

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

28 distribute funds for the acquisition of the Babcock
29 Crescent B Ranch; creating s. 259.106, F.S.; creating the
30 Babcock Ranch Preserve Act; providing definitions;
31 creating the Babcock Ranch Preserve, a conservation
32 acquisition with certain goals; creating Babcock Ranch,
33 Inc., a not-for-profit corporation to be incorporated in
34 the state; providing that the corporation shall act as an
35 instrumentality of the state for purposes of sovereign
36 immunity under s. 768.28, F.S.; providing that the
37 corporation shall not be an agency under s. 20.03, F.S.,
38 or a unit or entity of state government; providing that
39 the corporation is subject to the provisions of chs. 119
40 and 286, F.S., relating to public records and meetings;
41 requiring public records and meetings; providing for the
42 corporation to be governed by a board of directors;
43 providing for the qualifications, appointment, removal,
44 and liability of board members and their terms of office;
45 prohibiting any board member from voting on any measure
46 that constitutes a conflict of interest; providing for the
47 board members to serve without compensation, but to
48 receive per diem and travel expenses; providing for
49 organization and meetings; authorizing state agencies to
50 provide state employees for purposes of implementing the
51 Babcock Ranch Preserve; providing certain powers and
52 duties of the corporation; providing limitations on the
53 powers and duties of the corporation; providing that the
54 corporation and its subsidiaries must provide equal

55 employment opportunities; providing for the corporation to
56 establish and manage an operating fund; requiring an
57 annual financial audit of the accounts and records of the
58 corporation; requiring annual reports by the corporation
59 to the Board of Trustees of the Internal Improvement Trust
60 Fund, the Legislature, the Department of Agriculture and
61 Consumer Services, and the Fish and Wildlife Conservation
62 Commission; requiring that the corporation prepare an
63 annual budget; specifying a goal of financially self-
64 sustaining operation within a certain period; providing
65 for the corporation to retain donations and other moneys;
66 requiring that the corporation adopt articles of
67 incorporation and bylaws subject to the approval of the
68 Board of Trustees of the Internal Improvement Trust Fund;
69 authorizing the corporation to appoint advisory
70 committees; providing requirements for a comprehensive
71 business plan; specifying the procedures by which the
72 corporation shall assume the management and operation of
73 the Babcock Ranch Preserve; prohibiting the corporation
74 from taking certain actions without the consent of the
75 Board of Trustees of the Internal Improvement Trust Fund;
76 requiring that the corporation be subject to certain state
77 laws and rules governing the procurement of commodities
78 and services; authorizing the corporation to assess
79 reasonable fees; providing for management of the Babcock
80 Ranch Preserve until expiration of a current management
81 agreement; providing for reversion of the management and

82 | operation responsibilities to certain agencies upon the
83 | dissolution of the corporation; providing that the
84 | corporation may be dissolved only by an act of the
85 | Legislature; providing for reversion of funds upon the
86 | dissolution of the corporation; providing for
87 | appropriations and certain conditions therefor; providing
88 | effective dates.

89 |
90 | WHEREAS, the Babcock Crescent B Ranch comprises the largest
91 | private undeveloped single-ownership tract of land in Charlotte
92 | County and contains historical evidence in the form of old
93 | logging camps and other artifacts that indicate the importance
94 | of this land for domesticated livestock production, timber
95 | supply, and other bona fide agricultural uses, and

96 | WHEREAS, the careful husbandry of the Babcock Crescent B
97 | Ranch, including selective timbering, grazing and hunting, and
98 | the use of prescribed burning, has preserved a mix of healthy
99 | range and timberland with significant species diversity and
100 | provides a model for sustainable land development and use, and

101 | WHEREAS, the Babcock Crescent B Ranch must be protected for
102 | current and future generations by continued operation as a
103 | working ranch under a unique management regime that protects the
104 | land and resource values of the property and the surrounding
105 | ecosystem while allowing and providing for the ranch to become
106 | financially self-sustaining, and

107 | WHEREAS, it is in the public's best interest that the
108 | management regime for the Babcock Crescent B Ranch include the

109 development of an operational program for appropriate
 110 preservation and development of the ranch's land and resources,
 111 and

112 WHEREAS, the public's interest will be served by the
 113 creation of a not-for-profit corporation to develop and
 114 implement environmentally sensitive, cost-effective, and
 115 creative methods to manage and operate a working ranch, NOW,
 116 THEREFORE,

117

118 Be It Enacted by the Legislature of the State of Florida:

119

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

123 201.15 Distribution of taxes collected.--All taxes
 124 collected under this chapter shall be distributed as follows and
 125 shall be subject to the service charge imposed in s. 215.20(1),
 126 except that such service charge shall not be levied against any
 127 portion of taxes pledged to debt service on bonds to the extent
 128 that the amount of the service charge is required to pay any
 129 amounts relating to the bonds:

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

133 (b) Moneys ~~The remainder of the moneys distributed under~~
 134 ~~this subsection, after the required payment under paragraph (a),~~
 135 shall be paid into the State Treasury to the credit of the Save

136 Our Everglades Trust Fund in amounts necessary to pay debt
137 service, provide reserves, and pay rebate obligations and other
138 amounts due with respect to bonds issued under s. 215.619. Taxes
139 distributed under paragraph (a) and this paragraph must be
140 collectively distributed on a pro rata basis when the available
141 moneys under this subsection are not sufficient to cover the
142 amounts required under paragraph (a) and this paragraph.

143 (11) From the moneys specified in paragraphs (1)(e)
144 ~~paragraphs (1)(d)~~ and (2)(a) and prior to deposit of any moneys
145 into the General Revenue Fund, \$30 million shall be paid into
146 the State Treasury to the credit of the Ecosystem Management and
147 Restoration Trust Fund in fiscal year 2000-2001 and each fiscal
148 year thereafter, to be used for the preservation and repair of
149 the state's beaches as provided in ss. 161.091-161.212, and \$2
150 million shall be paid into the State Treasury to the credit of
151 the Marine Resources Conservation Trust Fund to be used for
152 marine mammal care as provided in s. 370.0603(3).

153 (13) The distribution of proceeds deposited into the Water
154 Management Lands Trust Fund and the Conservation and Recreation
155 Lands Trust Fund, pursuant to subsections (4) and (5), shall not
156 be used for land acquisition, but may be used for preacquisition
157 costs associated with land purchases. The Legislature intends
158 that the Florida Forever program supplant the acquisition
159 programs formerly authorized under ss. 259.032 and 373.59. ~~Prior~~
160 ~~to the 2005 Regular Session of the Legislature, the Acquisition~~
161 ~~and Restoration Council shall review and make recommendations to~~
162 ~~the Legislature concerning the need to repeal this provision.~~

163 ~~Based on these recommendations, the Legislature shall review the~~
164 ~~need to repeal this provision during the 2005 Regular Session.~~

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

169 201.15 Distribution of taxes collected.--All taxes
170 collected under this chapter shall be distributed as follows and
171 shall be subject to the service charge imposed in s. 215.20(1),
172 except that such service charge shall not be levied against any
173 portion of taxes pledged to debt service on bonds to the extent
174 that the amount of the service charge is required to pay any
175 amounts relating to the bonds:

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

179 (b) Moneys ~~The remainder of the moneys distributed under~~
180 ~~this subsection, after the required payment under paragraph (a),~~
181 shall be paid into the State Treasury to the credit of the Save
182 Our Everglades Trust Fund in amounts necessary to pay debt
183 service, provide reserves, and pay rebate obligations and other
184 amounts due with respect to bonds issued under s. 215.619. Taxes
185 distributed under paragraph (a) and this paragraph must be
186 collectively distributed on a pro rata basis when the available
187 moneys under this subsection are not sufficient to cover the
188 amounts required under paragraph (a) and this paragraph.

189 (11) From the moneys specified in paragraphs (1)(e)
 190 ~~paragraphs (1)(d)~~ and (2)(a) and prior to deposit of any moneys
 191 into the General Revenue Fund, \$30 million shall be paid into
 192 the State Treasury to the credit of the Ecosystem Management and
 193 Restoration Trust Fund in fiscal year 2000-2001 and each fiscal
 194 year thereafter, to be used for the preservation and repair of
 195 the state's beaches as provided in ss. 161.091-161.212, and \$2
 196 million shall be paid into the State Treasury to the credit of
 197 the Marine Resources Conservation Trust Fund to be used for
 198 marine mammal care as provided in s. 370.0603(3).

199 (13) The distribution of proceeds deposited into the Water
 200 Management Lands Trust Fund and the Conservation and Recreation
 201 Lands Trust Fund, pursuant to subsections (4) and (5), shall not
 202 be used for land acquisition, but may be used for preacquisition
 203 costs associated with land purchases. The Legislature intends
 204 that the Florida Forever program supplant the acquisition
 205 programs formerly authorized under ss. 259.032 and 373.59. ~~Prior~~
 206 ~~to the 2005 Regular Session of the Legislature, the Acquisition~~
 207 ~~and Restoration Council shall review and make recommendations to~~
 208 ~~the Legislature concerning the need to repeal this provision.~~
 209 ~~Based on these recommendations, the Legislature shall review the~~
 210 ~~need to repeal this provision during the 2005 Regular Session.~~

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

213 215.619 Bonds for Everglades restoration.--

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

216 201.15(1) (b) and do not constitute a general obligation of, or a
 217 pledge of the full faith and credit of, the state. Everglades
 218 restoration bonds shall be secured on a parity basis with ~~are~~
 219 ~~junior and subordinate to~~ bonds secured by moneys distributable
 220 under s. 201.15(1) (a).

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

225 259.032 Conservation and Recreation Lands Trust Fund;
 226 purpose.--

227 (2)

228 (b) There shall annually be transferred from the
 229 Conservation and Recreation Lands Trust Fund to the Land
 230 Acquisition Trust Fund that amount, not to exceed \$20 million
 231 annually, as shall be necessary to pay the debt service on, or
 232 fund debt service reserve funds, rebate obligations, or other
 233 amounts with respect to bonds issued pursuant to s. 375.051 to
 234 acquire lands on the established priority list developed
 235 pursuant to ss. 259.101(4) and 259.105 ~~this section~~; however, no
 236 moneys transferred to the Land Acquisition Trust Fund pursuant
 237 to this paragraph, or earnings thereon, shall be used or made
 238 available to pay debt service on the Save Our Coast revenue
 239 bonds. Amounts transferred annually from the Conservation and
 240 Recreation Lands Trust Fund to the Land Acquisition Trust Fund
 241 pursuant to this paragraph shall have the highest priority over
 242 other payments or transfers from the Conservation and Recreation

243 Lands Trust Fund, and no other payments or transfers shall be
244 made from the Conservation and Recreation Lands Trust Fund until
245 such transfers to the Land Acquisition Trust Fund have been
246 made. ~~Effective July 1, 2001,~~ Moneys in the Conservation and
247 Recreation Lands Trust Fund also shall be used to manage lands
248 and to pay for related costs, activities, and functions pursuant
249 to the provisions of this section.

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

252 (e) Concurrent with the approval of the acquisition
253 contract pursuant to s. 259.041(3)(c) for any interest in lands
254 except those lands being acquired under the provisions of s.
255 259.1052, the board of trustees shall designate an agency or
256 agencies to manage such lands. The board ~~and~~ shall evaluate and
257 amend, as appropriate, the management policy statement for the
258 project as provided by s. 259.035, consistent with the purposes
259 for which the lands are acquired. For any fee simple acquisition
260 of a parcel which is or will be leased back for agricultural
261 purposes, or any acquisition of a less-than-fee interest in land
262 that is or will be used for agricultural purposes, the Board of
263 Trustees of the Internal Improvement Trust Fund shall first
264 consider having a soil and water conservation district, created
265 pursuant to chapter 582, manage and monitor such interests.

266 (f) State agencies designated to manage lands acquired
267 under this chapter except those lands acquired under s. 259.1052
268 may contract with local governments and soil and water
269 conservation districts to assist in management activities,

270 including the responsibility of being the lead land manager.
271 Such land management contracts may include a provision for the
272 transfer of management funding to the local government or soil
273 and water conservation district from the Conservation and
274 Recreation Lands Trust Fund in an amount adequate for the local
275 government or soil and water conservation district to perform
276 its contractual land management responsibilities and
277 proportionate to its responsibilities, and which otherwise would
278 have been expended by the state agency to manage the property.

279 (10)

280 (d)1. For each project for which lands are acquired after
281 July 1, 1995, an individual management plan shall be adopted and
282 in place no later than 1 year after the essential parcel or
283 parcels identified in the priority list developed pursuant to
284 ss. 259.101(4) and 259.105 ~~in the annual Conservation and~~
285 ~~Recreation Lands report prepared pursuant to s. 259.035(2)(a)~~
286 have been acquired. ~~Beginning in fiscal year 1998-1999,~~ The
287 Department of Environmental Protection shall distribute only 75
288 percent of the acquisition funds to which a budget entity or
289 water management district would otherwise be entitled from the
290 Preservation 2000 Trust Fund to any budget entity or any water
291 management district that has more than one-third of its
292 management plans overdue.

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

296 (11)

297 (b) An amount up to 1.5 percent of the cumulative total of
298 funds ever deposited into the Florida Preservation 2000 Trust
299 Fund and the Florida Forever Trust Fund shall be made available
300 for the purposes of management, maintenance, and capital
301 improvements not eligible for funding pursuant to s. 11(e), Art.
302 VII of the State Constitution, and for associated contractual
303 services, for lands acquired pursuant to this section, s.
304 259.101, s. 259.105, s. 259.1052, or previous programs for the
305 acquisition of lands for conservation and recreation, including
306 state forests, to which title is vested in the board of trustees
307 and other conservation and recreation lands managed by a state
308 agency. Of this amount, \$250,000 shall be transferred annually
309 to the Plant Industry Trust Fund within the Department of
310 Agriculture and Consumer Services for the purpose of
311 implementing the Endangered or Threatened Native Flora
312 Conservation Grants Program pursuant to s. 581.185(11). Each
313 agency with management responsibilities shall annually request
314 from the Legislature funds sufficient to fulfill such
315 responsibilities. For the purposes of this paragraph, capital
316 improvements shall include, but need not be limited to,
317 perimeter fencing, signs, firelanes, access roads and trails,
318 and minimal public accommodations, such as primitive campsites,
319 garbage receptacles, and toilets. Any equipment purchased with
320 funds provided pursuant to this paragraph may be used for the
321 purposes described in this paragraph on any conservation and
322 recreation lands managed by a state agency.

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

325 259.105 The Florida Forever Act.--

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

327 1. The Preservation 2000 program provided tremendous
328 financial resources for purchasing environmentally significant
329 lands to protect those lands from imminent development, thereby
330 assuring present and future generations access to important open
331 spaces and recreation and conservation lands.

332 2. The continued alteration and development of Florida's
333 natural areas to accommodate the state's rapidly growing
334 population have contributed to the degradation of water
335 resources, the fragmentation and destruction of wildlife
336 habitats, the loss of outdoor recreation space, and the
337 diminishment of wetlands, forests, and public beaches.

338 3. The potential development of Florida's remaining
339 natural areas and escalation of land values require a
340 continuation of government efforts to restore, bring under
341 public protection, or acquire lands and water areas to preserve
342 the state's invaluable quality of life.

343 4. Florida's groundwater, surface waters, and springs are
344 under tremendous pressure due to population growth and economic
345 expansion and require special protection and restoration
346 efforts. To ensure that sufficient quantities of water are
347 available to meet the current and future needs of the natural
348 systems and citizens of the state, and assist in achieving the
349 planning goals of the department and the water management

350 districts, water resource development projects on public lands,
351 where compatible with the resource values of and management
352 objectives for the lands, are appropriate.

353 5. The needs of urban Florida for high-quality outdoor
354 recreational opportunities, greenways, trails, and open space
355 have not been fully met by previous acquisition programs.
356 Through such programs as the Florida Communities Trust and the
357 Florida Recreation Development Assistance Program, the state
358 shall place additional emphasis on acquiring, protecting,
359 preserving, and restoring open space, greenways, and recreation
360 properties within urban areas where pristine natural communities
361 or water bodies no longer exist because of the proximity of
362 developed property.

363 6. Many of Florida's unique ecosystems, such as the
364 Florida Everglades, are facing ecological collapse due to
365 Florida's burgeoning population. To preserve these valuable
366 ecosystems for future generations, parcels of land must be
367 acquired to facilitate ecosystem restoration.

368 7. Access to public lands to support a broad range of
369 outdoor recreational opportunities and the development of
370 necessary infrastructure, where compatible with the resource
371 values of and management objectives for such lands, promotes an
372 appreciation for Florida's natural assets and improves the
373 quality of life.

374 8. Acquisition of lands, in fee simple or in any lesser
375 interest, should be based on a comprehensive assessment of
376 Florida's natural resources and planned so as to protect the

377 integrity of ecological systems and provide multiple benefits,
378 including preservation of fish and wildlife habitat, recreation
379 space for urban as well as rural areas, and water recharge.

380 9. The state has embraced performance-based program
381 budgeting as a tool to evaluate the achievements of publicly
382 funded agencies, build in accountability, and reward those
383 agencies which are able to consistently achieve quantifiable
384 goals. While previous and existing state environmental programs
385 have achieved varying degrees of success, few of these programs
386 can be evaluated as to the extent of their achievements,
387 primarily because performance measures, standards, outcomes, and
388 goals were not established at the outset. Therefore, the Florida
389 Forever program shall be developed and implemented in the
390 context of measurable state goals and objectives.

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

395 (b) The Legislature recognizes that acquisition is only
396 one way to achieve the aforementioned goals and encourages the
397 development of creative partnerships between governmental
398 agencies and private landowners. Land protection agreements and
399 similar tools should be used, where appropriate, to bring
400 environmentally sensitive tracts under an acceptable level of
401 protection at a lower financial cost to the public, and to
402 provide private landowners with the opportunity to enjoy and
403 benefit from their property.

404 (c) Public agencies or other entities that receive funds
405 under this section are encouraged to better coordinate their
406 expenditures so that project acquisitions, when combined with
407 acquisitions under Preservation 2000, Save Our Rivers, the
408 Florida Communities Trust, and other public land acquisition
409 programs, will form more complete patterns of protection for
410 natural areas and functioning ecosystems, to better accomplish
411 the intent of this section.

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

418 (e) With limited dollars available for restoration and
419 acquisition of land and water areas and for providing long-term
420 management and capital improvements, a competitive selection
421 process can select those projects best able to meet the goals of
422 Florida Forever and maximize the efficient use of the program's
423 funding.

424 (f) To ensure success and provide accountability to the
425 citizens of this state, it is the intent of the Legislature that
426 any bond proceeds used pursuant to this section be used to
427 implement the goals and objectives recommended by the Florida
428 Forever Advisory Council as approved by the Board of Trustees of
429 the Internal Improvement Trust Fund and the Legislature.

430 (g) As it has with previous land acquisition programs, the
431 Legislature recognizes the desires of the citizens of this state
432 to prosper through economic development and to preserve the
433 natural areas and recreational open space of Florida. The
434 Legislature further recognizes the urgency of restoring the
435 natural functions of public lands or water bodies before they
436 are degraded to a point where recovery may never occur, yet
437 acknowledges the difficulty of ensuring adequate funding for
438 restoration efforts in light of other equally critical financial
439 needs of the state. It is the Legislature's desire and intent to
440 fund the implementation of this section and to do so in a
441 fiscally responsible manner, by issuing bonds to be repaid with
442 documentary stamp tax revenue.

443 (h) The Legislature further recognizes the important role
444 that many of our state and federal military installations
445 contribute to protecting and preserving Florida's natural
446 resources as well as our economic prosperity. Where the state's
447 land conservation plans overlap with the military's need to
448 protect lands, waters, and habitat to ensure the sustainability
449 of military missions, it is the Legislature's intent that
450 agencies receiving funds under this program cooperate with our
451 military partners to protect and buffer military installations
452 and military airspace, by:

453 1. Protecting habitat on nonmilitary land for any species
454 found on military land that is designated as threatened or
455 endangered, or is a candidate for such designation under the
456 Endangered Species Act or any Florida statute.

457 2. Protecting areas underlying low-level military air
458 corridors or operating areas.

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

462 (10) The Acquisition and Restoration Council shall give
463 increased priority to those projects for which matching funds
464 are available and to project elements previously identified on
465 an acquisition list pursuant to this section that can be
466 acquired at 80 percent or less of appraised value. The council
467 shall also give increased priority to those projects where the
468 state's land conservation plans overlap with the military's need
469 to protect lands, water, and habitat to ensure the
470 sustainability of military missions, including:

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

475 (b) Protecting areas underlying low-level military air
476 corridors or operating areas.

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

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

483 259.1051 Florida Forever Trust Fund.--

484 (1) There is created the Florida Forever Trust Fund to
 485 carry out the purposes of ss. 259.032, 259.105, 259.1052, and
 486 375.031. The Florida Forever Trust Fund shall be held and
 487 administered by the Department of Environmental Protection.
 488 Proceeds from the sale of bonds, except proceeds of refunding
 489 bonds, issued under s. 215.618 and payable from moneys
 490 transferred to the Land Acquisition Trust Fund under s.
 491 201.15(1)(a), not to exceed \$3 billion, must be deposited into
 492 this trust fund to be distributed and used as provided in s.
 493 259.105(3). The bond resolution adopted by the governing board
 494 of the Division of Bond Finance of the State Board of
 495 Administration may provide for additional provisions that govern
 496 the disbursement of the bond proceeds.

497 (2) The Department of Environmental Protection shall
 498 distribute revenues from the Florida Forever Trust Fund only to
 499 programs of state agencies or local governments as set out in s.
 500 259.105(3) or as provided in s. 259.1052. Excluding
 501 distributions to the Save Our Everglades Trust Fund and
 502 distributions for the acquisition of the Babcock Crescent B
 503 Ranch Florida Forever acquisition as provided in s. 259.1052,
 504 the distributions shall be spent by the recipient within 90 days
 505 after the date on which the Department of Environmental
 506 Protection initiates the transfer.

507 Section 7. Section 259.1052, Florida Statutes, is created
 508 to read:

509 259.1052 Babcock Crescent B Ranch Florida Forever
 510 acquisition; conditions for purchase.--

511 (1) The acquisition of the state's portion of the Babcock
512 Crescent B Ranch by the Board of Trustees of the Internal
513 Improvement Trust Fund is a conservation acquisition under the
514 Florida Forever program created in s. 259.105, with a goal of
515 sustaining the ecological and economic integrity of the property
516 being acquired while allowing the business of the ranch to
517 operate and prosper. The management of the preserve shall be as
518 provided in s. 259.106, notwithstanding any other provision of
519 law to the contrary.

520 (2) The Legislature recognizes that the acquisition of the
521 state's portion of the Babcock Crescent B Ranch represents a
522 unique opportunity to assist in preserving the largest private
523 and undeveloped single-ownership tract of land in Charlotte
524 County. The Legislature further recognizes Lee County as a
525 partner in the acquisition of the ranch.

526 (3) This section authorizes the acquisition of the state's
527 portion of the Babcock Crescent B Ranch in order to protect and
528 preserve for future generations the scientific, scenic,
529 historic, and natural values of the ranch, including rivers and
530 ecosystems; to protect and preserve the archaeological,
531 geological, and cultural resources of the ranch; to provide for
532 species recovery; and to provide opportunities for public
533 recreation.

534 (4) In addition to distributions authorized under s.
535 259.105(3), the Department of Environmental Protection is
536 authorized to distribute \$310 million in revenues from the
537 Florida Forever Trust Fund. This distribution shall represent

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

540 (5) As used in this section, the term "state's portion of
 541 the Babcock Crescent B Ranch" means those lands conveyed by
 542 special warranty deed to the Board of Trustees of the Internal
 543 Improvement Trust Fund under the provisions of the agreement for
 544 sale and purchase executed by the Board of Trustees of the
 545 Internal Improvement Trust Fund, the Fish and Wildlife
 546 Conservation Commission, the Department of Agriculture and
 547 Consumer Services, and the participating local government, as
 548 purchaser, and MSKP, III, a Florida corporation, as seller.

549 Section 8. Section 259.106, Florida Statutes, is created
 550 to read:

551 259.106 Babcock Ranch Preserve; Babcock Ranch, Inc.;
 552 creation; membership; organization; meetings.--

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

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

556 (a) "Babcock Ranch Preserve" and "preserve" mean the lands
 557 and facilities acquired in the purchase of the Babcock Crescent
 558 B Ranch.

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

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

564 (d) "Commission" means the Fish and Wildlife Conservation
 565 Commission.

566 (e) "Commissioner" means the Commissioner of Agriculture.

567 (f) "Department" means the Department of Agriculture and
 568 Consumer Services.

569 (g) "Financially self-sustaining" means management and
 570 operating expenditures not more than the revenues collected from
 571 fees and other receipts for resource use and development and
 572 from interest and invested funds.

573 (h) "Management and operating expenditures" means expenses
 574 of the corporation, including, but not limited to, salaries and
 575 benefits of officers and staff, administrative and operating
 576 expenses, costs for improvements to and maintenance of lands and
 577 facilities of the Babcock Ranch Preserve, and other similar
 578 expenses. Such expenditures shall be made from revenues
 579 generated from the operation of the ranch and not from funds
 580 appropriated by the Legislature except as provided in this
 581 section.

582 (i) "Member" means a person appointed to the board of
 583 directors of the not-for-profit corporation created under this
 584 section.

585 (j) "Multiple use" means the management of all of the
 586 renewable surface resources of the Babcock Ranch Preserve to
 587 best meet the needs of the public, including the use of the land
 588 for some or all of the renewable surface resources or related
 589 services over areas large enough to allow for periodic
 590 adjustments in use to conform to the changing needs and

591 conditions of the preserve while recognizing that a portion of
 592 the land will be used for some of the renewable surface
 593 resources available on that land. The goal of multiple use is
 594 the harmonious and coordinated management of the renewable
 595 surface resources without impairing the productivity of the land
 596 and considering the relative value of the renewable surface
 597 resources, and not necessarily a combination of uses to provide
 598 the greatest monetary return or the greatest unit output.

599 (k) "Sustained yield of the renewable surface resources"
 600 means the achievement and maintenance of a high level of annual
 601 or regular periodic output of the various renewable surface
 602 resources of the preserve without impairing the productivity of
 603 the land.

604 (l) "Working ranch" means those activities necessary to
 605 accomplish the goals of multiple use and sustained yield of the
 606 renewable surface resources, considering historical agricultural
 607 uses of the property and other compatible agricultural uses of
 608 the property.

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

610 (a) The acquisition of the Babcock Crescent B Ranch by the
 611 Board of Trustees of the Internal Improvement Trust Fund is a
 612 conservation acquisition with a goal of sustaining the
 613 ecological and economic integrity of the property being acquired
 614 while allowing the business of the working ranch to operate and
 615 prosper.

616 (b) Upon the date of acquisition of the Babcock Crescent B
 617 Ranch, there is created the Babcock Ranch Preserve, which shall

618 be managed in accordance with the purposes and requirements of
619 this section.

620 (c) The preserve is established to protect and preserve
621 the environmental, agricultural, scientific, scenic, geologic,
622 watershed, fish, wildlife, historic, cultural, and recreational
623 values of the preserve, and to provide for the multiple use and
624 sustained yield of the renewable surface resources within the
625 preserve consistent with this section. There shall be no
626 restriction, including reference to location or species, on any
627 silvicultural operation so long as current best management
628 practices adopted by the department are followed. Pasture
629 management, hunting leases, and tenant farming shall be allowed
630 at the discretion of Babcock Ranch, Inc.

631 (d) Babcock Ranch, Inc., and its officers and employees
632 shall participate in the management of the Babcock Ranch
633 Preserve in an advisory capacity only until the management
634 agreement is terminated or expires.

635 (e) Nothing in this section shall preclude Babcock Ranch,
636 Inc., prior to assuming management and operation of the preserve
637 and thereafter, from allowing the use of common varieties of
638 mineral materials such as sand, stone, and gravel for
639 construction and maintenance of roads and facilities within the
640 preserve.

641 (f) Nothing in this section shall be construed as
642 affecting the constitutional responsibilities of the commission
643 in the exercise of its regulatory and executive power with
644 respect to wild animal life and freshwater aquatic life,

645 including the regulation of hunting, fishing, and trapping
646 within the preserve.

647 (g) Nothing in this section shall be construed to
648 interfere with or prevent the ability of Babcock Ranch, Inc., to
649 implement agricultural practices authorized by the agricultural
650 land use designations established in the local comprehensive
651 plans of either Charlotte County or Lee County as those plans
652 apply to the Babcock Ranch Preserve, so long as such plans are
653 not in conflict with this section or general law.

654 (h) Nothing in this section shall preclude the maintenance
655 and use of roads and trails or the relocation of roads in
656 existence on the effective date of this section, or the
657 construction, maintenance, and use of new trails, or any
658 motorized access necessary for the administration of the land
659 contained within the preserve, including motorized access
660 necessary for emergencies involving the health or safety of
661 persons within the preserve.

662 (4) CREATION OF BABCOCK RANCH, INCORPORATED.--

663 (a) There is created a not-for-profit corporation, to be
664 known as Babcock Ranch, Inc., which shall be registered,
665 incorporated, organized, and operated in compliance with the
666 provisions of chapter 617 and which shall not be a unit or
667 entity of state government. For purposes of sovereign immunity,
668 the corporation shall be a corporation primarily acting as an
669 instrumentality of the state but otherwise shall not be an
670 agency within the meaning of s. 20.03(11) or a unit or entity of
671 state government.

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

675 (c) Meetings and records of the corporation, its
676 directors, advisory committees, or similar groups created by the
677 corporation, including any not-for-profit subsidiaries, are
678 subject to the public records provisions of chapter 119 and the
679 public meetings and records provisions of s. 286.011.

680 (5) APPLICABILITY OF SECTION.--In any conflict between a
681 provision of this section and a provision of chapter 617, the
682 provision of this section shall prevail.

683 (6) PURPOSE.--The purpose of Babcock Ranch, Inc., is to
684 provide management and administrative services for the preserve,
685 to establish and implement management policies that will achieve
686 the purposes and requirements of this section, to cooperate with
687 state agencies to further the purposes of the preserve, and to
688 establish the administrative and accounting procedures for the
689 operation of the corporation.

690 (7) BOARD; MEMBERSHIP; REMOVAL; LIABILITY.--The
691 corporation shall be governed by a nine-member board of
692 directors who shall be appointed by the Board of Trustees of the
693 Internal Improvement Trust Fund; the commission; the
694 commissioner; the Babcock Ranch Management, LLC, a corporation
695 registered to do business in the state, or its successors or
696 assigns; the Board of County Commissioners of Charlotte County;
697 and the Board of County Commissioners of Lee County in the
698 following manner:

699 (a)1. The Board of Trustees of the Internal Improvement
700 Trust Fund shall appoint four members. One appointee shall have
701 expertise in domesticated livestock management, production, and
702 marketing, including range management and livestock business
703 management. One appointee shall have expertise in the management
704 of game and nongame wildlife and fish populations, including
705 hunting, fishing, and other recreational activities. One
706 appointee shall have expertise in the sustainable management of
707 forest lands for commodity purposes. One appointee shall have
708 expertise in financial management, budget and program analysis,
709 and small business operations.

710 2. The commission shall appoint one member with expertise
711 in hunting; fishing; nongame species management; or wildlife
712 habitat management, restoration, and conservation.

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

715 4. The Babcock Ranch Management, LLC, its successors or
716 assigns, shall appoint one member with expertise in the
717 activities and management of the Babcock Crescent B Ranch on the
718 date of acquisition of the ranch by the state. This appointee
719 shall serve on the board of directors only until the termination
720 or expiration of the management agreement. Upon termination or
721 expiration of the management agreement, the person serving as
722 the head of the property owners' association, if any, required
723 to be created under the agreement for sale and purchase shall
724 serve as a member of the Board of Directors of Babcock Ranch,
725 Inc.

726 5. The Board of County Commissioners of Charlotte County
727 shall appoint one member who shall be a resident of the county
728 and who shall be active in an organization concerned with the
729 activities of the ranch.

730 6. The Board of County Commissioners of Lee County shall
731 appoint one member who shall be a resident of the county and who
732 shall have experience in land conservation and management. This
733 appointee, or a successor appointee, shall serve as a member of
734 the board of directors so long as the county participates in the
735 state land management plan.

736 (b) All members of the board of directors shall be
737 appointed no later than 90 days following the initial
738 acquisition of the Babcock Crescent B Ranch by the state.

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

742 2. The remaining initial five appointees shall each serve
743 a 2-year term.

744 3. Each member appointed thereafter shall serve a 4-year
745 term.

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

749 5. No member may serve more than 8 years in consecutive
750 terms.

751 (c) No appointee shall be an employee of any governmental
752 entity.

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

757 (e) No member shall vote in an official capacity upon any
758 measure that would inure to his or her special private gain or
759 loss, that he or she knows would inure to the special private
760 gain or loss of any principal by whom he or she is retained or
761 to the parent organization or subsidiary of a principal by which
762 he or she is retained, or that he or she knows would inure to
763 the special private gain or loss of a relative or business
764 associate of the member. Such member shall, prior to the vote
765 being taken, publicly state the nature of his or her interest in
766 the matter from which he or she is abstaining from voting and,
767 no later than 15 days after the date the vote occurs, shall
768 disclose the nature of his or her interest as a public record in
769 a memorandum filed with the person responsible for recording the
770 minutes of the meeting, who shall incorporate the memorandum in
771 the minutes of the meeting.

772 (f) Each member of the board of directors is accountable
773 for the proper performance of the duties of office, and each
774 member owes a fiduciary duty to the people of the state to
775 ensure that funds provided in furtherance of this section are
776 disbursed and used as prescribed by law and contract. Any
777 official appointing a member may remove that member for
778 malfeasance, misfeasance, neglect of duty, incompetence,
779 permanent inability to perform official duties, unexcused

780 absence from three consecutive meetings of the board, arrest or
 781 indictment for a crime that is a felony or misdemeanor involving
 782 theft or a crime of dishonesty, or pleading nolo contendere to,
 783 or being found guilty of, any crime.

784 (g) Each member of the board of directors shall serve
 785 without compensation but shall receive travel and per diem
 786 expenses as provided in s. 112.061 while in the performance of
 787 his or her duties. These expenses shall be paid from the
 788 operating funds of the ranch.

789 (8) ORGANIZATION; MEETINGS.--

790 (a)1. The board of directors shall annually elect a chair
 791 and a vice chair from among the board's members. The members
 792 may, by a vote of at least five of the nine board members,
 793 remove a member from the position of chair or vice chair prior
 794 to the expiration of his or her term as chair or vice chair. His
 795 or her successor shall be elected to serve for the balance of
 796 the removed chair's or vice chair's term.

797 2. The chair shall ensure that records are kept of the
 798 proceedings of the board of directors and is the custodian of
 799 all books, documents, and papers filed with the board, the
 800 minutes of meetings of the board, and the official seal of the
 801 corporation.

802 (b)1. The board of directors shall meet upon the call of
 803 the chair at least three times per year in Charlotte County or
 804 in Lee County.

805 2. A majority of the members of the board of directors
 806 constitutes a quorum. Except as otherwise provided in this

807 section, the board of directors may take official action by a
808 majority of the members present at any meeting at which a quorum
809 is present. Members may not vote by proxy.

810 (9) POWERS AND DUTIES.--

811 (a) The board of directors shall adopt articles of
812 incorporation and bylaws necessary to govern its activities. The
813 adopted articles of incorporation and bylaws must be approved by
814 the Board of Trustees of the Internal Improvement Trust Fund
815 prior to filing with the Department of State.

816 (b) The board of directors shall review and approve any
817 comprehensive business plan prior to the submission of that plan
818 to the Board of Trustees of the Internal Improvement Trust Fund
819 for approval and implementation.

820 (c)1. Except for the constitutional powers of the
821 commission as provided in s. 9, Art. IV of the State
822 Constitution, the board of directors shall have all necessary
823 and proper powers for the exercise of the authority vested in
824 the corporation, including, but not limited to, the power to
825 solicit and accept donations of funds, property, supplies, or
826 services from individuals, foundations, corporations, and other
827 public or private entities for the purposes of this section. All
828 funds received by the corporation shall be deposited into the
829 operating fund authorized under this section unless otherwise
830 directed by the Legislature.

831 2. The board of directors may not increase the number of
832 its members.

833 3. The corporation may not purchase, take, receive, lease,
834 take by gift, devise, or bequest, or otherwise acquire, own,
835 hold, improve, use, or otherwise deal in and with real property,
836 or any interest therein, wherever situated, unless otherwise
837 provided in this section.

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

841 5. The corporation may not purchase, take, receive,
842 subscribe for, or otherwise acquire, own, hold, vote, use,
843 employ, sell, mortgage, lend, pledge, or otherwise dispose of,
844 or otherwise use and deal in and with, shares and other
845 interests in, or obligations of, other domestic or foreign
846 corporations, whether for profit or not for profit,
847 associations, partnerships, or individuals, or direct or
848 indirect obligations of the United States or of any other
849 government, state, territory, government district, municipality,
850 or any instrumentality thereof.

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

854 7. The corporation may not merge with other corporations
855 or other business entities.

856 8. The corporation may not enter into any contract, lease,
857 or other agreement related to the use of ground or surface
858 waters located in, on, or through the preserve without the
859 consent of the Board of Trustees of the Internal Improvement

860 Trust Fund and permits that may be required by the Department of
861 Environmental Protection or the appropriate water management
862 district under chapters 373 and 403.

863 9. The corporation may not grant any easements in, on, or
864 across the preserve. Any easements to be granted for the use of,
865 access to, or ingress and egress across state property within
866 the preserve must be executed by the Board of Trustees of the
867 Internal Improvement Trust Fund as the owners of the state
868 property within the preserve. Any easements to be granted for
869 the use of, access to, or ingress and egress across property
870 within the preserve titled in the name of a local government
871 must be granted by the governing body of that local government.

872 10. The corporation may not enter into any contract,
873 lease, or other agreement related to the use and occupancy of
874 the property within the preserve for a period of greater than 10
875 years.

876 (d) The corporation, in consultation with the commission
877 and the department, may designate hunting, fishing, and trapping
878 zones and may establish additional periods when no hunting,
879 fishing, or trapping shall be permitted for reasons of public
880 safety, administration, and the protection and enhancement of
881 nongame habitat and nongame species, as defined under s.
882 372.001.

883 (e) The corporation shall have the sole and exclusive
884 right to use the words "Babcock Ranch, Inc." and any seal,
885 emblem, or other insignia adopted by the members. Without the
886 express written authority of the corporation, no person may use

887 the words "Babcock Ranch, Inc." as the name under which that
888 person conducts or purports to conduct business, for the purpose
889 of trade or advertisement, or in any manner that may suggest any
890 connection with the corporation.

891 (f) The corporation may from time to time appoint advisory
892 committees to further any part of this section. The advisory
893 committees shall be reflective of the expertise necessary for
894 the particular function for which the committee is created and
895 may include public agencies, private entities, and not-for-
896 profit conservation and agricultural representatives.

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

900 (h) The corporation and its subsidiaries must provide
901 equal employment opportunities for all persons regardless of
902 race, color, religion, gender, national origin, age, handicap,
903 or marital status.

904 (10) OPERATING FUND; AUDIT; REPORTING REQUIREMENTS; ANNUAL
905 BUDGET.--

906 (a) The board of directors may establish and manage an
907 operating fund to address the corporation's unique cash-flow
908 needs and to facilitate the management and operation of the
909 preserve as a working ranch. A cash balance reserve of not more
910 than 25 percent of the annual management and operating
911 expenditures of the corporation may accumulate and be maintained
912 in the operating fund at any time.

913 (b) The board of directors shall provide for an annual
914 financial audit of the corporate accounts and records to be
915 conducted by an independent certified public accountant in
916 accordance with rules adopted by the Auditor General under s.
917 11.45(8). The audit report shall be submitted no later than 3
918 months following the end of the fiscal year to the Auditor
919 General, the President of the Senate, the Speaker of the House
920 of Representatives, and the appropriate substantive and fiscal
921 committees of the Legislature. The Auditor General, the Office
922 of Program Policy Analysis and Government Accountability, and
923 the substantive or fiscal committees of the Legislature to which
924 legislation affecting the Babcock Ranch Preserve may be referred
925 shall have the authority to require and receive from the
926 corporation or from the independent auditor any records relative
927 to the operation of the corporation.

928 (c) Not later than January 15 of each year, Babcock Ranch,
929 Inc., shall submit to the Board of Trustees of the Internal
930 Improvement Trust Fund, the President of the Senate, the Speaker
931 of the House of Representatives, the department, and the
932 commission a comprehensive and detailed report of its
933 operations, activities, and accomplishments for the prior year,
934 including information on the status of the ecological, cultural,
935 and financial resources being managed by the corporation and the
936 benefits provided by the preserve to local communities. The
937 report shall also include a section describing the corporation's
938 goals for the current year.

939 (d) The board of directors shall prepare an annual budget
940 with the goal of achieving a financially self-sustaining
941 operation within 15 full fiscal years after the initial
942 acquisition of the Babcock Crescent B Ranch by the state. The
943 department shall provide necessary assistance, including details
944 as necessary, to the corporation for the timely formulation and
945 submission of an annual legislative budget request for
946 appropriations, if any, to support the administration,
947 operation, and maintenance of the preserve. A request for
948 appropriations, if necessary, shall be submitted to the
949 department and shall be included in the department's annual
950 legislative budget request as a separate line item
951 appropriation. Requests for appropriations shall be submitted to
952 the department in time to allow the department to meet the
953 requirements of s. 216.023. The department may not deny a
954 request or refuse to include in its annual legislative budget
955 submission a request from the corporation for an appropriation.

956 (e) Notwithstanding any other provision of law, all moneys
957 received from donations or from management of the preserve shall
958 be retained by the corporation in the operating fund and shall
959 be available, without further appropriation, for the
960 administration, preservation, restoration, operation and
961 maintenance, improvements, repairs, and related expenses
962 incurred with respect to properties being managed by the
963 corporation. Except as provided in this section, moneys received
964 by the corporation for the management of the preserve shall not
965 be subject to distribution by the state. Upon assuming

966 management responsibilities for the preserve, the corporation
967 shall optimize the generation of income based on existing
968 marketing conditions to the extent that activities do not
969 unreasonably diminish the long-term environmental, agricultural,
970 scenic, and natural values of the preserve or the multiple-use
971 and sustained-yield capability of the land.

972 (f) All parties in contract with the corporation and all
973 holders of leases from the corporation that are authorized to
974 occupy, use, or develop properties under the management
975 jurisdiction of the corporation must procure the proper
976 insurance as is reasonable or customary to insure against any
977 loss in connection with the properties or with activities
978 authorized in the leases or contracts.

979 (11) COMPREHENSIVE BUSINESS PLAN.--

980 (a) A comprehensive business plan for the management and
981 operation of the preserve as a working ranch and amendments to
982 the business plan may be developed with input from the
983 department and the commission and may be implemented by Babcock
984 Ranch, Inc., upon the termination or expiration of the
985 management agreement.

986 (b) Any final decision of Babcock Ranch, Inc., to adopt or
987 amend the comprehensive business plan or to approve any activity
988 related to the management of the renewable surface resources of
989 the preserve shall be made in sessions that are open to the
990 public. The board of directors shall establish procedures for
991 providing adequate public information and opportunities for
992 public comment on the proposed comprehensive business plan for

993 the preserve or for amendments to the comprehensive business
994 plan adopted by the members.

995 (c) Not less than 2 years prior to the corporation's
996 assuming management and operation responsibilities for the
997 preserve, the corporation, with input from the commission and
998 the department, must begin developing the comprehensive business
999 plan to carry out the purposes of this section. To the extent
1000 consistent with these purposes, the comprehensive business plan
1001 shall provide for:

1002 1. The management and operation of the preserve as a
1003 working ranch.

1004 2. The protection and conservation of the environmental,
1005 agricultural, scientific, scenic, geologic, watershed, fish,
1006 wildlife, historic, cultural, and recreational values of the
1007 preserve.

1008 3. The promotion of controlled high-quality hunting
1009 experiences for the public, with emphasis on deer, turkey, and
1010 other game species.

1011 4. Multiple use and sustained yield of the renewable
1012 surface resources within the preserve.

1013 5. Public use of and controlled access to the preserve for
1014 recreation.

1015 6. The use of renewable resources and management
1016 alternatives that, to the extent practicable, benefit local
1017 communities and small businesses and enhance the coordination of
1018 management objectives with those on surrounding public or
1019 private lands. The use of renewable resources and management

1020 alternatives should provide cost savings to the corporation
1021 through the exchange of services, including, but not limited to,
1022 labor and maintenance of facilities, for resources or services
1023 provided to the corporation.

1024 (d) On or before the date on which title to the portion of
1025 the Babcock Crescent B Ranch being purchased by the state is
1026 vested in the Board of Trustees of the Internal Improvement
1027 Trust Fund, Babcock Ranch Management, LLC, a limited liability
1028 company incorporated in the state, shall provide the commission
1029 and the department with the current proprietary management plan
1030 and business plan in place.

1031 (e) The comprehensive business plan for the preserve shall
1032 be consistent with the management practices taking place on the
1033 Babcock Crescent B Ranch prior to the state taking title to the
1034 land.

1035 (f) To achieve the goal of a financially self-sustaining
1036 operation, the comprehensive business plan must preserve to the
1037 maximum extent practicable environmental resources and wildlife
1038 habitats found on the preserve.

1039 (12) MANAGEMENT OF PRESERVE; FEES.--

1040 (a) The corporation shall assume all authority provided by
1041 this section to manage and operate the preserve as a working
1042 ranch upon a determination by the Board of Trustees of the
1043 Internal Improvement Trust Fund that the corporation is able to
1044 conduct business and that provision has been made for essential
1045 services on the preserve, which, to the maximum extent

1046 practicable, shall be made no later than 60 days prior to the
1047 termination or expiration of the management agreement.

1048 (b) Upon assuming management and operation of the
1049 preserve, the corporation shall:

1050 1. With input from the commission and the department,
1051 manage and operate the preserve and the uses thereof, including,
1052 but not limited to, the activities necessary to administer and
1053 operate the preserve as a working ranch; the activities
1054 necessary for the preservation and development of the land and
1055 renewable surface resources of the preserve; the activities
1056 necessary for interpretation of the history of the preserve on
1057 behalf of the public; the activities necessary for the
1058 management, public use, and occupancy of facilities and lands
1059 within the preserve; and the maintenance, rehabilitation,
1060 repair, and improvement of property within the preserve.

1061 2. Develop programs and activities relating to the
1062 management of the preserve as a working ranch.

1063 3. Negotiate directly with and enter into such agreements,
1064 leases, contracts, and other arrangements with any person, firm,
1065 association, organization, corporation, or governmental entity,
1066 including entities of federal, state, and local governments, as
1067 are necessary and appropriate to carry out the purposes and
1068 activities authorized by this section.

1069 4. Establish procedures for entering into lease agreements
1070 and other agreements for the use and occupancy of the facilities
1071 of the preserve. The procedures shall ensure reasonable

1072 competition and set guidelines for determining reasonable fees,
1073 terms, and conditions for such agreements.

1074 5. Assess reasonable fees for admission to, use of, and
1075 occupancy of the preserve for operation of the preserve as a
1076 working ranch. These fees are independent of fees assessed by
1077 the commission for the privilege of hunting, fishing, or
1078 pursuing outdoor recreational activities within the preserve and
1079 shall be deposited into the operating fund established by the
1080 board of directors under the authority provided in this section.

1081 (13) MISCELLANEOUS PROVISIONS.--

1082 (a) Except for the powers of the commissioner provided in
1083 this section and the powers of the commission provided in s. 9,
1084 Art. IV of the State Constitution, the preserve shall be managed
1085 by Babcock Ranch, Inc.

1086 (b) Officers and employees of Babcock Ranch, Inc., are
1087 private employees. At the request of the board of directors, the
1088 commission and the department may provide state employees for
1089 the purpose of implementing this section. Any state employee
1090 provided to assist the directors in implementing this section
1091 for more than 30 days shall be provided on a reimbursable basis.
1092 Reimbursement to the commission and the department shall be made
1093 from the corporation's operating fund provided under this
1094 section and not from any funds appropriated to the corporation
1095 by the Legislature.

1096 (14) DISSOLUTION OF BABCOCK RANCH, INCORPORATED.--

1097 (a) The corporation may be dissolved only by an act of the
1098 Legislature.

1099 (b) Upon dissolution of the corporation, the management
 1100 responsibilities provided in this section shall revert to the
 1101 commission and the department unless otherwise provided by the
 1102 Legislature under the act dissolving Babcock Ranch, Inc.

1103 (c) Upon dissolution of the corporation, any cash balances
 1104 of funds shall revert to the General Revenue fund or such other
 1105 state fund as may be provided under the act dissolving Babcock
 1106 Ranch, Inc.

1107 Section 9. (1) For the 2006-2007 fiscal year, the sum of
 1108 \$310 million in nonrecurring funds is appropriated from the
 1109 Florida Forever Trust Fund in the Department of Environmental
 1110 Protection for the purchase of the Babcock Crescent B Ranch
 1111 contingent upon the purchase or management agreement or both
 1112 agreements containing or not conflicting with the following
 1113 provisions:

1114 (a) Babcock Ranch Management, LLC, shall be the managing
 1115 entity of the working ranch for 5 years with an option to
 1116 continue for an additional 5 years.

1117 (b) Babcock Ranch, Inc., shall take over the management of
 1118 the working ranch after the Babcock Ranch Management, LLC,
 1119 ceases to be the ranch manager.

1120 (c) Babcock Ranch, Inc., shall adopt a comprehensive
 1121 business plan consistent with current ranch management practices
 1122 when Babcock Ranch, Inc., takes over management of the working
 1123 ranch.

1124 (d) The working ranch shall continue to be operated in a
 1125 financially self-sustaining manner.

1126 (e) The following ranch operations shall not be prohibited
1127 or restricted except by general law:

1128 1. Silvicultural operations, regardless of species and
1129 location; however, except in cases of salvage operations or
1130 invasive exotic control, no cypress tree that measures more than
1131 30 inches in diameter at breast height may be harvested and
1132 harvested areas are limited to no more than 100 acres per
1133 harvest tract.

1134 2. Tenant farming on lands historically used for that
1135 purpose.

1136 3. Hunting leases, provided that:

1137 a. The issuance of leases allows for participation by
1138 interested persons; and

1139 b. Periodic hunts are made available on the preserve to
1140 persons with disabilities and those under the age of 18.

1141 4. Any other bona fide agricultural use that is compatible
1142 with the environmental resources and wildlife habitat found on
1143 the preserve.

1144 (2) The funds appropriated in subsection (1) shall be
1145 distributed to the seller in accordance with the terms of the
1146 purchase agreement, and no change to the purchase agreement
1147 shall be made without the consent of the seller.

1148 (3) For the 2006-2007 fiscal year, the sum of \$50,000 is
1149 appropriated in nonrecurring funds from the Conservation and
1150 Recreation Lands Trust Fund in the Department of Environmental
1151 Protection for the operation and management of the Babcock Ranch

1152 Preserve, to be administered by Babcock Ranch, Inc., as provided
1153 for in this act.

1154 (4) The Legislature may annually appropriate funds from
1155 the Land Acquisition Trust Fund for use only as state matching
1156 funds, in conjunction with private donations in aggregates of at
1157 least \$60,000, matched by \$40,000 of state funds, for a total
1158 minimum project amount of \$100,000 for capital improvement
1159 facility development at the ranch at either individually
1160 designated locations or for priority projects within the overall
1161 ranch system. The Babcock Ranch, Inc., may acquire private
1162 donations pursuant to this section, and matching state funds for
1163 approved projects may be provided in accordance with this
1164 subsection. The Babcock Ranch, Inc., is authorized to properly
1165 recognize and honor a private donor by placing a plaque or other
1166 appropriate designation noting the contribution on project
1167 facilities or by naming project facilities after the person or
1168 organization that provided matching funds.

1169 Section 10. Except as otherwise expressly provided in this
1170 act, this act shall take effect upon becoming a law.