

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representative(s) Williams offered the following:

2  
3 **Amendment (with title amendment)**

4 Between lines 92 and 93 insert:

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

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

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

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18 (b) Moneys ~~The remainder of the moneys distributed under~~  
19 ~~this subsection, after the required payment under paragraph (a),~~  
20 shall be paid into the State Treasury to the credit of the Save  
21 Our Everglades Trust Fund in amounts necessary to pay debt  
22 service, provide reserves, and pay rebate obligations and other  
23 amounts due with respect to bonds issued under s. 215.619. Taxes  
24 distributed under paragraph (a) and this paragraph must be  
25 collectively distributed on a pro rata basis when the available  
26 moneys under this subsection are not sufficient to cover the  
27 amounts required under paragraph (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 moneys  
30 into the General Revenue Fund, \$30 million shall be paid into  
31 the State Treasury to the credit of the Ecosystem Management and  
32 Restoration Trust Fund in fiscal year 2000-2001 and each fiscal  
33 year thereafter, to be used for the preservation and repair of  
34 the state's beaches as provided in ss. 161.091-161.212, and \$2  
35 million shall be paid into the State Treasury to the credit of  
36 the Marine Resources Conservation Trust Fund to be used for  
37 marine mammal care as provided in s. 370.0603(3).

38 (13) The distribution of proceeds deposited into the Water  
39 Management Lands Trust Fund and the Conservation and Recreation  
40 Lands Trust Fund, pursuant to subsections (4) and (5), shall not  
41 be used for land acquisition, but may be used for preacquisition  
42 costs associated with land purchases. The Legislature intends  
43 that the Florida Forever program supplant the acquisition  
44 programs formerly authorized under ss. 259.032 and 373.59. ~~Prior~~  
45 ~~to the 2005 Regular Session of the Legislature, the Acquisition~~  
46 ~~and Restoration Council shall review and make recommendations to~~

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47 ~~the Legislature concerning the need to repeal this provision.~~  
48 ~~Based on these recommendations, the Legislature shall review the~~  
49 ~~need to repeal this provision during the 2005 Regular Session.~~

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

54 201.15 Distribution of taxes collected.--All taxes  
55 collected under this chapter shall be distributed as follows and  
56 shall be subject to the service charge imposed in s. 215.20(1),  
57 except that such service charge shall not be levied against any  
58 portion of taxes pledged to debt service on bonds to the extent  
59 that the amount of the service charge is required to pay any  
60 amounts relating to the bonds:

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

64 (b) Moneys ~~The remainder of the moneys distributed under~~  
65 ~~this subsection, after the required payment under paragraph (a),~~  
66 shall be paid into the State Treasury to the credit of the Save  
67 Our Everglades Trust Fund in amounts necessary to pay debt  
68 service, provide reserves, and pay rebate obligations and other  
69 amounts due with respect to bonds issued under s. 215.619. Taxes  
70 distributed under paragraph (a) and this paragraph must be  
71 collectively distributed on a pro rata basis when the available  
72 moneys under this subsection are not sufficient to cover the  
73 amounts required under paragraph (a) and this paragraph.

74 (11) From the moneys specified in paragraphs (1)(e)  
75 ~~paragraphs (1)(d) and (2)(a)~~ and prior to deposit of any moneys  
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77 the State Treasury to the credit of the Ecosystem Management and  
78 Restoration Trust Fund in fiscal year 2000-2001 and each fiscal  
79 year thereafter, to be used for the preservation and repair of  
80 the state's beaches as provided in ss. 161.091-161.212, and \$2  
81 million shall be paid into the State Treasury to the credit of  
82 the Marine Resources Conservation Trust Fund to be used for  
83 marine mammal care as provided in s. 370.0603(3).

84 (13) The distribution of proceeds deposited into the Water  
85 Management Lands Trust Fund and the Conservation and Recreation  
86 Lands Trust Fund, pursuant to subsections (4) and (5), shall not  
87 be used for land acquisition, but may be used for preacquisition  
88 costs associated with land purchases. The Legislature intends  
89 that the Florida Forever program supplant the acquisition  
90 programs formerly authorized under ss. 259.032 and 373.59. ~~Prior~~  
91 ~~to the 2005 Regular Session of the Legislature, the Acquisition~~  
92 ~~and Restoration Council shall review and make recommendations to~~  
93 ~~the Legislature concerning the need to repeal this provision.~~  
94 ~~Based on these recommendations, the Legislature shall review the~~  
95 ~~need to repeal this provision during the 2005 Regular Session.~~

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

98 215.619 Bonds for Everglades restoration.--

99 (3) Everglades restoration bonds are payable from, and  
100 secured by a first lien on, taxes distributable under s.  
101 201.15(1)(b) and do not constitute a general obligation of, or a  
102 pledge of the full faith and credit of, the state. Everglades  
103 restoration bonds shall be secured on a parity basis with ~~are~~

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104 ~~junior and subordinate to~~ bonds secured by moneys distributable  
105 under s. 201.15(1)(a).

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

110 259.032 Conservation and Recreation Lands Trust Fund;  
111 purpose.--

112 (2)

113 (b) There shall annually be transferred from the  
114 Conservation and Recreation Lands Trust Fund to the Land  
115 Acquisition Trust Fund that amount, not to exceed \$20 million  
116 annually, as shall be necessary to pay the debt service on, or  
117 fund debt service reserve funds, rebate obligations, or other  
118 amounts with respect to bonds issued pursuant to s. 375.051 to  
119 acquire lands on the established priority list developed  
120 pursuant to ss. 259.101(4) and 259.105 ~~this section~~; however, no  
121 moneys transferred to the Land Acquisition Trust Fund pursuant  
122 to this paragraph, or earnings thereon, shall be used or made  
123 available to pay debt service on the Save Our Coast revenue  
124 bonds. Amounts transferred annually from the Conservation and  
125 Recreation Lands Trust Fund to the Land Acquisition Trust Fund  
126 pursuant to this paragraph shall have the highest priority over  
127 other payments or transfers from the Conservation and Recreation  
128 Lands Trust Fund, and no other payments or transfers shall be  
129 made from the Conservation and Recreation Lands Trust Fund until  
130 such transfers to the Land Acquisition Trust Fund have been  
131 made. ~~Effective July 1, 2001,~~ Moneys in the Conservation and  
132 Recreation Lands Trust Fund also shall be used to manage lands  
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133 and to pay for related costs, activities, and functions pursuant  
134 to the provisions of this section.

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

137 (e) Concurrent with the approval of the acquisition  
138 contract pursuant to s. 259.041(3)(c) for any interest in lands  
139 except those lands being acquired under the provisions of s.  
140 259.1052, the board of trustees shall designate an agency or  
141 agencies to manage such lands. The board ~~and~~ shall evaluate and  
142 amend, as appropriate, the management policy statement for the  
143 project as provided by s. 259.035, consistent with the purposes  
144 for which the lands are acquired. For any fee simple acquisition  
145 of a parcel which is or will be leased back for agricultural  
146 purposes, or any acquisition of a less-than-fee interest in land  
147 that is or will be used for agricultural purposes, the Board of  
148 Trustees of the Internal Improvement Trust Fund shall first  
149 consider having a soil and water conservation district, created  
150 pursuant to chapter 582, manage and monitor such interests.

151 (f) State agencies designated to manage lands acquired  
152 under this chapter except those lands acquired under s. 259.1052  
153 may contract with local governments and soil and water  
154 conservation districts to assist in management activities,  
155 including the responsibility of being the lead land manager.  
156 Such land management contracts may include a provision for the  
157 transfer of management funding to the local government or soil  
158 and water conservation district from the Conservation and  
159 Recreation Lands Trust Fund in an amount adequate for the local  
160 government or soil and water conservation district to perform  
161 its contractual land management responsibilities and

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162 proportionate to its responsibilities, and which otherwise would  
163 have been expended by the state agency to manage the property.

164 (10)

165 (d)1. For each project for which lands are acquired after  
166 July 1, 1995, an individual management plan shall be adopted and  
167 in place no later than 1 year after the essential parcel or  
168 parcels identified in the priority list developed pursuant to  
169 ss. 259.101(4) and 259.105 ~~in the annual Conservation and~~  
170 ~~Recreation Lands report prepared pursuant to s. 259.035(2)(a)~~  
171 have been acquired. ~~Beginning in fiscal year 1998-1999,~~ The  
172 Department of Environmental Protection shall distribute only 75  
173 percent of the acquisition funds to which a budget entity or  
174 water management district would otherwise be entitled from the  
175 Preservation 2000 Trust Fund to any budget entity or any water  
176 management district that has more than one-third of its  
177 management plans overdue.

178 2. The requirements of subparagraph 1. do not apply to the  
179 individual management plan for the Babcock Crescent B Ranch  
180 being acquired pursuant to s. 259.1052.

181 (11)

182 (b) An amount up to 1.5 percent of the cumulative total of  
183 funds ever deposited into the Florida Preservation 2000 Trust  
184 Fund and the Florida Forever Trust Fund shall be made available  
185 for the purposes of management, maintenance, and capital  
186 improvements not eligible for funding pursuant to s. 11(e), Art.  
187 VII of the State Constitution, and for associated contractual  
188 services, for lands acquired pursuant to this section, s.

189 259.101, s. 259.105, s. 259.1052, or previous programs for the  
190 acquisition of lands for conservation and recreation, including

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191 state forests, to which title is vested in the board of trustees  
192 and other conservation and recreation lands managed by a state  
193 agency. Of this amount, \$250,000 shall be transferred annually  
194 to the Plant Industry Trust Fund within the Department of  
195 Agriculture and Consumer Services for the purpose of  
196 implementing the Endangered or Threatened Native Flora  
197 Conservation Grants Program pursuant to s. 581.185(11). Each  
198 agency with management responsibilities shall annually request  
199 from the Legislature funds sufficient to fulfill such  
200 responsibilities. For the purposes of this paragraph, capital  
201 improvements shall include, but need not be limited to,  
202 perimeter fencing, signs, firelanes, access roads and trails,  
203 and minimal public accommodations, such as primitive campsites,  
204 garbage receptacles, and toilets. Any equipment purchased with  
205 funds provided pursuant to this paragraph may be used for the  
206 purposes described in this paragraph on any conservation and  
207 recreation lands managed by a state agency.

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

210 259.105 The Florida Forever Act.--

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

212 1. The Preservation 2000 program provided tremendous  
213 financial resources for purchasing environmentally significant  
214 lands to protect those lands from imminent development, thereby  
215 assuring present and future generations access to important open  
216 spaces and recreation and conservation lands.

217 2. The continued alteration and development of Florida's  
218 natural areas to accommodate the state's rapidly growing  
219 population have contributed to the degradation of water

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220 resources, the fragmentation and destruction of wildlife  
221 habitats, the loss of outdoor recreation space, and the  
222 diminishment of wetlands, forests, and public beaches.

223         3. The potential development of Florida's remaining  
224 natural areas and escalation of land values require a  
225 continuation of government efforts to restore, bring under  
226 public protection, or acquire lands and water areas to preserve  
227 the state's invaluable quality of life.

228         4. Florida's groundwater, surface waters, and springs are  
229 under tremendous pressure due to population growth and economic  
230 expansion and require special protection and restoration  
231 efforts. To ensure that sufficient quantities of water are  
232 available to meet the current and future needs of the natural  
233 systems and citizens of the state, and assist in achieving the  
234 planning goals of the department and the water management  
235 districts, water resource development projects on public lands,  
236 where compatible with the resource values of and management  
237 objectives for the lands, are appropriate.

238         5. The needs of urban Florida for high-quality outdoor  
239 recreational opportunities, greenways, trails, and open space  
240 have not been fully met by previous acquisition programs.  
241 Through such programs as the Florida Communities Trust and the  
242 Florida Recreation Development Assistance Program, the state  
243 shall place additional emphasis on acquiring, protecting,  
244 preserving, and restoring open space, greenways, and recreation  
245 properties within urban areas where pristine natural communities  
246 or water bodies no longer exist because of the proximity of  
247 developed property.

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248           6. Many of Florida's unique ecosystems, such as the  
249 Florida Everglades, are facing ecological collapse due to  
250 Florida's burgeoning population. To preserve these valuable  
251 ecosystems for future generations, parcels of land must be  
252 acquired to facilitate ecosystem restoration.

253           7. Access to public lands to support a broad range of  
254 outdoor recreational opportunities and the development of  
255 necessary infrastructure, where compatible with the resource  
256 values of and management objectives for such lands, promotes an  
257 appreciation for Florida's natural assets and improves the  
258 quality of life.

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

265           9. The state has embraced performance-based program  
266 budgeting as a tool to evaluate the achievements of publicly  
267 funded agencies, build in accountability, and reward those  
268 agencies which are able to consistently achieve quantifiable  
269 goals. While previous and existing state environmental programs  
270 have achieved varying degrees of success, few of these programs  
271 can be evaluated as to the extent of their achievements,  
272 primarily because performance measures, standards, outcomes, and  
273 goals were not established at the outset. Therefore, the Florida  
274 Forever program shall be developed and implemented in the  
275 context of measurable state goals and objectives.

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276           10. It is the intent of the Legislature to change the  
277 focus and direction of the state's major land acquisition  
278 programs and to extend funding and bonding capabilities, so that  
279 future generations may enjoy the natural resources of Florida.

280           (b) The Legislature recognizes that acquisition is only  
281 one way to achieve the aforementioned goals and encourages the  
282 development of creative partnerships between governmental  
283 agencies and private landowners. Land protection agreements and  
284 similar tools should be used, where appropriate, to bring  
285 environmentally sensitive tracts under an acceptable level of  
286 protection at a lower financial cost to the public, and to  
287 provide private landowners with the opportunity to enjoy and  
288 benefit from their property.

289           (c) Public agencies or other entities that receive funds  
290 under this section are encouraged to better coordinate their  
291 expenditures so that project acquisitions, when combined with  
292 acquisitions under Preservation 2000, Save Our Rivers, the  
293 Florida Communities Trust, and other public land acquisition  
294 programs, will form more complete patterns of protection for  
295 natural areas and functioning ecosystems, to better accomplish  
296 the intent of this section.

297           (d) A long-term financial commitment to managing Florida's  
298 public lands must accompany any new land acquisition program to  
299 ensure that the natural resource values of such lands are  
300 protected, that the public has the opportunity to enjoy the  
301 lands to their fullest potential, and that the state achieves  
302 the full benefits of its investment of public dollars.

303           (e) With limited dollars available for restoration and  
304 acquisition of land and water areas and for providing long-term  
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305 management and capital improvements, a competitive selection  
306 process can select those projects best able to meet the goals of  
307 Florida Forever and maximize the efficient use of the program's  
308 funding.

309 (f) To ensure success and provide accountability to the  
310 citizens of this state, it is the intent of the Legislature that  
311 any bond proceeds used pursuant to this section be used to  
312 implement the goals and objectives recommended by the Florida  
313 Forever Advisory Council as approved by the Board of Trustees of  
314 the Internal Improvement Trust Fund and the Legislature.

315 (g) As it has with previous land acquisition programs, the  
316 Legislature recognizes the desires of the citizens of this state  
317 to prosper through economic development and to preserve the  
318 natural areas and recreational open space of Florida. The  
319 Legislature further recognizes the urgency of restoring the  
320 natural functions of public lands or water bodies before they  
321 are degraded to a point where recovery may never occur, yet  
322 acknowledges the difficulty of ensuring adequate funding for  
323 restoration efforts in light of other equally critical financial  
324 needs of the state. It is the Legislature's desire and intent to  
325 fund the implementation of this section and to do so in a  
326 fiscally responsible manner, by issuing bonds to be repaid with  
327 documentary stamp tax revenue.

328 (h) The Legislature further recognizes the important role  
329 that many of our state and federal military installations  
330 contribute to protecting and preserving Florida's natural  
331 resources as well as our economic prosperity. Where the state's  
332 land conservation plans overlap with the military's need to  
333 protect lands, waters, and habitat to ensure the sustainability

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334 of military missions, it is the Legislature's intent that  
335 agencies receiving funds under this program cooperate with our  
336 military partners to protect and buffer military installations  
337 and military airspace, by:

338 1. Protecting habitat on nonmilitary land for any species  
339 found on military land that is designated as threatened or  
340 endangered, or is a candidate for such designation under the  
341 Endangered Species Act or any Florida statute.

342 2. Protecting areas underlying low-level military air  
343 corridors or operating areas.

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

347 (10) The Acquisition and Restoration Council shall give  
348 increased priority to those projects for which matching funds  
349 are available and to project elements previously identified on  
350 an acquisition list pursuant to this section that can be  
351 acquired at 80 percent or less of appraised value. The council  
352 shall also give increased priority to those projects where the  
353 state's land conservation plans overlap with the military's need  
354 to protect lands, water, and habitat to ensure the  
355 sustainability of military missions, including:

356 (a) Protecting habitat on nonmilitary land for any species  
357 found on military land that is designated as threatened or  
358 endangered, or is a candidate for such designation under the  
359 Endangered Species Act or any Florida statute.

360 (b) Protecting areas underlying low-level military air  
361 corridors or operating areas.

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

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

368        259.1051 Florida Forever Trust Fund.--

369        (1) There is created the Florida Forever Trust Fund to  
370 carry out the purposes of ss. 259.032, 259.105, 259.1052, and  
371 375.031. The Florida Forever Trust Fund shall be held and  
372 administered by the Department of Environmental Protection.  
373 Proceeds from the sale of bonds, except proceeds of refunding  
374 bonds, issued under s. 215.618 and payable from moneys  
375 transferred to the Land Acquisition Trust Fund under s.  
376 201.15(1)(a), not to exceed \$3 billion, must be deposited into  
377 this trust fund to be distributed and used as provided in s.  
378 259.105(3). The bond resolution adopted by the governing board  
379 of the Division of Bond Finance of the State Board of  
380 Administration may provide for additional provisions that govern  
381 the disbursement of the bond proceeds.

382        (2) The Department of Environmental Protection shall  
383 distribute revenues from the Florida Forever Trust Fund only to  
384 programs of state agencies or local governments as set out in s.  
385 259.105(3) or as provided in s. 259.1052. Excluding  
386 distributions to the Save Our Everglades Trust Fund and  
387 distributions for the acquisition of the Babcock Crescent B  
388 Ranch Florida Forever acquisition as provided in s. 259.1052,  
389 the distributions shall be spent by the recipient within 90 days

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390 after the date on which the Department of Environmental  
391 Protection initiates the transfer.

392 Section 7. Section 259.1052, Florida Statutes, is created  
393 to read:

394 259.1052 Babcock Crescent B Ranch Florida Forever  
395 acquisition; conditions for purchase.--

396 (1) The acquisition of the state's portion of the Babcock  
397 Crescent B Ranch by the Board of Trustees of the Internal  
398 Improvement Trust Fund is a conservation acquisition under the  
399 Florida Forever program created in s. 259.105, with a goal of  
400 sustaining the ecological and economic integrity of the property  
401 being acquired while allowing the business of the ranch to  
402 operate and prosper. The management of the preserve shall be as  
403 provided in s. 259.106, notwithstanding any other provision of  
404 law to the contrary.

405 (2) The Legislature recognizes that the acquisition of the  
406 state's portion of the Babcock Crescent B Ranch represents a  
407 unique opportunity to assist in preserving the largest private  
408 and undeveloped single-ownership tract of land in Charlotte  
409 County. The Legislature further recognizes Lee County as a  
410 partner in the acquisition of the ranch.

411 (3) This section authorizes the acquisition of the state's  
412 portion of the Babcock Crescent B Ranch in order to protect and  
413 preserve for future generations the scientific, scenic,  
414 historic, and natural values of the ranch, including rivers and  
415 ecosystems; to protect and preserve the archaeological,  
416 geological, and cultural resources of the ranch; to provide for  
417 species recovery; and to provide opportunities for public  
418 recreation.

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419       (4) In addition to distributions authorized under s.  
420 259.105(3), the Department of Environmental Protection is  
421 authorized to distribute \$310 million in revenues from the  
422 Florida Forever Trust Fund. This distribution shall represent  
423 payment in full for the portion of the Babcock Crescent B Ranch  
424 to be acquired by the state under this section.

425       (5) As used in this section, the term "state's portion of  
426 the Babcock Crescent B Ranch" means those lands conveyed by  
427 special warranty deed to the Board of Trustees of the Internal  
428 Improvement Trust Fund under the provisions of the agreement for  
429 sale and purchase executed by the Board of Trustees of the  
430 Internal Improvement Trust Fund, the Fish and Wildlife  
431 Conservation Commission, the Department of Agriculture and  
432 Consumer Services, and the participating local government, as  
433 purchaser, and MSKP, III, a Florida corporation, as seller.

434

435

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

437       Remove line 2 and insert:

438       An act relating to land acquisition and management;  
439       amending s. 201.15, F.S.; providing that taxes distributed  
440       to pay debt service on Preservation 2000 bonds, Florida  
441       Forever bonds, and Save Our Everglades bonds shall, under  
442       specified circumstances, be collectively distributed on a  
443       pro rata basis; correcting a cross-reference; deleting  
444       obsolete provisions; amending s. 215.619, F.S.; providing  
445       that Everglades restoration bonds are on a parity basis  
446       with other land acquisition bonds; amending s. 259.032,  
447       F.S.; authorizing the use of funds in the Conservation and

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448 Recreation Lands Trust Fund for management, maintenance,  
449 and capital improvements for conservation and recreation  
450 lands, including lands acquired under the Babcock Crescent  
451 B Ranch Florida Forever acquisition; revising requirements  
452 for the development of an individual land management plan;  
453 amending s. 259.105, F.S.; establishing the Legislature's  
454 intent that the protection and buffering of military  
455 installations is of great importance; directing the  
456 Acquisition and Restoration Council to also give priority  
457 consideration to the acquisition of lands that protect and  
458 buffer military installations; amending s. 259.1051, F.S.;  
459 conforming the distribution of funds from the Florida  
460 Forever Trust Fund; creating s. 259.1052, F.S.; providing  
461 for the acquisition of the state's portion of the Babcock  
462 Crescent B Ranch; providing a definition; granting  
463 authority to the Department of Environmental Protection to  
464 distribute funds for the acquisition of the Babcock  
465 Crescent B Ranch; creating s. 259.106,