State Resources Council

Wednesday, February 8, 2006
1:15 PM
Reed Hall

Allan G. Bense
Speaker

Marty Bowen
Chair

Council Meeting Notice

HOUSE OF REPRESENTATIVES

Speaker Allan G. Bense

State Resources Council

Start Date and Time:	Wednesday, February 08, 2006 01:15 pm
End Date and Time:	Wednesday, February 08, 2006 02:00 pm
Location:	Reed Hall (102 HOB)
Duration:	0.75 hrs

Consideration of the following bill(s):

HB 167 CS Household Moving Services by Hays

Presentation on Babcock Ranch
Department of Environmental Protection

NOTICE FINALIZED on 01/27/2006 15:44 by REARDON.BILLIE

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 167 CS Household Moving Services
SPONSOR(S): Hays and others
TIED BILLS: **IDEN./SIM. BILLS:** SB 244

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Agriculture Committee	11 Y, 0 N	Reese	Reese
2) Agriculture & Environment Appropriations Committee	11 Y, 0 N, w/CS	Davis	Dixon
3) State Resources Council		Reese	Hamby
4)			
5)			

SUMMARY ANALYSIS

The bill amends the "Intrastate Moving Law" to change the title to "Household Moving Services" and to expand and clarify certain definitions. Definitions for the terms "household move", "moving broker", and "moving container" are added. The bill requires moving brokers to register with the Department of Agriculture and Consumer Services (department) and post specific financial security. Additionally, the legislation requires movers' vehicle display signage to have a minimum letter height of 1.5 inches, authorizes a mover to offer valuation coverage under certain specified conditions, and provides that the department may suspend registration and seek civil penalties for failure to carry valid liability insurance. The bill also prohibits certain limits of liability for a mover's loss of or damage to a shipper's goods, requires disclosure of liability limitations to the consumer, and provides that a county or municipality may not issue an occupational license unless the mover or broker has a current registration with the department.

In addition, the bill amends the "Self-storage Facility Act" to revise the definition of "self-contained storage unit" to be consistent with the definition of moving container. This change has the effect of limiting application of this act to units not less than 200 cubic feet rather than 600 cubic feet as currently provided by the act.

HB 167 does not appear to require state or local governments to spend funds. Some recurring revenue may accrue to the General Inspection Trust Fund housed within the department from the annual registration fee collected from moving brokers.

The bill takes effect on July 1, 2006.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide limited government – The bill requires moving brokers to register with the Department of Agriculture and Consumer Services and post specific financial security.

Safeguard individual liberty and promote personal responsibility – The bill states that a mover's failure to maintain the required liability insurance coverage "constitutes an immediate threat to the public health, safety, and welfare"[1] and provides coverage and disclosure requirements for protections of the consumer.

B. EFFECT OF PROPOSED CHANGES:

Present situation: The 2002 Legislature enacted laws regulating the intrastate moving industry in Florida. Any mover wishing to do business in the state must register annually with the Department of Agriculture and Consumer Services (department). To obtain a registration certificate, the mover must file an application, pay a registration fee in the amount of $300, and meet statutory qualifications.

The law requires a mover to maintain cargo liability insurance coverage in the amount of $10,000 per shipment and limits the mover's liability to not less than 60 cents per pound of cargo. Minimum limits of motor vehicle coverage are also specified in the amounts of $50,000, $100,000, and $300,000 per occurrence, based on gross weight categories.

If the department finds a mover in violation of any provisions of the law, rules or orders, the department may do one or more of the following:

- Issue a notice of noncompliance under s. 120.695, F.S.
- Impose an administrative fine not to exceed $5,000 for each act or omission
- Direct the person to cease and desist specified activities
- Refuse to register, revoke, or suspend a registration
- Place the registrant on probation for a period of time, subject to such conditions as the department may specify[2]

Self-storage facilities allow the rental of space where goods and belongings may be stored. Existing law defines a self-contained storage unit as any unit 600 cubic feet in size or greater, including, but not limited to, a trailer, box, or other shipping container, which is leased by a tenant mainly for storage space, whether the unit is located at a facility owned or operated by the owner or at a location designate by the tenant.[3]

Current law grants the owner of a self-contained storage unit certain rights against the property contained within the storage unit. The owner of the storage unit has a lien on all personal property, whether or not owned by the tenant, located at a self-contained storage unit for rent, labor charges or other charges.[4] If the tenant fails to pay rent, the owner may, without notice and after 5 days from the due date of the rent, deny the tenant access to personal property located in the self-contained storage unit.[5]

Proposed changes:

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[1] Proposed s. 507.04 (1)(a), F.S.
[2] s. 507.09(1)(a)-(e), F.S.
[3] s. 83.802(2), F.S.
[4] s. 83.805, F.S.
[5] s. 83.8055, F.S.

The bill amends Chapter 507, Florida Statutes, the intrastate moving law, to:

- Change the title of the chapter from "Intrastate Moving Law" to "Household Moving Services".
- Expand and clarify certain existing definitions and to add definitions for the terms "household move", "moving broker", and "moving container".
- Require moving brokers to register with the department and post specific financial security. A mover that operates two or fewer vehicles may, and moving brokers must, post a performance bond or certificate of deposit in the amount of $25,000 in lieu of the cargo legal liability coverage.[6]
- Specify that making certain false statements is a violation, regardless of whether the statements are material.
- Require movers' vehicle display signage to have a minimum letter height of 1.5 inches.
- Authorize additional insurance valuation coverage requirements for coverage of a consumer's goods.
- Require the mover to disclose the cost and rate of the coverage in writing at the time the estimate and contract for services is executed.
- Provide that the department may suspend registration and seek civil penalties for failure to carry valid liability insurance.
- Prohibit certain limits of liability for a mover's loss of or damage to a shipper's goods.
- Require disclosure of liability limitations to the consumer.
- Provide that any liability may be enforced either by an administrative action or by filing an action in a court of competent jurisdiction; however, the bill limits the use of the bond or certificate of deposit to payment of claims adjudicated by the department.
- Provide that a county or municipality may not issue an occupational license unless the mover or broker has a current registration with the department.
- Amend the definition of "self-contained storage unit" in Chapter 83, Florida Statutes, as any unit not less than 200 cubic feet.

C. SECTION DIRECTORY:

Section 1. Amends s. 83.803, F.S., revising a definition.

Section 2. Requests the Division of Statutory Revision to redesignate the title of ch. 507, F.S.

Section 3. Amends s. 507.01, F.S.; revising definitions; defining new terms; clarifying licensing requirements for household movers and moving brokers; applying the licensing requirements; clarifying and conforming provisions.

Section 4. Amends s. 507.02, F.S.; clarifying the construction, application and intent of the licensing requirements.

Section 5. Amends s. 507.03, F.S.; requiring moving brokers to register with the Department of Agriculture and Consumer Services; providing registration requirements and fees; providing for certificate of registration; requiring display of certificate; clarifying registration requirements for household movers and moving brokers; requiring brokers to obtain local registration or license under certain circumstances; revising advertising requirements; requiring a mover's vehicles to display certain signage; providing for denial, refusal to renew, or revocation of registration of mover or moving broker; requiring brokers to provide evidence of certain insurance coverage; revising requirement for mover to provide evidence of certain insurance coverage.

Section 6. Amends s. 507.04, F.S.; clarifying requirements that a mover maintain certain insurance coverage; requiring a mover to submit evidence of liability insurance before registration; providing requirements for liability insurance coverage; authorizing the Department of Agriculture and Consumer

[6] Proposed s. 507.04(1)(b), F.S.

Services to suspend a mover's registration and seek an injunction in circuit court if the mover fails to maintain insurance coverage; providing penalties; authorizing certain movers and requiring moving brokers to maintain a performance bond or certificate of deposit in lieu of certain liability insurance coverage; providing requirements for the performance bond or certificate of deposit; providing for payment of claims pursuant to department order in an administrative proceeding; specifying that insurance coverage must be issued by a licensed insurance company or carrier; prohibiting certain limits of liability for a mover's loss or damage of a shipper's goods; requiring certain disclosures of liability limitations; authorizing a mover to offer valuation coverage under specified conditions; providing that valuation coverage meeting specified conditions satisfies certain liability of a mover; requiring certain disclosures of valuation coverage.

Section 7. Amends s. 507.05, F.S.; revising requirements for content of contracts.

Section 8. Amends s. 507.06, F.S.; revising provisions for delivery and storage of household goods.

Section 9. Amends s. 507.07, F.S.; requiring that moving brokers annually register with the department; revising provisions relating to prohibited acts and violations; specifying that the making of certain false statements is a violation of ch. 507, F.S., regardless of whether the statements are material; clarifying and conforming provisions.

Section 10. Amends s. 507.08, F.S.; clarifying and conforming provisions relating to deceptive and unfair trade practice.

Section 11. Amends s. 507.09, F.S.; conforming language relating to administrative remedies and penalties.

Section 12. Amends s. 507.10, F.S.; conforming language relating to civil penalties and remedies.

Section 13. Amends s. 507.11, F.S.; providing penalties.

Section 14. Amends s. 507.12, F.S.; conforming language regarding deposit of payments into the General Inspection Trust Fund.

Section 15. Amends s. 507.13, F.S.; conforming language relating to local regulations.

Section 16. Creates s. 205.1975, F.S.; prohibiting a county or municipality from issuing or renewing an occupational license to a mover or moving broker under certain circumstances.

Section 17. Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

   Indeterminate. See fiscal comments below.

2. Expenditures:

   The bill appears to have no impact on state government expenditures.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

   The bill appears to have no impact on local government revenues.

2. Expenditures:

The bill appears to have no impact on local government expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

This bill requires moving brokers to submit a form of security deposit in the amount of $25,000 and annually register and pay a $300 registration fee with the Department of Agriculture and Consumer Services. The bill also requires movers to include signage at least 1.5 inches in height on their moving vehicles. In addition, the bill allows movers with less than three trucks to submit security to the department in the amount of $25,000, in lieu of the required liability insurance coverage.

D. FISCAL COMMENTS:

Movers are currently required to pay an annual $300 registration fee to the Department of Agriculture and Consumer Services, and the bill extends this requirement to moving brokers as well. Some recurring revenue may accrue to the General Inspection Trust Fund housed within the department from the annual registration fee that would be collected from moving brokers. This amount is indeterminate as there are no statistics available on the number of moving brokers in Florida.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not require counties or municipalities to take an action requiring the expenditure of funds, does not reduce the authority that counties or municipalities have to raise revenues in the aggregate, and does not reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None

B. RULE-MAKING AUTHORITY:

The bill contains no grant of rule-making authority.

C. DRAFTING ISSUES OR OTHER COMMENTS: None

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

On January 12, 2006, the House Agriculture and Environment Appropriations Committee adopted two amendments before reporting the bill favorably.

- Amendment 1 redefined "self-contained storage unit" as used in ss. 83.801 – 83.809, F.S., to a unit not less than 200 cubic feet.
- Amendment 2 made a similar conforming change to align with this 200 cubic feet definition.

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Department of Environmental Protection

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CHAMBER ACTION

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1 The Agriculture & Environment Appropriations Committee
2 recommends the following:
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4 **Council/Committee Substitute**
5 Remove the entire bill and insert:
6 A bill to be entitled
7 An act relating to household moving services; amending s.
8 83.803, F.S.; revising the definition of the term "self-
9 contained storage unit" to include smaller units;
10 requesting the Division of Statutory Revision to
11 redesignate the title of ch. 507, F.S.; amending s.
12 507.01, F.S.; revising definitions; defining "household
13 move," "moving broker," and "moving container"; amending
14 s. 507.02, F.S.; revising the construction, application,
15 and intent of regulations for household moving services;
16 providing for application to moving brokers; amending s.
17 507.03, F.S.; revising mover registration provisions and
18 providing for application to moving brokers; requiring
19 moving brokers to register with the Department of
20 Agriculture and Consumer Services; providing requirements
21 and fees for such registration; providing for certificate
22 of registration; requiring display of the certificate;
23 requiring brokers to obtain local registration or license

24 when required by the county or municipality where the
25 broker's principal place of business is located; deleting
26 provisions for issuance by the department of a certificate
27 of registration when a mover submits proof of local
28 license or registration; revising requirements for content
29 of contracts; revising advertising requirements; requiring
30 a mover's vehicles to display certain signage; revising
31 provisions for changes in registration; providing for
32 denial, refusal to renew, or revocation of registration;
33 revising requirements to provide evidence of current and
34 valid insurance coverage to include certain alternative
35 coverage; amending s. 507.04, F.S.; revising provisions
36 requiring a mover to maintain certain insurance coverages;
37 requiring a mover to submit evidence of liability
38 insurance before registration; providing requirements for
39 liability insurance coverage; authorizing the Department
40 of Agriculture and Consumer Services to suspend a mover's
41 registration and seek an injunction in circuit court if
42 the mover fails to maintain insurance coverage; providing
43 penalties; authorizing certain movers and requiring moving
44 brokers to maintain a performance bond or certificate of
45 deposit in lieu of certain liability insurance coverage;
46 providing requirements for the performance bond or
47 certificate of deposit; providing for payment of claims
48 pursuant to department order in an administrative
49 proceeding; revising requirements for motor vehicle
50 coverage; specifying that insurance coverages must be
51 issued by a licensed insurance company or carrier;

52 prohibiting certain limits of liability for a mover's loss
53 or damage of a shipper's goods; requiring certain
54 disclosures of liability limitations; authorizing a mover
55 to offer valuation coverage under specified conditions;
56 providing that valuation coverage meeting specified
57 conditions satisfies certain liability of a mover;
58 requiring certain disclosures of valuation coverage;
59 amending s. 507.05, F.S.; revising requirements for
60 content of contracts; amending s. 507.06, F.S.; revising
61 provisions for delivery and storage of household goods to
62 provide for delivery to a storehouse or warehouse;
63 amending s. 507.07, F.S.; requiring that moving brokers
64 annually register with the department; revising provisions
65 relating to prohibited acts and violations; specifying
66 that making certain false statements is a violation
67 regardless of whether the statements are material;
68 amending s. 507.11, F.S.; providing penalties; amending
69 ss. 507.08, 507.09, 507.10, 507.12, and 507.13, F.S.,
70 relating to deceptive and unfair trade practice,
71 administrative remedies and penalties, civil penalties and
72 remedies, the General Inspection Trust Fund, and local
73 regulation; providing for application to moving brokers;
74 clarifying and conforming provisions; providing for the
75 adoption of rules; creating s. 205.1975, F.S.; prohibiting
76 a county or municipality from issuing or renewing an
77 occupational license to a mover or moving broker under
78 certain circumstances; providing an effective date.
79

80 Be It Enacted by the Legislature of the State of Florida:
81
82 Section 1. Subsection (2) of section 83.803, Florida
83 Statutes, is amended to read:
84 83.803 Definitions.--As used in ss. 83.801-83.809:
85 (2) "Self-contained storage unit" means any unit not less
86 than 200 ~~600~~ cubic feet in size, including, but not limited to,
87 a trailer, box, or other shipping container, which is leased by
88 a tenant primarily for use as storage space whether the unit is
89 located at a facility owned or operated by the owner or at
90 another location designated by the tenant.
91 Section 2. The Division of Statutory Revision is requested
92 to redesignate the title of chapter 507, Florida Statutes, as
93 "HOUSEHOLD MOVING SERVICES."
94 Section 3. Section 507.01, Florida Statutes, is amended to
95 read:
96 507.01 Definitions.--As used in this chapter ~~For the~~
97 ~~purposes of this act~~, the term:
98 (1) "Accessorial services" means any service performed by
99 a mover which results in a charge to the shipper and is
100 incidental to the transportation or shipment of household goods
101 ~~service~~, including, but not limited to, valuation coverage;
102 preparation of written inventory; equipment, including dollies,
103 hand trucks, pads, blankets, and straps; storage, packing,
104 unpacking, or crating of articles; hoisting or lowering; waiting
105 time; ~~long carry, which is defined as~~ carrying articles
106 excessive distances to or from ~~between~~ the mover's vehicle,
107 which may be cited as "long carry" ~~and the residence~~; overtime

108 loading and unloading; reweighing; disassembly or reassembly;
109 elevator or stair carrying; boxing or servicing of appliances;
110 and furnishing of packing or crating materials. The term
111 includes ~~Accessorial services also include~~ services not
112 performed by the mover but performed by a third party at the
113 request of the shipper or mover, if the charges for these ~~such~~
114 services are to be paid to the mover by the shipper at or before
115 ~~prior to~~ the time of delivery.
116 (2) "Advertise" means to advise, announce, give notice of,
117 publish, or call attention by use of oral, written, or graphic
118 statement made in a newspaper or other publication or on radio
119 or television, any electronic medium, or contained in any
120 notice, handbill, sign, including signage on vehicle, flyer,
121 catalog or letter, or printed on or contained in any tag or
122 label attached to or accompanying any good.
123 (3) "Compensation" means money, fee, emolument, quid pro
124 quo, barter, remuneration, pay, reward, indemnification, or
125 satisfaction.
126 (4) "Contract for service" or "bill of lading" means a
127 written document approved by the shipper in writing before ~~prior~~
128 ~~to~~ the performance of any service which authorizes services from
129 the named mover and lists the services and all costs associated
130 with the ~~transportation of~~ household move ~~goods~~ and accessorial
131 services to be performed.
132 (5) "Department" means the Department of Agriculture and
133 Consumer Services.
134 (6) "Estimate" means a written document that ~~which~~ sets
135 forth the total costs, ~~cost~~ and describes the basis of those

136 ~~such~~ costs, relating ~~related~~ to a shipper's household move,
137 including ~~which shall include~~, but not ~~be~~ limited to, the
138 loading, transportation or shipment, and unloading of household
139 goods and accessorial services.
140 (7) "Household goods" or "goods" means personal effects or
141 other personal property commonly found in a home, personal
142 residence, ~~storage facility,~~ or other dwelling ~~location~~,
143 including, but not limited to, household furniture. The term
144 ~~property in a storehouse or warehouse facility that is owned or~~
145 ~~rented by a shipper or shipper's agent, but~~ does not include
146 freight or personal property moving to or from a factory, store,
147 or other place of business.
148 (8) "Household move" or "move" means the loading of
149 household goods into a vehicle, moving container, or other mode
150 of transportation or shipment; the transportation or shipment of
151 those household goods; and the unloading of those household
152 goods, when the transportation or shipment originates and
153 terminates at one of the following ultimate locations,
154 regardless of whether the mover temporarily stores the goods
155 while en route between the originating and terminating
156 locations:
157 (a) From one dwelling to another dwelling;
158 (b) From a dwelling to a storehouse or warehouse that is
159 owned or rented by the shipper or the shipper's agent; or
160 (c) From a storehouse or warehouse that is owned or rented
161 by the shipper or the shipper's agent to a dwelling.
162 (9) ~~(8)~~ "Mover" means a ~~any~~ person who, for compensation,
163 contracts for or engages in the loading, transportation or

164 shipment, or unloading of household goods as part of a household
165 move ~~for compensation~~. The term does not include a postal,
166 courier, envelope, or package service that does not advertise
167 itself as a mover or moving service.
168 (10) "Moving broker" or "broker" means a person who, for
169 compensation, arranges for another person to load, transport or
170 ship, or unload household goods as part of a household move or
171 who, for compensation, refers a shipper to a mover by telephone,
172 postal or electronic mail, Internet website, or other means.
173 (11) "Moving container" means a receptacle holding at
174 least 200 cubic feet of volume which is used to transport or
175 ship household goods as part of a household move.
176 (12) ~~(9)~~ "Shipper" means a ~~any~~ person who uses the services
177 of a mover to transport or ship household goods as part of a
178 household move.
179 (13) ~~(10)~~ "Storage" means the warehousing of a ~~the~~
180 shipper's goods while under the care, custody, and control of
181 the mover.
182 Section 4. Section 507.02, Florida Statutes, is amended to
183 read:
184 507.02 Construction; intent; application.--
185 (1) This chapter ~~The provisions of this act~~ shall be
186 construed liberally to:
187 (a) Establish the law of this state governing the loading,
188 transportation or~~,~~ shipment, unloading, and affiliated storage
189 of household goods as part of household moves.

190 (b) Address household moving practices in this state in a
191 manner that is not inconsistent with federal law governing
192 ~~relating to~~ consumer protection.
193 (2) This chapter applies ~~The provisions of this act shall~~
194 ~~apply~~ to the operations of any mover or moving broker engaged in
195 the intrastate transportation or shipment of household goods
196 originating in this state and terminating in this state. This
197 chapter does not apply to~~, except this act shall not be~~
198 ~~construed to include~~ shipments contracted by the United States,
199 the state, or any local government or political subdivision of
200 the state. ~~The provisions of this act shall only apply to the~~
201 ~~transportation of household goods originating in this state and~~
202 ~~terminating in this state.~~
203 (3) This chapter is intended ~~It is the intent of this act~~
204 to secure the satisfaction and confidence of shippers and
205 members of the public when using a mover.
206 (4) This chapter does not supersede ~~Nothing in this act~~
207 ~~shall be construed to remove~~ the authority or jurisdiction of
208 any federal agency for ~~with respect to~~ goods or services
209 regulated or controlled under other provisions of law.
210 Section 5. Section 507.03, Florida Statutes, is amended to
211 read:
212 507.03 Registration.--
213 (1) Each mover and moving broker must ~~shall~~ annually
214 register with the department, providing its legal business and
215 trade name, mailing address, and business locations; the full
216 names, addresses, and telephone numbers of its owners or
217 corporate officers and directors and the Florida agent of the

218 corporation; a statement whether it is a domestic or foreign
219 corporation, its state and date of incorporation, its charter
220 number, and, if a foreign corporation, the date it registered
221 with the Department of State ~~of Florida, and occupational~~
222 ~~license where applicable~~; the date on which the ~~a~~ mover or
223 broker registered its fictitious name if the mover or broker is
224 operating under a fictitious or trade name; the name of all
225 other corporations, business entities, and trade names through
226 which each owner of the mover or broker operated, was known, or
227 did business as a mover or moving broker within the preceding 5
228 years; and proof of the insurance or alternative coverages
229 ~~coverage as~~ required under s. 507.04 ~~by this act~~.
230 (2) A certificate evidencing proof of registration shall
231 be issued by the department and must be prominently displayed in
232 the mover's or broker's primary place of business.
233 (3) Registration fees shall be $300 per year per mover or
234 moving broker. All amounts collected shall be deposited by the
235 Chief Financial Officer to the credit of the General Inspection
236 Trust Fund of the department for the sole purpose of
237 administration of this chapter ~~act~~.
238 (4) Any mover or moving broker whose principal place of
239 business is located in a county or municipality that requires,
240 by local ordinance, a local license or registration to engage in
241 the business of moving and storage of household goods must ~~shall~~
242 obtain the license or registration from the ~~such~~ county or
243 municipality. A mover or broker that obtains a ~~such~~ local
244 license or registration must ~~shall~~ also ~~be required to~~ pay the
245 state registration fee under subsection (3)~~, and the department~~

246 ~~shall issue the mover a state certificate of registration upon~~
247 ~~submission of proof of the local license or registration by the~~
248 ~~mover~~.
249 (5) Each contract of a mover or moving broker must include
250 the phrase "(NAME OF FIRM) is registered with the State of
251 Florida as a Mover or Moving Broker. Registration No. ...."
252 (6) Each advertisement of a mover or moving broker must
253 include the phrase "Fla. Mover Reg. No. ...." or "Fla. IM No.
254 ...." Each of the mover's vehicles must clearly and
255 conspicuously display a sign on the driver's side door which
256 includes at least one of these phrases in lettering of at least
257 1.5 inches in height.
258 (7) A ~~No~~ registration is not ~~shall be~~ valid for any mover
259 or broker transacting business at any place other than that
260 designated in the mover's or broker's ~~its~~ application, unless
261 the department is first notified in writing before ~~in advance of~~
262 any change of location. A registration issued under this chapter
263 is not ~~act shall not be~~ assignable, and the mover or broker may
264 ~~shall~~ not ~~be permitted to~~ conduct business under more than one
265 name except as registered. A mover or broker desiring to change
266 its registered name or location or designated agent for service
267 of process at a time other than upon renewal of registration
268 must ~~shall~~ notify the department of the ~~such~~ change.
269 (8) The department may deny, ~~or~~ refuse to renew, or revoke
270 the registration of any mover or moving broker based upon a
271 determination that the mover or moving broker, or any of the
272 mover's or moving broker's ~~its~~ directors, officers, owners, or
273 general partners:

274 (a) Has failed to meet the requirements for registration
275 as provided in this chapter ~~act~~;
276 (b) Has been convicted of a crime involving fraud,
277 dishonest dealing, or any other act of moral turpitude;
278 (c) Has not satisfied a civil fine or penalty arising out
279 of any administrative or enforcement action brought by any
280 governmental agency or private person based upon conduct
281 involving fraud, dishonest dealing, or any violation of this
282 chapter ~~act~~;
283 (d) Has pending against him or her any criminal,
284 administrative, or enforcement proceedings in any jurisdiction,
285 based upon conduct involving fraud, dishonest dealing, or any
286 other act of moral turpitude; or
287 (e) Has had a judgment entered against him or her in any
288 action brought by the department or the Department of Legal
289 Affairs under this chapter ~~pursuant to this act~~ or ss. 501.201-
290 501.213, the Florida Deceptive and Unfair Trade Practices Act.
291 (9) Each mover and moving broker shall provide evidence of
292 the current and valid insurance or alternative coverages
293 required under ~~coverage as described in~~ s. 507.04.
294 Section 6. Section 507.04, Florida Statutes, is amended to
295 read:
296 (Substantial rewording of section. See
297 s. 507.04, F.S., for present text.)
298 507.04 Required insurance coverages; liability
299 limitations; valuation coverage.--
300 (1) LIABILITY INSURANCE.--

301 (a)1. Except as provided in paragraph (b), each mover
302 operating in this state must maintain current and valid
303 liability insurance coverage of at least $10,000 per shipment
304 for the loss or damage of household goods resulting from the
305 negligence of the mover or its employees or agents.
306 2. The mover must provide the department with evidence of
307 liability insurance coverage before the mover is registered with
308 the department under s. 507.03. All insurance coverage
309 maintained by a mover must remain in effect throughout the
310 mover's registration period. A mover's failure to maintain
311 insurance coverage in accordance with this paragraph constitutes
312 an immediate threat to the public health, safety, and welfare.
313 If a mover fails to maintain insurance coverage, the department
314 may immediately suspend the mover's registration or eligibility
315 for registration and the mover must immediately cease operating
316 as a mover in this state. In addition, and notwithstanding the
317 availability of any administrative relief pursuant to chapter
318 120, the department may seek from the appropriate circuit court
319 an immediate injunction prohibiting the mover from operating in
320 this state until the mover complies with this paragraph, a civil
321 penalty not to exceed $5,000, and court costs.
322 (b) A mover that operates two or fewer vehicles, in lieu
323 of maintaining the liability insurance coverage required under
324 paragraph (a), may, and each moving broker must, maintain one of
325 the following alternative coverages:
326 1. A performance bond in the amount of $25,000, for which
327 the surety of the bond must be a surety company authorized to
328 conduct business in this state; or

329 2. A certificate of deposit in a Florida banking
330 institution in the amount of $25,000.
331
332 The original bond or certificate of deposit must be filed with
333 the department and must designate the department as the sole
334 beneficiary. The department must use the bond or certificate of
335 deposit exclusively for the payment of claims to consumers who
336 are injured by the fraud, misrepresentation, breach of contract,
337 misfeasance, malfeasance, or financial failure of the mover or
338 moving broker or by a violation of this chapter by the mover or
339 broker. Liability for these injuries may be determined in an
340 administrative proceeding of the department or through a civil
341 action in a court of competent jurisdiction. However, claims
342 against the bond or certificate of deposit must only be paid, in
343 amounts not to exceed the determined liability for these
344 injuries, by order of the department in an administrative
345 proceeding. The bond or certificate of deposit is subject to
346 successive claims, but the aggregate amount of these claims may
347 not exceed the amount of the bond or certificate of deposit.
348 (2) MOTOR VEHICLE INSURANCE.--Each mover operating in this
349 state must maintain current and valid motor vehicle insurance
350 coverage, including combined bodily injury and property damage
351 liability coverage in the following minimum amounts:
352 (a) Fifty thousand dollars per occurrence for a commercial
353 motor vehicle with a gross weight of less than 35,000 pounds.
354 (b) One hundred thousand dollars per occurrence for a
355 commercial motor vehicle with a gross weight of 35,000 pounds or
356 more, but less than 44,000 pounds.

357 (c) Three hundred thousand dollars per occurrence for a
358 commercial motor vehicle with a gross weight of 44,000 pounds or
359 more.
360 (3) INSURANCE COVERAGES.--The insurance coverages required
361 under paragraph (1)(a) and subsection (2) must be issued by an
362 insurance company or carrier licensed to transact business in
363 this state under the Florida Insurance Code as designated in s.
364 624.01. The department shall require a mover to present a
365 certificate of insurance of the required coverages before
366 issuance or renewal of a registration certificate under s.
367 507.03. The department shall be named as a certificateholder in
368 the certificate and must be notified at least 30 days before any
369 changes in insurance coverage.
370 (4) LIABILITY LIMITATIONS; VALUATION RATES.--A mover may
371 not limit its liability for the loss or damage of household
372 goods to a valuation rate that is less than 60 cents per pound
373 per article. A provision of a contract for moving services is
374 void if the provision limits a mover's liability to a valuation
375 rate that is less than the minimum rate under this subsection.
376 If a mover limits its liability for a shipper's goods, the mover
377 must disclose the limitation, including the valuation rate, to
378 the shipper in writing at the time that the estimate and
379 contract for services are executed and before any moving or
380 accessorial services are provided. The disclosure must also
381 inform the shipper of the opportunity to purchase valuation
382 coverage if the mover offers that coverage under subsection (5).
383 (5) VALUATION COVERAGE.--A mover may offer valuation
384 coverage to compensate a shipper for the loss or damage of the

385 shipper's household goods that are lost or damaged during a
386 household move. If a mover offers valuation coverage, the
387 coverage must indemnify the shipper for at least the minimum
388 valuation rate required under subsection (4). The mover must
389 disclose the terms of the coverage to the shipper in writing at
390 the time that the estimate and contract for services are
391 executed and before any moving or accessorial services are
392 provided. The disclosure must inform the shipper of the cost of
393 the valuation coverage, the valuation rate of the coverage, and
394 the opportunity to reject the coverage. If valuation coverage
395 compensates a shipper for at least the minimum valuation rate
396 required under subsection (4), the coverage satisfies the
397 mover's liability for the minimum valuation rate.
398 Section 7. Section 507.05, Florida Statutes, is amended to
399 read:
400 507.05 Estimates and contracts for service.--Before ~~Prior~~
401 ~~to~~ providing any moving or accessorial services, a contract and
402 estimate must be provided to a prospective shipper in writing,
403 must be signed and dated by the shipper and the mover, and must
404 include:
405 (1) The name, telephone number, and physical address where
406 the mover's employees are available during normal business
407 hours.
408 (2) The date the contract or estimate is prepared and any
409 proposed date of the move.
410 (3) The name and address of the shipper, the addresses
411 where the articles ~~items~~ are to be picked up and delivered, and
412 a telephone number where the shipper may be reached.

413 (4) The name, telephone number, and physical address of
414 any location where the goods will be held pending further
415 transportation, including situations where the mover retains
416 possession of goods pending resolution of a fee dispute with the
417 shipper.
418 (5) An itemized breakdown and description and total of all
419 costs and services for loading, transportation or shipment,
420 unloading, and accessorial services to be provided during a
421 household move or storage of household goods.
422 (6) Acceptable forms of payment. A mover shall accept a
423 minimum of two of the three following forms of payment:
424 (a) Cash, cashier's check, money order, or traveler's
425 check;
426 (b) Valid personal check, showing upon its face the name
427 and address of the shipper or authorized representative; or
428 (c) Valid credit card, which shall include, but not be
429 limited to, Visa or MasterCard.
430
431 A mover must ~~shall~~ clearly and conspicuously disclose to the
432 shipper in the estimate and contract for services the forms of
433 payments the mover will accept, including the forms of payment
434 ~~from those categories~~ described in paragraphs (a)-(c).
435 Section 8. Section 507.06, Florida Statutes, is amended to
436 read:
437 507.06 Delivery and storage of household goods.--
438 (1) A mover must relinquish household goods to a shipper
439 and must place the goods inside a shipper's dwelling or, if
440 directed by the shipper, inside a storehouse or warehouse that

441 is owned or rented by the shipper or the shipper's agent, unless
442 the shipper has not tendered payment in the amount specified in
443 a written contract or estimate signed and dated by the shipper.
444 A mover may not refuse to relinquish prescription medicines and
445 goods for use by children, including children's furniture,
446 clothing, or toys, under any circumstances.
447 (2) A mover may not refuse to relinquish household goods
448 to a shipper or fail to place the goods inside a shipper's
449 dwelling or, if directed by the shipper, inside a storehouse or
450 warehouse that is owned or rented by the shipper or the
451 shipper's agent, based on the mover's refusal to accept an
452 acceptable form of payment.
453 (3) A mover that lawfully fails to relinquish a shipper's
454 household goods may place the goods in storage until payment is
455 tendered; however, the mover must notify the shipper of the
456 location where the goods are stored and the amount due within 5
457 days after receipt of a written request for that information
458 from the shipper, which request must include the address where
459 the shipper may receive the notice. A mover may not require a
460 prospective shipper to waive any rights or requirements under
461 this section.
462 Section 9. Section 507.07, Florida Statutes, is amended to
463 read:
464 507.07 Violations.--It is a violation of this chapter ~~act~~
465 to:
466 (1) Conduct business as a mover or moving broker, or
467 advertise to engage in the business of moving or offering to

468 move, without first being registered annually with the
469 department.
470 (2) Knowingly make any false statement, representation, or
471 certification in any application, document, or record required
472 to be submitted or retained under this chapter ~~act~~.
473 (3) Misrepresent or deceptively represent:
474 (a) The contract for services, bill of lading, or
475 inventory of household goods for the move estimated.
476 (b) The timeframe or schedule for delivery or storage of
477 household goods estimated.
478 (c) The price, size, nature, extent, qualities, or
479 characteristics of accessorial or moving services offered.
480 (d) The nature or extent of other goods, services, or
481 amenities offered.
482 (e) A shipper's rights, privileges, or benefits.
483 (4) Fail to honor and comply with all provisions of the
484 contract for services or bill of lading regarding the
485 purchaser's rights, benefits, and privileges thereunder.
486 (5) Withhold delivery of household goods or in any way
487 hold goods in storage against the expressed wishes of the
488 shipper if payment has been made as delineated in the estimate
489 or contract for services.
490 (6)(a) Include in any contract any provision purporting to
491 waive or limit any right or benefit provided to shippers under
492 this chapter ~~act~~.
493 (b) Seek or solicit a ~~such~~ waiver or acceptance of
494 limitation from a shipper concerning rights or benefits provided
495 under this chapter ~~act~~.

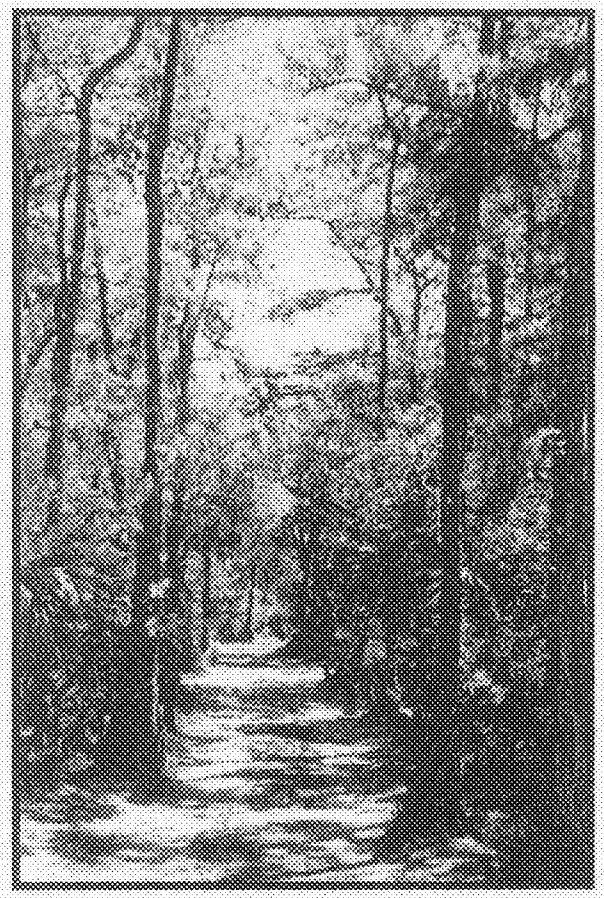
496 (c) Use a local mailing address, registration facility,
497 drop box, or answering service in the promotion, advertising,
498 solicitation, or sale of contracts, unless the mover's, and, if
499 applicable, the moving broker's, fixed business address is
500 clearly disclosed during any telephone solicitation and is
501 prominently and conspicuously disclosed on all solicitation
502 materials and on the contract.
503 (d) Commit ~~Do~~ any other act of ~~which constitutes~~ fraud,
504 misrepresentation, or failure to disclose a material fact.
505 (e) Refuse or fail, or for any of the mover's or broker's
506 principal officers to refuse or fail, after notice, to produce
507 any document or record or disclose any information required to
508 be produced or disclosed.
509 (f) Knowingly make a ~~material~~ false statement in response
510 to any request or investigation by the department, the
511 Department of Legal Affairs, or the state attorney.
512 Section 10. Section 507.08, Florida Statutes, is amended
513 to read:
514 507.08 Deceptive and unfair trade practice.--Acts,
515 conduct, practices, omissions, failings, misrepresentations, or
516 nondisclosures committed in ~~which constitute a~~ violation of this
517 chapter are ~~act also constitute a~~ deceptive and unfair trade
518 practices under ~~practice for the purpose of~~ ss. 501.201-501.213,
519 the Florida Deceptive and Unfair Trade Practices Act, and
520 administrative rules adopted in accordance with the act
521 ~~thereunder~~.
522 Section 11. Section 507.09, Florida Statutes, is amended
523 to read:

524 507.09 Administrative remedies; penalties.--
525 (1) The department may enter an order doing one or more of
526 the following if the department finds that a mover or moving
527 broker, or a person employed or contracted by a mover or broker,
528 has violated or is operating in violation of ~~any of the~~
529 ~~provisions of~~ this chapter ~~act~~ or the rules or orders issued in
530 accordance with this chapter ~~thereunder~~:
531 (a) Issuing a notice of noncompliance under ~~pursuant to~~ s.
532 120.695.
533 (b) Imposing an administrative fine not to exceed $5,000
534 for each act or omission.
535 (c) Directing that the person cease and desist specified
536 activities.
537 (d) Refusing to register or revoking or suspending a
538 registration.
539 (e) Placing the registrant on probation for a period of
540 time, subject to the ~~such~~ conditions specified by ~~as~~ the
541 department ~~may specify~~.
542 (2) The administrative proceedings which could result in
543 the entry of an order imposing any of the penalties specified in
544 subsection (1) are governed by chapter 120.
545 (3) The department may adopt rules under ss. 120.536(1)
546 and 120.54 to administer this chapter ~~has the authority to adopt~~
547 ~~rules pursuant to chapter 120 to implement this act~~.
548 Section 12. Section 507.10, Florida Statutes, is amended
549 to read:
550 507.10 Civil penalties; remedies.--

551 (1) The department may institute a civil action in a court
552 of competent jurisdiction to recover any penalties or damages
553 authorized ~~allowed~~ in this chapter ~~act~~ and for injunctive relief
554 to enforce compliance with this chapter ~~act~~.
555 (2) The department may seek a civil penalty of up to
556 $5,000 for each violation of this chapter ~~act~~.
557 (3) The department may seek restitution for and on behalf
558 of any shipper aggrieved or injured by a violation of this
559 chapter ~~act~~.
560 (4) Any provision in a contract for services or bill of
561 lading from a mover or moving broker that purports to waive,
562 limit, restrict, or avoid any of the duties, obligations, or
563 prescriptions of the mover or broker, as provided in this
564 chapter ~~act~~, is void ~~and unenforceable and against public~~
565 ~~policy~~.
566 (5) The remedies provided in this chapter ~~act~~ are in
567 addition to any other remedies available for the same conduct,
568 including those provided in local ordinances.
569 (6) Upon motion of the department in any action brought
570 under this chapter ~~act~~, the court may make appropriate orders,
571 including appointment of a master or receiver or sequestration
572 of assets, to reimburse shippers found to have been damaged, to
573 carry out a consumer transaction in accordance with the
574 shipper's reasonable expectations, or to grant other appropriate
575 relief.
576 Section 13. Section 507.11, Florida Statutes, is amended
577 to read:
578 507.11 Criminal penalties.--

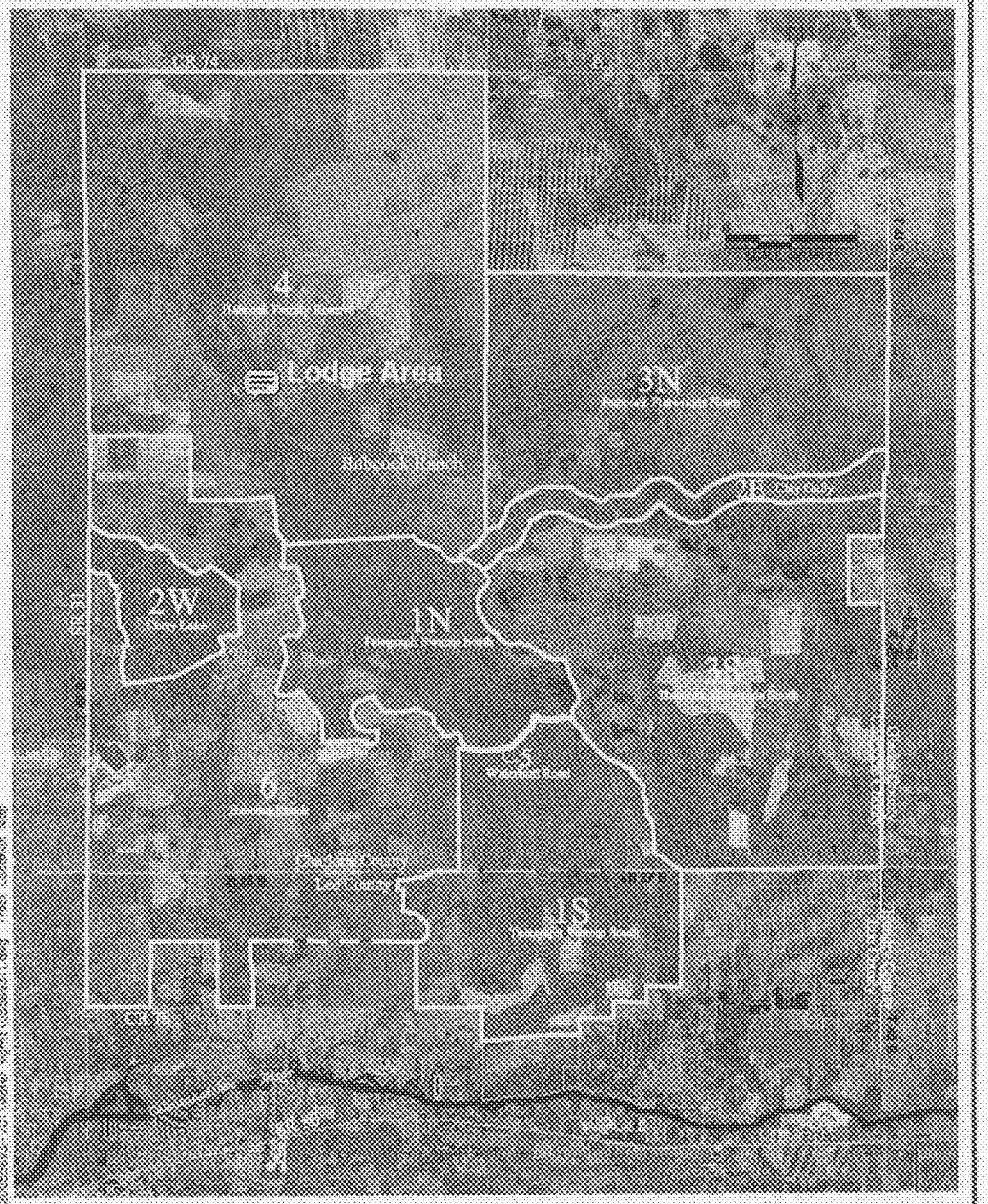
579 (1) The refusal of a mover or a mover's employee, agent,
580 or contractor to comply with an order from a law enforcement
581 officer to relinquish a shipper's household goods after the
582 officer determines that the shipper has tendered payment of the
583 amount of a written estimate or contract, or after the officer
584 determines that the mover did not produce a signed estimate or
585 contract upon which demand is being made for payment, is a
586 felony of the third degree, punishable as provided in s.
587 775.082, s. 775.083, or s. 775.084. A mover's compliance with an
588 order from a law enforcement officer to relinquish goods to a
589 shipper is not a waiver or finding of fact regarding any right
590 to seek further payment from the shipper.
591 (2) Except as provided in subsection (1), any person or
592 business that violates this chapter ~~act~~ commits a misdemeanor of
593 the first degree, punishable as provided in s. 775.082 or s.
594 775.083.
595 Section 14. Section 507.12, Florida Statutes, is amended
596 to read:
597 507.12 General Inspection Trust Fund; payments.--Any
598 moneys recovered by the department as a penalty under this
599 chapter ~~act~~ shall be deposited in the General Inspection Trust
600 Fund.
601 Section 15. Section 507.13, Florida Statutes, is amended
602 to read:
603 507.13 Local regulation.--
604 (1) This chapter does not ~~The provisions of this act are~~
605 ~~not intended to~~ preempt local ordinances or regulations of a
606 county or municipality which ~~that~~ regulate transactions relating

607 to movers of household goods or moving brokers. As provided in
608 s. 507.03(4), counties and municipalities may require, levy, or
609 collect any registration fee or tax or require the registration
610 or bonding in any manner of any mover or moving broker.
611 (2) The department may enter into a cooperative agreement
612 with any county or municipality which ~~that~~ provides for the
613 referral, investigation, and prosecution of consumer complaints
614 alleging violations of this chapter ~~act~~.
615 Section 16. Section 205.1975, Florida Statutes, is created
616 to read:
617 205.1975 Household moving services; consumer
618 protection.--A county or municipality may not issue or renew an
619 occupational license for the operation of a mover or moving
620 broker under chapter 507 unless the mover or broker exhibits a
621 current registration from the Department of Agriculture and
622 Consumer Services.
623 Section 17. This act shall take effect July 1, 2006.



Babcock Ranch

Proposed Partnership for
Natural Resource Management,
Ranch Management and
Sustainable Development



Note: Aerial map is from USGS DOQ Inventory dated 2004.

JOHNSON ENGINEERING

2158 JOHNSON STREET
P.O. BOX 1550
FORT MYERS, FLORIDA 33902-1550
PHONE (239) 334-0046
FAX (239) 334-3661
E.B. #642 & L.B. #642

BABCOCK RANCH
TRACT LOCATION MAP

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
09/13/06	20050593		1" = 2 Miles	

Purpose for State Acquisition

The mixture of old-growth forests and mesic (wet) flatwoods in the Babcock Ranch area not only provides habitat for endangered species, but it also provides a vitally needed water-recharge area for the southwest Florida area. As demand for water increases across the state, protection and management of ground water recharge areas will have to increase so that both natural systems and the citizens of the state have sufficient quantities of water. This project also provides significant natural habitat for the Florida panther, the black bear, the red-cockaded woodpecker, and for many other species of concern. Protecting the Babcock Ranch uplands and wetlands will also contribute to a large landscape-sized protection area of more than 400,000 acres, strategically closing the gap between conservation land projects that now extend from Charlotte Harbor east to Lake Okeechobee. Acquisition of the Babcock Ranch project would meet Florida Forever goals of ensuring sufficient quantities of water for southwest Florida, and increasing protection of Florida's biodiversity of species. Varied public recreational uses could include camping, picnicking, nature appreciation, hiking and horseback riding. This would depend on how the project is acquired, and what management plan is adopted.

Babcock Ranch is proposed to be managed as a ranch, adding in the public uses that fit the attributes of this property. In cooperation with Florida Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services, Division of Forestry, Kitson and Partners, L.L.C., will manage the ranch for the first ten years of state ownership. Management activities will enhance the operations of the existing working ranch and help ensure the conservation, protection, and restoration of environmentally unique native habitats, important ecosystems, landscapes, forests, water resources, and the protection of threatened or endangered species. The tract will also be managed to provide public recreational opportunities as well, such as hunting, camping, hiking, horseback riding, environmental and cultural resource education and interpretation, ecotourism, and other natural resource-based activities.

FINANCIAL SUMMARY

BABCOCK

$350,000.000	**Purchase Price-** 73,952 acres

Proposed Funding

$100,000.000	General Revenue
$200,000.000	DSL share of Florida Forever
$40,000.000	Lee County Conservation Program
$10,000.000	FWCC & DOF
$350,000.000	**Total**

Payout over 5 years
Beginning 05-06

Year 1	$100,000.000 *(General Revenue)*
Years 2 - 5	$62,500,000 per year

Breakout

General Revenue	$100,000,000 one year only *(used for first purchase)*
Years 2 - 5	
Lee County	$10,000,000per year
FWCC	$ 1,250,000per year
DOF	$ 1,250,000per year
DSL	$50,000,000 per year
TOTAL funding per year	$62,500,000 per year

Because of the timing when receiving General Revenue (July '06), 1st and 2nd purchases will probably be made at the same time so the first payment will be $162.5 M

**Alternatively* *Contract provides for reduced number of takedowns (as few as one) if additional funding is provided by the Legislature.*

Babcock Ranch Management Proposal

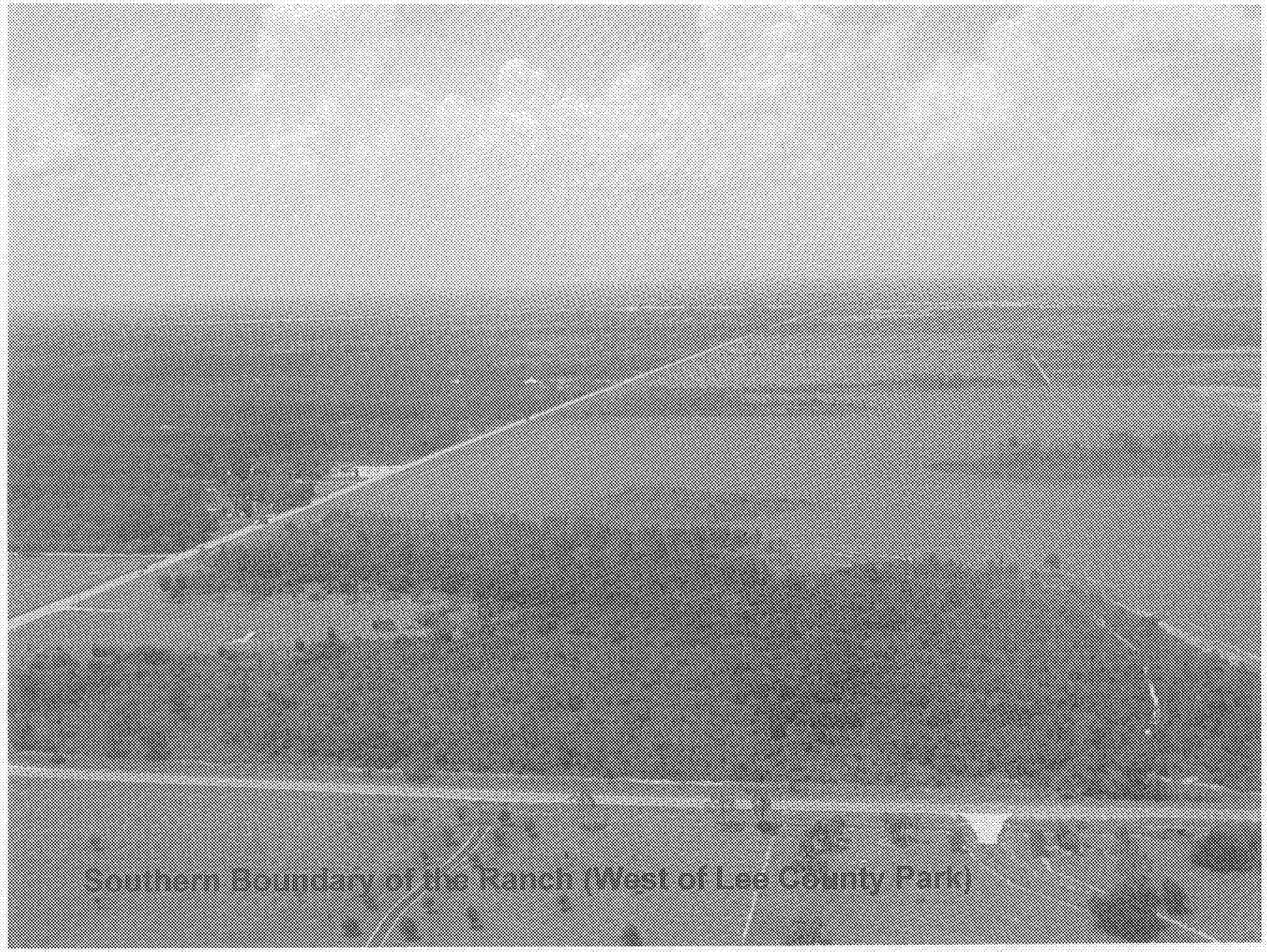
Management Goals

- Protect 74,000 acres in natural condition and rangeland management using a combination of fee-simple acquisition and stewardship conservation easements
- Maintain working ranch with continued agribusiness & ecotourism operation
  - Manage cattle in concert with wildlife
  - Sustainable timber management
  - Native plant horticulture & sod farming
  - Ecotourism – Swamp buggy tours & other tourism activities will continue and be enhanced.
- Public access and recreation:
  - Hiking – integrated with adjacent public lands & proposed new communities
  - Bicycling
  - Fishing
  - Hunting
  - Wildlife watching – Ecotourism tours will continue
  - Cabins/cottages for family enjoyment
  - Rustic campsites
  - Primitive camping
  - Historic interpretation (museum, country store)
- Restoration of natural ecosystems:
  - Conversion of sand & rock mining into natural lake systems
  - Control of invasive exotic vegetation
  - Re-vegetation & landscaping with native species
  - Restoration of canals to natural sheet flow

Local Economy Perspective

- Vital to balance environmentally compatible shops, businesses, schools, parks, other retail and commercial uses with the new homes to avoid excessive burdens on Charlotte and Lee County's infrastructure.

- Sustainable Community
  - Located in southwest corner of Babcock Ranch
  - Contained within 17,000 acre footprint
  - 19,500 homes, including full range of housing opportunities at all price ranges
  - Integrated, mixed-use community – live, work, learn and play
  - Up to 6 million square feet of job space, commercial, education, office to create sustainable community
  - Partner and work with the counties to pursue economic development opportunities by providing facilities and developing partnerships to attract high-paying jobs


Southern Boundary of the Ranch (West of Lee County Park)

0 250 500 1,000
Feet

TRACT 5
WATERBIRD ROAD
TRACT 15
TELEGRAPH SWAMP SOUTH
0 0.25 0.5 1
Miles

HIGHLIGHTS OF THE AGREEMENT FOR SALE AND PURCHASE

- The Agreement is between MSKP III, Inc., The Board of Trustees of the Internal Improvement Trust Fund of the State of Florida (BOT), The Florida Fish and Wildlife Conservation Commission (FWC), and Lee County, Florida.

- The Purchase Price is $350,000,000.00

- The Purchase Price is split as follows:

  1. FWC will pay $10,000,000.00.
  2. Lee County, Florida will pay $40,000,000.00.
  3. BOT will pay the balance.

- The portion of the property paid for by Lee County will be titled to the County at closing. The county agrees to enter into the proposed management plan for uniform management.

- The closing date for Phase I will be on or before July 31, 2006.

- Closing for the remaining Phases will be as follows:

  1. Phase II on or before July 31, 2006
  2. Phase III on or before July 31, 2007
  3. Phase IV on or before July 31, 2008
  4. Phase V on or before July 31, 2009

- This Agreement is contingent on the following conditions that will be either satisfied or waived:

  1. Seller and Babcock shall have merged.
  2. Purchaser shall have obtained funding from the Florida State Legislature.
  3. Seller, Charlotte and Lee Counties, and the Florida DCA will address various development issues for the Retained Property.
  4. Charlotte County will adopt certain Overlay Amendments to its Comprehensive Plan.

- Seller has created an entity to manage the Property and the management entity and Purchaser have agreed to enter into the Management Agreement for each Takedown Parcel.

- Seller reserves the right to utilize Florida's Rural Land Stewardship Program on portions of the Property, and to receive applicable mitigation credits before conveying each Takedown Parcel.

Current Status of Acquisition Efforts

1. State Funding –
   Governor included $310 Million in his FY 06 – 07 Budget Recommendation.
2. Charlotte County Comprehensive Plan overlay amendments are being reviewed by the Department of Community Affairs. County anticipates approval before the end of March.

HIGHLIGHTS OF THE MANAGEMENT AGREEMENT

- The Management Agreement (Agreement) will preserve and sustain the quality of the Property as conservation land and habitat for many valuable plant and animal ecosystems and prevent any use which would threaten conservation value.
- This Agreement will be for a five year period from the Commencement Date, and will automatically be extended for an additional five year period.
- The Manager and the Board of Trustees will cooperate to provide interim public access to the greatest extent practicable until adoption of the management and business plans.
- The Manager will provide public access to the Property in areas deemed appropriate and safe by the Board of Trustees, and as provided in the management and business plans.
- The Manager, Board of Trustees, and Florida Gulf Coast University will cooperate to establish an Environmental Research and Education Center on the Property.
- The Manager shall operate and manage the Cypress Lodge and may coordinate with a member of the state university system to advance hotel/restaurant management job training.
- The Manager may develop camping areas and a comprehensive greenway system for public use.
- Manager will continue to manage the ecosystem tour program currently in operation on the Property.
- A Master Home Owner's Association (MHOA) will be established. Funds raised will be used to manage and maintain the property and the Environmental Research and Education Center.
- Manager will make all relevant financial records available to the Board of Trustees.

Importance of Babcock Ranch

- Strategically closes gap in landscape connection from Lake Okeechobee to Charlotte Harbor
  - 78% Priority Ecological Greenway (Office of Greenways & Trails/ UF GeoPlan)
  - 95% Priority Landscape Protection Area (FSU Florida Natural Areas Inventory [FSU-FNAI]/ The Nature Conservancy/ UF Wildlife Ecology & Conservation/ FWCC)
  - Connects 266,850 acres around Charlotte Harbor with Fisheating Creek (98,712 acres) & via Lake Okeechobee and Everglades Agricultural Area with Everglades Ecosystem (3,256,146 acres)
- Natural habitat for Florida panther, black bear, red-cockaded woodpeckers, wood stork, scrub jay and at least 16 other endangered and threatened species
  - 83% Strategic Habitat Conservation Area (FWCC)
  - 93% Rare Species Habitat Conservation Priorities (FSU-FNAI)
- Multiple-use management supports forest industries
  - 64% Sustainable Forestry (DACS Division of Forestry)
- Vitally needed water recharge area for Southwest Florida
  - 22% Functional Wetlands (DEP Division of Water Resource Management [DWRM]& Office of Coastal and Aquatic Managed Areas [CAMA]/ Florida Geological Survey [FGS]/Water Management Districts [WMDs])
  - 99.8% Significant Surface Water Protection (DWRM/ CAMA/ FGS/ WMDs)
- Population Growth 1990-2000:
  - Charlotte County – 27.6% (2004 estimate = 156,985)
  - Lee County – 31.6% (2004 estimate = 521,253)
- Development threat:
  - Potential buyers proposing 10-acre ranchettes (=9,160 units)
  - Mitigation credits applicable would allow denser development
  - Lee County Sports Arena within 24 miles
  - Punta Gorda within 18 miles
  - Port Charlotte within 30 miles
- "Most prominent change among regions this year [2004] was in the South region where [agricultural] land values increased from 58% to 76% for cropland and pastureland, respectively. – Dr. John Reynolds, UF IFAS Report #FE343
- Regulations reduce or mitigate impacts to natural resources but DO NOT protect natural resources sufficiently for sustainable maintenance of endangered & threatened species habitat, much of which requires active management by frequent controlled fires or restoration of wetland systems to restore natural hydrological processes of periodic flooding
- Estimated recreational needs in Southwest Florida for 2005 (from Florida Division of Recreation & Parks 2000 Statewide Comprehensive Outdoor Recreation Plan):
  - Bicycle riding trails – 1,024 miles
  - Camping – 300 campsites
  - Hiking trails – 405 miles
  - Nature Trails – 39 miles
- Quality hunting opportunities are rapidly diminishing in South Florida and much of the public land in this region has experienced substantial hunting pressures, while private lands are experiencing ever increasing lease fees

State-Listed Species Expected to Benefit

- Florida pine snake
- Gopher tortoise
- Gopher frog
- Florida black bear
- Sherman's fox squirrel
- Southern mink
- Round-tailed muskrat
- Florida sandhill crane
- Peregrine falcon
- Great white heron
- Glossy ibis
- Southeastern American kestral
- Swallow-tailed kite
- Bachman's sparrow
- Burrowing owl