

## ENROLLED

HB 1347, Engrossed 3

2006 Legislature

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

## ENROLLED

HB 1347, Engrossed 3

2006 Legislature

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;

## ENROLLED

HB 1347, Engrossed 3

2006 Legislature

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

## ENROLLED

HB 1347, Engrossed 3

2006 Legislature

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

ENROLLED  
 HB 1347, Engrossed 3

2006 Legislature

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

ENROLLED  
 HB 1347, Engrossed 3

2006 Legislature

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.~~

ENROLLED  
 HB 1347, Engrossed 3

2006 Legislature

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.

ENROLLED  
 HB 1347, Engrossed 3

2006 Legislature

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.



ENROLLED  
 HB 1347, Engrossed 3

2006 Legislature

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

ENROLLED  
 HB 1347, Engrossed 3

2006 Legislature

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,

## ENROLLED

HB 1347, Engrossed 3

2006 Legislature

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

ENROLLED  
 HB 1347, Engrossed 3

2006 Legislature

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

## ENROLLED

HB 1347, Engrossed 3

2006 Legislature

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

## ENROLLED

HB 1347, Engrossed 3

2006 Legislature

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.

## ENROLLED

HB 1347, Engrossed 3

2006 Legislature

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

## ENROLLED

HB 1347, Engrossed 3

2006 Legislature

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



## ENROLLED

HB 1347, Engrossed 3

2006 Legislature

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

## ENROLLED

HB 1347, Engrossed 3

2006 Legislature

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.

ENROLLED  
 HB 1347, Engrossed 3

2006 Legislature

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.

ENROLLED  
 HB 1347, Engrossed 3

2006 Legislature

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.

## ENROLLED

HB 1347, Engrossed 3

2006 Legislature

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.

ENROLLED  
 HB 1347, Engrossed 3

2006 Legislature

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

## ENROLLED

HB 1347, Engrossed 3

2006 Legislature

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

## ENROLLED

HB 1347, Engrossed 3

2006 Legislature

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:



## ENROLLED

HB 1347, Engrossed 3

2006 Legislature

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

## ENROLLED

HB 1347, Engrossed 3

2006 Legislature

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

ENROLLED  
 HB 1347, Engrossed 3

2006 Legislature

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

ENROLLED  
 HB 1347, Engrossed 3

2006 Legislature

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

ENROLLED  
 HB 1347, Engrossed 3

2006 Legislature

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.

ENROLLED  
 HB 1347, Engrossed 3

2006 Legislature

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

## ENROLLED

HB 1347, Engrossed 3

2006 Legislature

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.

ENROLLED  
 HB 1347, Engrossed 3

2006 Legislature

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



## ENROLLED

HB 1347, Engrossed 3

2006 Legislature

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

## ENROLLED

HB 1347, Engrossed 3

2006 Legislature

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.--

## ENROLLED

HB 1347, Engrossed 3

2006 Legislature

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

## ENROLLED

HB 1347, Engrossed 3

2006 Legislature

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

## ENROLLED

HB 1347, Engrossed 3

2006 Legislature

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

## ENROLLED

HB 1347, Engrossed 3

2006 Legislature

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

ENROLLED  
 HB 1347, Engrossed 3

2006 Legislature

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

## ENROLLED

HB 1347, Engrossed 3

2006 Legislature

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.



ENROLLED  
 HB 1347, Engrossed 3

2006 Legislature

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.

ENROLLED  
 HB 1347, Engrossed 3

2006 Legislature

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,

ENROLLED  
 HB 1347, Engrossed 3

2006 Legislature

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

ENROLLED  
 HB 1347, Engrossed 3

2006 Legislature

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

## ENROLLED

HB 1347, Engrossed 3

2006 Legislature

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

ENROLLED  
 HB 1347, Engrossed 3

2006 Legislature

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.