

CHAMBER ACTION

1 The Agriculture & Environment Appropriations Committee
2 recommends the following:

3
4 **Council/Committee Substitute**

5 Remove the entire bill and insert:

6 A bill to be entitled

7 An act relating to land management; creating s. 259.106,
8 F.S.; creating the Babcock Ranch Preserve Act; providing
9 definitions; creating Babcock Ranch, Inc., a not-for-
10 profit corporation to be incorporated in the state;
11 providing that the corporation shall act as an
12 instrumentality of the state for purposes of sovereign
13 immunity under s. 768.28, F.S.; providing that the
14 corporation shall not be an agency under s. 20.03, F.S.,
15 or a unit or entity of state government; providing that
16 the corporation is subject to the provisions of chs. 119
17 and 286, F.S., relating to public records and meetings;
18 requiring public records and meetings; providing for the
19 corporation to be governed by a board of directors;
20 providing for the qualifications, appointment, removal,
21 and liability of board members and their terms of office;
22 prohibiting any board member from voting on any measure
23 that constitutes a conflict of interest; providing for the

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

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52 Board of Trustees of the Internal Improvement Trust Fund;
53 requiring that the corporation be subject to certain state
54 laws and rules governing the procurement of commodities
55 and services; authorizing the corporation to assess
56 reasonable fees; providing for management of the Babcock
57 Ranch Preserve until expiration of a current management
58 agreement; providing for reversion of the management and
59 operation responsibilities to certain agencies upon the
60 dissolution of the corporation; providing that the
61 corporation may be dissolved only by an act of the
62 Legislature; providing for reversion of funds upon the
63 dissolution of the corporation; providing for an
64 appropriation subject to specified conditions; providing
65 an effective date.

66
67 WHEREAS, the Babcock Crescent B Ranch comprises the largest
68 private undeveloped single-ownership tract of land in Charlotte
69 County and contains historical evidence in the form of old
70 logging camps and other artifacts that indicate the importance
71 of this land for domesticated livestock production, timber
72 supply, and other bona fide agricultural uses, and

73 WHEREAS, the careful husbandry of the Babcock Crescent B
74 Ranch, including selective timbering, grazing and hunting, and
75 the use of prescribed burning, has preserved a mix of healthy
76 range and timberland with significant species diversity and
77 provides a model for sustainable land development and use, and

78 WHEREAS, the Babcock Crescent B Ranch must be protected for
79 current and future generations by continued operation as a

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80 | working ranch under a unique management regime that protects the
81 | land and resource values of the property and the surrounding
82 | ecosystem while allowing and providing for the ranch to become
83 | financially self-sustaining, and

84 | WHEREAS, it is in the public's best interest that the
85 | management regime for the Babcock Crescent B Ranch include the
86 | development of an operational program for appropriate
87 | preservation and development of the ranch's land and resources,
88 | and

89 | WHEREAS, the public's interest will be served by the
90 | creation of a not-for-profit corporation to develop and
91 | implement environmentally sensitive, cost-effective, and
92 | creative methods to manage and operate a working ranch, NOW,
93 | THEREFORE,

94 |

95 | Be It Enacted by the Legislature of the State of Florida:

96 |

97 | Section 1. Section 259.106, Florida Statutes, is created
98 | to read:

99 | 259.106 Babcock Ranch Preserve; Babcock Ranch, Inc.;
100 | creation; membership; organization; meetings.--

101 | (1) SHORT TITLE.--This section may be cited as the
102 | "Babcock Ranch Preserve Act."

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

104 | (a) "Babcock Ranch Preserve" and "preserve" mean the lands
105 | and facilities acquired in the purchase of the Babcock Crescent
106 | B Ranch.

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

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

112 (d) "Commission" means the Fish and Wildlife Conservation
113 Commission.

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

115 (f) "Department" means the Department of Agriculture and
116 Consumer Services.

117 (g) "Financially self-sustaining" means management and
118 operating expenditures not more than the revenues collected from
119 fees and other receipts for resource use and development and
120 from interest and invested funds.

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

130 (i) "Member" means a person appointed to the board of
131 directors of the not-for-profit corporation created under this
132 section.

133 (j) "Multiple use" means the management of all of the
134 renewable surface resources of the Babcock Ranch Preserve to

135 best meet the needs of the public, including the use of the land
136 for some or all of the renewable surface resources or related
137 services over areas large enough to allow for periodic
138 adjustments in use to conform to the changing needs and
139 conditions of the preserve while recognizing that a portion of
140 the land will be used for some of the renewable surface
141 resources available on that land. The goal of multiple use is
142 the harmonious and coordinated management of the renewable
143 surface resources without impairing the productivity of the land
144 and considering the relative value of the renewable surface
145 resources, and not necessarily a combination of uses to provide
146 the greatest monetary return or the greatest unit output.

147 (k) "Sustained yield of the renewable surface resources"
148 means the achievement and maintenance of a high level of annual
149 or regular periodic output of the various renewable surface
150 resources of the preserve without impairing the productivity of
151 the land.

152 (l) "Working ranch" means those activities necessary to
153 accomplish the goals of multiple use and sustained yield of the
154 renewable surface resources and includes, but is not limited to,
155 silvicultural operations, regardless of location or species,
156 pasture management, livestock management, native plant nursery
157 operations, apiary operations, sod farming, ecotourism, tenant
158 farming, hunting leases, and horticultural debris disposal.

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

160 (a) The acquisition of the Babcock Crescent B Ranch by the
161 Board of Trustees of the Internal Improvement Trust Fund is a
162 conservation acquisition with a goal of sustaining the

163 ecological and economic integrity of the property being acquired
 164 while allowing the business of the working ranch to operate and
 165 prosper.

166 (b) Upon the date of acquisition of the Babcock Crescent B
 167 Ranch, there is created the Babcock Ranch Preserve, which shall
 168 be managed in accordance with the purposes and requirements of
 169 this section.

170 (c) The preserve is established to protect and preserve
 171 the environmental, agricultural, scientific, scenic, geologic,
 172 watershed, fish, wildlife, historic, cultural, and recreational
 173 values of the preserve, and to provide for the multiple use and
 174 sustained yield of the renewable surface resources within the
 175 preserve consistent with this section. There shall be no
 176 restriction, including reference to location or species, on any
 177 silvicultural operation so long as current best management
 178 practices adopted by the department are followed. Pasture
 179 management, hunting leases, and tenant farming shall be allowed
 180 at the discretion of Babcock Ranch, Inc.

181 (d) Babcock Ranch, Inc., and its officers and employees
 182 shall participate in the management of the Babcock Ranch
 183 Preserve in an advisory capacity only until the comprehensive
 184 business plan referenced in paragraph (11)(a) is terminated or
 185 expires.

186 (e) Nothing in this section shall preclude Babcock Ranch,
 187 Inc., prior to assuming management and operation of the preserve
 188 and thereafter, from allowing the use of common varieties of
 189 mineral materials such as sand, stone, and gravel for

190 construction and maintenance of roads and facilities within the
 191 preserve.

192 (f) Nothing in this section shall be construed as
 193 affecting the constitutional responsibilities of the commission
 194 in the exercise of its regulatory and executive power with
 195 respect to wild animal life and freshwater aquatic life,
 196 including the regulation of hunting, fishing, and trapping
 197 within the preserve.

198 (g) Nothing in this section shall be construed to
 199 interfere with or prevent the ability of Babcock Ranch, Inc., to
 200 implement agricultural practices authorized by the agricultural
 201 land use designations established in the local comprehensive
 202 plans of either Charlotte County or Lee County as those plans
 203 apply to the Babcock Ranch Preserve, so long as such plans are
 204 not in conflict with this section or general law.

205 (h) Nothing in this section shall preclude the maintenance
 206 and use of roads and trails or the relocation of roads in
 207 existence on the effective date of this section, or the
 208 construction, maintenance, and use of new trails, or any
 209 motorized access necessary for the administration of the land
 210 contained within the preserve, including motorized access
 211 necessary for emergencies involving the health or safety of
 212 persons within the preserve.

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

214 (a) There is created a not-for-profit corporation, to be
 215 known as Babcock Ranch, Inc., which shall be registered,
 216 incorporated, organized, and operated in compliance with the
 217 provisions of chapter 617 and which shall not be a unit or

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218 entity of state government. For purposes of sovereign immunity,
219 the corporation shall be a corporation primarily acting as an
220 instrumentality of the state but otherwise shall not be an
221 agency within the meaning of s. 20.03(11) or a unit or entity of
222 state government.

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

226 (c) Meetings and records of the corporation, its
227 directors, advisory committees, or similar groups created by the
228 corporation, including any not-for-profit subsidiaries, are
229 subject to the public records provisions of chapter 119 and the
230 public meetings and records provisions of s. 286.011.

231 (5) APPLICABILITY OF SECTION.--In any conflict between a
232 provision of this section and a provision of chapter 617, the
233 provision of this section shall prevail.

234 (6) PURPOSE.--The purpose of Babcock Ranch, Inc., is to
235 provide management and administrative services for the preserve,
236 to establish and implement management policies that will achieve
237 the purposes and requirements of this section, to cooperate with
238 state agencies to further the purposes of the preserve, and to
239 establish the administrative and accounting procedures for the
240 operation of the corporation.

241 (7) BOARD; MEMBERSHIP; REMOVAL; LIABILITY.--The
242 corporation shall be governed by a nine-member board of
243 directors who shall be appointed by the Board of Trustees of the
244 Internal Improvement Trust Fund; the commission; the
245 commissioner; the Babcock Ranch Management, LLC, a corporation

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246 registered to do business in the state, or its successors or
247 assigns; the Board of County Commissioners of Charlotte County;
248 and the Board of County Commissioners of Lee County in the
249 following manner:

250 (a)1. The Board of Trustees of the Internal Improvement
251 Trust Fund shall appoint four members. One appointee shall have
252 expertise in domesticated livestock management, production, and
253 marketing, including range management and livestock business
254 management. One appointee shall have expertise in the management
255 of game and nongame wildlife and fish populations, including
256 hunting, fishing, and other recreational activities. One
257 appointee shall have expertise in the sustainable management of
258 forest lands for commodity purposes. One appointee shall have
259 expertise in financial management, budget and program analysis,
260 and small business operations.

261 2. The commission shall appoint one member with expertise
262 in hunting; fishing; nongame species management; or wildlife
263 habitat management, restoration, and conservation.

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

266 4. The Babcock Ranch Management, LLC, its successors or
267 assigns, shall appoint one member with expertise in the
268 activities and management of the Babcock Crescent B Ranch on the
269 date of acquisition of the ranch by the state. This appointee
270 shall serve on the board of directors only until the termination
271 or expiration of the management agreement. Upon termination or
272 expiration of the management agreement, the person serving as
273 the head of the property owners' association, if any, required

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274 to be created under the agreement for sale and purchase shall
275 serve as a member of the Board of Directors of Babcock Ranch,
276 Inc.

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

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

287 (b) All members of the board of directors shall be
288 appointed no later than 90 days following the initial
289 acquisition of the Babcock Crescent B Ranch by the state.

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

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

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

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

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

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302 (c) No appointee shall be an employee of any governmental
303 entity.

304 (d) With the exception of the Babcock Ranch Management,
305 LLC, appointee, no member may be an officer, director, or
306 shareholder in any entity that contracts with or receives funds
307 from the corporation or its subsidiaries.

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

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

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

335 (g) Each member of the board of directors shall serve
336 without compensation but shall receive travel and per diem
337 expenses as provided in s. 112.061 while in the performance of
338 his or her duties. These expenses shall be paid from the
339 operating funds of the ranch.

340 (8) ORGANIZATION; MEETINGS.--

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

348 2. The chair shall ensure that records are kept of the
349 proceedings of the board of directors and is the custodian of
350 all books, documents, and papers filed with the board, the
351 minutes of meetings of the board, and the official seal of the
352 corporation.

353 (b)1. The board of directors shall meet upon the call of
354 the chair at least three times per year in Charlotte County or
355 in Lee County.

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

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

361 (9) POWERS AND DUTIES.--

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

367 (b) The board of directors shall review and approve any
368 management plan prior to the submission of that plan to the
369 Board of Trustees of the Internal Improvement Trust Fund for
370 approval and implementation.

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

382 2. The board of directors may not increase the number of
383 its members.

384 3. The corporation may not purchase, take, receive, lease,
385 take by gift, devise, or bequest, or otherwise acquire, own,

386 hold, improve, use, or otherwise deal in and with real property,
387 or any interest therein, wherever situated, unless otherwise
388 provided in this section.

389 4. The corporation may not sell, convey, mortgage, pledge,
390 lease, exchange, transfer, or otherwise dispose of any real
391 property, unless otherwise provided in this section.

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

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

406 7. The corporation may not merge with other corporations
407 or other business entities.

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

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413 Environmental Protection or the appropriate water management
414 district under chapters 373 and 403.

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

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

428 (d) The corporation, in consultation with the commission
429 and the department, may designate hunting, fishing, and trapping
430 zones and may establish additional periods when no hunting,
431 fishing, or trapping shall be permitted for reasons of public
432 safety, administration, and the protection and enhancement of
433 nongame habitat and nongame species, as defined under s.
434 372.001.

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

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

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

449 (g) State laws governing the procurement of commodities
450 and services by state agencies, as provided in s. 287.057, shall
451 apply to the corporation.

452 (h) The corporation and its subsidiaries must provide
453 equal employment opportunities for all persons regardless of
454 race, color, religion, gender, national origin, age, handicap,
455 or marital status.

456 (10) OPERATING FUND; AUDIT; REPORTING REQUIREMENTS; ANNUAL
457 BUDGET.--

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

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

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

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

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

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

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

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

531 (11) COMPREHENSIVE BUSINESS PLAN.--

532 (a) A comprehensive business plan for the management and
533 operation of the preserve as a working ranch and amendments to
534 the business plan may be developed with input from the
535 department and the commission and may be implemented by Babcock
536 Ranch, Inc. Any amendment to the business plan regarding the
537 agricultural operations of the ranch shall not be effective
538 until approved by the commissioner.

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

548 (c) Not less than 2 years prior to the corporation's
549 assuming management and operation responsibilities for the
550 preserve, the corporation, with input from the commission and
551 the department, must begin developing the comprehensive business

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552 plan to carry out the purposes of this section. To the extent
553 consistent with these purposes, the comprehensive business plan
554 shall provide for:

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

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

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

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

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

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

577 (d) On or before the date on which title to the portion of
578 the Babcock Crescent B Ranch being purchased by the state is
579 vested in the Board of Trustees of the Internal Improvement

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580 Trust Fund, Babcock Ranch Management, LLC, a limited liability
581 company incorporated in the state, shall provide the commission
582 and the department with the current proprietary management plan
583 and business plan in place.

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

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

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

596 1. With input from the commission and the department,
597 manage and operate the preserve and the uses thereof, including,
598 but not limited to, the activities necessary to administer and
599 operate the preserve as a working ranch; the activities
600 necessary for the preservation and development of the land and
601 renewable surface resources of the preserve; the activities
602 necessary for interpretation of the history of the preserve on
603 behalf of the public; the activities necessary for the
604 management, public use, and occupancy of facilities and lands
605 within the preserve; and the maintenance, rehabilitation,
606 repair, and improvement of property within the preserve.

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

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

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

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

627 (13) MISCELLANEOUS PROVISIONS.--

628 (a) Except for the powers of the commissioner provided in
629 this section and the powers of the commission provided in s. 9,
630 Art. IV of the State Constitution, the preserve shall be managed
631 by Babcock Ranch, Inc.

632 (b) Officers and employees of Babcock Ranch, Inc., are
633 private employees. At the request of the board of directors, the
634 commission and the department may provide state employees for

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635 the purpose of implementing this section. Any state employee
636 provided to assist the directors in implementing this section
637 for more than 30 days shall be provided on a reimbursable basis.
638 Reimbursement to the commission and the department shall be made
639 from the corporation's operating fund provided under this
640 section and not from any funds appropriated to the corporation
641 by the Legislature.

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

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

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

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

653 Section 2. (1) The sum of \$310 million is appropriated
654 from the Land Acquisition Trust Fund to the Department of
655 Environmental Protection for the purchase of the Babcock
656 Crescent B Ranch contingent upon the purchase or management
657 agreement or both agreements containing or not conflicting with
658 the following provisions:

659 (a) Babcock Ranch Management, LLC, shall be the managing
660 entity of the working ranch for 5 years with an option to
661 continue for an additional 5 years.

662 (b) Babcock Ranch, Inc., shall take over the management of
 663 the working ranch after the Babcock Ranch Management, LLC,
 664 ceases to be the ranch manager.

665 (c) Babcock Ranch, Inc., shall adopt a management plan
 666 consistent with current ranch management practices when Babcock
 667 Ranch, Inc., takes over management of the working ranch.

668 (d) The Commissioner of Agriculture shall have authority
 669 to approve or reject any proposed changes to the management plan
 670 relating to the agricultural operations on the working ranch.

671 (e) The working ranch shall continue to be operated in a
 672 financially self-sustaining manner.

673 (f) The following ranch operations shall not be prohibited
 674 or restricted except by general law:

675 1. Silvicultural operations, regardless of species and
 676 location.

677 2. Tenant farming.

678 3. Hunting leases.

679 4. Any other bona fide agricultural use.

680 (2) The funds appropriated in subsection (1) shall be
 681 distributed to the seller in accordance with the terms of the
 682 purchase agreement but no sooner than the following dates:

683 (a) The sum of \$162,500,000 on or after July 1, 2006.

684 (b) The sum of \$62,500,000 on or after July 1, 2007.

685 (c) The sum of \$62,500,000 on or after July 1, 2008.

686 (d) The sum of \$22,500,000 on or after July 1, 2009.

687 Section 3. This act shall take effect upon becoming a law.