

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. 259.10521, F.S.; authorizing
30 the creation of a citizen support organization; providing
31 duties and responsibilities; creating s. 259.1053, F.S.;
32 creating the Babcock Ranch Preserve Act; providing a short
33 title; providing definitions; requiring the Division of
34 State Lands of the Department of Environmental Protection
35 to perform certain staff duties and functions for Babcock
36 Ranch, Inc.; creating Babcock Ranch, Inc., a not-for-
37 profit corporation to be incorporated in the state;
38 providing that the corporation shall act as an
39 instrumentality of the state for purposes of sovereign
40 immunity under s. 768.28, F.S.; providing that the
41 corporation shall not be an agency under s. 20.03, F.S.;
42 providing that the corporation is subject to the
43 provisions of chs. 119 and 286, F.S., requiring public
44 records and meetings; providing for the corporation to be
45 governed by the Babcock Board of Directors; providing for
46 the appointment of board members and terms of office;
47 prohibiting any board member from voting on any measure
48 that constitutes a conflict of interest; providing for the
49 board members to serve without compensation, but to
50 receive per diem and travel expenses; authorizing state
51 agencies to provide state employees for purposes of
52 implementing the Babcock Ranch Preserve; providing certain
53 powers and duties of the corporation; providing
54 limitations on the powers and duties of the corporation;

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

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

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

96 WHEREAS, the careful husbandry of the Babcock Ranch,
97 including selective timbering, limited 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 Ranch must be protected for current
102 and future generations by continued operation as a working ranch
103 under a unique management regime that protects the land and
104 resource values of the property and the surrounding ecosystem
105 while allowing and providing for the ranch to become financially
106 self-sustaining, and

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

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

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

116

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

118

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

122 201.15 Distribution of taxes collected.--All taxes
 123 collected under this chapter shall be distributed as follows and
 124 shall be subject to the service charge imposed in s. 215.20(1),
 125 except that such service charge shall not be levied against any
 126 portion of taxes pledged to debt service on bonds to the extent
 127 that the amount of the service charge is required to pay any
 128 amounts relating to the bonds:

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

132 (b) Moneys ~~The remainder of the moneys distributed under~~
 133 ~~this subsection, after the required payment under paragraph (a),~~
 134 shall be paid into the State Treasury to the credit of the Save
 135 Our Everglades Trust Fund in amounts necessary to pay debt

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

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

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

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

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

168 201.15 Distribution of taxes collected.--All taxes
169 collected under this chapter shall be distributed as follows and
170 shall be subject to the service charge imposed in s. 215.20(1),
171 except that such service charge shall not be levied against any
172 portion of taxes pledged to debt service on bonds to the extent
173 that the amount of the service charge is required to pay any
174 amounts relating to the bonds:

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

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

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

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

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

212 215.619 Bonds for Everglades restoration.--

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

215 201.15(1) (b) and do not constitute a general obligation of, or a
 216 pledge of the full faith and credit of, the state. Everglades
 217 restoration bonds shall be secured on a parity basis with ~~are~~
 218 ~~junior and subordinate to~~ bonds secured by moneys distributable
 219 under s. 201.15(1) (a).

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

224 259.032 Conservation and Recreation Lands Trust Fund;
 225 purpose.--

226 (2)

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

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

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

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

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

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

278 (10)

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

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

295 the ranch shall be adopted and in place no later than 2 years
296 following the date of acquisition by the state.

297 (11)

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

322 | purposes described in this paragraph on any conservation and
323 | recreation lands managed by a state agency.

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

326 | 259.105 The Florida Forever Act.--

327 | (2)(a) The Legislature finds and declares that:

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

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

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

344 | 4. Florida's groundwater, surface waters, and springs are
345 | under tremendous pressure due to population growth and economic
346 | expansion and require special protection and restoration
347 | efforts. To ensure that sufficient quantities of water are
348 | available to meet the current and future needs of the natural

349 systems and citizens of the state, and assist in achieving the
350 planning goals of the department and the water management
351 districts, water resource development projects on public lands,
352 where compatible with the resource values of and management
353 objectives for the lands, are appropriate.

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

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

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

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

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

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

396 (b) The Legislature recognizes that acquisition is only
397 one way to achieve the aforementioned goals and encourages the
398 development of creative partnerships between governmental
399 agencies and private landowners. Land protection agreements and
400 similar tools should be used, where appropriate, to bring
401 environmentally sensitive tracts under an acceptable level of

402 protection at a lower financial cost to the public, and to
403 provide private landowners with the opportunity to enjoy and
404 benefit from their property.

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

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

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

425 (f) To ensure success and provide accountability to the
426 citizens of this state, it is the intent of the Legislature that
427 any bond proceeds used pursuant to this section be used to
428 implement the goals and objectives recommended by the Florida

429 Forever Advisory Council as approved by the Board of Trustees of
430 the Internal Improvement Trust Fund and the Legislature.

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

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

454 1. Protecting habitat on non-military land for any species
455 found on military land that is designated as threatened or

456 endangered, or is a candidate for such designation under the
457 Endangered Species Act or any Florida statute.

458 2. Protecting areas underlying low-level military air
459 corridors or operating areas, and

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

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

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

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

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

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

484 259.1051 Florida Forever Trust Fund.--

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

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

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

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

512 (1) The acquisition of the state's portion of the Babcock
513 Crescent B Ranch by the Board of Trustees of the Internal
514 Improvement Trust Fund is a conservation acquisition under the
515 Florida Forever program created in s. 259.105, with a goal of
516 sustaining the ecological and economic integrity of the property
517 being acquired while allowing the business of the ranch to
518 operate and prosper.

519 (2) The Babcock Crescent B Ranch constitutes a unique land
520 mass that has significant scientific, cultural, historical,
521 recreational, ecological, wildlife, fisheries, and productive
522 values. The property is part of a potential greenway of
523 undeveloped land extending from Lake Okeechobee to the east and
524 Charlotte Harbor to the west. The natural beauty and abundant
525 resources of the ranch provide numerous public recreational
526 opportunities such as hiking, fishing, camping, horseback
527 riding, and hunting.

528 (3) The Legislature recognizes that the acquisition of the
529 state's portion of the Babcock Crescent B Ranch represents a
530 unique opportunity to assist in preserving the largest private
531 and undeveloped single-ownership tract of land in Charlotte
532 County. The Legislature further recognizes Lee County as a
533 partner in the acquisition of the ranch.

534 (4) This section authorizes the acquisition of the state's
535 portion of the Babcock Crescent B Ranch in order to protect and
536 preserve for future generations the scientific, scenic,
537 historic, and natural values of the ranch, including rivers and
538 ecosystems; to protect and preserve the archaeological,
539 geological, and cultural resources of the ranch; to provide for
540 species recovery; and to provide opportunities for public
541 recreation.

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

546 (6) In addition to distributions authorized under s.
547 259.105(3), the Department of Environmental Protection is
548 authorized to distribute \$310 million in revenues from the
549 Florida Forever Trust Fund. This distribution shall represent
550 payment in full for the portion of the Babcock Crescent B Ranch
551 to be acquired by the state under this section.

552 (7) As used in this section, the term "state's portion of
553 the Babcock Crescent B Ranch" comprises those lands to be
554 conveyed by special warranty deed to the Board of Trustees of
555 the Internal Improvement Trust Fund under the provisions of the
556 agreement for sale and purchase executed by the Board of
557 Trustees of the Internal Improvement Trust Fund, the Fish and
558 Wildlife Conservation Commission, the Department of Agriculture
559 and Consumer Services, and the participating local government,
560 as purchaser, and MSKP, III, a Florida corporation, as seller.

561 Section 8. Section 259.10521, Florida Statutes, is created
562 to read:

563 259.10521 Citizen support organization; use of property.--

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

566 (a) A Florida corporation not for profit incorporated
567 under the provisions of chapter 617 and approved by the
568 Department of State;

569 (b) Organized and operated to conduct programs and
570 activities in the best interest of the state; raise funds;
571 request and receive grants, gifts, and bequests of money;
572 acquire, receive, hold, invest, and administer, in its own name,
573 securities, funds, objects of value, or other property, real or
574 personal; and make expenditures to or for the direct or indirect
575 benefit of the Babcock Crescent B Ranch;

576 (c) Determined by the Fish and Wildlife Conservation
577 Commission and the Division of Forestry within the Department of
578 Agriculture and Consumer Services to be consistent with the
579 goals of the state in acquiring the ranch and in the best
580 interests of the state; and

581 (d) Approved in writing by the Fish and Wildlife
582 Conservation Commission and the Division of Forestry to operate
583 for the direct or indirect benefit of the ranch and in the best
584 interest of the state. Such approval shall be given in a letter
585 of agreement from the Fish and Wildlife Conservation Commission
586 and the Division of Forestry. Only one citizen support

587 organization may be created to operate for the direct or
588 indirect benefit of the Babcock Crescent B Ranch.

589 (2) USE OF PROPERTY.--

590 (a) The Fish and Wildlife Conservation Commission and the
591 Division of Forestry may permit, without charge, appropriate use
592 of fixed property and facilities of the Babcock Crescent B Ranch
593 by a citizen support organization, subject to the provisions of
594 this section. Such use must be directly in keeping with the
595 approved purposes of the citizen support organization, and may
596 not be made at times or places that would unreasonably interfere
597 with recreational opportunities for the general public.

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

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

608 (3) PARTNERSHIPS.--

609 (a) The Legislature recognizes that the Babcock Crescent B
610 Ranch will need a variety of facilities to enhance its public
611 use and potential. Such facilities include, but are not limited
612 to, improved access, camping areas, picnic shelters, management
613 facilities, and environmental education facilities. The need

614 for such facilities may exceed the ability of the state to
615 provide such facilities in a timely manner with moneys
616 available. The Legislature finds it to be in the public
617 interest to provide incentives for partnerships with private
618 organizations with the intent of producing additional revenue to
619 help enhance the use and potential of the ranch.

620 (b) The Legislature may annually appropriate funds from
621 the Land Acquisition Trust Fund for use only as state matching
622 funds, in conjunction with private donations in aggregates of at
623 least \$60,000, matched by \$40,000 of state funds, for a total
624 minimum project amount of \$100,000 for capital improvement
625 facility development at the ranch at either individually
626 designated locations or for priority projects within the overall
627 ranch system. The citizen support organization may acquire
628 private donations pursuant to this section, and matching state
629 funds for approved projects may be provided in accordance with
630 this subsection. The Fish and Wildlife Conservation Commission
631 and the Division of Forestry are authorized to properly
632 recognize and honor a private donor by placing a plaque or other
633 appropriate designation noting the contribution on project
634 facilities or by naming project facilities after the person or
635 organization that provided matching funds. The Fish and Wildlife
636 Conservation Commission and the Division of Forestry are
637 authorized to adopt necessary administrative rules to carry out
638 the purposes of this subsection.

639 Section 9. Section 259.1053, Florida Statutes, is created
640 to read:

641 259.1053 Babcock Ranch Preserve; Babcock Ranch, Inc.;
 642 creation; membership; organization; meetings.--
 643 (1) SHORT TITLE.--This section may be cited as the
 644 "Babcock Ranch Preserve Act."
 645 (2) DEFINITIONS.--As used in this section, the term:
 646 (a) "Babcock Ranch Preserve" and "preserve" mean the lands
 647 and facilities acquired in the purchase of the Babcock Crescent
 648 B Ranch, as provided in s. 259.1052.
 649 (b) "Babcock Ranch, Inc.," and "corporation" mean the not-
 650 for-profit corporation created under this section to operate and
 651 manage the Babcock Ranch Preserve as a working ranch.
 652 (c) "Board of directors" means the governing board of the
 653 not-for-profit corporation created under this section.
 654 (d) "Commission" means the Fish and Wildlife Conservation
 655 Commission.
 656 (e) "Commissioner" means the Commissioner of Agriculture.
 657 (f) "Department" means the Department of Agriculture and
 658 Consumer Services.
 659 (g) "Executive director" means the Executive Director of
 660 the Fish and Wildlife Conservation Commission.
 661 (h) "Financially self-sustaining" means having management
 662 and operation expenditures not more than the revenues collected
 663 from fees and other receipts for resource use and development,
 664 and from interest and invested funds.
 665 (i) "Management and operating expenditures" means expenses
 666 of the corporation, including, but not limited to, salaries and
 667 benefits of officers and staff, administrative and operating

668 expenses, costs of improvements to and maintenance of lands and
669 facilities of the Babcock Ranch Preserve, and other similar
670 expenses. Such expenditures shall be made from revenues
671 generated from the operation of the ranch and not from funds
672 appropriated by the Legislature except as provided in this
673 section.

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

677 (k) "Multiple use" means the management of all of the
678 renewable surface resources of the Babcock Ranch Preserve to
679 best meet the needs of the public, including the use of the land
680 for some or all of the renewable surface resources or related
681 services over areas large enough to allow for periodic
682 adjustments in use to conform to the changing needs and
683 conditions of the preserve while recognizing that a portion of
684 the land will be used for some of the renewable surface
685 resources available on that land. The goal of multiple use is
686 the harmonious and coordinated management of the renewable
687 surface resources without impairing the productivity of the land
688 and considering the relative value of the renewable surface
689 resources, and not necessarily a combination of uses to provide
690 the greatest monetary return or the greatest unit output.

691 (l) "Sustained yield of the renewable surface resources"
692 means the achievement and maintenance of a high level of annual
693 or regular periodic output of the various renewable surface

694 resources of the preserve without impairing the productivity of
 695 the land.

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

697 (a) Upon the date of acquisition of the Babcock Crescent B
 698 Ranch, there is created the Babcock Ranch Preserve, which shall
 699 be managed in accordance with the purposes and requirements of
 700 this section.

701 (b) The preserve is established to protect and preserve
 702 the environmental, agricultural, scientific, scenic, geologic,
 703 watershed, fish, wildlife, historic, cultural, and recreational
 704 values of the preserve, and to provide for the multiple use and
 705 sustained yield of the renewable surface resources within the
 706 preserve consistent with this section.

707 (c) Babcock Ranch, Inc., and its officers and employees
 708 shall participate in the management of the Babcock Ranch
 709 Preserve in an advisory capacity only until the management
 710 agreement referenced in paragraph (11)(a) is terminated or
 711 expires.

712 (d) Nothing in this section shall preclude Babcock Ranch,
 713 Inc., prior to assuming management and operation of the preserve
 714 and thereafter, from allowing the use of common varieties of
 715 mineral materials such as sand, stone, and gravel for
 716 construction and maintenance of roads and facilities within the
 717 preserve.

718 (e) Nothing in this section shall be construed as
 719 affecting the constitutional responsibilities of the commission
 720 in the exercise of its regulatory and executive power with

721 respect to wild animal life and freshwater aquatic life,
722 including the regulation of hunting, fishing, and trapping
723 within the preserve.

724 (f) Nothing in this section shall be construed to
725 interfere with or prevent the ability of Babcock Ranch, Inc., to
726 implement agricultural practices authorized by the agricultural
727 land use designations established in the local comprehensive
728 plans of either Charlotte or Lee Counties as those plans apply
729 to the Babcock Ranch Preserve.

730 (g) To clarify the responsibilities of the lead managing
731 agencies and the not-for-profit corporation created under this
732 section, the lead managing agencies are directed to establish a
733 range of resource protection values for the Babcock Ranch
734 Preserve, and the corporation shall establish operational
735 parameters to conduct the business of the ranch within the range
736 of values. The corporation shall establish a range of
737 operational values for conducting the business of the ranch, and
738 the lead managing agencies providing ground support to the ranch
739 outside of each agency's jurisdictional responsibilities shall
740 establish management parameters within that range of values.

741 (h) Nothing in this section shall preclude the maintenance
742 and use of roads and trails or the relocation of roads in
743 existence on the effective date of this section, or the
744 construction, maintenance, and use of new trails, or any
745 motorized access necessary for the administration of the land
746 contained within the preserve, including motorized access

747 necessary for emergencies involving the health or safety of
748 persons within the preserve.

749 (i) The Division of State Lands of the Department of
750 Environmental Protection shall perform staff duties and
751 functions for Babcock Ranch, Inc., the not-for-profit
752 corporation created under this section, until such time as the
753 corporation organizes to elect officers, file articles of
754 incorporation, and exercise its powers and duties.

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

756 (a) Subject to filing articles of incorporation, there is
757 created a not-for-profit corporation, to be known as Babcock
758 Ranch, Inc., which shall be registered, incorporated, organized,
759 and operated in compliance with the provisions of chapter 617,
760 and which shall not be a unit or entity of state government. For
761 purposes of sovereign immunity, the corporation shall be a
762 corporation primarily acting as an instrumentality of the state
763 but otherwise shall not be an agency within the meaning of s.
764 20.03(11) or a unit or entity of state government.

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

768 (c) Meetings and records of the corporation, its
769 directors, advisory committees, or similar groups created by the
770 corporation, including any not-for-profit subsidiaries, are
771 subject to the public records provisions of chapter 119 and the
772 public meetings and records provisions of s. 286.011.

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

776 (6) PURPOSE.--The purpose of Babcock Ranch, Inc., is to
 777 provide management and administrative services for the preserve,
 778 to establish and implement management policies that will achieve
 779 the purposes and requirements of this section, to cooperate with
 780 state agencies to further the purposes of the preserve, and to
 781 establish the administrative and accounting procedures for the
 782 operation of the corporation.

783 (7) BOARD; MEMBERSHIP; REMOVAL; LIABILITY.--The
 784 corporation shall be governed by a nine-member board of
 785 directors who shall be appointed by the Board of Trustees of the
 786 Internal Improvement Trust Fund; the executive director of the
 787 commission; the Commissioner of Agriculture; the Babcock Florida
 788 Company, a corporation registered to do business in the state,
 789 or its successors or assigns; the Charlotte County Board of
 790 County Commissioners, and the Lee County Board of County
 791 Commissioners in the following manner:

792 (a)1. The Board of Trustees of the Internal Improvement
 793 Trust Fund shall appoint four members. One appointee shall have
 794 expertise in domesticated livestock management, production, and
 795 marketing, including range management and livestock business
 796 management. One appointee shall have expertise in the management
 797 of game and nongame wildlife and fish populations, including
 798 hunting, fishing, and other recreational activities. One
 799 appointee shall have expertise in the sustainable management of

800 forest lands for commodity purposes. One appointee shall have
801 expertise in financial management, budget and program analysis,
802 and small business operations.

803 2. The executive director shall appoint one member with
804 expertise in hunting; fishing; nongame species management; or
805 wildlife habitat management, restoration, and conservation.

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

808 4. The Babcock Florida Company, or its successors or
809 assigns, shall appoint one member with expertise in the
810 activities and management of the Babcock Ranch on the date of
811 acquisition of the ranch by the state as provided under s.
812 259.1052. This appointee shall serve on the board of directors
813 only until the termination of or expiration of the management
814 agreement attached as Exhibit "E" to that certain Agreement for
815 Sale and Purchase approved by the Board of Trustees of the
816 Internal Improvement Trust Fund on November 22, 2005, and by Lee
817 County, a political subdivision of the state, on November 20,
818 2005. Upon termination of or expiration of the management
819 agreement, the person serving as the head of the property
820 owners' association, if any, required to be created under the
821 agreement for sale and purchase shall serve as a member of the
822 board of directors of Babcock Ranch, Inc.

823 5. The Charlotte County Board of County Commissioners
824 shall appoint one member who shall be a resident of the county
825 and who shall be active in an organization concerned with the
826 activities of the ranch.

827 6. The Lee County Board of County Commissioners shall
828 appoint one member who shall be a resident of the county and who
829 shall have experience in land conservation and management. This
830 appointee, or a successor appointee, shall serve as a member of
831 the board of directors so long as the county participates in the
832 state land management plan.

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

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

839 2. The remaining initial five appointees shall each serve
840 a 2-year term.

841 3. Each member appointed thereafter shall serve a 4-year
842 term.

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

846 5. No member may serve more than 8 years in consecutive
847 terms.

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

852 (d) No member shall vote in an official capacity upon any
853 measure that would inure to his or her special private gain or

854 loss, that he or she knows would inure to the special private
855 gain or loss of any principal by whom he or she is retained or
856 to the parent organization or subsidiary of a principal by which
857 he or she is retained, or that he or she knows would inure to
858 the special private gain or loss of a relative or business
859 associate of the member. Such member shall, prior to the vote
860 being taken, publicly state the nature of his or her interest in
861 the matter from which he or she is abstaining from voting and,
862 no later than 15 days following the date the vote occurs, shall
863 disclose the nature of his or her interest as a public record in
864 a memorandum filed with the person responsible for recording the
865 minutes of the meeting, who shall incorporate the memorandum in
866 the minutes of the meeting.

867 (e) Each member of the board of directors is accountable
868 for the proper performance of the duties of office, and each
869 member owes a fiduciary duty to the people of the state to
870 ensure that funds provided in furtherance of this section are
871 disbursed and used as prescribed by law and contract. Any
872 official appointing a member may remove that member for
873 malfeasance, misfeasance, neglect of duty, incompetence,
874 permanent inability to perform official duties, unexcused
875 absence from three consecutive meetings of the board, arrest or
876 indictment for a crime that is a felony or misdemeanor involving
877 theft or a crime of dishonesty, or pleading nolo contendere to,
878 or being found guilty of, any crime.

879 (f) Each member of the board of directors shall serve
880 without compensation, but shall receive travel and per diem

881 expenses as provided in s. 112.061 while in the performance of
882 his or her duties.

883 (g) No appointee shall be an employee of any governmental
884 entity.

885 (8) ORGANIZATION; MEETINGS.--

886 (a)1. The board of directors shall annually elect a
887 chairperson and a vice chairperson from among the board's
888 members. The members may, by a vote of five of the nine board
889 members, remove a member from the position of chairperson or
890 vice chairperson prior to the expiration of his or her term as
891 chairperson or vice chairperson. His or her successor shall be
892 elected to serve for the balance of the removed chairperson's or
893 vice chairperson's term.

894 2. The chairperson shall ensure that records are kept of
895 the proceedings of the board of directors, and is the custodian
896 of all books, documents, and papers filed with the board, the
897 minutes of meetings of the board, and the official seal of the
898 corporation.

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

902 2. A majority of the members of the board of directors
903 constitutes a quorum. Except as otherwise provided in this
904 section, the board of directors may take official action by a
905 majority of the members present at any meeting at which a quorum
906 is present. Members may not vote by proxy.

907 (9) POWERS AND DUTIES.--

908 (a) The board of directors shall adopt articles of
909 incorporation and bylaws necessary to govern its activities. The
910 adopted articles of incorporation and bylaws must be approved by
911 the Board of Trustees of the Internal Improvement Trust Fund
912 prior to filing with the Department of State.

913 (b) The board of directors shall review and approve any
914 management plan developed pursuant to ss. 253.034 and 259.032
915 for the management of lands in the preserve prior to the
916 submission of that plan to the Board of Trustees of the Internal
917 Improvement Trust Fund for approval and implementation.

918 (c)1. Except for the constitutional powers of the
919 commission as provided in s. 9, Art. IV of the State
920 Constitution, the board of directors shall have all necessary
921 and proper powers for the exercise of the authority vested in
922 the corporation, including, but not limited to, the power to
923 solicit and accept donations of funds, property, supplies, or
924 services from individuals, foundations, corporations, and other
925 public or private entities for the purposes of this section. All
926 funds received by the corporation shall be deposited into the
927 operating fund authorized under this section unless otherwise
928 directed by the Legislature.

929 2. The board of directors may not increase the number of
930 its members.

931 3. Except as necessary to manage and operate the preserve
932 as a working ranch, the corporation may not purchase, take,
933 receive, lease, take by gift, devise, or bequest, or otherwise

934 acquire, own, hold, improve, use, or otherwise deal in and with
935 real property, or any interest therein, wherever situated.

936 4. The corporation may not sell, convey, mortgage, pledge,
937 lease, exchange, transfer, or otherwise dispose of any real
938 property.

939 5. The corporation may not purchase, take, receive,
940 subscribe for, or otherwise acquire, own, hold, vote, use,
941 employ, sell, mortgage, lend, pledge, or otherwise dispose of or
942 otherwise use and deal in and with, shares and other interests
943 in, or obligations of, other domestic or foreign corporations,
944 whether for profit or not for profit, associations,
945 partnerships, or individuals, or direct or indirect obligations
946 of the United States, or any other government, state, territory,
947 government district, municipality, or any instrumentality
948 thereof.

949 6. The corporation may not lend money for its corporate
950 purposes, invest and reinvest its funds, or take and hold real
951 and personal property as security for the payment of funds lent
952 or invested.

953 7. The corporation may not merge with other corporations
954 or other business entities.

955 8. The corporation may not enter into any contract, lease,
956 or other agreement related to the use of ground or surface
957 waters located in, on, or through the preserve without the
958 consent of the Board of Trustees of the Internal Improvement
959 Trust Fund and permits that may be required by the Department of

960 Environmental Protection or the appropriate water management
961 district under chapters 373 and 403.

962 9. The corporation may not grant any easements in, on, or
963 across the preserve. Any easements to be granted for the use
964 of, access to, or ingress and egress across state property
965 within the preserve must be executed by the Board of Trustees of
966 the Internal Improvement Trust Fund as the owners of the state
967 property within the preserve. Any easements to be granted for
968 the use of, access to, or ingress and egress across property
969 within the preserve titled in the name of a local government
970 must be granted by the governing body of that local government.

971 10. The corporation may not enter into any contract,
972 lease, or other agreement related to the use and occupancy of
973 the property within the preserve for a period greater than 10
974 years.

975 (c) The members may, with the written approval of the
976 commission and in consultation with the department, designate
977 hunting, fishing, and trapping zones and may establish
978 additional periods when no hunting, fishing, or trapping shall
979 be permitted for reasons of public safety, administration, and
980 the protection and enhancement of nongame habitat and nongame
981 species, as defined under s. 372.001.

982 (d) The corporation shall have the sole and exclusive
983 right to use the words "Babcock Ranch, Inc.," and any seal,
984 emblem, or other insignia adopted by the members. Without the
985 express written authority of the corporation, no person may use
986 the words "Babcock Ranch, Inc.," as the name under which that

987 person conducts or purports to conduct business, for the purpose
 988 of trade or advertisement, or in any manner that may suggest any
 989 connection with the corporation.

990 (e) The corporation may from time to time appoint advisory
 991 committees to further any part of this section. The advisory
 992 committees shall be reflective of the expertise necessary for
 993 the particular function for which the committee is created, and
 994 may include public agencies, private entities, and not-for-
 995 profit conservation and agricultural representatives.

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

999 (g) The corporation and its subsidiaries must provide
 1000 equal employment opportunities for all persons regardless of
 1001 race, color, religion, gender, national origin, age, handicap,
 1002 or marital status.

1003 (10) OPERATING FUND, ANNUAL BUDGET, AUDIT, REPORTING
 1004 REQUIREMENTS.--

1005 (a) The board of directors may establish and manage an
 1006 operating fund to address the corporation's unique cash-flow
 1007 needs and to facilitate the management and operation of the
 1008 preserve as a working ranch.

1009 (b) The board of directors shall provide for an annual
 1010 financial audit of the corporate accounts and records to be
 1011 conducted by an independent certified public accountant in
 1012 accordance with rules adopted by the Auditor General under s.
 1013 11.45(8). The audit report shall be submitted no later than 3

1014 months following the end of the fiscal year to the Auditor
 1015 General, the President of the Senate, the Speaker of the House
 1016 of Representatives, and the appropriate substantive and fiscal
 1017 committees of the Legislature. The Auditor General, the Office
 1018 of Program Policy Analysis and Government Accountability, and
 1019 the substantive or fiscal committees of the Legislature to which
 1020 legislation affecting the Babcock Ranch Preserve may be referred
 1021 shall have the authority to require and receive from the
 1022 corporation or from the independent auditor any records relative
 1023 to the operation of the corporation.

1024 (c) Not later than January 15 of each year, Babcock Ranch,
 1025 Inc., shall submit to the Board of Trustees of the Internal
 1026 Improvement Trust Fund, the President of the Senate, the Speaker
 1027 of the House of Representatives, the department, and the
 1028 commission a comprehensive and detailed report of its
 1029 operations, activities, and accomplishments for the prior year,
 1030 including information on the status of the ecological, cultural,
 1031 and financial resources being managed by the corporation, and
 1032 benefits provided by the preserve to local communities. The
 1033 report shall also include a section describing the corporation's
 1034 goals for the current year.

1035 (d) The board of directors shall prepare an annual budget
 1036 with the goal of achieving a financially self-sustaining
 1037 operation within 15 full fiscal years after the initial
 1038 acquisition of the Babcock Ranch by the state. The department
 1039 shall provide necessary assistance, including details as
 1040 necessary, to the corporation for the timely formulation and

1041 submission of an annual legislative budget request for
 1042 appropriations, if any, to support the administration,
 1043 operation, and maintenance of the preserve. A request for
 1044 appropriations shall be submitted to the department and shall be
 1045 included in the department's annual legislative budget request.
 1046 Requests for appropriations shall be submitted to the department
 1047 in time to allow the department to meet the requirements of s.
 1048 216.023. The department may not deny a request or refuse to
 1049 include in its annual legislative budget submission a request
 1050 from the corporation for an appropriation.

1051 (e) Notwithstanding any other provision of law, all moneys
 1052 received from donations or from management of the preserve shall
 1053 be retained by the corporation in the operating fund and shall
 1054 be available, without further appropriation, for the
 1055 administration, preservation, restoration, operation and
 1056 maintenance, improvements, repairs, and related expenses
 1057 incurred with respect to properties being managed by the
 1058 corporation. Except as provided in this section, moneys received
 1059 by the corporation for the management of the preserve shall not
 1060 be subject to distribution by the state. Upon assuming
 1061 management responsibilities for the preserve, the corporation
 1062 shall optimize the generation of income based on existing
 1063 marketing conditions to the extent that activities do not
 1064 unreasonably diminish the long-term environmental, agricultural,
 1065 scenic, and natural values of the preserve, or the multiple-use
 1066 and sustained-yield capability of the land.

1067 (f) All parties in contract with the corporation and all
 1068 holders of leases from the corporation which are authorized to
 1069 occupy, use, or develop properties under the management
 1070 jurisdiction of the corporation must procure proper insurance as
 1071 is reasonable or customary to insure against any loss in
 1072 connection with the properties or with activities authorized in
 1073 the leases or contracts.

1074 (11) COMPREHENSIVE BUSINESS PLAN.--

1075 (a) A comprehensive business plan for the management and
 1076 operation of the preserve as a working ranch and amendments to
 1077 the business plan may be developed only with input from the
 1078 department and the commission, and may be implemented by Babcock
 1079 Ranch, Inc., only upon expiration of the management agreement
 1080 attached as Exhibit "E" to that certain agreement for sale and
 1081 purchase approved by the Board of Trustees of the Internal
 1082 Improvement Trust Fund on November 22, 2005, and by Lee County
 1083 on November 20, 2005.

1084 (b) Any final decision of Babcock Ranch, Inc., to adopt or
 1085 amend the comprehensive business plan or to approve any activity
 1086 related to the management of the renewable surface resources of
 1087 the preserve shall be made in sessions that are open to the
 1088 public. The board of directors shall establish procedures for
 1089 providing adequate public information and opportunities for
 1090 public comment on the proposed comprehensive business plan for
 1091 the preserve or for amendments to the comprehensive business
 1092 plan adopted by the members.

1093 (c) Not less than 2 years prior to the corporation's
1094 assuming management and operation responsibilities for the
1095 preserve, the corporation, with input from the commission and
1096 the department, must begin developing the comprehensive business
1097 plan to carry out the purposes of this section. To the extent
1098 consistent with these purposes, the comprehensive business plan
1099 shall provide for:

1100 1. The management and operation of the preserve as a
1101 working ranch;

1102 2. The protection and preservation of the environmental,
1103 agricultural, scientific, scenic, geologic, watershed, fish,
1104 wildlife, historic, cultural, and recreational values of the
1105 preserve;

1106 3. The promotion of high-quality hunting experiences for
1107 the public, with emphasis on deer, turkey, and other game
1108 species;

1109 4. Multiple use and sustained yield of renewable surface
1110 resources within the preserve;

1111 5. Public use of and access to the preserve for
1112 recreation; and

1113 6. The use of renewable resources and management
1114 alternatives that, to the extent practicable, benefit local
1115 communities and small businesses and enhance the coordination of
1116 management objectives with those on surrounding public or
1117 private lands. The use of renewable resources and management
1118 alternatives should provide cost savings to the corporation
1119 through the exchange of services, including, but not limited to,

1120 labor and maintenance of facilities, for resources or services
1121 provided to the corporation.

1122 (d) On or before the date on which title to the portion of
1123 the Babcock Crescent B Ranch being purchased by the state as
1124 provided in s. 259.1052 is vested in the Board of Trustees of
1125 the Internal Improvement Trust Fund, Babcock Ranch Management,
1126 LLC, a limited liability company incorporated in this state,
1127 shall provide the commission and the department with the
1128 management plan and business plan in place for the operation of
1129 the ranch as of November 22, 2005, the date on which the board
1130 of trustees approved the purchase.

1131 (12) MANAGEMENT OF PRESERVE; FEES.--

1132 (a) The corporation shall assume all authority provided by
1133 this section to manage and operate the preserve as a working
1134 ranch upon a determination by the Board of Trustees of the
1135 Internal Improvement Trust Fund that the corporation is able to
1136 conduct business, and that provision has been made for essential
1137 services on the preserve, which, to the maximum extent
1138 practicable, shall be made no later than 60 days prior to the
1139 termination of the management agreement referenced in paragraph

1140 (11) (a) .

1141 (b) Upon assuming management and operation of the
1142 preserve, the corporation shall:

1143 1. With input from the commission and the department,
1144 manage and operate the preserve and the uses thereof, including,
1145 but not limited to, the activities necessary to administer and
1146 operate the preserve as a working ranch; the activities

1147 necessary for the preservation and development of the land and
 1148 renewable surface resources of the preserve; the activities
 1149 necessary for interpretation of the history of the preserve on
 1150 behalf of the public; the activities necessary for the
 1151 management, public use, and occupancy of facilities and lands
 1152 within the preserve; and the maintenance, rehabilitation,
 1153 repair, and improvement of property within the preserve;

1154 2. Develop programs and activities relating to the
 1155 management of the preserve as a working ranch;

1156 3. Negotiate directly with and enter into such agreements,
 1157 leases, contracts, and other arrangements with any person, firm,
 1158 association, organization, corporation, or governmental entity,
 1159 including entities of federal, state, and local governments, as
 1160 are necessary and appropriate to carry out the purposes and
 1161 activities authorized by this section;

1162 4. Establish procedures for entering into lease agreements
 1163 and other agreements for the use and occupancy of the facilities
 1164 of the preserve. The procedures shall ensure reasonable
 1165 competition and set guidelines for determining reasonable fees,
 1166 terms, and conditions for such agreements; and

1167 5. Assess reasonable fees for admission to, use of, and
 1168 occupancy of the preserve to offset costs of operating the
 1169 preserve as a working ranch. These fees are independent of fees
 1170 assessed by the commission for the privilege of hunting,
 1171 fishing, or pursuing outdoor recreational activities within the
 1172 preserve, and shall be deposited into the operating fund

1173 established by the board of directors under the authority
 1174 provided under this section.

1175 (13) MISCELLANEOUS PROVISIONS.--

1176 (a) Except for the powers of the commissioner provided in
 1177 this section, and the powers of the commission provided in s. 9,
 1178 Art. IV of the State Constitution, the preserve shall be managed
 1179 by Babcock Ranch, Inc.

1180 (b) Officers and employees of Babcock Ranch, Inc., are
 1181 private employees. At the request of the board of directors, the
 1182 commission and the department may provide state employees for
 1183 the purpose of implementing this section. Any state employees
 1184 provided to assist the directors in implementing this section
 1185 for more than 30 days shall be provided on a reimbursable basis.
 1186 Reimbursement to the commission and the department shall be made
 1187 from the corporation's operating fund provided under this
 1188 section and not from any funds appropriated to the corporation
 1189 by the Legislature.

1190 (14) DISSOLUTION OF BABCOCK RANCH, INC.--

1191 (a) The corporation may be dissolved only by an act of the
 1192 Legislature.

1193 (b) Upon dissolution of the corporation, the management
 1194 responsibilities provided in this section shall revert to the
 1195 commission and the department unless otherwise provided by the
 1196 Legislature under the act dissolving Babcock Ranch, Inc.

1197 (c) Upon dissolution of the corporation, any cash balances
 1198 of funds shall revert to the General Revenue fund or such other

1199 | state fund as may be provided under the act dissolving Babcock
 1200 | Ranch, Inc.

1201 | Section 10. For the 2006-2007 fiscal year, the sum of \$310
 1202 | million in nonrecurring funds is appropriated from the Florida
 1203 | Forever Trust Fund in the Department of Environmental Protection
 1204 | for the purchase of the Babcock Crescent B Ranch as provided in
 1205 | s. 259.1052, Florida Statutes.

1206 | Section 11. For the 2006-2007 fiscal year, the sum of
 1207 | \$50,000 is appropriated in nonrecurring funds from the
 1208 | Conservation and Recreation Lands Trust Fund in the Department
 1209 | of Environmental Protection for the operation and management of
 1210 | the Babcock Ranch Preserve, to be administered by Babcock Ranch,
 1211 | Inc., as provided under s. 259.1053, Florida Statutes.

1212 | Section 12. Except as otherwise expressly provided in this
 1213 | act, this act shall take effect upon becoming a law.