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CHAMBER ACTION

1 The Environmental Regulation Committee recommends the following:

2
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to land management; creating s. 259.1053,
7 F.S.; creating the Babcock Ranch Preserve Act; providing a
8 short title; providing definitions; creating Babcock
9 Ranch, Inc., a not-for-profit corporation to be
10 incorporated in the state; providing that the corporation
11 shall act as an instrumentality of the state for purposes
12 of sovereign immunity under s. 768.28, F.S.; providing
13 that the corporation shall not be an agency under s.
14 20.03, F.S.; providing that the corporation is subject to
15 the provisions of chs. 119 and 286, F.S.; requiring public
16 records and meetings; providing for the corporation to be
17 governed by the Babcock board of directors; providing for
18 the appointment of board members and terms of office;
19 prohibiting any board member from voting on any measure
20 that constitutes a conflict of interest; providing for the
21 board members to serve without compensation, but to
22 receive per diem and travel expenses; authorizing state
23 agencies to provide state employees for purposes of

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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24 | implementing the Babcock Ranch Preserve; providing certain
25 | powers and duties of the corporation; providing
26 | limitations on the powers and duties of the corporation;
27 | providing that the corporation and its subsidiaries must
28 | provide equal employment opportunities; providing for the
29 | corporation to establish and manage an operating fund;
30 | requiring an annual financial audit of the accounts and
31 | records of the corporation; requiring annual reports by
32 | the corporation to the Board of Trustees of the Internal
33 | Improvement Trust Fund, the Legislature, the Department of
34 | Agriculture and Consumer Services, and the Fish and
35 | Wildlife Conservation Commission; requiring that the
36 | corporation prepare an annual budget; specifying a goal of
37 | self-sustaining operation within a certain period;
38 | providing for the corporation to retain donations and
39 | other moneys; requiring that the corporation adopt
40 | articles of incorporation and bylaws subject to the
41 | approval of the Board of Trustees of the Internal
42 | Improvement Trust Fund; authorizing the corporation to
43 | appoint advisory committees; providing requirements for a
44 | comprehensive business plan; specifying the procedures by
45 | which the corporation shall assume the management and
46 | operation of the Babcock Ranch Preserve; prohibiting the
47 | corporation from taking certain actions without the
48 | consent of the Board of Trustees of the Internal
49 | Improvement Trust Fund; requiring that the corporation be
50 | subject to certain state laws and rules governing the
51 | procurement of commodities and services; authorizing the

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52 corporation to assess fees; providing for management of
53 the Babcock Ranch Preserve until expiration of a current
54 management agreement; providing for reversion of the
55 management and operation responsibilities to certain
56 agencies upon the dissolution of the corporation;
57 providing that the corporation may be dissolved only by an
58 act of the Legislature; providing for reversion of funds
59 upon the dissolution of the corporation; providing a
60 contingent effective date.

61
62 WHEREAS, the Babcock Ranch comprises the largest private
63 undeveloped single-ownership tract of land in Charlotte County
64 and contains historical evidence in the form of old logging
65 camps and other artifacts that indicate the importance of this
66 land for domesticated livestock production, timber supply, and
67 other bona fide agricultural uses, and

68 WHEREAS, the careful husbandry of the Babcock Ranch,
69 including selective timbering, limited grazing and hunting, and
70 the use of prescribed burning, has preserved a mix of healthy
71 range and timberland with significant species diversity and
72 provides a model for sustainable land development and use, and

73 WHEREAS, the Babcock Ranch must be protected for current
74 and future generations by continued operation as a working ranch
75 under a unique management regime that protects the land and
76 resource values of the property and the surrounding ecosystem
77 while allowing and providing for the ranch to become financially
78 self-sustaining, and

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79 WHEREAS, it is in the public's best interest that the
80 management regime for the Babcock Ranch include the development
81 of an operational program for appropriate preservation and
82 development of the ranch's land and resources, and

83 WHEREAS, the public's interest will be served by the
84 creation of a not-for-profit corporation to develop and
85 implement environmentally sensitive, cost-effective, and
86 creative methods to manage and operate a working ranch, NOW,
87 THEREFORE,

88

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

90

91 Section 1. Section 259.1053, Florida Statutes, is created
92 to read:

93 259.1053 Babcock Ranch Preserve; Babcock Ranch, Inc.;
94 creation; membership; organization; meetings.--

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

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

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

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

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

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106 (d) "Commission" means the Fish and Wildlife Conservation
107 Commission.

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

109 (f) "Department" means the Department of Agriculture and
110 Consumer Services.

111 (g) "Executive director" means the executive director of
112 the Fish and Wildlife Conservation Commission.

113 (h) "Financially self-sustaining" means management and
114 operation expenditures not more than the revenues collected from
115 fees and other receipts for resource use and development and
116 from interest and invested funds.

117 (i) "Management and operating expenditures" means expenses
118 of the corporation, including, but not limited to, salaries and
119 benefits of officers and staff, administrative and operating
120 expenses, costs for improvements to and maintenance of lands and
121 facilities of the Babcock Ranch Preserve, and other similar
122 expenses. Such expenditures shall be made from revenues
123 generated from the operation of the ranch and not from funds
124 appropriated by the Legislature except as provided in this
125 section.

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

129 (k) "Multiple use" means the management of all of the
130 renewable surface resources of the Babcock Ranch Preserve to
131 best meet the needs of the public, including the use of the land
132 for some or all of the renewable surface resources or related
133 services over areas large enough to allow for periodic

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134 adjustments in use to conform to the changing needs and
135 conditions of the preserve while recognizing that a portion of
136 the land will be used for some of the renewable surface
137 resources available on that land. The goal of multiple use is
138 the harmonious and coordinated management of the renewable
139 surface resources without impairing the productivity of the land
140 and considering the relative value of the renewable surface
141 resources, and not necessarily a combination of uses to provide
142 the greatest monetary return or the greatest unit output.

143 (1) "Sustained yield of the renewable surface resources"
144 means the achievement and maintenance of a high level of annual
145 or regular periodic output of the various renewable surface
146 resources of the preserve without impairing the productivity of
147 the land.

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

149 (a) The acquisition of the Babcock Crescent B Ranch by the
150 Board of Trustees of the Internal Improvement Trust Fund is a
151 conservation acquisition under the Florida Forever program
152 created under s. 259.105, with a goal of sustaining the
153 ecological and economic integrity of the property being acquired
154 while allowing the business of the ranch to operate and prosper.

155 (b) Upon the date of acquisition of the Babcock Crescent B
156 Ranch, there is created the Babcock Ranch Preserve, which shall
157 be managed in accordance with the purposes and requirements of
158 this section.

159 (c) The preserve is established to protect and preserve
160 the environmental, agricultural, scientific, scenic, geologic,
161 watershed, fish, wildlife, historic, cultural, and recreational

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162 values of the preserve, and to provide for the multiple use and
163 sustained yield of the renewable surface resources within the
164 preserve consistent with this section.

165 (d) Babcock Ranch, Inc., and its officers and employees
166 shall participate in the management of the Babcock Ranch
167 Preserve in an advisory capacity only until the management
168 agreement referenced in paragraph (10)(a) is terminated or
169 expires.

170 (e) Nothing in this section shall preclude Babcock Ranch,
171 Inc., prior to assuming management and operation of the preserve
172 and thereafter, from allowing the use of common varieties of
173 mineral materials such as sand, stone, and gravel for
174 construction and maintenance of roads and facilities within the
175 preserve.

176 (f) Nothing in this section shall be construed as
177 affecting the constitutional responsibilities of the commission
178 in the exercise of its regulatory and executive power with
179 respect to wild animal life and freshwater aquatic life,
180 including the regulation of hunting, fishing, and trapping
181 within the preserve.

182 (g) Nothing in this section shall be construed to
183 interfere with or prevent the ability of Babcock Ranch, Inc., to
184 implement agricultural practices authorized by the agricultural
185 land use designations established in the local comprehensive
186 plans of either Charlotte County or Lee County as those plans
187 apply to the Babcock Ranch Preserve.

188 (h) To clarify the responsibilities of the lead managing
189 agencies and the not-for-profit corporation created under this

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190 section, the lead managing agencies are directed to establish a
 191 range of resource protection values for the Babcock Ranch
 192 Preserve, and the corporation shall establish operational
 193 parameters to conduct the business of the ranch within the range
 194 of values. The corporation shall establish a range of
 195 operational values to conduct the business of the ranch, and the
 196 lead managing agencies providing ground support to the ranch
 197 outside of each agency's jurisdictional responsibilities shall
 198 establish management parameters within that range of values.

199 (i) Nothing in this section shall preclude the maintenance
 200 and use of roads and trails or the relocation of roads in
 201 existence on the effective date of this section, or the
 202 construction, maintenance, and use of new trails, or any
 203 motorized access necessary for the administration of the land
 204 contained within the preserve, including motorized access
 205 necessary for emergencies involving the health or safety of
 206 persons within the preserve.

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

208 (a) There is created a not-for-profit corporation, to be
 209 known as Babcock Ranch, Inc., which shall be registered,
 210 incorporated, organized, and operated in compliance with the
 211 provisions of chapter 617, and which shall not be a unit or
 212 entity of state government. For purposes of sovereign immunity,
 213 the corporation shall be a corporation primarily acting as an
 214 instrumentality of the state but otherwise shall not be an
 215 agency within the meaning of s. 20.03(11) or a unit or entity of
 216 state government.

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

220 (c) Meetings and records of the corporation, its
221 directors, advisory committees, or similar groups created by the
222 corporation, including any not-for-profit subsidiaries, are
223 subject to the public records provisions of chapter 119 and the
224 public meetings and records provisions of s. 286.011.

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

228 (6) PURPOSE.--The purpose of Babcock Ranch, Inc., is to
229 provide management and administrative services for the preserve,
230 to establish and implement management policies that will achieve
231 the purposes and requirements of this section, to cooperate with
232 state agencies to further the purposes of the preserve, and to
233 establish the administrative and accounting procedures for the
234 operation of the corporation.

235 (7) BOARD; MEMBERSHIP; REMOVAL; LIABILITY.--The
236 corporation shall be governed by a nine-member board of
237 directors who shall be appointed by the Board of Trustees of the
238 Internal Improvement Trust Fund; the executive director of the
239 commission; the commissioner; the Babcock Florida Company, a
240 corporation registered to do business in the state, or its
241 successors or assigns; the Charlotte County Board of County
242 Commissioners; and the Lee County Board of County Commissioners
243 in the following manner:

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244 (a)1. The Board of Trustees of the Internal Improvement
245 Trust Fund shall appoint four members. No appointee shall be an
246 employee of any governmental entity. One appointee shall have
247 expertise in domesticated livestock management, production, and
248 marketing, including range management and livestock business
249 management. One appointee shall have expertise in the management
250 of game and nongame wildlife and fish populations, including
251 hunting, fishing, and other recreational activities. One
252 appointee shall have expertise in the sustainable management of
253 forest lands for commodity purposes. One appointee shall have
254 expertise in financial management, budget and program analysis,
255 and small business operations.

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

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

261 4. The Babcock Florida Company, its successors or assigns,
262 shall appoint one member with expertise in the activities and
263 management of the Babcock Ranch on the date of acquisition of
264 the ranch by the state as provided under s. 259.1052. This
265 appointee shall serve on the board of directors only until the
266 termination of or expiration of the management agreement
267 attached as Exhibit "E" to that certain Agreement for Sale and
268 Purchase approved by the Board of Trustees of the Internal
269 Improvement Trust Fund on November 22, 2005, and by Lee County,
270 a political subdivision of the state, on November 20, 2005. Upon
271 termination of or expiration of the management agreement, the

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272 person serving as the head of the property owners' association,
273 if any, required to be created under the agreement for sale and
274 purchase shall serve as a member of the Board of Directors of
275 Babcock Ranch, Inc.

276 5. The Charlotte County Board of County Commissioners
277 shall appoint one member who shall be a resident of the county
278 and who shall be active in an organization concerned with the
279 activities of the ranch.

280 6. The Lee County Board of County Commissioners shall
281 appoint one member who shall be a resident of the county and who
282 shall have experience in land conservation and management. This
283 appointee, or a successor appointee, shall serve as a member of
284 the board of directors so long as the county participates in the
285 state land management plan.

286 (b) All members of the board of directors shall be
287 appointed no later 90 days following the initial acquisition of
288 the Babcock Ranch by the state, and

289 1. Four members initially appointed by the Board of
290 Trustees of the Internal Improvement Trust Fund shall each serve
291 a 4-year term.

292 2. The remaining initial five appointees shall each serve
293 a 2-year term.

294 3. Each member appointed thereafter shall serve a 4-year
295 term.

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

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299 5. No member may serve more than 8 years in consecutive
300 terms.

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

305 (d) No member shall vote in an official capacity upon any
306 measure that would inure to his or her special private gain or
307 loss, that he or she knows would inure to the special private
308 gain or loss of any principal by whom he or she is retained or
309 to the parent organization or subsidiary of a principal by which
310 he or she is retained, or that he or she knows would inure to
311 the special private gain or loss of a relative or business
312 associate of the member. Such member shall, prior to the vote
313 being taken, publicly state the nature of his or her interest in
314 the matter from which he or she is abstaining from voting and,
315 no later than 15 days following the date the vote occurs, shall
316 disclose the nature of his or her interest as a public record in
317 a memorandum filed with the person responsible for recording the
318 minutes of the meeting, who shall incorporate the memorandum in
319 the minutes of the meeting.

320 (e) Each member of the board of directors is accountable
321 for the proper performance of the duties of office, and each
322 member owes a fiduciary duty to the people of the state to
323 ensure that funds provided in furtherance of this section are
324 disbursed and used as prescribed by law and contract. Any
325 official appointing a member may remove that member for
326 malfeasance, misfeasance, neglect of duty, incompetence,

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327 permanent inability to perform official duties, unexcused
328 absence from three consecutive meetings of the board, arrest or
329 indictment for a crime that is a felony or misdemeanor involving
330 theft or a crime of dishonesty, or pleading nolo contendere to,
331 or being found guilty of, any crime.

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

336 (8) ORGANIZATION; MEETINGS.--

337 (a)1. The board of directors shall annually elect a
338 chairperson and a vice chairperson from among the board's
339 members. The members may, by a vote of five of the nine board
340 members, remove a member from the position of chairperson or
341 vice chairperson prior to the expiration of his or her term as
342 chairperson or vice chairperson. His or her successor shall be
343 elected to serve for the balance of the removed chairperson's or
344 vice chairperson's term.

345 2. The chairperson shall ensure that records are kept of
346 the proceedings of the board of directors and is the custodian
347 of all books, documents, and papers filed with the board, the
348 minutes of meetings of the board, and the official seal of the
349 corporation.

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

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

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

358 (9) POWERS AND DUTIES.--

359 (a) The board of directors shall adopt articles of
 360 incorporation and bylaws necessary to govern its activities. The
 361 adopted articles of incorporation and bylaws must be approved by
 362 the Board of Trustees of the Internal Improvement Trust Fund
 363 prior to filing with the Department of State.

364 (b) The board of directors shall review and approve any
 365 management plan developed pursuant to ss. 253.034 and 259.032
 366 for the management of lands in the preserve prior to the
 367 submission of that plan to the Board of Trustees of the Internal
 368 Improvement Trust Fund for approval and implementation.

369 (c)1. Except for the constitutional powers of the
 370 commission as provided in s. 9, Art. IV, of the State
 371 Constitution, the board of directors shall have all necessary
 372 and proper powers for the exercise of the authority vested in
 373 the corporation, including, but not limited to, the power to
 374 solicit and accept donations of funds, property, supplies, or
 375 services from individuals, foundations, corporations, and other
 376 public or private entities for the purposes of this section. All
 377 funds received by the corporation shall be deposited into the
 378 operating fund authorized under this section unless otherwise
 379 directed by the Legislature.

380 2. The board of directors may not increase the number of
 381 its members.

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382 3. The corporation may not purchase, take, receive, lease,
383 take by gift, devise, or bequest, or otherwise acquire, own,
384 hold, improve, use, or otherwise deal in and with real property,
385 or any interest therein, wherever situated.

386 4. The corporation may not sell, convey, mortgage, pledge,
387 lease, exchange, transfer, or otherwise dispose of any real
388 property.

389 5. The corporation may not purchase, take, receive,
390 subscribe for, or otherwise acquire, own, hold, vote, use,
391 employ, sell, mortgage, lend, pledge, or otherwise dispose of,
392 or otherwise use and deal in and with, shares and other
393 interests in, or obligations of, other domestic or foreign
394 corporations, whether for profit or not for profit,
395 associations, partnerships, or individuals, or direct or
396 indirect obligations of the United States or of any other
397 government, state, territory, government district, municipality,
398 or any instrumentality thereof.

399 6. The corporation may not lend money for its corporate
400 purposes, invest and reinvest its funds, and take and hold real
401 and personal property as security for the payment of funds lent
402 or invested.

403 7. The corporation may not merge with other corporations
404 or other business entities.

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

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410 Environmental Protection or the appropriate water management
411 district under chapters 373 and 403.

412 9. The corporation may not grant any easements in, on, or
413 across the preserve. Any easements to be granted for the use of,
414 access to, or ingress and egress across state property within
415 the preserve must be executed by the Board of Trustees of the
416 Internal Improvement Trust Fund as the owners of the state
417 property within the preserve. Any easements to be granted for
418 the use of, access to, or ingress and egress across property
419 within the preserve titled in the name of a local government
420 must be granted by the governing body of that local government.

421 10. The corporation may not enter into any contract,
422 lease, or other agreement related to the use and occupancy of
423 the property within the preserve for a period of greater than 10
424 years.

425 (c) The members may, with the written approval of the
426 commission and in consultation with the department, designate
427 hunting, fishing, and trapping zones and may establish
428 additional periods when no hunting, fishing, or trapping shall
429 be permitted for reasons of public safety, administration, and
430 the protection and enhancement of nongame habitat and nongame
431 species, as defined under s. 372.001.

432 (d) The corporation shall have the sole and exclusive
433 right to use the words "Babcock Ranch, Inc." and any seal,
434 emblem, or other insignia adopted by the members. Without the
435 express written authority of the corporation, no person may use
436 the words "Babcock Ranch, Inc." as the name under which that
437 person conducts or purports to conduct business, for the purpose

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438 of trade or advertisement, or in any manner that may suggest any
439 connection with the corporation.

440 (e) The corporation may from time to time appoint advisory
441 committees to further any part of this section. The advisory
442 committees shall be reflective of the expertise necessary for
443 the particular function for which the committee is created and
444 may include public agencies, private entities, and not-for-
445 profit conservation and agricultural representatives.

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

449 (g) The corporation and its subsidiaries must provide
450 equal employment opportunities for all persons regardless of
451 race, color, religion, gender, national origin, age, handicap,
452 or marital status.

453 (10) OPERATING FUND, ANNUAL BUDGET, AUDIT, REPORTING
454 REQUIREMENTS.--

455 (a) The board of directors may establish and manage an
456 operating fund to address the corporation's unique cash-flow
457 needs and to facilitate the management and operation of the
458 preserve as a working ranch. A cash balance reserve of not more
459 than 25 percent of the annual management and operating
460 expenditures of the corporation may accumulate and be maintained
461 in the operating fund at any time.

462 (b) The board of directors shall provide for an annual
463 financial audit of the corporate accounts and records to be
464 conducted by an independent certified public accountant in
465 accordance with rules adopted by the Auditor General under s.

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466 11.45(8). The audit report shall be submitted no later than 3
467 months following the end of the fiscal year to the Auditor
468 General, the President of the Senate, the Speaker of the House
469 of Representatives, and the appropriate substantive and fiscal
470 committees of the Legislature. The Auditor General, the Office
471 of Program Policy Analysis and Government Accountability, and
472 the substantive or fiscal committees of the Legislature to which
473 legislation affecting the Babcock Ranch Preserve may be referred
474 shall have the authority to require and receive from the
475 corporation or from the independent auditor any records relative
476 to the operation of the corporation.

477 (c) Not later than January 15 of each year, Babcock Ranch,
478 Inc., shall submit to the Board of Trustees of the Internal
479 Improvement Trust Fund, the President of the Senate, the Speaker
480 of the House of Representatives, the department, and the
481 commission a comprehensive and detailed report of its
482 operations, activities, and accomplishments for the prior year,
483 including information on the status of the ecological, cultural,
484 and financial resources being managed by the corporation, and
485 benefits provided by the preserve to local communities. The
486 report shall also include a section describing the corporation's
487 goals for the current year.

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

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494 submission of an annual legislative budget request for
495 appropriations, if any, to support the administration,
496 operation, and maintenance of the preserve. A request for
497 appropriations shall be submitted to the department and shall be
498 included in the department's annual legislative budget request
499 as a separate line item appropriation. Requests for
500 appropriations shall be submitted to the department in time to
501 allow the department to meet the requirements of s. 216.023. The
502 department may not deny a request or refuse to include in its
503 annual legislative budget submission a request from the
504 corporation for an appropriation.

505 (e) Notwithstanding any other provision of law, all moneys
506 received from donations or from management of the preserve shall
507 be retained by the corporation in the operating fund and shall
508 be available, without further appropriation, for the
509 administration, preservation, restoration, operation and
510 maintenance, improvements, repairs, and related expenses
511 incurred with respect to properties being managed by the
512 corporation. Except as provided in this section, moneys received
513 by the corporation for the management of the preserve shall not
514 be subject to distribution by the state. Upon assuming
515 management responsibilities for the preserve, the corporation
516 shall optimize the generation of income based on existing
517 marketing conditions to the extent that activities do not
518 unreasonably diminish the long-term environmental, agricultural,
519 scenic, and natural values of the preserve or the multiple-use
520 and sustained-yield capability of the land.

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521 (f) All parties in contract with the corporation and all
522 holders of leases from the corporation that are authorized to
523 occupy, use, or develop properties under the management
524 jurisdiction of the corporation must procure the proper
525 insurance as is reasonable or customary to insure against any
526 loss in connection with the properties or with activities
527 authorized in the leases or contracts.

528 (11) COMPREHENSIVE BUSINESS PLAN.--

529 (a) A comprehensive business plan for the management and
530 operation of the preserve as a working ranch and amendments to
531 the business plan may be developed only with input from the
532 department and the commission and may be implemented by Babcock
533 Ranch, Inc., only upon expiration of the management agreement
534 attached as Exhibit "E" to that certain agreement for sale and
535 purchase approved by the Board of Trustees of the Internal
536 Improvement Trust Fund on November 22, 2005, and by Lee County
537 on November 20, 2005.

538 (b) Any final decision of Babcock Ranch, Inc., to adopt or
539 amend the comprehensive business plan or to approve any activity
540 related to the management of the renewable surface resources of
541 the preserve shall be made in sessions that are open to the
542 public. The board of directors shall establish procedures for
543 providing adequate public information and opportunities for
544 public comment on the proposed comprehensive business plan for
545 the preserve or for amendments to the comprehensive business
546 plan adopted by the members.

547 (c) Not less than 2 years prior to the corporation's
548 assuming management and operation responsibilities for the

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549 preserve, the corporation, with input from the commission and
550 the department, must begin developing the comprehensive business
551 plan to carry out the purposes of this section. To the extent
552 consistent with these purposes, the comprehensive business plan
553 shall provide for:

554 1. The management and operation of the preserve as a
555 working ranch.

556 2. The protection and preservation of the environmental,
557 agricultural, scientific, scenic, geologic, watershed, fish,
558 wildlife, historic, cultural, and recreational values of the
559 preserve.

560 3. The promotion of high-quality hunting experiences for
561 the public, with emphasis on deer, turkey, and other game
562 species.

563 4. Multiple use and sustained yield of renewable surface
564 resources within the preserve.

565 5. Public use of and access to the preserve for
566 recreation.

567 6. The use of renewable resources and management
568 alternatives that, to the extent practicable, benefit local
569 communities and small businesses and enhance the coordination of
570 management objectives with those on surrounding public or
571 private lands. The use of renewable resources and management
572 alternatives should provide cost savings to the corporation
573 through the exchange of services, including, but not limited to,
574 labor and maintenance of facilities, for resources or services
575 provided to the corporation.

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576 (d) On or before the date on which title to the portion of
577 the Babcock Crescent B Ranch being purchased by the state, as
578 provided in s. 259.1052, is vested in the Board of Trustees of
579 the Internal Improvement Trust Fund, Babcock Ranch Management,
580 LLC, a limited liability company incorporated in the state,
581 shall provide the commission and the department with the
582 proprietary management plan and business plan in place for the
583 operation of the ranch as of November 22, 2005, the date on
584 which the board of trustees approved the purchase.

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

586 (a) The corporation shall assume all authority provided by
587 this section to manage and operate the preserve as a working
588 ranch upon a determination by the Board of Trustees of the
589 Internal Improvement Trust Fund that the corporation is able to
590 conduct business and that provision has been made for essential
591 services on the preserve, which, to the maximum extent
592 practicable, shall be made no later than 60 days prior to the
593 termination of the management agreement referenced in paragraph
594 (11) (a) .

595 (b) Upon assuming management and operation of the
596 preserve, the corporation shall:

597 1. With input from the commission and the department,
598 manage and operate the preserve and the uses thereof, including,
599 but not limited to, the activities necessary to administer and
600 operate the preserve as a working ranch; the activities
601 necessary for the preservation and development of the land and
602 renewable surface resources of the preserve; the activities
603 necessary for interpretation of the history of the preserve on

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604 behalf of the public; the activities necessary for the
 605 management, public use, and occupancy of facilities and lands
 606 within the preserve; and the maintenance, rehabilitation,
 607 repair, and improvement of property within the preserve.

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

610 3. Negotiate directly with and enter into such agreements,
 611 leases, contracts, and other arrangements with any person, firm,
 612 association, organization, corporation, or governmental entity,
 613 including entities of federal, state, and local governments, as
 614 are necessary and appropriate to carry out the purposes and
 615 activities authorized by this section.

616 4. Establish procedures for entering into lease agreements
 617 and other agreements for the use and occupancy of the facilities
 618 of the preserve. The procedures shall ensure reasonable
 619 competition and set guidelines for determining reasonable fees,
 620 terms, and conditions for such agreements.

621 5. Assess reasonable fees for admission to, use of, and
 622 occupancy of the preserve to offset costs for operation of the
 623 preserve as a working ranch. These fees are independent of fees
 624 assessed by the commission for the privilege of hunting,
 625 fishing, or pursuing outdoor recreational activities within the
 626 preserve and shall be deposited into the operating fund
 627 established by the board of directors under the authority
 628 provided in this section.

629 (13) MISCELLANEOUS PROVISIONS.--

630 (a) Except for the powers of the commissioner provided in
 631 this section and the powers of the commission provided in s. 9,

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632 Art. IV, of the State Constitution, the preserve shall be
633 managed by Babcock Ranch, Inc.

634 (b) Officers and employees of Babcock Ranch, Inc., are
635 private employees. At the request of the board of directors, the
636 commission and the department may provide state employees for
637 the purpose of implementing this section. Any state employee
638 provided to assist the directors in implementing this section
639 for more than 30 days shall be provided on a reimbursable basis.
640 Reimbursement to the commission and the department shall be made
641 from the corporation's operating fund provided under this
642 section and not from any funds appropriated to the corporation
643 by the Legislature.

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

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

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

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

655 Section 2. This act shall take effect on the same date
656 that SB 1226 or similar legislation takes effect, if such
657 legislation is adopted in the same legislative session, or an
658 extension thereof, and becomes law.