

Bill No. CS for CS for SB 1226

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1 ~~paragraph (a)~~, shall be paid into the State Treasury to the
 2 credit of the Save Our Everglades Trust Fund in amounts
 3 necessary to pay debt service, provide reserves, and pay
 4 rebate obligations and other amounts due with respect to bonds
 5 issued under s. 215.619. Taxes distributed under paragraph (a)
 6 and this paragraph must be collectively distributed on a pro
 7 rata basis when the available moneys under this subsection are
 8 not sufficient to cover the amounts required under paragraph
 9 (a) and this paragraph.

10 (11) From the moneys specified in paragraphs (1)(e)
 11 ~~paragraphs (1)(d)~~ and (2)(a) and prior to deposit of any
 12 moneys into the General Revenue Fund, \$30 million shall be
 13 paid into the State Treasury to the credit of the Ecosystem
 14 Management and Restoration Trust Fund in fiscal year 2000-2001
 15 and each fiscal year thereafter, to be used for the
 16 preservation and repair of the state's beaches as provided in
 17 ss. 161.091-161.212, and \$2 million shall be paid into the
 18 State Treasury to the credit of the Marine Resources
 19 Conservation Trust Fund to be used for marine mammal care as
 20 provided in s. 370.0603(3).

21 (13) The distribution of proceeds deposited into the
 22 Water Management Lands Trust Fund and the Conservation and
 23 Recreation Lands Trust Fund, pursuant to subsections (4) and
 24 (5), shall not be used for land acquisition, but may be used
 25 for preacquisition costs associated with land purchases. The
 26 Legislature intends that the Florida Forever program supplant
 27 the acquisition programs formerly authorized under ss. 259.032
 28 and 373.59. ~~Prior to the 2005 Regular Session of the~~
 29 ~~Legislature, the Acquisition and Restoration Council shall~~
 30 ~~review and make recommendations to the Legislature concerning~~
 31 ~~the need to repeal this provision. Based on these~~

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1 ~~recommendations, the Legislature shall review the need to~~
2 ~~repeal this provision during the 2005 Regular Session.~~

3 Section 2. Effective July 1, 2007, paragraph (b) of
4 subsection (1), and subsections (11) and (13) of section
5 201.15, Florida Statutes, as amended by section 1 of chapter
6 2005-92, Laws of Florida, are amended to read:

7 201.15 Distribution of taxes collected.--All taxes
8 collected under this chapter shall be distributed as follows
9 and shall be subject to the service charge imposed in s.
10 215.20(1), except that such service charge shall not be levied
11 against any portion of taxes pledged to debt service on bonds
12 to the extent that the amount of the service charge is
13 required to pay any amounts relating to the bonds:

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

17 (b) Moneys ~~The remainder of the moneys distributed~~
18 ~~under this subsection, after the required payment under~~
19 ~~paragraph (a), shall be paid into the State Treasury to the~~
20 ~~credit of the Save Our Everglades Trust Fund in amounts~~
21 ~~necessary to pay debt service, provide reserves, and pay~~
22 ~~rebate obligations and other amounts due with respect to bonds~~
23 ~~issued under s. 215.619. Taxes distributed under paragraph (a)~~
24 ~~and this paragraph must be collectively distributed on a pro~~
25 ~~rata basis when the available moneys under this subsection are~~
26 ~~not sufficient to cover the amounts required under paragraph~~
27 ~~(a) and this paragraph.~~

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 2 and each fiscal year thereafter, to be used for the
 3 preservation and repair of the state's beaches as provided in
 4 ss. 161.091-161.212, and \$2 million shall be paid into the
 5 State Treasury to the credit of the Marine Resources
 6 Conservation Trust Fund to be used for marine mammal care as
 7 provided in s. 370.0603(3).

8 (13) The distribution of proceeds deposited into the
 9 Water Management Lands Trust Fund and the Conservation and
 10 Recreation Lands Trust Fund, pursuant to subsections (4) and
 11 (5), shall not be used for land acquisition, but may be used
 12 for preacquisition costs associated with land purchases. The
 13 Legislature intends that the Florida Forever program supplant
 14 the acquisition programs formerly authorized under ss. 259.032
 15 and 373.59. ~~Prior to the 2005 Regular Session of the~~
 16 ~~Legislature, the Acquisition and Restoration Council shall~~
 17 ~~review and make recommendations to the Legislature concerning~~
 18 ~~the need to repeal this provision. Based on these~~
 19 ~~recommendations, the Legislature shall review the need to~~
 20 ~~repeal this provision during the 2005 Regular Session.~~

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

23 215.619 Bonds for Everglades restoration.--

24 (3) Everglades restoration bonds are payable from, and
 25 secured by a first lien on, taxes distributable under s.
 26 201.15(1)(b) and do not constitute a general obligation of, or
 27 a pledge of the full faith and credit of, the state.
 28 Everglades restoration bonds shall be secured on a parity
 29 basis with ~~are junior and subordinate to~~ bonds secured by
 30 moneys distributable under s. 201.15(1)(a).

31 Section 4. Paragraph (b) of subsection (2), paragraphs

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1 (e) and (f) of subsection (9), paragraph (d) of subsection
2 (10), and paragraph (b) of subsection (11) of section 259.032,
3 Florida Statutes, are amended to read:

4 259.032 Conservation and Recreation Lands Trust Fund;
5 purpose.--

6 (2)

7 (b) There shall annually be transferred from the
8 Conservation and Recreation Lands Trust Fund to the Land
9 Acquisition Trust Fund that amount, not to exceed \$20 million
10 annually, as shall be necessary to pay the debt service on, or
11 fund debt service reserve funds, rebate obligations, or other
12 amounts with respect to bonds issued pursuant to s. 375.051 to
13 acquire lands on the established priority list developed
14 pursuant to ss. 259.101(4) and 259.105 ~~this section~~; however,
15 no moneys transferred to the Land Acquisition Trust Fund
16 pursuant to this paragraph, or earnings thereon, shall be used
17 or made available to pay debt service on the Save Our Coast
18 revenue bonds. Amounts transferred annually from the
19 Conservation and Recreation Lands Trust Fund to the Land
20 Acquisition Trust Fund pursuant to this paragraph shall have
21 the highest priority over other payments or transfers from the
22 Conservation and Recreation Lands Trust Fund, and no other
23 payments or transfers shall be made from the Conservation and
24 Recreation Lands Trust Fund until such transfers to the Land
25 Acquisition Trust Fund have been made. ~~Effective July 1, 2001,~~
26 Moneys in the Conservation and Recreation Lands Trust Fund
27 also shall be used to manage lands and to pay for related
28 costs, activities, and functions pursuant to the provisions of
29 this section.

30 (9) All lands managed under this chapter and s.
31 253.034 shall be:

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1 (e) Concurrent with the approval of the acquisition
2 contract pursuant to s. 259.041(3)(c) for any interest in
3 lands except those lands being acquired under the provisions
4 of s. 259.1052, the board of trustees shall designate an
5 agency or agencies to manage such lands. The board ~~and~~ shall
6 evaluate and amend, as appropriate, the management policy
7 statement for the project as provided by s. 259.035,
8 consistent with the purposes for which the lands are acquired.
9 For any fee simple acquisition of a parcel which is or will be
10 leased back for agricultural purposes, or any acquisition of a
11 less-than-fee interest in land that is or will be used for
12 agricultural purposes, the Board of Trustees of the Internal
13 Improvement Trust Fund shall first consider having a soil and
14 water conservation district, created pursuant to chapter 582,
15 manage and monitor such interests.

16 (f) State agencies designated to manage lands acquired
17 under this chapter except those lands acquired under s.
18 259.1052 may contract with local governments and soil and
19 water conservation districts to assist in management
20 activities, including the responsibility of being the lead
21 land manager. Such land management contracts may include a
22 provision for the transfer of management funding to the local
23 government or soil and water conservation district from the
24 Conservation and Recreation Lands Trust Fund in an amount
25 adequate for the local government or soil and water
26 conservation district to perform its contractual land
27 management responsibilities and proportionate to its
28 responsibilities, and which otherwise would have been expended
29 by the state agency to manage the property.

30 (10)

31 (d)1. For each project for which lands are acquired

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1 after July 1, 1995, an individual management plan shall be
 2 adopted and in place no later than 1 year after the essential
 3 parcel or parcels identified in the priority list developed
 4 pursuant to ss. 259.101(4) and 259.105 ~~in the annual~~
 5 ~~Conservation and Recreation Lands report prepared pursuant to~~
 6 ~~s. 259.035(2)(a)~~ have been acquired. ~~Beginning in fiscal year~~
 7 ~~1998-1999~~, The Department of Environmental Protection shall
 8 distribute only 75 percent of the acquisition funds to which a
 9 budget entity or water management district would otherwise be
 10 entitled from the Preservation 2000 Trust Fund to any budget
 11 entity or any water management district that has more than
 12 one-third of its management plans overdue.

13 2. The requirements of subparagraph 1. do not apply to
 14 the individual management plan for the Babcock Crescent B
 15 Ranch being acquired pursuant to s. 259.1052. The management
 16 plan for the ranch shall be adopted and in place no later than
 17 2 years following the date of acquisition by the state.

18 (11)

19 (b) An amount up to 1.5 percent of the cumulative
 20 total of funds ever deposited into the Florida Preservation
 21 2000 Trust Fund and the Florida Forever Trust Fund shall be
 22 made available for the purposes of management, maintenance,
 23 and capital improvements not eligible for funding pursuant to
 24 s. 11(e), Art. VII of the State Constitution, and for
 25 associated contractual services, for lands acquired pursuant
 26 to this section, s. 259.101, s. 259.105, s. 259.1052, or
 27 previous programs for the acquisition of lands for
 28 conservation and recreation, including state forests, to which
 29 title is vested in the board of trustees and other
 30 conservation and recreation lands managed by a state agency.

31 Of this amount, \$250,000 shall be transferred annually to the

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1 Plant Industry Trust Fund within the Department of Agriculture
 2 and Consumer Services for the purpose of implementing the
 3 Endangered or Threatened Native Flora Conservation Grants
 4 Program pursuant to s. 581.185(11). Each agency with
 5 management responsibilities shall annually request from the
 6 Legislature funds sufficient to fulfill such responsibilities.
 7 For the purposes of this paragraph, capital improvements shall
 8 include, but need not be limited to, perimeter fencing, signs,
 9 firelanes, access roads and trails, and minimal public
 10 accommodations, such as primitive campsites, garbage
 11 receptacles, and toilets. Any equipment purchased with funds
 12 provided pursuant to this paragraph may be used for the
 13 purposes described in this paragraph on any conservation and
 14 recreation lands managed by a state agency.

15 Section 5. Subsections (2), and (10) of section
 16 259.105, Florida Statutes, are amended to read:

17 259.105 The Florida Forever Act.--

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

19 1. The Preservation 2000 program provided tremendous
 20 financial resources for purchasing environmentally significant
 21 lands to protect those lands from imminent development,
 22 thereby assuring present and future generations access to
 23 important open spaces and recreation and conservation lands.

24 2. The continued alteration and development of
 25 Florida's natural areas to accommodate the state's rapidly
 26 growing population have contributed to the degradation of
 27 water resources, the fragmentation and destruction of wildlife
 28 habitats, the loss of outdoor recreation space, and the
 29 diminishment of wetlands, forests, and public beaches.

30 3. The potential development of Florida's remaining
 31 natural areas and escalation of land values require a

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1 continuation of government efforts to restore, bring under
2 public protection, or acquire lands and water areas to
3 preserve the state's invaluable quality of life.

4 4. Florida's groundwater, surface waters, and springs
5 are under tremendous pressure due to population growth and
6 economic expansion and require special protection and
7 restoration efforts. To ensure that sufficient quantities of
8 water are available to meet the current and future needs of
9 the natural systems and citizens of the state, and assist in
10 achieving the planning goals of the department and the water
11 management districts, water resource development projects on
12 public lands, where compatible with the resource values of and
13 management objectives for the lands, are appropriate.

14 5. The needs of urban Florida for high-quality outdoor
15 recreational opportunities, greenways, trails, and open space
16 have not been fully met by previous acquisition programs.
17 Through such programs as the Florida Communities Trust and the
18 Florida Recreation Development Assistance Program, the state
19 shall place additional emphasis on acquiring, protecting,
20 preserving, and restoring open space, greenways, and
21 recreation properties within urban areas where pristine
22 natural communities or water bodies no longer exist because of
23 the proximity of developed property.

24 6. Many of Florida's unique ecosystems, such as the
25 Florida Everglades, are facing ecological collapse due to
26 Florida's burgeoning population. To preserve these valuable
27 ecosystems for future generations, parcels of land must be
28 acquired to facilitate ecosystem restoration.

29 7. Access to public lands to support a broad range of
30 outdoor recreational opportunities and the development of
31 necessary infrastructure, where compatible with the resource

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1 values of and management objectives for such lands, promotes
2 an appreciation for Florida's natural assets and improves the
3 quality of life.

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

11 9. The state has embraced performance-based program
12 budgeting as a tool to evaluate the achievements of publicly
13 funded agencies, build in accountability, and reward those
14 agencies which are able to consistently achieve quantifiable
15 goals. While previous and existing state environmental
16 programs have achieved varying degrees of success, few of
17 these programs can be evaluated as to the extent of their
18 achievements, primarily because performance measures,
19 standards, outcomes, and goals were not established at the
20 outset. Therefore, the Florida Forever program shall be
21 developed and implemented in the context of measurable state
22 goals and objectives.

23 10. It is the intent of the Legislature to change the
24 focus and direction of the state's major land acquisition
25 programs and to extend funding and bonding capabilities, so
26 that future generations may enjoy the natural resources of
27 Florida.

28 (b) The Legislature recognizes that acquisition is
29 only one way to achieve the aforementioned goals and
30 encourages the development of creative partnerships between
31 governmental agencies and private landowners. Land protection

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1 agreements and similar tools should be used, where
2 appropriate, to bring environmentally sensitive tracts under
3 an acceptable level of protection at a lower financial cost to
4 the public, and to provide private landowners with the
5 opportunity to enjoy and benefit from their property.

6 (c) Public agencies or other entities that receive
7 funds under this section are encouraged to better coordinate
8 their expenditures so that project acquisitions, when combined
9 with acquisitions under Preservation 2000, Save Our Rivers,
10 the Florida Communities Trust, and other public land
11 acquisition programs, will form more complete patterns of
12 protection for natural areas and functioning ecosystems, to
13 better accomplish the intent of this section.

14 (d) A long-term financial commitment to managing
15 Florida's public lands must accompany any new land acquisition
16 program to ensure that the natural resource values of such
17 lands are protected, that the public has the opportunity to
18 enjoy the lands to their fullest potential, and that the state
19 achieves the full benefits of its investment of public
20 dollars.

21 (e) With limited dollars available for restoration and
22 acquisition of land and water areas and for providing
23 long-term management and capital improvements, a competitive
24 selection process can select those projects best able to meet
25 the goals of Florida Forever and maximize the efficient use of
26 the program's funding.

27 (f) To ensure success and provide accountability to
28 the citizens of this state, it is the intent of the
29 Legislature that any bond proceeds used pursuant to this
30 section be used to implement the goals and objectives
31 recommended by the Florida Forever Advisory Council as

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1 approved by the Board of Trustees of the Internal Improvement
2 Trust Fund and the Legislature.

3 (g) As it has with previous land acquisition programs,
4 the Legislature recognizes the desires of the citizens of this
5 state to prosper through economic development and to preserve
6 the natural areas and recreational open space of Florida. The
7 Legislature further recognizes the urgency of restoring the
8 natural functions of public lands or water bodies before they
9 are degraded to a point where recovery may never occur, yet
10 acknowledges the difficulty of ensuring adequate funding for
11 restoration efforts in light of other equally critical
12 financial needs of the state. It is the Legislature's desire
13 and intent to fund the implementation of this section and to
14 do so in a fiscally responsible manner, by issuing bonds to be
15 repaid with documentary stamp tax revenue.

16 (h) The Legislature further recognizes the important
17 role that many of our state and federal military installations
18 contribute to protecting and preserving Florida's natural
19 resources as well as our economic prosperity. Where the
20 state's land conservation plans overlap with the military's
21 need to protect lands, waters, and habitat to ensure the
22 sustainability of military missions, it is the Legislature's
23 intent that agencies receiving funds under this program
24 cooperate with our military partners to protect and buffer
25 military installations and military airspace, by:

26 1. Protecting habitat on non-military land for any
27 species found on military land that is designated as
28 threatened or endangered, or is a candidate for such
29 designation under the Endangered Species Act or any Florida
30 statute.

31 2. Protecting areas underlying low-level military air

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1 corridors or operating areas, and

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

5 (10) The Acquisition and Restoration Council shall
6 give increased priority to those projects for which matching
7 funds are available and to project elements previously
8 identified on an acquisition list pursuant to this section
9 that can be acquired at 80 percent or less of appraised value.

10 The council shall also give increased priority to those
11 projects where the state's land conservation plans overlap
12 with the military's need to protect lands, water, and habitat
13 to ensure the sustainability of military missions including:

14 (a) Protecting habitat on non-military land for any
15 species found on military land that is designated as
16 threatened or endangered, or is a candidate for such
17 designation under the Endangered Species Act or any Florida
18 statute.

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

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

26 Section 6. Subsections (1) and (2) of section
27 259.1051, Florida Statutes, are amended to read:

28 259.1051 Florida Forever Trust Fund.--

29 (1) There is created the Florida Forever Trust Fund to
30 carry out the purposes of ss. 259.032, 259.105, 259.1052, and
31 375.031. The Florida Forever Trust Fund shall be held and

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1 administered by the Department of Environmental Protection.
 2 Proceeds from the sale of bonds, except proceeds of refunding
 3 bonds, issued under s. 215.618 and payable from moneys
 4 transferred to the Land Acquisition Trust Fund under s.
 5 201.15(1)(a), not to exceed \$3 billion, must be deposited into
 6 this trust fund to be distributed and used as provided in s.
 7 259.105(3). The bond resolution adopted by the governing board
 8 of the Division of Bond Finance of the State Board of
 9 Administration may provide for additional provisions that
 10 govern the disbursement of the bond proceeds.

11 (2) The Department of Environmental Protection shall
 12 distribute revenues from the Florida Forever Trust Fund only
 13 to programs of state agencies or local governments as set out
 14 in s. 259.105(3) or as provided in s. 259.1052. Excluding
 15 distributions to the Save Our Everglades Trust Fund and
 16 distributions for the acquisition of the Babcock Crescent B
 17 Ranch Florida Forever acquisition as provided in s. 259.1052,
 18 the distributions shall be spent by the recipient within 90
 19 days after the date on which the Department of Environmental
 20 Protection initiates the transfer.

21 Section 7. Section 259.1052, Florida Statutes, is
 22 created to read:

23 259.1052 Babcock Crescent B Ranch Florida Forever
 24 acquisition; conditions for purchase.--

25 (1) The acquisition of the state's portion of the
 26 Babcock Crescent B Ranch by the Board of Trustees of the
 27 Internal Improvement Trust Fund is a conservation acquisition
 28 under the Florida Forever program created in s. 259.105, with
 29 a goal of sustaining the ecological and economic integrity of
 30 the property being acquired while allowing the business of the
 31 ranch to operate and prosper.

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1 (2) The Babcock Crescent B Ranch constitutes a unique
 2 land mass that has significant scientific, cultural,
 3 historical, recreational, ecological, wildlife, fisheries, and
 4 productive values. The property is part of a potential
 5 greenway of undeveloped land extending from Lake Okeechobee to
 6 the east and Charlotte Harbor to the west. The natural beauty
 7 and abundant resources of the ranch provide numerous public
 8 recreational opportunities such as hiking, fishing, camping,
 9 horseback riding, and hunting.

10 (3) The Legislature recognizes that the acquisition of
 11 the state's portion of the Babcock Crescent B Ranch represents
 12 a unique opportunity to assist in preserving the largest
 13 private and undeveloped single-ownership tract of land in
 14 Charlotte County. The Legislature further recognizes Lee
 15 County as a partner in the acquisition of the ranch.

16 (4) This section authorizes the acquisition of the
 17 state's portion of the Babcock Crescent B Ranch in order to
 18 protect and preserve for future generations the scientific,
 19 scenic, historic, and natural values of the ranch, including
 20 rivers and ecosystems; to protect and preserve the
 21 archaeological, geological, and cultural resources of the
 22 ranch; to provide for species recovery; and to provide
 23 opportunities for public recreation.

24 (5) The Fish and Wildlife Conservation Commission and
 25 the Department of Agriculture and Consumer Services shall be
 26 the lead managing agencies responsible for the management of
 27 Babcock Crescent B Ranch.

28 (6) In addition to distributions authorized under s.
 29 259.105(3), the Department of Environmental Protection is
 30 authorized to distribute \$310 million in revenues from the
 31 Florida Forever Trust Fund. This distribution shall represent

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

3 (7) As used in this section, the term "state's portion
4 of the Babcock Crescent B Ranch" comprises those lands to be
5 conveyed by special warranty deed to the Board of Trustees of
6 the Internal Improvement Trust Fund under the provisions of
7 the agreement for sale and purchase executed by the Board of
8 Trustees of the Internal Improvement Trust Fund, the Fish and
9 Wildlife Conservation Commission, the Department of
10 Agriculture and Consumer Services, and the participating local
11 government, as purchaser, and MSKP, III, a Florida
12 corporation, as seller.

13 Section 8. Section 259.10521, Florida Statutes, is
14 created to read:

15 259.10521 Citizen support organization; use of
16 property; audit.--

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

19 (a) A Florida corporation not for profit incorporated
20 under the provisions of chapter 617 and approved by the
21 Department of State;

22 (b) Organized and operated to conduct programs and
23 activities in the best interest of the state; raise funds;
24 request and receive grants, gifts, and bequests of money;
25 acquire, receive, hold, invest, and administer, in its own
26 name, securities, funds, objects of value, or other property,
27 real or personal; and make expenditures to or for the direct
28 or indirect benefit of the Babcock Crescent B Ranch;

29 (c) Determined by the Fish and Wildlife Conservation
30 Commission and the Division of Forestry within the Department
31 of Agriculture and Consumer Services to be consistent with the

1 goals of the state in acquiring the ranch and in the best
2 interests of the state; and

3 (d) Approved in writing by the Fish and Wildlife
4 Conservation Commission and the Division of Forestry to
5 operate for the direct or indirect benefit of the ranch and in
6 the best interest of the state. Such approval shall be given
7 in a letter of agreement from the Fish and Wildlife
8 Conservation Commission and the Division of Forestry. Only one
9 citizen support organization may be created to operate for the
10 direct or indirect benefit of the Babcock Crescent B Ranch.

11 (2) USE OF PROPERTY.--

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

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

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

31 (3) PARTNERSHIPS.--

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1 (a) The Legislature recognizes that the Babcock
2 Crescent B Ranch will need a variety of facilities to enhance
3 its public use and potential. Such facilities include, but are
4 not limited to, improved access, camping areas, picnic
5 shelters, management facilities, and environmental education
6 facilities. The need for such facilities may exceed the
7 ability of the state to provide such facilities in a timely
8 manner with moneys available. The Legislature finds it to be
9 in the public interest to provide incentives for partnerships
10 with private organizations with the intent of producing
11 additional revenue to help enhance the use and potential of
12 the ranch.

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

1 subsection.

2 Section 9. Section 259.1053, Florida Statutes, is
3 created to read:

4 259.1053 Babcock Ranch Preserve; Babcock Ranch, Inc.;
5 creation; membership; organization; meetings.--

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

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

9 (a) "Babcock Ranch Preserve" and "preserve" mean the
10 lands and facilities acquired in the purchase of the Babcock
11 Crescent B Ranch, as provided in s. 259.1052.

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

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

18 (d) "Commission" means the Fish and Wildlife
19 Conservation Commission.

20 (e) "Commissioner" means the Commissioner of
21 Agriculture.

22 (f) "Department" means the Department of Agriculture
23 and Consumer Services.

24 (g) "Executive director" means the Executive Director
25 of the Fish and Wildlife Conservation Commission.

26 (h) "Financially self-sustaining" means having
27 management and operation expenditures not more than the
28 revenues collected from fees and other receipts for resource
29 use and development, and from interest and invested funds.

30 (i) "Management and operating expenditures" means
31 expenses of the corporation, including, but not limited to,

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1 salaries and benefits of officers and staff, administrative
2 and operating expenses, costs of improvements to and
3 maintenance of lands and facilities of the Babcock Ranch
4 Preserve, and other similar expenses. Such expenditures shall
5 be made from revenues generated from the operation of the
6 ranch and not from funds appropriated by the Legislature
7 except as provided in this section.

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

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

26 (l) "Sustained yield of the renewable surface
27 resources" means the achievement and maintenance of a high
28 level of annual or regular periodic output of the various
29 renewable surface resources of the preserve without impairing
30 the productivity of the land.

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

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1 (a) Upon the date of acquisition of the Babcock
2 Crescent B Ranch, there is created the Babcock Ranch Preserve,
3 which shall be managed in accordance with the purposes and
4 requirements of this section.

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

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

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

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

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

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1 comprehensive plans of either Charlotte or Lee Counties as
2 those plans apply to the Babcock Ranch Preserve.

3 (g) To clarify the responsibilities of the lead
4 managing agencies and the not-for-profit corporation created
5 under this section, the lead managing agencies are directed to
6 establish a range of resource protection values for the
7 Babcock Ranch Preserve, and the corporation shall establish
8 operational parameters to conduct the business of the ranch
9 within the range of values. The corporation shall establish a
10 range of operational values for conducting the business of the
11 ranch, and the lead managing agencies providing ground support
12 to the ranch outside of each agency's jurisdictional
13 responsibilities shall establish management parameters within
14 that range of values.

15 (h) Nothing in this section shall preclude the
16 maintenance and use of roads and trails or the relocation of
17 roads in existence on the effective date of this section, or
18 the construction, maintenance, and use of new trails, or any
19 motorized access necessary for the administration of the land
20 contained within the preserve, including motorized access
21 necessary for emergencies involving the health or safety of
22 persons within the preserve.

23 (i) The Division of State Lands of the Department of
24 Environmental Protection shall perform staff duties and
25 functions for Babcock Ranch, Inc., the not-for-profit
26 corporation created under this section, until such time as the
27 corporation organizes to elect officers, file articles of
28 incorporation, and exercise its powers and duties.

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

30 (a) Subject to filing articles of incorporation, there
31 is created a not-for-profit corporation, to be known as

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1 Babcock Ranch, Inc., which shall be registered, incorporated,
 2 organized, and operated in compliance with the provisions of
 3 chapter 617, and which shall not be a unit or entity of state
 4 government. For purposes of sovereign immunity, the
 5 corporation shall be a corporation primarily acting as an
 6 instrumentality of the state but otherwise shall not be an
 7 agency within the meaning of s. 20.03(11) or a unit or entity
 8 of state government.

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

12 (c) Meetings and records of the corporation, its
 13 directors, advisory committees, or similar groups created by
 14 the corporation, including any not-for-profit subsidiaries,
 15 are subject to the public records provisions of chapter 119
 16 and the public meetings and records provisions of s. 286.011.

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

20 (6) PURPOSE.--The purpose of Babcock Ranch, Inc., is
 21 to provide management and administrative services for the
 22 preserve, to establish and implement management policies that
 23 will achieve the purposes and requirements of this section, to
 24 cooperate with state agencies to further the purposes of the
 25 preserve, and to establish the administrative and accounting
 26 procedures for the operation of the corporation.

27 (7) BOARD; MEMBERSHIP; REMOVAL; LIABILITY.--The
 28 corporation shall be governed by a nine-member board of
 29 directors who shall be appointed by the Board of Trustees of
 30 the Internal Improvement Trust Fund; the executive director of
 31 the commission; the Commissioner of Agriculture; the Babcock

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1 Florida Company, a corporation registered to do business in
 2 the state, or its successors or assigns; the Charlotte County
 3 Board of County Commissioners, and the Lee County Board of
 4 County Commissioners in the following manner:

5 (a)1. The Board of Trustees of the Internal
 6 Improvement Trust Fund shall appoint four members. One
 7 appointee shall have expertise in domesticated livestock
 8 management, production, and marketing, including range
 9 management and livestock business management. One appointee
 10 shall have expertise in the management of game and nongame
 11 wildlife and fish populations, including hunting, fishing, and
 12 other recreational activities. One appointee shall have
 13 expertise in the sustainable management of forest lands for
 14 commodity purposes. One appointee shall have expertise in
 15 financial management, budget and program analysis, and small
 16 business operations.

17 2. The executive director shall appoint one member
 18 with expertise in hunting; fishing; nongame species
 19 management; or wildlife habitat management, restoration, and
 20 conservation.

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

23 4. The Babcock Florida Company, or its successors or
 24 assigns, shall appoint one member with expertise in the
 25 activities and management of the Babcock Ranch on the date of
 26 acquisition of the ranch by the state as provided under s.
 27 259.1052. This appointee shall serve on the board of directors
 28 only until the termination of or expiration of the management
 29 agreement attached as Exhibit "E" to that certain Agreement
 30 for Sale and Purchase approved by the Board of Trustees of the
 31 Internal Improvement Trust Fund on November 22, 2005, and by

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1 Lee County, a political subdivision of the state, on November
 2 20, 2005. Upon termination of or expiration of the management
 3 agreement, the person serving as the head of the property
 4 owners' association, if any, required to be created under the
 5 agreement for sale and purchase shall serve as a member of the
 6 board of directors of Babcock Ranch, Inc.

7 5. The Charlotte County Board of County Commissioners
 8 shall appoint one member who shall be a resident of the county
 9 and who shall be active in an organization concerned with the
 10 activities of the ranch.

11 6. The Lee County Board of County Commissioners shall
 12 appoint one member who shall be a resident of the county and
 13 who shall have experience in land conservation and management.
 14 This appointee, or a successor appointee, shall serve as a
 15 member of the board of directors so long as the county
 16 participates in the state land management plan.

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

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

23 2. The remaining initial five appointees shall each
 24 serve a 2-year term.

25 3. Each member appointed thereafter shall serve a
 26 4-year term.

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

31 5. No member may serve more than 8 years in

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1 consecutive terms.

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

6 (d) No member shall vote in an official capacity upon
7 any measure that would inure to his or her special private
8 gain or loss, that he or she knows would inure to the special
9 private gain or loss of any principal by whom he or she is
10 retained or to the parent organization or subsidiary of a
11 principal by which he or she is retained, or that he or she
12 knows would inure to the special private gain or loss of a
13 relative or business associate of the member. Such member
14 shall, prior to the vote being taken, publicly state the
15 nature of his or her interest in the matter from which he or
16 she is abstaining from voting and, no later than 15 days
17 following the date the vote occurs, shall disclose the nature
18 of his or her interest as a public record in a memorandum
19 filed with the person responsible for recording the minutes of
20 the meeting, who shall incorporate the memorandum in the
21 minutes of the meeting.

22 (e) Each member of the board of directors is
23 accountable for the proper performance of the duties of
24 office, and each member owes a fiduciary duty to the people of
25 the state to ensure that funds provided in furtherance of this
26 section are disbursed and used as prescribed by law and
27 contract. Any official appointing a member may remove that
28 member for malfeasance, misfeasance, neglect of duty,
29 incompetence, permanent inability to perform official duties,
30 unexcused absence from three consecutive meetings of the
31 board, arrest or indictment for a crime that is a felony or

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1 misdemeanor involving theft or a crime of dishonesty, or
2 pleading nolo contendere to, or being found guilty of, any
3 crime.

4 (f) Each member of the board of directors shall serve
5 without compensation, but shall receive travel and per diem
6 expenses as provided in s. 112.061 while in the performance of
7 his or her duties.

8 (g) No appointee shall be an employee of any
9 governmental entity.

10 (8) ORGANIZATION; MEETINGS.--

11 (a)1. The board of directors shall annually elect a
12 chairperson and a vice chairperson from among the board's
13 members. The members may, by a vote of five of the nine board
14 members, remove a member from the position of chairperson or
15 vice chairperson prior to the expiration of his or her term as
16 chairperson or vice chairperson. His or her successor shall be
17 elected to serve for the balance of the removed chairperson's
18 or vice chairperson's term.

19 2. The chairperson shall ensure that records are kept
20 of the proceedings of the board of directors, and is the
21 custodian of all books, documents, and papers filed with the
22 board, the minutes of meetings of the board, and the official
23 seal of the corporation.

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

27 2. A majority of the members of the board of directors
28 constitutes a quorum. Except as otherwise provided in this
29 section, the board of directors may take official action by a
30 majority of the members present at any meeting at which a
31 quorum is present. Members may not vote by proxy.

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1 (9) POWERS AND DUTIES.--

2 (a) The board of directors shall adopt articles of
3 incorporation and bylaws necessary to govern its activities.
4 The adopted articles of incorporation and bylaws must be
5 approved by the Board of Trustees of the Internal Improvement
6 Trust Fund prior to filing with the Department of State.

7 (b) The board of directors shall review and approve
8 any management plan developed pursuant to ss. 253.034 and
9 259.032 for the management of lands in the preserve prior to
10 the submission of that plan to the Board of Trustees of the
11 Internal Improvement Trust Fund for approval and
12 implementation.

13 (c)1. Except for the constitutional powers of the
14 commission as provided in s. 9, Art. IV of the State
15 Constitution, the board of directors shall have all necessary
16 and proper powers for the exercise of the authority vested in
17 the corporation, including, but not limited to, the power to
18 solicit and accept donations of funds, property, supplies, or
19 services from individuals, foundations, corporations, and
20 other public or private entities for the purposes of this
21 section. All funds received by the corporation shall be
22 deposited into the operating fund authorized under this
23 section unless otherwise directed by the Legislature.

24 2. The board of directors may not increase the number
25 of its members.

26 3. Except as necessary to manage and operate the
27 preserve as a working ranch, the corporation may not purchase,
28 take, receive, lease, take by gift, devise, or bequest, or
29 otherwise acquire, own, hold, improve, use, or otherwise deal
30 in and with real property, or any interest therein, wherever
31 situated.

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1 4. The corporation may not sell, convey, mortgage,
2 pledge, lease, exchange, transfer, or otherwise dispose of any
3 real property.

4 5. The corporation may not purchase, take, receive,
5 subscribe for, or otherwise acquire, own, hold, vote, use,
6 employ, sell, mortgage, lend, pledge, or otherwise dispose of
7 or otherwise use and deal in and with, shares and other
8 interests in, or obligations of, other domestic or foreign
9 corporations, whether for profit or not for profit,
10 associations, partnerships, or individuals, or direct or
11 indirect obligations of the United States, or any other
12 government, state, territory, government district,
13 municipality, or any instrumentality thereof.

14 6. The corporation may not lend money for its
15 corporate purposes, invest and reinvest its funds, or take and
16 hold real and personal property as security for the payment of
17 funds lent or invested.

18 7. The corporation may not merge with other
19 corporations or other business entities.

20 8. The corporation may not enter into any contract,
21 lease, or other agreement related to the use of ground or
22 surface waters located in, on, or through the preserve without
23 the consent of the Board of Trustees of the Internal
24 Improvement Trust Fund and permits that may be required by the
25 Department of Environmental Protection or the appropriate
26 water management district under chapters 373 and 403.

27 9. The corporation may not grant any easements in, on,
28 or across the preserve. Any easements to be granted for the
29 use of, access to, or ingress and egress across state property
30 within the preserve must be executed by the Board of Trustees
31 of the Internal Improvement Trust Fund as the owners of the

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1 state property within the preserve. Any easements to be
 2 granted for the use of, access to, or ingress and egress
 3 across property within the preserve titled in the name of a
 4 local government must be granted by the governing body of that
 5 local government.

6 10. The corporation may not enter into any contract,
 7 lease, or other agreement related to the use and occupancy of
 8 the property within the preserve for a period greater than 10
 9 years.

10 (c) The members may, with the written approval of the
 11 commission and in consultation with the department, designate
 12 hunting, fishing, and trapping zones and may establish
 13 additional periods when no hunting, fishing, or trapping shall
 14 be permitted for reasons of public safety, administration, and
 15 the protection and enhancement of nongame habitat and nongame
 16 species, as defined under s. 372.001.

17 (d) The corporation shall have the sole and exclusive
 18 right to use the words "Babcock Ranch, Inc.," and any seal,
 19 emblem, or other insignia adopted by the members. Without the
 20 express written authority of the corporation, no person may
 21 use the words "Babcock Ranch, Inc.," as the name under which
 22 that person conducts or purports to conduct business, for the
 23 purpose of trade or advertisement, or in any manner that may
 24 suggest any connection with the corporation.

25 (e) The corporation may from time to time appoint
 26 advisory committees to further any part of this section. The
 27 advisory committees shall be reflective of the expertise
 28 necessary for the particular function for which the committee
 29 is created, and may include public agencies, private entities,
 30 and not-for-profit conservation and agricultural
 31 representatives.

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1 (f) State laws governing the procurement of
2 commodities and services by state agencies, as provided in s.
3 287.057, shall apply to the corporation.

4 (g) The corporation and its subsidiaries must provide
5 equal employment opportunities for all persons regardless of
6 race, color, religion, gender, national origin, age, handicap,
7 or marital status.

8 (10) OPERATING FUND, ANNUAL BUDGET, AUDIT, REPORTING
9 REQUIREMENTS.--

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

14 (b) The board of directors shall provide for an annual
15 financial audit of the corporate accounts and records to be
16 conducted by an independent certified public accountant in
17 accordance with rules adopted by the Auditor General under s.
18 11.45(8). The audit report shall be submitted no later than 3
19 months following the end of the fiscal year to the Auditor
20 General, the President of the Senate, the Speaker of the House
21 of Representatives, and the appropriate substantive and fiscal
22 committees of the Legislature. The Auditor General, the Office
23 of Program Policy Analysis and Government Accountability, and
24 the substantive or fiscal committees of the Legislature to
25 which legislation affecting the Babcock Ranch Preserve may be
26 referred shall have the authority to require and receive from
27 the corporation or from the independent auditor any records
28 relative to the operation of the corporation.

29 (c) Not later than January 15 of each year, Babcock
30 Ranch, Inc., shall submit to the Board of Trustees of the
31 Internal Improvement Trust Fund, the President of the Senate,

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1 the Speaker of the House of Representatives, the department,
 2 and the commission a comprehensive and detailed report of its
 3 operations, activities, and accomplishments for the prior
 4 year, including information on the status of the ecological,
 5 cultural, and financial resources being managed by the
 6 corporation, and benefits provided by the preserve to local
 7 communities. The report shall also include a section
 8 describing the corporation's goals for the current year.

9 (d) The board of directors shall prepare an annual
 10 budget with the goal of achieving a financially
 11 self-sustaining operation within 15 full fiscal years after
 12 the initial acquisition of the Babcock Ranch by the state. The
 13 department shall provide necessary assistance, including
 14 details as necessary, to the corporation for the timely
 15 formulation and submission of an annual legislative budget
 16 request for appropriations, if any, to support the
 17 administration, operation, and maintenance of the preserve. A
 18 request for appropriations shall be submitted to the
 19 department and shall be included in the department's annual
 20 legislative budget request. Requests for appropriations shall
 21 be submitted to the department in time to allow the department
 22 to meet the requirements of s. 216.023. The department may not
 23 deny a request or refuse to include in its annual legislative
 24 budget submission a request from the corporation for an
 25 appropriation.

26 (e) Notwithstanding any other provision of law, all
 27 moneys received from donations or from management of the
 28 preserve shall be retained by the corporation in the operating
 29 fund and shall be available, without further appropriation,
 30 for the administration, preservation, restoration, operation
 31 and maintenance, improvements, repairs, and related expenses

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1 incurred with respect to properties being managed by the
 2 corporation. Except as provided in this section, moneys
 3 received by the corporation for the management of the preserve
 4 shall not be subject to distribution by the state. Upon
 5 assuming management responsibilities for the preserve, the
 6 corporation shall optimize the generation of income based on
 7 existing marketing conditions to the extent that activities do
 8 not unreasonably diminish the long-term environmental,
 9 agricultural, scenic, and natural values of the preserve, or
 10 the multiple-use and sustained-yield capability of the land.

11 (f) All parties in contract with the corporation and
 12 all holders of leases from the corporation which are
 13 authorized to occupy, use, or develop properties under the
 14 management jurisdiction of the corporation must procure proper
 15 insurance as is reasonable or customary to insure against any
 16 loss in connection with the properties or with activities
 17 authorized in the leases or contracts.

18 (11) COMPREHENSIVE BUSINESS PLAN.--

19 (a) A comprehensive business plan for the management
 20 and operation of the preserve as a working ranch and
 21 amendments to the business plan may be developed only with
 22 input from the department and the commission, and may be
 23 implemented by Babcock Ranch, Inc., only upon expiration of
 24 the management agreement attached as Exhibit "E" to that
 25 certain agreement for sale and purchase approved by the Board
 26 of Trustees of the Internal Improvement Trust Fund on November
 27 22, 2005, and by Lee County on November 20, 2005.

28 (b) Any final decision of Babcock Ranch, Inc., to
 29 adopt or amend the comprehensive business plan or to approve
 30 any activity related to the management of the renewable
 31 surface resources of the preserve shall be made in sessions

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1 that are open to the public. The board of directors shall
 2 establish procedures for providing adequate public information
 3 and opportunities for public comment on the proposed
 4 comprehensive business plan for the preserve or for amendments
 5 to the comprehensive business plan adopted by the members.

6 (c) Not less than 2 years prior to the corporation's
 7 assuming management and operation responsibilities for the
 8 preserve, the corporation, with input from the commission and
 9 the department, must begin developing the comprehensive
 10 business plan to carry out the purposes of this section. To
 11 the extent consistent with these purposes, the comprehensive
 12 business plan shall provide for:

13 1. The management and operation of the preserve as a
 14 working ranch;

15 2. The protection and preservation of the
 16 environmental, agricultural, scientific, scenic, geologic,
 17 watershed, fish, wildlife, historic, cultural, and
 18 recreational values of the preserve;

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

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

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

26 6. The use of renewable resources and management
 27 alternatives that, to the extent practicable, benefit local
 28 communities and small businesses and enhance the coordination
 29 of management objectives with those on surrounding public or
 30 private lands. The use of renewable resources and management
 31 alternatives should provide cost savings to the corporation

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1 through the exchange of services, including, but not limited
2 to, labor and maintenance of facilities, for resources or
3 services provided to the corporation.

4 (d) On or before the date on which title to the
5 portion of the Babcock Crescent B Ranch being purchased by the
6 state as provided in s. 259.1052 is vested in the Board of
7 Trustees of the Internal Improvement Trust Fund, Babcock Ranch
8 Management, LLC, a limited liability company incorporated in
9 this state, shall provide the commission and the department
10 with the proprietary management plan and business plan in
11 place for the operation of the ranch as of November 22, 2005,
12 the date on which the board of trustees approved the purchase.

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

14 (a) The corporation shall assume all authority
15 provided by this section to manage and operate the preserve as
16 a working ranch upon a determination by the Board of Trustees
17 of the Internal Improvement Trust Fund that the corporation is
18 able to conduct business, and that provision has been made for
19 essential services on the preserve, which, to the maximum
20 extent practicable, shall be made no later than 60 days prior
21 to the termination of the management agreement referenced in
22 paragraph (11)(a).

23 (b) Upon assuming management and operation of the
24 preserve, the corporation shall:

25 1. With input from the commission and the department,
26 manage and operate the preserve and the uses thereof,
27 including, but not limited to, the activities necessary to
28 administer and operate the preserve as a working ranch; the
29 activities necessary for the preservation and development of
30 the land and renewable surface resources of the preserve; the
31 activities necessary for interpretation of the history of the

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1 preserve on behalf of the public; the activities necessary for
 2 the management, public use, and occupancy of facilities and
 3 lands within the preserve; and the maintenance,
 4 rehabilitation, repair, and improvement of property within the
 5 preserve;

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

8 3. Negotiate directly with and enter into such
 9 agreements, leases, contracts, and other arrangements with any
 10 person, firm, association, organization, corporation, or
 11 governmental entity, including entities of federal, state, and
 12 local governments, as are necessary and appropriate to carry
 13 out the purposes and activities authorized by this section;

14 4. Establish procedures for entering into lease
 15 agreements and other agreements for the use and occupancy of
 16 the facilities of the preserve. The procedures shall ensure
 17 reasonable competition and set guidelines for determining
 18 reasonable fees, terms, and conditions for such agreements;
 19 and

20 5. Assess reasonable fees for admission to, use of,
 21 and occupancy of the preserve to offset costs of operating the
 22 preserve as a working ranch. These fees are independent of
 23 fees assessed by the commission for the privilege of hunting,
 24 fishing, or pursuing outdoor recreational activities within
 25 the preserve, and shall be deposited into the operating fund
 26 established by the board of directors under the authority
 27 provided under this section.

28 (13) MISCELLANEOUS PROVISIONS.--

29 (a) Except for the powers of the commissioner provided
 30 in this section, and the powers of the commission provided in
 31 s. 9, Art. IV of the State Constitution, the preserve shall be

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1 managed by Babcock Ranch, Inc.

2 (b) Officers and employees of Babcock Ranch, Inc., are
3 private employees. At the request of the board of directors,
4 the commission and the department may provide state employees
5 for the purpose of implementing this section. Any state
6 employees provided to assist the directors in implementing
7 this section for more than 30 days shall be provided on a
8 reimbursable basis. Reimbursement to the commission and the
9 department shall be made from the corporation's operating fund
10 provided under this section and not from any funds
11 appropriated to the corporation by the Legislature.

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

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

15 (b) Upon dissolution of the corporation, the
16 management responsibilities provided in this section shall
17 revert to the commission and the department unless otherwise
18 provided by the Legislature under the act dissolving Babcock
19 Ranch, Inc.

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

24 Section 10. For the 2006-2007 fiscal year, the sum of
25 \$310 million in nonrecurring funds is appropriated from the
26 Florida Forever Trust Fund in the Department of Environmental
27 Protection for the purchase of the Babcock Crescent B Ranch as
28 provided in s. 259.1052, Florida Statutes.

29 Section 11. For the 2006-2007 fiscal year, the sum of
30 \$50,000 is appropriated in nonrecurring funds from the
31 Conservation and Recreation Lands Trust Fund in the Department

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1 of Environmental Protection for the operation and management
2 of the Babcock Ranch Preserve, to be administered by Babcock
3 Ranch, Inc., as provided under s. 259.1053, Florida Statutes.

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

6

7

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

9 And the title is amended as follows:

10 Delete everything before the enacting clause

11

12 and insert:

13

A bill to be entitled

14

An act relating to land acquisition and
management; amending s. 201.15, F.S.; providing
that taxes distributed to pay debt service on
Preservation 2000 bonds, Florida Forever bonds,
and Save Our Everglades bonds shall, under
specified circumstances, be collectively
distributed on a pro rata basis; correcting a
cross-reference; deleting obsolete provisions;
amending s. 215.619, F.S.; providing that
Everglades restoration bonds are on a parity
basis with other land acquisition bonds;
amending s. 259.032, F.S.; authorizing the use
of funds in the Conservation and Recreation
Lands Trust Fund for management, maintenance,
and capital improvements for conservation and
recreation lands, including lands acquired
under the Babcock Crescent B Ranch Florida
Forever acquisition; revising requirements for

31

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1 the development of an individual land
2 management plan; amending s. 259.105, F.S.;
3 establishing the Legislature's intent that the
4 protection and buffering of military
5 installations is of great importance; directing
6 the Acquisition and Restoration Council to also
7 give priority consideration to the acquisition
8 of lands that protect and buffer military
9 installations; amending s. 259.1051, F.S.;
10 conforming the distribution of funds from the
11 Florida Forever Trust Fund; creating s.
12 259.1052, F.S.; providing for the acquisition
13 of the state's portion of the Babcock Crescent
14 B Ranch; providing a definition; granting
15 authority to the Department of Environmental
16 Protection to distribute funds for the
17 acquisition of the Babcock Crescent B Ranch;
18 creating s. 259.10521, F.S.; authorizing the
19 creation of a citizen support organization;
20 providing duties and responsibilities; creating
21 s. 259.1053, F.S.; creating the Babcock Ranch
22 Preserve Act; providing a short title;
23 providing definitions; requiring the Division
24 of State Lands of the Department of
25 Environmental Protection to perform certain
26 staff duties and functions for Babcock Ranch,
27 Inc.; creating Babcock Ranch, Inc., a
28 not-for-profit corporation to be incorporated
29 in the state; providing that the corporation
30 shall act as an instrumentality of the state
31 for purposes of sovereign immunity under s.

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1 768.28, F.S.; providing that the corporation
 2 shall not be an agency under s. 20.03, F.S.;
 3 providing that the corporation is subject to
 4 the provisions of chs. 119 and 286, F.S.,
 5 requiring public records and meetings;
 6 providing for the corporation to be governed by
 7 the Babcock Board of Directors; providing for
 8 the appointment of board members and terms of
 9 office; prohibiting any board member from
 10 voting on any measure that constitutes a
 11 conflict of interest; providing for the board
 12 members to serve without compensation, but to
 13 receive per diem and travel expenses;
 14 authorizing state agencies to provide state
 15 employees for purposes of implementing the
 16 Babcock Ranch Preserve; providing certain
 17 powers and duties of the corporation; providing
 18 limitations on the powers and duties of the
 19 corporation; providing that the corporation and
 20 its subsidiaries must provide equal employment
 21 opportunities; providing for the corporation to
 22 establish and manage an operating fund;
 23 requiring an annual financial audit of the
 24 accounts and records of the corporation;
 25 requiring annual reports by the corporation to
 26 the Board of Trustees of the Internal
 27 Improvement Trust Fund, the Legislature, the
 28 Department of Agriculture and Consumer
 29 Services, and the Fish and Wildlife
 30 Conservation Commission; requiring that the
 31 corporation prepare an annual budget;

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

31

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1 WHEREAS, the Babcock Ranch comprises the largest
 2 private undeveloped single-ownership tract of land in
 3 Charlotte County and contains historical evidence in the form
 4 of old logging camps and other artifacts that indicate the
 5 importance of this land for domesticated livestock production,
 6 timber supply, and other bona fide agricultural uses, and

7 WHEREAS, the careful husbandry of the Babcock Ranch,
 8 including selective timbering, limited grazing and hunting,
 9 and the use of prescribed burning, has preserved a mix of
 10 healthy range and timberland with significant species
 11 diversity and provides a model for sustainable land
 12 development and use, and

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

19 WHEREAS, it is in the public's best interest that the
 20 management regime for the Babcock Ranch include the
 21 development of an operational program for appropriate
 22 preservation and development of the ranch's land and
 23 resources, and

24 WHEREAS, the public's interest will be served by the
 25 creation of a not-for-profit corporation to develop and
 26 implement environmentally sensitive, cost-effective, and
 27 creative methods to manage and operate a working ranch, NOW,
 28 THEREFORE,

29
 30
 31