

Bill No. HB 1347, 2nd Eng.

Barcode 190274

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

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Senators Dockery and Bennett 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~~

Barcode 190274

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. HB 1347, 2nd Eng.

Barcode 190274

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. HB 1347, 2nd Eng.

Barcode 190274

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. HB 1347, 2nd Eng.

Barcode 190274

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:

Barcode 190274

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. HB 1347, 2nd Eng.

Barcode 190274

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. HB 1347, 2nd Eng.

Barcode 190274

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



Barcode 190274

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 190274

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. HB 1347, 2nd Eng.

Barcode 190274

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. HB 1347, 2nd Eng.

Barcode 190274

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. HB 1347, 2nd Eng.

Barcode 190274

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. HB 1347, 2nd Eng.

Barcode 190274

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. The management of the preserve

Bill No. HB 1347, 2nd Eng.

Barcode 190274

1 shall be as provided in s. 259.106, notwithstanding any other  
2 provision of law to the contrary.

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

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

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

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

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

Bill No. HB 1347, 2nd Eng.

Barcode 190274

1 Trustees of the Internal Improvement Trust Fund, the Fish and  
 2 Wildlife Conservation Commission, the Department of  
 3 Agriculture and Consumer Services, and the participating local  
 4 government, as purchaser, and MSKP, III, a Florida  
 5 corporation, as seller.

6 Section 8. Section 259.10521, Florida Statutes, is  
 7 created to read:

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

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

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

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

22 (c) Determined by the Fish and Wildlife Conservation  
 23 Commission and the Division of Forestry within the Department  
 24 of Agriculture and Consumer Services, and approved by the  
 25 Board of Trustees of the Internal Improvement Trust Fund, to  
 26 be consistent with the goals of the state in acquiring the  
 27 ranch and in the best interests of the state; and

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



1 in a letter of agreement from the Fish and Wildlife  
 2 Conservation Commission and the Division of Forestry. Only one  
 3 citizen support organization may be created to operate for the  
 4 direct or indirect benefit of the Babcock Crescent B Ranch.

5 (2) USE OF PROPERTY.--

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

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

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

25 (3) PARTNERSHIPS.--

26 (a) The Legislature recognizes that the Babcock  
 27 Crescent B Ranch will need a variety of facilities to enhance  
 28 its public use and potential. Such facilities include, but are  
 29 not limited to, improved access, camping areas, picnic  
 30 shelters, management facilities, and environmental education  
 31 facilities. The need for such facilities may exceed the

Bill No. HB 1347, 2nd Eng.

Barcode 190274

1 ability of the state to provide such facilities in a timely  
 2 manner with moneys available. The Legislature finds it to be  
 3 in the public interest to provide incentives for partnerships  
 4 with private organizations with the intent of producing  
 5 additional revenue to help enhance the use and potential of  
 6 the ranch.

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

27       Section 9. Section 259.106, Florida Statutes, is  
 28 created to read:

29       259.106 Babcock Ranch Preserve; Babcock Ranch, Inc.;  
 30 creation; membership; organization; meetings.--

31       (1) SHORT TITLE.--This section may be cited as the

1 "Babcock Ranch Preserve Act."

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

3       (a) "Babcock Ranch Preserve" and "preserve" mean the  
4 lands and facilities acquired in the purchase of the Babcock  
5 Crescent B Ranch.

6       (b) "Babcock Ranch, Inc.," and "corporation" mean the  
7 not-for-profit corporation created under this section to  
8 operate and manage the Babcock Ranch Preserve as a working  
9 ranch.

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

12       (d) "Commission" means the Fish and Wildlife  
13 Conservation Commission.

14       (e) "Commissioner" means the Commissioner of  
15 Agriculture.

16       (f) "Department" means the Department of Agriculture  
17 and Consumer Services.

18       (g) "Financially self-sustaining" means having  
19 management and operation expenditures not more than the  
20 revenues collected from fees and other receipts for resource  
21 use and development, and from interest and invested funds.

22       (h) "Management and operating expenditures" means  
23 expenses of the corporation, including, but not limited to,  
24 salaries and benefits of officers and staff, administrative  
25 and operating expenses, costs of improvements to and  
26 maintenance of lands and facilities of the Babcock Ranch  
27 Preserve, and other similar expenses. Such expenditures shall  
28 be made from revenues generated from the operation of the  
29 ranch and not from funds appropriated by the Legislature  
30 except as provided in this section.

31       (i) "Member" means a person appointed to the board of

1 directors of the not-for-profit corporation created under this  
2 section.

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

18       (k) "Sustained yield of the renewable surface  
19 resources" means the achievement and maintenance of a high  
20 level of annual or regular periodic output of the various  
21 renewable surface resources of the preserve without impairing  
22 the productivity of the land.

23       (l) "Working ranch" means those activities necessary  
24 to accomplish the goals of multiple use and sustained yield of  
25 the renewable surface resources, considering historical  
26 agricultural uses of the property and other compatible  
27 agricultural uses of the property such as native horticulture  
28 activities, all as may be approved in the land management plan  
29 adopted under ss. 253.034 and 259.032.

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

31       (a) Upon the date of acquisition of the Babcock

Bill No. HB 1347, 2nd Eng.

Barcode 190274

1 Crescent B Ranch, there is created the Babcock Ranch Preserve,  
2 which shall be managed in accordance with the purposes and  
3 requirements of this section.

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

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

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

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

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

1 those plans apply to the Babcock Ranch Preserve, so long as  
2 such plans are not in conflict with this section or general  
3 law.

4 (g) Nothing in this section shall preclude the  
5 maintenance and use of roads and trails or the relocation of  
6 roads in existence on the effective date of this section, or  
7 the construction, maintenance, and use of new trails, or any  
8 motorized access necessary for the administration of the land  
9 contained within the preserve, including motorized access  
10 necessary for emergencies involving the health or safety of  
11 persons within the preserve.

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

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

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

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

31 (5) APPLICABILITY OF SECTION.--In any conflict between

Bill No. HB 1347, 2nd Eng.

Barcode 190274

1 a provision of this section and a provision of chapter 617,  
2 the provisions of this section shall prevail.

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

10 (7) BOARD; MEMBERSHIP; REMOVAL; LIABILITY.--The  
11 corporation shall be governed by a nine-member board of  
12 directors who shall be appointed by the Board of Trustees of  
13 the Internal Improvement Trust Fund; the commission; the  
14 commissioner; the Babcock Ranch Management, LLC, a limited  
15 liability corporation registered to do business in this state,  
16 or its successors or assigns; the Charlotte County Board of  
17 County Commissioners, and the Lee County Board of County  
18 Commissioners in the following manner:

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

31 2. The commission shall appoint one non-voting member

Bill No. HB 1347, 2nd Eng.

Barcode 190274

1 with expertise in hunting; fishing; nongame species  
2 management; or wildlife habitat management, restoration, and  
3 conservation.

4 3. The commissioner shall appoint one non-voting  
5 member with expertise in agricultural operations or forestry  
6 management.

7 4. The Babcock Ranch Management, LLC, or its  
8 successors or assigns, shall appoint one member with expertise  
9 in the activities and management of the Babcock Crescent B  
10 Ranch on the date of acquisition of the ranch by the state.  
11 This appointee shall serve on the board of directors only  
12 until the termination of or expiration of the management  
13 agreement referenced in paragraph (11)(a). Upon termination of  
14 or expiration of the management agreement, the person serving  
15 as the head of the property owners' association, if any,  
16 required to be created under the agreement for sale and  
17 purchase shall serve as a member of the board of directors of  
18 Babcock Ranch, Inc.

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

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

29 (b) All members of the board of directors shall be  
30 appointed no later 90 days following the initial acquisition  
31 of the Babcock Crescent B Ranch by the state, and:



Bill No. HB 1347, 2nd Eng.

Barcode 190274

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

4           2. The remaining initial five appointees shall each  
5 serve a 2-year term.

6           3. Each member appointed thereafter shall serve a  
7 4-year term.

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

12           5. No member may serve more than 8 years in  
13 consecutive terms.

14           (c) No appointee shall be an employee of any  
15 governmental entity.

16           (d) With the exception of the Babcock Ranch  
17 Management, LLC, appointee, no member may be an officer,  
18 director, or shareholder in any entity that contracts with or  
19 receives funds from the corporation or its subsidiaries.

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

Barcode 190274

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

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

18 (g) Each member of the board of directors shall serve  
19 without compensation, but shall receive travel and per diem  
20 expenses as provided in s. 112.061 while in the performance of  
21 his or her duties. These expenses shall be paid from the  
22 operating funds of the ranch.

23 (8) ORGANIZATION; MEETINGS.--

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

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

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

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

14           (9) POWERS AND DUTIES.--

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

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

26           (c)1. Except for the constitutional powers of the  
 27 commission as provided in s. 9, Art. IV of the State  
 28 Constitution, the board of directors shall have all necessary  
 29 and proper powers for the exercise of the authority vested in  
 30 the corporation, including, but not limited to, the power to  
 31 solicit and accept donations of funds, property, supplies, or

1 services from individuals, foundations, corporations, and  
 2 other public or private entities for the purposes of this  
 3 section. All funds received by the corporation shall be  
 4 deposited into the operating fund authorized under this  
 5 section unless otherwise directed by the Legislature.

6       2. The board of directors may not increase the number  
 7 of its members.

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

14       4. The corporation may not sell, convey, mortgage,  
 15 pledge, lease, exchange, transfer, or otherwise dispose of any  
 16 real property, unless otherwise provided in this section.

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

27       6. The corporation may not lend money for its  
 28 corporate purposes or take and hold real and personal property  
 29 as security for the payment of funds lent or invested.

30       7. The corporation may not merge with other  
 31 corporations or other business entities.

Barcode 190274

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

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

18           10. The corporation may not enter into any contract,  
 19 lease, or other agreement related to the use and occupancy of  
 20 the property within the preserve for a period greater than 10  
 21 years.

22           (d) The corporation may, with the written approval of  
 23 the commission and in consultation with the department,  
 24 designate hunting, fishing, and trapping zones and may  
 25 establish additional periods when no hunting, fishing, or  
 26 trapping shall be permitted for reasons of public safety,  
 27 administration, and the protection and enhancement of nongame  
 28 habitat and nongame species, as defined under s. 372.001.

29           (e) The corporation shall have the sole and exclusive  
 30 right to use the words "Babcock Ranch, Inc.," and any seal,  
 31 emblem, or other insignia adopted by the members. Without the

Barcode 190274

1 express written authority of the corporation, no person may  
2 use the words "Babcock Ranch, Inc.," as the name under which  
3 that person conducts or purports to conduct business, for the  
4 purpose of trade or advertisement, or in any manner that may  
5 suggest any connection with the corporation.

6 (f) The corporation may from time to time appoint  
7 advisory committees to further any part of this section. The  
8 advisory committees shall be reflective of the expertise  
9 necessary for the particular function for which the committee  
10 is created, and may include public agencies, private entities,  
11 and not-for-profit conservation and agricultural  
12 representatives.

13 (g) State laws governing the procurement of  
14 commodities and services by state agencies, as provided in s.  
15 287.057, shall apply to the corporation.

16 (h) The corporation and its subsidiaries must provide  
17 equal employment opportunities for all persons regardless of  
18 race, color, religion, gender, national origin, age, handicap,  
19 or marital status.

20 (10) OPERATING FUND, ANNUAL BUDGET, AUDIT, REPORTING  
21 REQUIREMENTS.--

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

26 (b) The board of directors shall provide for an annual  
27 financial audit of the corporate accounts and records to be  
28 conducted by an independent certified public accountant in  
29 accordance with rules adopted by the Auditor General under s.  
30 11.45(8). The audit report shall be submitted no later than 3  
31 months following the end of the fiscal year to the Auditor

Bill No. HB 1347, 2nd Eng.

Barcode 190274

1 General, the President of the Senate, the Speaker of the House  
 2 of Representatives, and the appropriate substantive and fiscal  
 3 committees of the Legislature. The Auditor General, the Office  
 4 of Program Policy Analysis and Government Accountability, and  
 5 the substantive or fiscal committees of the Legislature to  
 6 which legislation affecting the Babcock Ranch Preserve may be  
 7 referred shall have the authority to require and receive from  
 8 the corporation or from the independent auditor any records  
 9 relative to the operation of the corporation.

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

21 (d) The board of directors shall prepare an annual  
 22 budget with the goal of achieving a financially  
 23 self-sustaining operation within 15 full fiscal years after  
 24 the initial acquisition of the Babcock Ranch by the state. The  
 25 department shall provide necessary assistance, including  
 26 details as necessary, to the corporation for the timely  
 27 formulation and submission of an annual legislative budget  
 28 request for appropriations, if any, to support the  
 29 administration, operation, and maintenance of the preserve. A  
 30 request for appropriations shall be submitted to the  
 31 department and shall be included in the department's annual

1 legislative budget request. Requests for appropriations shall  
 2 be submitted to the department in time to allow the department  
 3 to meet the requirements of s. 216.023. The department may not  
 4 deny a request or refuse to include in its annual legislative  
 5 budget submission a request from the corporation for an  
 6 appropriation.

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

23       (f) All parties in contract with the corporation and  
 24 all holders of leases from the corporation which are  
 25 authorized to occupy, use, or develop properties under the  
 26 management jurisdiction of the corporation must procure proper  
 27 insurance as is reasonable or customary to insure against any  
 28 loss in connection with the properties or with activities  
 29 authorized in the leases or contracts.

30       (11) COMPREHENSIVE BUSINESS PLAN.--

31       (a) A comprehensive business plan for the management



Bill No. HB 1347, 2nd Eng.

Barcode 190274

1 and operation of the preserve as a working ranch and  
 2 amendments to the business plan may be developed only with  
 3 input from the department and the commission, and may be  
 4 implemented by Babcock Ranch, Inc., only upon expiration of  
 5 the management agreement to be executed by the Board of  
 6 Trustees of the Internal Improvement Trust Fund, and Babcock  
 7 Ranch Management, LLC, a limited liability corporation  
 8 registered to do business in this state.

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

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

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

27           2. The protection and conservation of the  
 28 environmental, agricultural, scientific, scenic, geologic,  
 29 watershed, fish, wildlife, historic, cultural, and  
 30 recreational values of the preserve;

31           3. The promotion of high-quality hunting experiences

1 for the public, with emphasis on deer, turkey, and other game  
2 species;

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

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

7 6. The use of renewable resources and management  
8 alternatives that, to the extent practicable, benefit local  
9 communities and small businesses and enhance the coordination  
10 of management objectives with those on surrounding public or  
11 private lands. The use of renewable resources and management  
12 alternatives should provide cost savings to the corporation  
13 through the exchange of services, including, but not limited  
14 to, labor and maintenance of facilities, for resources or  
15 services provided to the corporation.

16 (d) On or before the date on which title to the  
17 portion of the Babcock Crescent B Ranch being purchased by the  
18 state is vested in the Board of Trustees of the Internal  
19 Improvement Trust Fund, Babcock Ranch Management, LLC, a  
20 limited liability company incorporated in this state, shall  
21 provide the commission and the department with the current  
22 proprietary management plan and business plan in place for the  
23 operation of the ranch.

24 (e) The comprehensive business plan for the preserve  
25 shall be consistent with the management practices taking place  
26 on the Babcock Crescent B Ranch prior to the state taking  
27 title to the land except as otherwise provided in this  
28 section.

29 (f) To achieve the goal of a financially  
30 self-sustaining operation, the comprehensive business plan  
31 must preserve to the maximum extent practicable environmental

Barcode 190274

1 resources and wildlife habitats found on the preserve.

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

3 (a) The corporation shall assume all authority  
4 provided by this section to manage and operate the preserve as  
5 a working ranch upon a determination by the Board of Trustees  
6 of the Internal Improvement Trust Fund that the corporation is  
7 able to conduct business, and that provision has been made for  
8 essential services on the preserve, which, to the maximum  
9 extent practicable, shall be made no later than 60 days prior  
10 to the termination of the management agreement referenced in  
11 paragraph (11)(a).

12 (b) Upon assuming management and operation of the  
13 preserve, the corporation shall:

14 1. With input from the commission and the department,  
15 manage and operate the preserve and the uses thereof,  
16 including, but not limited to, the activities necessary to  
17 administer and operate the preserve as a working ranch; the  
18 activities necessary for the preservation and development of  
19 the land and renewable surface resources of the preserve; the  
20 activities necessary for interpretation of the history of the  
21 preserve on behalf of the public; the activities necessary for  
22 the management, public use, and occupancy of facilities and  
23 lands within the preserve; and the maintenance,  
24 rehabilitation, repair, and improvement of property within the  
25 preserve;

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

28 3. Negotiate directly with and enter into such  
29 agreements, leases, contracts, and other arrangements with any  
30 person, firm, association, organization, corporation, or  
31 governmental entity, including entities of federal, state, and

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.

Bill No. HB 1347, 2nd Eng.

Barcode 190274

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  
17 contingent upon the management agreement to be executed by the  
18 Board of Trustees of the Internal Improvement Trust Fund and  
19 Babcock Ranch Management, LLC, a limited liability corporation  
20 registered to do business in this state containing or not  
21 conflicting with the following provisions:

22       (1) Babcock Ranch Management, LLC, shall be the  
23 managing entity of the working ranch for 5 years with an  
24 option to continue for an additional 5 years.

25       (2) Babcock Ranch, Inc., shall take over the  
26 management of the working ranch after the Babcock Ranch  
27 Management, LLC, ceases to be the ranch manager.

28       (3) Babcock Ranch, Inc., shall adopt a comprehensive  
29 business plan consistent with current ranch management  
30 practices except as otherwise provided in this section.

31       (4) Babcock Ranch Management, LLC, shall pay travel

Bill No. HB 1347, 2nd Eng.

Barcode 190274

1 and per diem expenses for the members of the Babcock Ranch,  
2 Inc., board of directors as provided in s. 259.106(7)(g).

3 (5) The working ranch shall continue to be operated in  
4 a financially self-sustaining manner.

5 (6) Tenant farming currently on lands historically  
6 used for that purpose shall be phased out as each contract or  
7 lease for tenant farming expires.

8 (7) There shall be no harvesting of cypress trees on  
9 the property being acquired by the state except for salvage  
10 harvesting following natural disasters.

11 (8) The following ranch operations shall not be  
12 prohibited or restricted except by general law:

13 (a) Silvicultural operations, including upland  
14 harvesting, salvage harvesting and palm tree removal, except  
15 that harvesting of cypress trees on the property being  
16 acquired by the state shall be limited to salvage harvesting  
17 following natural disasters, and

18 (b) Any other bona fide agricultural use that is  
19 compatible with the environmental resources and wildlife  
20 habitat found on the preserve.

21 Section 11. For the 2006-2007 fiscal year, the sum of  
22 \$50,000 is appropriated in nonrecurring funds from the  
23 Conservation and Recreation Lands Trust Fund in the Department  
24 of Environmental Protection for the operation and management  
25 of the Babcock Ranch Preserve, to be administered by Babcock  
26 Ranch, Inc., as provided under s. 259.106, Florida Statutes.

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

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Bill No. HB 1347, 2nd Eng.

Barcode 190274

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

2 And the title is amended as follows:

3         Delete everything before the enacting clause

4

5 and insert:

6                         A bill to be entitled

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

Bill No. HB 1347, 2nd Eng.

Barcode 190274

1 of lands that protect and buffer military  
2 installations; amending s. 259.1051, F.S.;  
3 conforming the distribution of funds from the  
4 Florida Forever Trust Fund; creating s.  
5 259.1052, F.S.; providing for the acquisition  
6 of the state's portion of the Babcock Crescent  
7 B Ranch; providing a definition; granting  
8 authority to the Department of Environmental  
9 Protection to distribute funds for the  
10 acquisition of the Babcock Crescent B Ranch;  
11 creating s. 259.10521, F.S.; authorizing the  
12 creation of a citizen support organization;  
13 providing duties and responsibilities; creating  
14 s. 259.106, F.S.; creating the Babcock Ranch  
15 Preserve Act; providing definitions; creating  
16 the Babcock Ranch Preserve, a conservation  
17 acquisition with certain goals; creating  
18 Babcock Ranch, Inc., a not-for-profit  
19 corporation to be incorporated in the state;  
20 providing that the corporation shall act as an  
21 instrumentality of the state for purposes of  
22 sovereign immunity under s. 768.28, F.S.;  
23 providing that the corporation shall not be an  
24 agency under s. 20.03, F.S., or a unit or  
25 entity of state government; providing that the  
26 corporation is subject to the provisions of  
27 chs. 119 and 286, F.S., relating to public  
28 records and meetings; requiring public records  
29 and meetings; providing for the corporation to  
30 be governed by a board of directors; providing  
31 for the qualifications, appointment, removal,



Bill No. HB 1347, 2nd Eng.

Barcode 190274

1 and liability of board members and their terms  
2 of office; prohibiting any board member from  
3 voting on any measure that constitutes a  
4 conflict of interest; providing for the board  
5 members to serve without compensation, but to  
6 receive per diem and travel expenses; providing  
7 for organization and meetings; authorizing  
8 state agencies to provide state employees for  
9 purposes of implementing the Babcock Ranch  
10 Preserve; providing certain powers and duties  
11 of the corporation; providing limitations on  
12 the powers and duties of the corporation;  
13 providing that the corporation and its  
14 subsidiaries must provide equal employment  
15 opportunities; providing for the corporation to  
16 establish and manage an operating fund;  
17 requiring an annual financial audit of the  
18 accounts and records of the corporation;  
19 requiring annual reports by the corporation to  
20 the Board of Trustees of the Internal  
21 Improvement Trust Fund, the Legislature, the  
22 Department of Agriculture and Consumer  
23 Services, and the Fish and Wildlife  
24 Conservation Commission; requiring that the  
25 corporation prepare an annual budget;  
26 specifying a goal of financially  
27 self-sustaining operation within a certain  
28 period; providing for the corporation to retain  
29 donations and other moneys; requiring that the  
30 corporation adopt articles of incorporation and  
31 bylaws subject to the approval of the Board of

Bill No. HB 1347, 2nd Eng.

Barcode 190274

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

26  
27 WHEREAS, the Babcock Ranch comprises the largest  
28 private undeveloped single-ownership tract of land in  
29 Charlotte County and contains historical evidence in the form  
30 of old logging camps and other artifacts that indicate the  
31 importance of this land for domesticated livestock production,

Bill No. HB 1347, 2nd Eng.

Barcode 190274

1 timber supply, and other bona fide agricultural uses, and

2           WHEREAS, the careful husbandry of the Babcock Ranch,  
3 including selective timbering, limited grazing and hunting,  
4 and the use of prescribed burning, has preserved a mix of  
5 healthy range and timberland with significant species  
6 diversity and provides a model for sustainable land  
7 development and use, and

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

14           WHEREAS, it is in the public's best interest that the  
15 management regime for the Babcock Ranch include the  
16 development of an operational program for appropriate  
17 preservation and development of the ranch's land and  
18 resources, and

19           WHEREAS, the public's interest will be served by the  
20 creation of a not-for-profit corporation to develop and  
21 implement environmentally sensitive, cost-effective, and  
22 creative methods to manage and operate a working ranch, NOW,  
23 THEREFORE,

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