

1 A bill to be entitled
2 An act relating to land acquisition and
3 management; amending s. 201.15, F.S.; providing
4 that taxes distributed to pay debt service on
5 Preservation 2000 bonds, Florida Forever bonds,
6 and Save Our Everglades bonds shall, under
7 specified circumstances, be collectively
8 distributed on a pro rata basis; correcting a
9 cross-reference; deleting obsolete provisions;
10 amending s. 215.619, F.S.; providing that
11 Everglades restoration bonds are on a parity
12 basis with other land acquisition bonds;
13 amending s. 259.032, F.S.; authorizing the use
14 of funds in the Conservation and Recreation
15 Lands Trust Fund for management, maintenance,
16 and capital improvements for conservation and
17 recreation lands, including lands acquired
18 under the Babcock Crescent B Ranch Florida
19 Forever acquisition; revising requirements for
20 the development of an individual land
21 management plan; amending s. 259.105, F.S.;
22 establishing the Legislature's intent that the
23 protection and buffering of military
24 installations is of great importance; directing
25 the Acquisition and Restoration Council to also
26 give priority consideration to the acquisition
27 of lands that protect and buffer military
28 installations; amending s. 259.1051, F.S.;
29 conforming the distribution of funds from the
30 Florida Forever Trust Fund; creating s.
31 259.1052, F.S.; providing for the acquisition

1 of the state's portion of the Babcock Crescent
2 B Ranch; providing a definition; granting
3 authority to the Department of Environmental
4 Protection to distribute funds for the
5 acquisition of the Babcock Crescent B Ranch;
6 creating s. 259.10521, F.S.; authorizing the
7 creation of a citizen support organization;
8 providing duties and responsibilities; creating
9 s. 259.1053, F.S.; creating the Babcock Ranch
10 Preserve Act; providing a short title;
11 providing definitions; requiring the Division
12 of State Lands of the Department of
13 Environmental Protection to perform certain
14 staff duties and functions for Babcock Ranch,
15 Inc.; creating Babcock Ranch, Inc., a
16 not-for-profit corporation to be incorporated
17 in the state; providing that the corporation
18 shall act as an instrumentality of the state
19 for purposes of sovereign immunity under s.
20 768.28, F.S.; providing that the corporation
21 shall not be an agency under s. 20.03, F.S.;
22 providing that the corporation is subject to
23 the provisions of chs. 119 and 286, F.S.,
24 requiring public records and meetings;
25 providing for the corporation to be governed by
26 the Babcock Board of Directors; providing for
27 the appointment of board members and terms of
28 office; prohibiting any board member from
29 voting on any measure that constitutes a
30 conflict of interest; providing for the board
31 members to serve without compensation, but to

1 receive per diem and travel expenses;
2 authorizing state agencies to provide state
3 employees for purposes of implementing the
4 Babcock Ranch Preserve; providing certain
5 powers and duties of the corporation; providing
6 limitations on the powers and duties of the
7 corporation; providing that the corporation and
8 its subsidiaries must provide equal employment
9 opportunities; providing for the corporation to
10 establish and manage an operating fund;
11 requiring an annual financial audit of the
12 accounts and records of the corporation;
13 requiring annual reports by the corporation to
14 the Board of Trustees of the Internal
15 Improvement Trust Fund, the Legislature, the
16 Department of Agriculture and Consumer
17 Services, and the Fish and Wildlife
18 Conservation Commission; requiring that the
19 corporation prepare an annual budget;
20 specifying a goal of self-sustaining operation
21 within a certain period; providing for the
22 corporation to retain donations and other
23 moneys; requiring that the corporation adopt
24 articles of incorporation and bylaws subject to
25 the approval of the Board of Trustees of the
26 Internal Improvement Trust Fund; authorizing
27 the corporation to appoint advisory committees;
28 providing requirements for a comprehensive
29 business plan; specifying the procedures by
30 which the corporation shall assume the
31 management and operation of the Babcock Ranch

1 Preserve; prohibiting the corporation from
2 taking certain actions without the consent of
3 the Board of Trustees of the Internal
4 Improvement Trust Fund; requiring that the
5 corporation be subject to certain state laws
6 and rules governing the procurement of
7 commodities and services; authorizing the
8 corporation to assess fees; providing for
9 management of the Babcock Ranch Preserve until
10 expiration of a current management agreement;
11 providing for reversion of the management and
12 operation responsibilities to certain agencies
13 upon the dissolution of the corporation;
14 providing that the corporation may be dissolved
15 only by an act of the Legislature; providing
16 for reversion of funds upon the dissolution of
17 the corporation; providing appropriations;
18 providing effective dates.

19
20 WHEREAS, the Babcock Ranch comprises the largest
21 private undeveloped single-ownership tract of land in
22 Charlotte County and contains historical evidence in the form
23 of old logging camps and other artifacts that indicate the
24 importance of this land for domesticated livestock production,
25 timber supply, and other bona fide agricultural uses, and
26 WHEREAS, the careful husbandry of the Babcock Ranch,
27 including selective timbering, limited grazing and hunting,
28 and the use of prescribed burning, has preserved a mix of
29 healthy range and timberland with significant species
30 diversity and provides a model for sustainable land
31 development and use, and

1 WHEREAS, the Babcock Ranch must be protected for
2 current and future generations by continued operation as a
3 working ranch under a unique management regime that protects
4 the land and resource values of the property and the
5 surrounding ecosystem while allowing and providing for the
6 ranch to become financially self-sustaining, and

7 WHEREAS, it is in the public's best interest that the
8 management regime for the Babcock Ranch include the
9 development of an operational program for appropriate
10 preservation and development of the ranch's land and
11 resources, and

12 WHEREAS, the public's interest will be served by the
13 creation of a not-for-profit corporation to develop and
14 implement environmentally sensitive, cost-effective, and
15 creative methods to manage and operate a working ranch, NOW,
16 THEREFORE,

17
18 Be It Enacted by the Legislature of the State of Florida:

19
20 Section 1. Paragraph (b) of subsection (1) and
21 subsections (11) and (13) of section 201.15, Florida Statutes,
22 are amended to read:

23 201.15 Distribution of taxes collected.--All taxes
24 collected under this chapter shall be distributed as follows
25 and shall be subject to the service charge imposed in s.
26 215.20(1), except that such service charge shall not be levied
27 against any portion of taxes pledged to debt service on bonds
28 to the extent that the amount of the service charge is
29 required to pay any amounts relating to the bonds:

30
31

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

4 (b) Moneys ~~The remainder of the moneys distributed~~
5 ~~under this subsection, after the required payment under~~
6 ~~paragraph (a),~~ shall be paid into the State Treasury to the
7 credit of the Save Our Everglades Trust Fund in amounts
8 necessary to pay debt service, provide reserves, and pay
9 rebate obligations and other amounts due with respect to bonds
10 issued under s. 215.619. Taxes distributed under paragraph (a)
11 and this paragraph must be collectively distributed on a pro
12 rata basis when the available moneys under this subsection are
13 not sufficient to cover the amounts required under paragraph
14 (a) and this paragraph.

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

26 (13) The distribution of proceeds deposited into the
27 Water Management Lands Trust Fund and the Conservation and
28 Recreation Lands Trust Fund, pursuant to subsections (4) and
29 (5), shall not be used for land acquisition, but may be used
30 for preacquisition costs associated with land purchases. The
31 Legislature intends that the Florida Forever program supplant

1 the acquisition programs formerly authorized under ss. 259.032
2 and 373.59. ~~Prior to the 2005 Regular Session of the~~
3 ~~Legislature, the Acquisition and Restoration Council shall~~
4 ~~review and make recommendations to the Legislature concerning~~
5 ~~the need to repeal this provision. Based on these~~
6 ~~recommendations, the Legislature shall review the need to~~
7 ~~repeal this provision during the 2005 Regular Session.~~

8 Section 2. Effective July 1, 2007, paragraph (b) of
9 subsection (1), and subsections (11) and (13) of section
10 201.15, Florida Statutes, as amended by section 1 of chapter
11 2005-92, Laws of Florida, are amended to read:

12 201.15 Distribution of taxes collected.--All taxes
13 collected under this chapter shall be distributed as follows
14 and shall be subject to the service charge imposed in s.
15 215.20(1), except that such service charge shall not be levied
16 against any portion of taxes pledged to debt service on bonds
17 to the extent that the amount of the service charge is
18 required to pay any amounts relating to the bonds:

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

22 (b) Moneys ~~The remainder of the moneys distributed~~
23 ~~under this subsection, after the required payment under~~
24 ~~paragraph (a),~~ shall be paid into the State Treasury to the
25 credit of the Save Our Everglades Trust Fund in amounts
26 necessary to pay debt service, provide reserves, and pay
27 rebate obligations and other amounts due with respect to bonds
28 issued under s. 215.619. Taxes distributed under paragraph (a)
29 and this paragraph must be collectively distributed on a pro
30 rata basis when the available moneys under this subsection are
31

1 not sufficient to cover the amounts required under paragraph
2 (a) and this paragraph.

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

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.

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,~~

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

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

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 (2), and (10) of section
22 259.105, Florida Statutes, are amended to read:

23 259.105 The Florida Forever Act.--

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

25 1. The Preservation 2000 program provided tremendous
26 financial resources for purchasing environmentally significant
27 lands to protect those lands from imminent development,
28 thereby assuring present and future generations access to
29 important open spaces and recreation and conservation lands.

30 2. The continued alteration and development of
31 Florida's natural areas to accommodate the state's rapidly

1 growing population have contributed to the degradation of
2 water resources, the fragmentation and destruction of wildlife
3 habitats, the loss of outdoor recreation space, and the
4 diminishment of wetlands, forests, and public beaches.

5 3. The potential development of Florida's remaining
6 natural areas and escalation of land values require a
7 continuation of government efforts to restore, bring under
8 public protection, or acquire lands and water areas to
9 preserve the state's invaluable quality of life.

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

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

30 6. Many of Florida's unique ecosystems, such as the
31 Florida Everglades, are facing ecological collapse due to

1 Florida's burgeoning population. To preserve these valuable
2 ecosystems for future generations, parcels of land must be
3 acquired to facilitate ecosystem restoration.

4 7. Access to public lands to support a broad range of
5 outdoor recreational opportunities and the development of
6 necessary infrastructure, where compatible with the resource
7 values of and management objectives for such lands, promotes
8 an appreciation for Florida's natural assets and improves the
9 quality of life.

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

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

29 10. It is the intent of the Legislature to change the
30 focus and direction of the state's major land acquisition
31 programs and to extend funding and bonding capabilities, so

1 that future generations may enjoy the natural resources of
2 Florida.

3 (b) The Legislature recognizes that acquisition is
4 only one way to achieve the aforementioned goals and
5 encourages the development of creative partnerships between
6 governmental agencies and private landowners. Land protection
7 agreements and similar tools should be used, where
8 appropriate, to bring environmentally sensitive tracts under
9 an acceptable level of protection at a lower financial cost to
10 the public, and to provide private landowners with the
11 opportunity to enjoy and benefit from their property.

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

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

27 (e) With limited dollars available for restoration and
28 acquisition of land and water areas and for providing
29 long-term management and capital improvements, a competitive
30 selection process can select those projects best able to meet
31

1 the goals of Florida Forever and maximize the efficient use of
2 the program's funding.

3 (f) To ensure success and provide accountability to
4 the citizens of this state, it is the intent of the
5 Legislature that any bond proceeds used pursuant to this
6 section be used to implement the goals and objectives
7 recommended by the Florida Forever Advisory Council as
8 approved by the Board of Trustees of the Internal Improvement
9 Trust Fund and the Legislature.

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

23 (h) The Legislature further recognizes the important
24 role that many of our state and federal military installations
25 contribute to protecting and preserving Florida's natural
26 resources as well as our economic prosperity. Where the
27 state's land conservation plans overlap with the military's
28 need to protect lands, waters, and habitat to ensure the
29 sustainability of military missions, it is the Legislature's
30 intent that agencies receiving funds under this program

31

1 cooperate with our military partners to protect and buffer
2 military installations and military airspace, by:

3 1. Protecting habitat on non-military land for any
4 species found on military land that is designated as
5 threatened or endangered, or is a candidate for such
6 designation under the Endangered Species Act or any Florida
7 statute.

8 2. Protecting areas underlying low-level military air
9 corridors or operating areas, and

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

13 (10) The Acquisition and Restoration Council shall
14 give increased priority to those projects for which matching
15 funds are available and to project elements previously
16 identified on an acquisition list pursuant to this section
17 that can be acquired at 80 percent or less of appraised value.
18 The council shall also give increased priority to those
19 projects where the state's land conservation plans overlap
20 with the military's need to protect lands, water, and habitat
21 to ensure the sustainability of military missions including:

22 (a) Protecting habitat on non-military land for any
23 species found on military land that is designated as
24 threatened or endangered, or is a candidate for such
25 designation under the Endangered Species Act or any Florida
26 statute.

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

29 (c) Protecting areas identified as clear zones,
30 accident potential zones, and air installation compatible use
31 buffer zones delineated by our military partners, and for

1 which federal or other funding is available to assist with the
2 project.

3 Section 6. Subsections (1) and (2) of section
4 259.1051, Florida Statutes, are amended to read:

5 259.1051 Florida Forever Trust Fund.--

6 (1) There is created the Florida Forever Trust Fund to
7 carry out the purposes of ss. 259.032, 259.105, 259.1052, and
8 375.031. The Florida Forever Trust Fund shall be held and
9 administered by the Department of Environmental Protection.

10 Proceeds from the sale of bonds, except proceeds of refunding
11 bonds, issued under s. 215.618 and payable from moneys
12 transferred to the Land Acquisition Trust Fund under s.

13 201.15(1)(a), not to exceed \$3 billion, must be deposited into
14 this trust fund to be distributed and used as provided in s.
15 259.105(3). The bond resolution adopted by the governing board
16 of the Division of Bond Finance of the State Board of
17 Administration may provide for additional provisions that
18 govern the disbursement of the bond proceeds.

19 (2) The Department of Environmental Protection shall
20 distribute revenues from the Florida Forever Trust Fund only
21 to programs of state agencies or local governments as set out
22 in s. 259.105(3) or as provided in s. 259.1052. Excluding
23 distributions to the Save Our Everglades Trust Fund and
24 distributions for the acquisition of the Babcock Crescent B
25 Ranch Florida Forever acquisition as provided in s. 259.1052,
26 the distributions shall be spent by the recipient within 90
27 days after the date on which the Department of Environmental
28 Protection initiates the transfer.

29 Section 7. Section 259.1052, Florida Statutes, is
30 created to read:

31

1 259.1052 Babcock Crescent B Ranch Florida Forever
2 acquisition; conditions for purchase.--

3 (1) The acquisition of the state's portion of the
4 Babcock Crescent B Ranch by the Board of Trustees of the
5 Internal Improvement Trust Fund is a conservation acquisition
6 under the Florida Forever program created in s. 259.105, with
7 a goal of sustaining the ecological and economic integrity of
8 the property being acquired while allowing the business of the
9 ranch to operate and prosper.

10 (2) The Babcock Crescent B Ranch constitutes a unique
11 land mass that has significant scientific, cultural,
12 historical, recreational, ecological, wildlife, fisheries, and
13 productive values. The property is part of a potential
14 greenway of undeveloped land extending from Lake Okeechobee to
15 the east and Charlotte Harbor to the west. The natural beauty
16 and abundant resources of the ranch provide numerous public
17 recreational opportunities such as hiking, fishing, camping,
18 horseback riding, and hunting.

19 (3) The Legislature recognizes that the acquisition of
20 the state's portion of the Babcock Crescent B Ranch represents
21 a unique opportunity to assist in preserving the largest
22 private and undeveloped single-ownership tract of land in
23 Charlotte County. The Legislature further recognizes Lee
24 County as a partner in the acquisition of the ranch.

25 (4) This section authorizes the acquisition of the
26 state's portion of the Babcock Crescent B Ranch in order to
27 protect and preserve for future generations the scientific,
28 scenic, historic, and natural values of the ranch, including
29 rivers and ecosystems; to protect and preserve the
30 archaeological, geological, and cultural resources of the
31

1 ranch; to provide for species recovery; and to provide
 2 opportunities for public recreation.

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

7 (6) In addition to distributions authorized under s.
 8 259.105(3), the Department of Environmental Protection is
 9 authorized to distribute \$310 million in revenues from the
 10 Florida Forever Trust Fund. This distribution shall represent
 11 payment in full for the portion of the Babcock Crescent B
 12 Ranch to be acquired by the state under this section.

13 (7) As used in this section, the term "state's portion
 14 of the Babcock Crescent B Ranch" comprises those lands to be
 15 conveyed by special warranty deed to the Board of Trustees of
 16 the Internal Improvement Trust Fund under the provisions of
 17 the agreement for sale and purchase executed by the Board of
 18 Trustees of the Internal Improvement Trust Fund, the Fish and
 19 Wildlife Conservation Commission, the Department of
 20 Agriculture and Consumer Services, and the participating local
 21 government, as purchaser, and MSKP, III, a Florida
 22 corporation, as seller.

23 Section 8. Section 259.10521, Florida Statutes, is
 24 created to read:

25 259.10521 Citizen support organization; use of
 26 property; audit.--

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

29 (a) A Florida corporation not for profit incorporated
 30 under the provisions of chapter 617 and approved by the
 31 Department of State;

1 (b) Organized and operated to conduct programs and
2 activities in the best interest of the state; raise funds;
3 request and receive grants, gifts, and bequests of money;
4 acquire, receive, hold, invest, and administer, in its own
5 name, securities, funds, objects of value, or other property,
6 real or personal; and make expenditures to or for the direct
7 or indirect benefit of the Babcock Crescent B Ranch;

8 (c) Determined by the Fish and Wildlife Conservation
9 Commission and the Division of Forestry within the Department
10 of Agriculture and Consumer Services to be consistent with the
11 goals of the state in acquiring the ranch and in the best
12 interests of the state; and

13 (d) Approved in writing by the Fish and Wildlife
14 Conservation Commission and the Division of Forestry to
15 operate for the direct or indirect benefit of the ranch and in
16 the best interest of the state. Such approval shall be given
17 in a letter of agreement from the Fish and Wildlife
18 Conservation Commission and the Division of Forestry. Only one
19 citizen support organization may be created to operate for the
20 direct or indirect benefit of the Babcock Crescent B Ranch.

21 (2) USE OF PROPERTY.--

22 (a) The Fish and Wildlife Conservation Commission and
23 the Division of Forestry may permit, without charge,
24 appropriate use of fixed property and facilities of the
25 Babcock Crescent B Ranch by a citizen support organization,
26 subject to the provisions of this section. Such use must be
27 directly in keeping with the approved purposes of the citizen
28 support organization, and may not be made at times or places
29 that would unreasonably interfere with recreational
30 opportunities for the general public.

31

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

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

11 (3) PARTNERSHIPS.--

12 (a) The Legislature recognizes that the Babcock
13 Crescent B Ranch will need a variety of facilities to enhance
14 its public use and potential. Such facilities include, but are
15 not limited to, improved access, camping areas, picnic
16 shelters, management facilities, and environmental education
17 facilities. The need for such facilities may exceed the
18 ability of the state to provide such facilities in a timely
19 manner with moneys available. The Legislature finds it to be
20 in the public interest to provide incentives for partnerships
21 with private organizations with the intent of producing
22 additional revenue to help enhance the use and potential of
23 the ranch.

24 (b) The Legislature may annually appropriate funds
25 from the Land Acquisition Trust Fund for use only as state
26 matching funds, in conjunction with private donations in
27 aggregates of at least \$60,000, matched by \$40,000 of state
28 funds, for a total minimum project amount of \$100,000 for
29 capital improvement facility development at the ranch at
30 either individually designated locations or for priority
31 projects within the overall ranch system. The citizen support

1 organization may acquire private donations pursuant to this
2 section, and matching state funds for approved projects may be
3 provided in accordance with this subsection. The Fish and
4 Wildlife Conservation Commission and the Division of Forestry
5 are authorized to properly recognize and honor a private donor
6 by placing a plaque or other appropriate designation noting
7 the contribution on project facilities or by naming project
8 facilities after the person or organization that provided
9 matching funds. The Fish and Wildlife Conservation Commission
10 and the Division of Forestry are authorized to adopt necessary
11 administrative rules to carry out the purposes of this
12 subsection.

13 Section 9. Section 259.1053, Florida Statutes, is
14 created to read:

15 259.1053 Babcock Ranch Preserve; Babcock Ranch, Inc.;
16 creation; membership; organization; meetings.--

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

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

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

23 (b) "Babcock Ranch, Inc.," and "corporation" mean the
24 not-for-profit corporation created under this section to
25 operate and manage the Babcock Ranch Preserve as a working
26 ranch.

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

29 (d) "Commission" means the Fish and Wildlife
30 Conservation Commission.

31

1 (e) "Commissioner" means the Commissioner of
2 Agriculture.

3 (f) "Department" means the Department of Agriculture
4 and Consumer Services.

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

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

11 (i) "Management and operating expenditures" means
12 expenses of the corporation, including, but not limited to,
13 salaries and benefits of officers and staff, administrative
14 and operating expenses, costs of improvements to and
15 maintenance of lands and facilities of the Babcock Ranch
16 Preserve, and other similar expenses. Such expenditures shall
17 be made from revenues generated from the operation of the
18 ranch and not from funds appropriated by the Legislature
19 except as provided in this section.

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

23 (k) "Multiple use" means the management of all of the
24 renewable surface resources of the Babcock Ranch Preserve to
25 best meet the needs of the public, including the use of the
26 land for some or all of the renewable surface resources or
27 related services over areas large enough to allow for periodic
28 adjustments in use to conform to the changing needs and
29 conditions of the preserve while recognizing that a portion of
30 the land will be used for some of the renewable surface
31 resources available on that land. The goal of multiple use is

1 the harmonious and coordinated management of the renewable
2 surface resources without impairing the productivity of the
3 land and considering the relative value of the renewable
4 surface resources, and not necessarily a combination of uses
5 to provide the greatest monetary return or the greatest unit
6 output.

7 (1) "Sustained yield of the renewable surface
8 resources" means the achievement and maintenance of a high
9 level of annual or regular periodic output of the various
10 renewable surface resources of the preserve without impairing
11 the productivity of the land.

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

13 (a) Upon the date of acquisition of the Babcock
14 Crescent B Ranch, there is created the Babcock Ranch Preserve,
15 which shall be managed in accordance with the purposes and
16 requirements of this section.

17 (b) The preserve is established to protect and
18 preserve the environmental, agricultural, scientific, scenic,
19 geologic, watershed, fish, wildlife, historic, cultural, and
20 recreational values of the preserve, and to provide for the
21 multiple use and sustained yield of the renewable surface
22 resources within the preserve consistent with this section.

23 (c) Babcock Ranch, Inc., and its officers and
24 employees shall participate in the management of the Babcock
25 Ranch Preserve in an advisory capacity only until the
26 management agreement referenced in paragraph (11)(a) is
27 terminated or expires.

28 (d) Nothing in this section shall preclude Babcock
29 Ranch, Inc., prior to assuming management and operation of the
30 preserve and thereafter, from allowing the use of common
31 varieties of mineral materials such as sand, stone, and gravel

1 for construction and maintenance of roads and facilities
2 within the preserve.

3 (e) Nothing in this section shall be construed as
4 affecting the constitutional responsibilities of the
5 commission in the exercise of its regulatory and executive
6 power with respect to wild animal life and freshwater aquatic
7 life, including the regulation of hunting, fishing, and
8 trapping within the preserve.

9 (f) Nothing in this section shall be construed to
10 interfere with or prevent the ability of Babcock Ranch, Inc.,
11 to implement agricultural practices authorized by the
12 agricultural land use designations established in the local
13 comprehensive plans of either Charlotte or Lee Counties as
14 those plans apply to the Babcock Ranch Preserve.

15 (g) To clarify the responsibilities of the lead
16 managing agencies and the not-for-profit corporation created
17 under this section, the lead managing agencies are directed to
18 establish a range of resource protection values for the
19 Babcock Ranch Preserve, and the corporation shall establish
20 operational parameters to conduct the business of the ranch
21 within the range of values. The corporation shall establish a
22 range of operational values for conducting the business of the
23 ranch, and the lead managing agencies providing ground support
24 to the ranch outside of each agency's jurisdictional
25 responsibilities shall establish management parameters within
26 that range of values.

27 (h) Nothing in this section shall preclude the
28 maintenance and use of roads and trails or the relocation of
29 roads in existence on the effective date of this section, or
30 the construction, maintenance, and use of new trails, or any
31 motorized access necessary for the administration of the land

1 contained within the preserve, including motorized access
2 necessary for emergencies involving the health or safety of
3 persons within the preserve.

4 (i) The Division of State Lands of the Department of
5 Environmental Protection shall perform staff duties and
6 functions for Babcock Ranch, Inc., the not-for-profit
7 corporation created under this section, until such time as the
8 corporation organizes to elect officers, file articles of
9 incorporation, and exercise its powers and duties.

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

11 (a) Subject to filing articles of incorporation, there
12 is created a not-for-profit corporation, to be known as
13 Babcock Ranch, Inc., which shall be registered, incorporated,
14 organized, and operated in compliance with the provisions of
15 chapter 617, and which shall not be a unit or entity of state
16 government. For purposes of sovereign immunity, the
17 corporation shall be a corporation primarily acting as an
18 instrumentality of the state but otherwise shall not be an
19 agency within the meaning of s. 20.03(11) or a unit or entity
20 of state government.

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

24 (c) Meetings and records of the corporation, its
25 directors, advisory committees, or similar groups created by
26 the corporation, including any not-for-profit subsidiaries,
27 are subject to the public records provisions of chapter 119
28 and the public meetings and records provisions of s. 286.011.

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

1 (6) PURPOSE.--The purpose of Babcock Ranch, Inc., is
2 to provide management and administrative services for the
3 preserve, to establish and implement management policies that
4 will achieve the purposes and requirements of this section, to
5 cooperate with state agencies to further the purposes of the
6 preserve, and to establish the administrative and accounting
7 procedures for the operation of the corporation.

8 (7) BOARD; MEMBERSHIP; REMOVAL; LIABILITY.--The
9 corporation shall be governed by a nine-member board of
10 directors who shall be appointed by the Board of Trustees of
11 the Internal Improvement Trust Fund; the executive director of
12 the commission; the Commissioner of Agriculture; the Babcock
13 Florida Company, a corporation registered to do business in
14 the state, or its successors or assigns; the Charlotte County
15 Board of County Commissioners, and the Lee County Board of
16 County Commissioners in the following manner:

17 (a)1. The Board of Trustees of the Internal
18 Improvement Trust Fund shall appoint four members. One
19 appointee shall have expertise in domesticated livestock
20 management, production, and marketing, including range
21 management and livestock business management. One appointee
22 shall have expertise in the management of game and nongame
23 wildlife and fish populations, including hunting, fishing, and
24 other recreational activities. One appointee shall have
25 expertise in the sustainable management of forest lands for
26 commodity purposes. One appointee shall have expertise in
27 financial management, budget and program analysis, and small
28 business operations.

29 2. The executive director shall appoint one member
30 with expertise in hunting; fishing; nongame species
31

1 management; or wildlife habitat management, restoration, and
2 conservation.

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

5 4. The Babcock Florida Company, or its successors or
6 assigns, shall appoint one member with expertise in the
7 activities and management of the Babcock Ranch on the date of
8 acquisition of the ranch by the state as provided under s.

9 259.1052. This appointee shall serve on the board of directors
10 only until the termination of or expiration of the management
11 agreement attached as Exhibit "E" to that certain Agreement
12 for Sale and Purchase approved by the Board of Trustees of the
13 Internal Improvement Trust Fund on November 22, 2005, and by
14 Lee County, a political subdivision of the state, on November
15 20, 2005. Upon termination of or expiration of the management
16 agreement, the person serving as the head of the property
17 owners' association, if any, required to be created under the
18 agreement for sale and purchase shall serve as a member of the
19 board of directors of Babcock Ranch, Inc.

20 5. The Charlotte County Board of County Commissioners
21 shall appoint one member who shall be a resident of the county
22 and who shall be active in an organization concerned with the
23 activities of the ranch.

24 6. The Lee County Board of County Commissioners shall
25 appoint one member who shall be a resident of the county and
26 who shall have experience in land conservation and management.
27 This appointee, or a successor appointee, shall serve as a
28 member of the board of directors so long as the county
29 participates in the state land management plan.

30
31

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

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

7 2. The remaining initial five appointees shall each
8 serve a 2-year term.

9 3. Each member appointed thereafter shall serve a
10 4-year term.

11 4. A vacancy shall be filled in the same manner in
12 which the original appointment was made, and a member
13 appointed to fill a vacancy shall serve for the remainder of
14 that term.

15 5. No member may serve more than 8 years in
16 consecutive terms.

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

21 (d) No member shall vote in an official capacity upon
22 any measure that would inure to his or her special private
23 gain or loss, that he or she knows would inure to the special
24 private gain or loss of any principal by whom he or she is
25 retained or to the parent organization or subsidiary of a
26 principal by which he or she is retained, or that he or she
27 knows would inure to the special private gain or loss of a
28 relative or business associate of the member. Such member
29 shall, prior to the vote being taken, publicly state the
30 nature of his or her interest in the matter from which he or
31 she is abstaining from voting and, no later than 15 days

1 following the date the vote occurs, shall disclose the nature
2 of his or her interest as a public record in a memorandum
3 filed with the person responsible for recording the minutes of
4 the meeting, who shall incorporate the memorandum in the
5 minutes of the meeting.

6 (e) Each member of the board of directors is
7 accountable for the proper performance of the duties of
8 office, and each member owes a fiduciary duty to the people of
9 the state to ensure that funds provided in furtherance of this
10 section are disbursed and used as prescribed by law and
11 contract. Any official appointing a member may remove that
12 member for malfeasance, misfeasance, neglect of duty,
13 incompetence, permanent inability to perform official duties,
14 unexcused absence from three consecutive meetings of the
15 board, arrest or indictment for a crime that is a felony or
16 misdemeanor involving theft or a crime of dishonesty, or
17 pleading nolo contendere to, or being found guilty of, any
18 crime.

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

23 (g) No appointee shall be an employee of any
24 governmental entity.

25 (8) ORGANIZATION; MEETINGS.--

26 (a)1. The board of directors shall annually elect a
27 chairperson and a vice chairperson from among the board's
28 members. The members may, by a vote of five of the nine board
29 members, remove a member from the position of chairperson or
30 vice chairperson prior to the expiration of his or her term as
31 chairperson or vice chairperson. His or her successor shall be

1 electd to serve for the balance of the removed chairperson's
2 or vice chairperson's term.

3 2. The chairperson shall ensure that records are kept
4 of the proceedings of the board of directors, and is the
5 custodian of all books, documents, and papers filed with the
6 board, the minutes of meetings of the board, and the official
7 seal of the corporation.

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

11 2. A majority of the members of the board of directors
12 constitutes a quorum. Except as otherwise provided in this
13 section, the board of directors may take official action by a
14 majority of the members present at any meeting at which a
15 quorum is present. Members may not vote by proxy.

16 (9) POWERS AND DUTIES.--

17 (a) The board of directors shall adopt articles of
18 incorporation and bylaws necessary to govern its activities.
19 The adopted articles of incorporation and bylaws must be
20 approved by the Board of Trustees of the Internal Improvement
21 Trust Fund prior to filing with the Department of State.

22 (b) The board of directors shall review and approve
23 any management plan developed pursuant to ss. 253.034 and
24 259.032 for the management of lands in the preserve prior to
25 the submission of that plan to the Board of Trustees of the
26 Internal Improvement Trust Fund for approval and
27 implementation.

28 (c)1. Except for the constitutional powers of the
29 commission as provided in s. 9, Art. IV of the State
30 Constitution, the board of directors shall have all necessary
31 and proper powers for the exercise of the authority vested in

1 the corporation, including, but not limited to, the power to
2 solicit and accept donations of funds, property, supplies, or
3 services from individuals, foundations, corporations, and
4 other public or private entities for the purposes of this
5 section. All funds received by the corporation shall be
6 deposited into the operating fund authorized under this
7 section unless otherwise directed by the Legislature.

8 2. The board of directors may not increase the number
9 of its members.

10 3. Except as necessary to manage and operate the
11 preserve as a working ranch, the corporation may not purchase,
12 take, receive, lease, take by gift, devise, or bequest, or
13 otherwise acquire, own, hold, improve, use, or otherwise deal
14 in and with real property, or any interest therein, wherever
15 situated.

16 4. The corporation may not sell, convey, mortgage,
17 pledge, lease, exchange, transfer, or otherwise dispose of any
18 real property.

19 5. The corporation may not purchase, take, receive,
20 subscribe for, or otherwise acquire, own, hold, vote, use,
21 employ, sell, mortgage, lend, pledge, or otherwise dispose of
22 or otherwise use and deal in and with, shares and other
23 interests in, or obligations of, other domestic or foreign
24 corporations, whether for profit or not for profit,
25 associations, partnerships, or individuals, or direct or
26 indirect obligations of the United States, or any other
27 government, state, territory, government district,
28 municipality, or any instrumentality thereof.

29 6. The corporation may not lend money for its
30 corporate purposes, invest and reinvest its funds, or take and
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1 hold real and personal property as security for the payment of
2 funds lent or invested.

3 7. The corporation may not merge with other
4 corporations or other business entities.

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

12 9. The corporation may not grant any easements in, on,
13 or across the preserve. Any easements to be granted for the
14 use of, access to, or ingress and egress across state property
15 within the preserve must be executed by the Board of Trustees
16 of the Internal Improvement Trust Fund as the owners of the
17 state property within the preserve. Any easements to be
18 granted for the use of, access to, or ingress and egress
19 across property within the preserve titled in the name of a
20 local government must be granted by the governing body of that
21 local government.

22 10. The corporation may not enter into any contract,
23 lease, or other agreement related to the use and occupancy of
24 the property within the preserve for a period greater than 10
25 years.

26 (c) The members may, with the written approval of the
27 commission and in consultation with the department, designate
28 hunting, fishing, and trapping zones and may establish
29 additional periods when no hunting, fishing, or trapping shall
30 be permitted for reasons of public safety, administration, and
31

1 the protection and enhancement of nongame habitat and nongame
2 species, as defined under s. 372.001.

3 (d) The corporation shall have the sole and exclusive
4 right to use the words "Babcock Ranch, Inc.," and any seal,
5 emblem, or other insignia adopted by the members. Without the
6 express written authority of the corporation, no person may
7 use the words "Babcock Ranch, Inc.," as the name under which
8 that person conducts or purports to conduct business, for the
9 purpose of trade or advertisement, or in any manner that may
10 suggest any connection with the corporation.

11 (e) The corporation may from time to time appoint
12 advisory committees to further any part of this section. The
13 advisory committees shall be reflective of the expertise
14 necessary for the particular function for which the committee
15 is created, and may include public agencies, private entities,
16 and not-for-profit conservation and agricultural
17 representatives.

18 (f) State laws governing the procurement of
19 commodities and services by state agencies, as provided in s.
20 287.057, shall apply to the corporation.

21 (g) The corporation and its subsidiaries must provide
22 equal employment opportunities for all persons regardless of
23 race, color, religion, gender, national origin, age, handicap,
24 or marital status.

25 (10) OPERATING FUND, ANNUAL BUDGET, AUDIT, REPORTING
26 REQUIREMENTS.--

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

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1 (b) The board of directors shall provide for an annual
2 financial audit of the corporate accounts and records to be
3 conducted by an independent certified public accountant in
4 accordance with rules adopted by the Auditor General under s.
5 11.45(8). The audit report shall be submitted no later than 3
6 months following the end of the fiscal year to the Auditor
7 General, the President of the Senate, the Speaker of the House
8 of Representatives, and the appropriate substantive and fiscal
9 committees of the Legislature. The Auditor General, the Office
10 of Program Policy Analysis and Government Accountability, and
11 the substantive or fiscal committees of the Legislature to
12 which legislation affecting the Babcock Ranch Preserve may be
13 referred shall have the authority to require and receive from
14 the corporation or from the independent auditor any records
15 relative to the operation of the corporation.

16 (c) Not later than January 15 of each year, Babcock
17 Ranch, Inc., shall submit to the Board of Trustees of the
18 Internal Improvement Trust Fund, the President of the Senate,
19 the Speaker of the House of Representatives, the department,
20 and the commission a comprehensive and detailed report of its
21 operations, activities, and accomplishments for the prior
22 year, including information on the status of the ecological,
23 cultural, and financial resources being managed by the
24 corporation, and benefits provided by the preserve to local
25 communities. The report shall also include a section
26 describing the corporation's goals for the current year.

27 (d) The board of directors shall prepare an annual
28 budget with the goal of achieving a financially
29 self-sustaining operation within 15 full fiscal years after
30 the initial acquisition of the Babcock Ranch by the state. The
31 department shall provide necessary assistance, including

1 details as necessary, to the corporation for the timely
2 formulation and submission of an annual legislative budget
3 request for appropriations, if any, to support the
4 administration, operation, and maintenance of the preserve. A
5 request for appropriations shall be submitted to the
6 department and shall be included in the department's annual
7 legislative budget request. Requests for appropriations shall
8 be submitted to the department in time to allow the department
9 to meet the requirements of s. 216.023. The department may not
10 deny a request or refuse to include in its annual legislative
11 budget submission a request from the corporation for an
12 appropriation.

13 (e) Notwithstanding any other provision of law, all
14 moneys received from donations or from management of the
15 preserve shall be retained by the corporation in the operating
16 fund and shall be available, without further appropriation,
17 for the administration, preservation, restoration, operation
18 and maintenance, improvements, repairs, and related expenses
19 incurred with respect to properties being managed by the
20 corporation. Except as provided in this section, moneys
21 received by the corporation for the management of the preserve
22 shall not be subject to distribution by the state. Upon
23 assuming management responsibilities for the preserve, the
24 corporation shall optimize the generation of income based on
25 existing marketing conditions to the extent that activities do
26 not unreasonably diminish the long-term environmental,
27 agricultural, scenic, and natural values of the preserve, or
28 the multiple-use and sustained-yield capability of the land.

29 (f) All parties in contract with the corporation and
30 all holders of leases from the corporation which are
31 authorized to occupy, use, or develop properties under the

1 management jurisdiction of the corporation must procure proper
2 insurance as is reasonable or customary to insure against any
3 loss in connection with the properties or with activities
4 authorized in the leases or contracts.

5 (11) COMPREHENSIVE BUSINESS PLAN.--

6 (a) A comprehensive business plan for the management
7 and operation of the preserve as a working ranch and
8 amendments to the business plan may be developed only with
9 input from the department and the commission, and may be
10 implemented by Babcock Ranch, Inc., only upon expiration of
11 the management agreement attached as Exhibit "E" to that
12 certain agreement for sale and purchase approved by the Board
13 of Trustees of the Internal Improvement Trust Fund on November
14 22, 2005, and by Lee County on November 20, 2005.

15 (b) Any final decision of Babcock Ranch, Inc., to
16 adopt or amend the comprehensive business plan or to approve
17 any activity related to the management of the renewable
18 surface resources of the preserve shall be made in sessions
19 that are open to the public. The board of directors shall
20 establish procedures for providing adequate public information
21 and opportunities for public comment on the proposed
22 comprehensive business plan for the preserve or for amendments
23 to the comprehensive business plan adopted by the members.

24 (c) Not less than 2 years prior to the corporation's
25 assuming management and operation responsibilities for the
26 preserve, the corporation, with input from the commission and
27 the department, must begin developing the comprehensive
28 business plan to carry out the purposes of this section. To
29 the extent consistent with these purposes, the comprehensive
30 business plan shall provide for:

31

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

3 2. The protection and preservation of the
4 environmental, agricultural, scientific, scenic, geologic,
5 watershed, fish, wildlife, historic, cultural, and
6 recreational values of the preserve;

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

10 4. Multiple use and sustained yield of renewable
11 surface resources within the preserve;

12 5. Public use of and access to the preserve for
13 recreation; and

14 6. The use of renewable resources and management
15 alternatives that, to the extent practicable, benefit local
16 communities and small businesses and enhance the coordination
17 of management objectives with those on surrounding public or
18 private lands. The use of renewable resources and management
19 alternatives should provide cost savings to the corporation
20 through the exchange of services, including, but not limited
21 to, labor and maintenance of facilities, for resources or
22 services provided to the corporation.

23 (d) On or before the date on which title to the
24 portion of the Babcock Crescent B Ranch being purchased by the
25 state as provided in s. 259.1052 is vested in the Board of
26 Trustees of the Internal Improvement Trust Fund, Babcock Ranch
27 Management, LLC, a limited liability company incorporated in
28 this state, shall provide the commission and the department
29 with the proprietary management plan and business plan in
30 place for the operation of the ranch as of November 22, 2005,
31 the date on which the board of trustees approved the purchase.

1 (12) MANAGEMENT OF PRESERVE; FEES.--
2 (a) The corporation shall assume all authority
3 provided by this section to manage and operate the preserve as
4 a working ranch upon a determination by the Board of Trustees
5 of the Internal Improvement Trust Fund that the corporation is
6 able to conduct business, and that provision has been made for
7 essential services on the preserve, which, to the maximum
8 extent practicable, shall be made no later than 60 days prior
9 to the termination of the management agreement referenced in
10 paragraph (11)(a).
11 (b) Upon assuming management and operation of the
12 preserve, the corporation shall:
13 1. With input from the commission and the department,
14 manage and operate the preserve and the uses thereof,
15 including, but not limited to, the activities necessary to
16 administer and operate the preserve as a working ranch; the
17 activities necessary for the preservation and development of
18 the land and renewable surface resources of the preserve; the
19 activities necessary for interpretation of the history of the
20 preserve on behalf of the public; the activities necessary for
21 the management, public use, and occupancy of facilities and
22 lands within the preserve; and the maintenance,
23 rehabilitation, repair, and improvement of property within the
24 preserve;
25 2. Develop programs and activities relating to the
26 management of the preserve as a working ranch;
27 3. Negotiate directly with and enter into such
28 agreements, leases, contracts, and other arrangements with any
29 person, firm, association, organization, corporation, or
30 governmental entity, including entities of federal, state, and
31

1 local governments, as are necessary and appropriate to carry
2 out the purposes and activities authorized by this section;

3 4. Establish procedures for entering into lease
4 agreements and other agreements for the use and occupancy of
5 the facilities of the preserve. The procedures shall ensure
6 reasonable competition and set guidelines for determining
7 reasonable fees, terms, and conditions for such agreements;
8 and

9 5. Assess reasonable fees for admission to, use of,
10 and occupancy of the preserve to offset costs of operating the
11 preserve as a working ranch. These fees are independent of
12 fees assessed by the commission for the privilege of hunting,
13 fishing, or pursuing outdoor recreational activities within
14 the preserve, and shall be deposited into the operating fund
15 established by the board of directors under the authority
16 provided under this section.

17 (13) MISCELLANEOUS PROVISIONS.--

18 (a) Except for the powers of the commissioner provided
19 in this section, and the powers of the commission provided in
20 s. 9, Art. IV of the State Constitution, the preserve shall be
21 managed by Babcock Ranch, Inc.

22 (b) Officers and employees of Babcock Ranch, Inc., are
23 private employees. At the request of the board of directors,
24 the commission and the department may provide state employees
25 for the purpose of implementing this section. Any state
26 employees provided to assist the directors in implementing
27 this section for more than 30 days shall be provided on a
28 reimbursable basis. Reimbursement to the commission and the
29 department shall be made from the corporation's operating fund
30 provided under this section and not from any funds
31 appropriated to the corporation by the Legislature.

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

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

4 (b) Upon dissolution of the corporation, the
5 management responsibilities provided in this section shall
6 revert to the commission and the department unless otherwise
7 provided by the Legislature under the act dissolving Babcock
8 Ranch, Inc.

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

13 Section 10. For the 2006-2007 fiscal year, the sum of
14 \$310 million in nonrecurring funds is appropriated from the
15 Florida Forever Trust Fund in the Department of Environmental
16 Protection for the purchase of the Babcock Crescent B Ranch as
17 provided in s. 259.1052, Florida Statutes.

18 Section 11. For the 2006-2007 fiscal year, the sum of
19 \$50,000 is appropriated in nonrecurring funds from the
20 Conservation and Recreation Lands Trust Fund in the Department
21 of Environmental Protection for the operation and management
22 of the Babcock Ranch Preserve, to be administered by Babcock
23 Ranch, Inc., as provided under s. 259.1053, Florida Statutes.

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

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