, Inc.

20 (c) Upon dissolution of the corporation, any cash  
21 balances of funds shall revert to the General Revenue fund or  
22 such other state fund as may be provided under the act  
23 dissolving Babcock Ranch, Inc.

24 Section 10. 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 11. For the 2006-2007 fiscal year, the sum of  
30 \$50,000 is appropriated in nonrecurring funds from the  
31 Conservation and Recreation Lands Trust Fund in the Department

Bill No. CS for CS for SB 1226

Barcode 971882

1 of Environmental Protection for the operation and management  
2 of the Babcock Ranch Preserve, to be administered by Babcock  
3 Ranch, Inc., as provided under s. 259.1053, Florida Statutes.

4 Section 12. Except as otherwise expressly provided in  
5 this act, this act shall take effect upon becoming a law.

6

7

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

9 And the title is amended as follows:

10 Delete everything before the enacting clause

11

12 and insert:

13

A bill to be entitled

14

An act relating to land acquisition and

15

management; amending s. 201.15, F.S.; providing

16

that taxes distributed to pay debt service on

17

Preservation 2000 bonds, Florida Forever bonds,

18

and Save Our Everglades bonds shall, under

19

specified circumstances, be collectively

20

distributed on a pro rata basis; correcting a

21

cross-reference; deleting obsolete provisions;

22

amending s. 215.619, F.S.; providing that

23

Everglades restoration bonds are on a parity

24

basis with other land acquisition bonds;

25

amending s. 259.032, F.S.; authorizing the use

26

of funds in the Conservation and Recreation

27

Lands Trust Fund for management, maintenance,

28

and capital improvements for conservation and

29

recreation lands, including lands acquired

30

under the Babcock Crescent B Ranch Florida

31

Forever acquisition; revising requirements for

Bill No. CS for CS for SB 1226

Barcode 971882

1 the development of an individual land  
2 management plan; amending s. 259.105, F.S.;  
3 establishing the Legislature's intent that the  
4 protection and buffering of military  
5 installations is of great importance; directing  
6 the Acquisition and Restoration Council to also  
7 give priority consideration to the acquisition  
8 of lands that protect and buffer military  
9 installations; amending s. 259.1051, F.S.;  
10 conforming the distribution of funds from the  
11 Florida Forever Trust Fund; creating s.  
12 259.1052, F.S.; providing for the acquisition  
13 of the state's portion of the Babcock Crescent  
14 B Ranch; providing a definition; granting  
15 authority to the Department of Environmental  
16 Protection to distribute funds for the  
17 acquisition of the Babcock Crescent B Ranch;  
18 creating s. 259.10521, F.S.; authorizing the  
19 creation of a citizen support organization;  
20 providing duties and responsibilities; creating  
21 s. 259.1053, F.S.; creating the Babcock Ranch  
22 Preserve Act; providing a short title;  
23 providing definitions; requiring the Division  
24 of State Lands of the Department of  
25 Environmental Protection to perform certain  
26 staff duties and functions for Babcock Ranch,  
27 Inc.; creating Babcock Ranch, Inc., a  
28 not-for-profit corporation to be incorporated  
29 in the state; providing that the corporation  
30 shall act as an instrumentality of the state  
31 for purposes of sovereign immunity under s.

Bill No. CS for CS for SB 1226

Barcode 971882

1 768.28, F.S.; providing that the corporation  
 2 shall not be an agency under s. 20.03, F.S.;  
 3 providing that the corporation is subject to  
 4 the provisions of chs. 119 and 286, F.S.,  
 5 requiring public records and meetings;  
 6 providing for the corporation to be governed by  
 7 the Babcock Board of Directors; providing for  
 8 the appointment of board members and terms of  
 9 office; prohibiting any board member from  
 10 voting on any measure that constitutes a  
 11 conflict of interest; providing for the board  
 12 members to serve without compensation, but to  
 13 receive per diem and travel expenses;  
 14 authorizing state agencies to provide state  
 15 employees for purposes of implementing the  
 16 Babcock Ranch Preserve; providing certain  
 17 powers and duties of the corporation; providing  
 18 limitations on the powers and duties of the  
 19 corporation; providing that the corporation and  
 20 its subsidiaries must provide equal employment  
 21 opportunities; providing for the corporation to  
 22 establish and manage an operating fund;  
 23 requiring an annual financial audit of the  
 24 accounts and records of the corporation;  
 25 requiring annual reports by the corporation to  
 26 the Board of Trustees of the Internal  
 27 Improvement Trust Fund, the Legislature, the  
 28 Department of Agriculture and Consumer  
 29 Services, and the Fish and Wildlife  
 30 Conservation Commission; requiring that the  
 31 corporation prepare an annual budget;



Bill No. CS for CS for SB 1226

Barcode 971882

1 specifying a goal of self-sustaining operation  
2 within a certain period; providing for the  
3 corporation to retain donations and other  
4 moneys; requiring that the corporation adopt  
5 articles of incorporation and bylaws subject to  
6 the approval of the Board of Trustees of the  
7 Internal Improvement Trust Fund; authorizing  
8 the corporation to appoint advisory committees;  
9 providing requirements for a comprehensive  
10 business plan; specifying the procedures by  
11 which the corporation shall assume the  
12 management and operation of the Babcock Ranch  
13 Preserve; prohibiting the corporation from  
14 taking certain actions without the consent of  
15 the Board of Trustees of the Internal  
16 Improvement Trust Fund; requiring that the  
17 corporation be subject to certain state laws  
18 and rules governing the procurement of  
19 commodities and services; authorizing the  
20 corporation to assess fees; providing for  
21 management of the Babcock Ranch Preserve until  
22 expiration of a current management agreement;  
23 providing for reversion of the management and  
24 operation responsibilities to certain agencies  
25 upon the dissolution of the corporation;  
26 providing that the corporation may be dissolved  
27 only by an act of the Legislature; providing  
28 for reversion of funds upon the dissolution of  
29 the corporation; providing appropriations;  
30 providing effective dates.

31

Bill No. CS for CS for SB 1226

Barcode 971882

1           WHEREAS, the Babcock Ranch comprises the largest  
2 private undeveloped single-ownership tract of land in  
3 Charlotte County and contains historical evidence in the form  
4 of old logging camps and other artifacts that indicate the  
5 importance of this land for domesticated livestock production,  
6 timber supply, and other bona fide agricultural uses, and

7           WHEREAS, the careful husbandry of the Babcock Ranch,  
8 including selective timbering, limited grazing and hunting,  
9 and the use of prescribed burning, has preserved a mix of  
10 healthy range and timberland with significant species  
11 diversity and provides a model for sustainable land  
12 development and use, and

13           WHEREAS, the Babcock Ranch must be protected for  
14 current and future generations by continued operation as a  
15 working ranch under a unique management regime that protects  
16 the land and resource values of the property and the  
17 surrounding ecosystem while allowing and providing for the  
18 ranch to become financially self-sustaining, and

19           WHEREAS, it is in the public's best interest that the  
20 management regime for the Babcock Ranch include the  
21 development of an operational program for appropriate  
22 preservation and development of the ranch's land and  
23 resources, and

24           WHEREAS, the public's interest will be served by the  
25 creation of a not-for-profit corporation to develop and  
26 implement environmentally sensitive, cost-effective, and  
27 creative methods to manage and operate a working ranch, NOW,  
28 THEREFORE,

29  
30  
31