

CHAMBER ACTION

1 The State Resources Council recommends the following:

2
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5
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 the Babcock Ranch Preserve, a
10 conservation acquisition with certain goals; creating
11 Babcock Ranch, Inc., a not-for-profit corporation to be
12 incorporated in the state; providing that the corporation
13 shall act as an instrumentality of the state for purposes
14 of sovereign immunity under s. 768.28, F.S.; providing
15 that the corporation shall not be an agency under s.
16 20.03, F.S., or a unit or entity of state government;
17 providing that the corporation is subject to the
18 provisions of chs. 119 and 286, F.S., relating to public
19 records and meetings; requiring public records and
20 meetings; providing for the corporation to be governed by
21 a board of directors; providing for the qualifications,
22 appointment, removal, and liability of board members and
23 their terms of office; prohibiting any board member from

Page 1 of 26

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

52 corporation from taking certain actions without the
53 consent of the Board of Trustees of the Internal
54 Improvement Trust Fund; requiring that the corporation be
55 subject to certain state laws and rules governing the
56 procurement of commodities and services; authorizing the
57 corporation to assess reasonable fees; providing for
58 management of the Babcock Ranch Preserve until expiration
59 of a current management agreement; providing for reversion
60 of the management and operation responsibilities to
61 certain agencies upon the dissolution of the corporation;
62 providing that the corporation may be dissolved only by an
63 act of the Legislature; providing for reversion of funds
64 upon the dissolution of the corporation; providing for an
65 appropriation subject to specified conditions; providing
66 an effective date.

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

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

HB 1347 CS

2006
CS

79 WHEREAS, the Babcock Crescent B Ranch must be protected for
80 current and future generations by continued operation as a
81 working ranch under a unique management regime that protects the
82 land and resource values of the property and the surrounding
83 ecosystem while allowing and providing for the ranch to become
84 financially self-sustaining, and

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

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

95

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

97

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

153 (l) "Working ranch" means those activities necessary to
154 accomplish the goals of multiple use and sustained yield of the
155 renewable surface resources and includes, but is not limited to,
156 silvicultural operations, regardless of location or species,
157 pasture management, livestock management, native plant nursery

HB 1347 CS

2006
CS

158 operations, apiary operations, sod farming, ecotourism, tenant
159 farming, hunting leases, and horticultural debris disposal.

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

161 (a) The acquisition of the Babcock Crescent B Ranch by the
162 Board of Trustees of the Internal Improvement Trust Fund is a
163 conservation acquisition with a goal of sustaining the
164 ecological and economic integrity of the property being acquired
165 while allowing the business of the working ranch to operate and
166 prosper.

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

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

182 (d) Babcock Ranch, Inc., and its officers and employees
183 shall participate in the management of the Babcock Ranch
184 Preserve in an advisory capacity only until the management
185 agreement is terminated or expires.

Page 7 of 26

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

hb1347-03-c3

HB 1347 CS

2006
CS

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.--

HB 1347 CS

2006
CS

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
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
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

HB 1347 CS

2006
CS

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
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.

HB 1347 CS

2006
CS

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.

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,
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.

HB 1347 CS

2006
CS

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 comprehensive business plan prior to the submission of that plan
369 to the Board of Trustees of the Internal Improvement Trust Fund
370 for 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

HB 1347 CS

2006
CS

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 or take and hold real and personal property as security
404 for the payment of funds lent or invested.

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

HB 1347 CS

2006
CS

407 8. The corporation may not enter into any contract, lease,
408 or other agreement related to the use of ground or surface
409 waters located in, on, or through the preserve without the
410 consent of the Board of Trustees of the Internal Improvement
411 Trust Fund and permits that may be required by the Department of
412 Environmental Protection or the appropriate water management
413 district under chapters 373 and 403.

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

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

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

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

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

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

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

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

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

HB 1347 CS

2006
CS

462 expenditures of the corporation may accumulate and be maintained
463 in the operating fund at any time.

464 (b) The board of directors shall provide for an annual
465 financial audit of the corporate accounts and records to be
466 conducted by an independent certified public accountant in
467 accordance with rules adopted by the Auditor General under s.
468 11.45(8). The audit report shall be submitted no later than 3
469 months following the end of the fiscal year to the Auditor
470 General, the President of the Senate, the Speaker of the House
471 of Representatives, and the appropriate substantive and fiscal
472 committees of the Legislature. The Auditor General, the Office
473 of Program Policy Analysis and Government Accountability, and
474 the substantive or fiscal committees of the Legislature to which
475 legislation affecting the Babcock Ranch Preserve may be referred
476 shall have the authority to require and receive from the
477 corporation or from the independent auditor any records relative
478 to the operation of the corporation.

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

Page 18 of 26

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

hb1347-03-c3

HB 1347 CS

2006
CS

490 (d) The board of directors shall prepare an annual budget
491 with the goal of achieving a financially self-sustaining
492 operation within 15 full fiscal years after the initial
493 acquisition of the Babcock Crescent B Ranch by the state. The
494 department shall provide necessary assistance, including details
495 as necessary, to the corporation for the timely formulation and
496 submission of an annual legislative budget request for
497 appropriations, if any, to support the administration,
498 operation, and maintenance of the preserve. A request for
499 appropriations, if necessary, shall be submitted to the
500 department and shall be included in the department's annual
501 legislative budget request as a separate line item
502 appropriation. Requests for appropriations shall be submitted to
503 the department in time to allow the department to meet the
504 requirements of s. 216.023. The department may not deny a
505 request or refuse to include in its annual legislative budget
506 submission a request from the corporation for an appropriation.

507 (e) Notwithstanding any other provision of law, all moneys
508 received from donations or from management of the preserve shall
509 be retained by the corporation in the operating fund and shall
510 be available, without further appropriation, for the
511 administration, preservation, restoration, operation and
512 maintenance, improvements, repairs, and related expenses
513 incurred with respect to properties being managed by the
514 corporation. Except as provided in this section, moneys received
515 by the corporation for the management of the preserve shall not
516 be subject to distribution by the state. Upon assuming
517 management responsibilities for the preserve, the corporation

HB 1347 CS

2006
CS

518 shall optimize the generation of income based on existing
519 marketing conditions to the extent that activities do not
520 unreasonably diminish the long-term environmental, agricultural,
521 scenic, and natural values of the preserve or the multiple-use
522 and sustained-yield capability of the land.

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

530 (11) COMPREHENSIVE BUSINESS PLAN.--

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

HB 1347 CS

2006
CS

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
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

HB 1347 CS

2006
CS

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
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 or expiration of the management agreement.

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

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

HB 1347 CS

2006
CS

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

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

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

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

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

626 (13) MISCELLANEOUS PROVISIONS.--

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

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

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

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

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

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

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

652 Section 2. (1) The sum of \$310 million is appropriated
653 from the Land Acquisition Trust Fund to the Department of
654 Environmental Protection for the purchase of the Babcock
655 Crescent B Ranch contingent upon the purchase or management

HB 1347 CS

2006
CS

656 agreement or both agreements containing or not conflicting with
657 the following provisions:

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

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

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

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

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

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

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

678 2. Tenant farming.

679 3. Hunting leases.

680 4. Any other bona fide agricultural use.

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

HB 1347 CS

2006
CS

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

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

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

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

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