

1                   A bill to be entitled  
2           An act relating to land management; creating s. 259.106,  
3           F.S.; creating the Babcock Ranch Preserve Act; providing  
4           definitions; creating the Babcock Ranch Preserve, a  
5           conservation acquisition with certain goals; creating  
6           Babcock Ranch, Inc., a not-for-profit corporation to be  
7           incorporated in the state; providing that the corporation  
8           shall act as an instrumentality of the state for purposes  
9           of sovereign immunity under s. 768.28, F.S.; providing  
10          that the corporation shall not be an agency under s.  
11          20.03, F.S., or a unit or entity of state government;  
12          providing that the corporation is subject to the  
13          provisions of chs. 119 and 286, F.S., relating to public  
14          records and meetings; requiring public records and  
15          meetings; providing for the corporation to be governed by  
16          a board of directors; providing for the qualifications,  
17          appointment, removal, and liability of board members and  
18          their terms of office; prohibiting any board member from  
19          voting on any measure that constitutes a conflict of  
20          interest; providing for the board members to serve without  
21          compensation, but to receive per diem and travel expenses;  
22          providing for organization and meetings; authorizing state  
23          agencies to provide state employees for purposes of  
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 financially self-sustaining operation within a certain  
38 period; providing for the corporation to retain donations  
39 and 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  
52 corporation to assess reasonable fees; providing for  
53 management of the Babcock Ranch Preserve until expiration  
54 of a current management agreement; providing for reversion

55 | of the management and operation responsibilities to  
56 | certain 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 for an  
60 | appropriation subject to specified conditions; providing  
61 | an effective date.

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

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

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

80 | WHEREAS, it is in the public's best interest that the  
81 | management regime for the Babcock Crescent B Ranch include the

82 development of an operational program for appropriate  
 83 preservation and development of the ranch's land and resources,  
 84 and

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

90

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

92

93 Section 1. Section 259.106, Florida Statutes, is created  
 94 to read:

95 259.106 Babcock Ranch Preserve; Babcock Ranch, Inc.;  
 96 creation; membership; organization; meetings.--

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

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

100 (a) "Babcock Ranch Preserve" and "preserve" mean the lands  
 101 and facilities acquired in the purchase of the Babcock Crescent  
 102 B Ranch.

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

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

108        (d) "Commission" means the Fish and Wildlife Conservation  
109 Commission.

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

111        (f) "Department" means the Department of Agriculture and  
112 Consumer Services.

113        (g) "Financially self-sustaining" means management and  
114 operating 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        (h) "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        (i) "Member" means a person appointed to the board of  
127 directors of the not-for-profit corporation created under this  
128 section.

129        (j) "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  
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 (k) "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 (l) "Working ranch" means those activities necessary to  
149 accomplish the goals of multiple use and sustained yield of the  
150 renewable surface resources, considering historical agricultural  
151 uses of the property and other compatible agricultural uses of  
152 the property.

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

154 (a) The acquisition of the Babcock Crescent B Ranch by the  
155 Board of Trustees of the Internal Improvement Trust Fund is a  
156 conservation acquisition with a goal of sustaining the  
157 ecological and economic integrity of the property being acquired  
158 while allowing the business of the working ranch to operate and  
159 prosper.

160 (b) Upon the date of acquisition of the Babcock Crescent B  
161 Ranch, there is created the Babcock Ranch Preserve, which shall

162 be managed in accordance with the purposes and requirements of  
163 this section.

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

175 (d) Babcock Ranch, Inc., and its officers and employees  
176 shall participate in the management of the Babcock Ranch  
177 Preserve in an advisory capacity only until the management  
178 agreement is terminated or expires.

179 (e) Nothing in this section shall preclude Babcock Ranch,  
180 Inc., prior to assuming management and operation of the preserve  
181 and thereafter, from allowing the use of common varieties of  
182 mineral materials such as sand, stone, and gravel for  
183 construction and maintenance of roads and facilities within the  
184 preserve.

185 (f) Nothing in this section shall be construed as  
186 affecting the constitutional responsibilities of the commission  
187 in the exercise of its regulatory and executive power with  
188 respect to wild animal life and freshwater aquatic life,

189 including the regulation of hunting, fishing, and trapping  
190 within the preserve.

191 (g) Nothing in this section shall be construed to  
192 interfere with or prevent the ability of Babcock Ranch, Inc., to  
193 implement agricultural practices authorized by the agricultural  
194 land use designations established in the local comprehensive  
195 plans of either Charlotte County or Lee County as those plans  
196 apply to the Babcock Ranch Preserve, so long as such plans are  
197 not in conflict with this section or general law.

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

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

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



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

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

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

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

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

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

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

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

259        4. The Babcock Ranch Management, LLC, its successors or  
260 assigns, shall appoint one member with expertise in the  
261 activities and management of the Babcock Crescent B Ranch on the  
262 date of acquisition of the ranch by the state. This appointee  
263 shall serve on the board of directors only until the termination  
264 or expiration of the management agreement. Upon termination or  
265 expiration of the management agreement, the person serving as  
266 the head of the property owners' association, if any, required  
267 to be created under the agreement for sale and purchase shall  
268 serve as a member of the Board of Directors of Babcock Ranch,  
269 Inc.

270       5. The Board of County Commissioners of Charlotte County  
271 shall appoint one member who shall be a resident of the county  
272 and who shall be active in an organization concerned with the  
273 activities of the ranch.

274       6. The Board of County Commissioners of Lee County shall  
275 appoint one member who shall be a resident of the county and who  
276 shall have experience in land conservation and management. This  
277 appointee, or a successor appointee, shall serve as a member of  
278 the board of directors so long as the county participates in the  
279 state land management plan.

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

283       1. Four members initially appointed by the Board of  
284 Trustees of the Internal Improvement Trust Fund shall each serve  
285 a 4-year term.

286       2. The remaining initial five appointees shall each serve  
287 a 2-year term.

288       3. Each member appointed thereafter shall serve a 4-year  
289 term.

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

293       5. No member may serve more than 8 years in consecutive  
294 terms.

295       (c) No appointee shall be an employee of any governmental  
296 entity.

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

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

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

324 absence from three consecutive meetings of the board, arrest or  
325 indictment for a crime that is a felony or misdemeanor involving  
326 theft or a crime of dishonesty, or pleading nolo contendere to,  
327 or being found guilty of, any crime.

328 (g) Each member of the board of directors shall serve  
329 without compensation but shall receive travel and per diem  
330 expenses as provided in s. 112.061 while in the performance of  
331 his or her duties. These expenses shall be paid from the  
332 operating funds of the ranch.

333 (8) ORGANIZATION; MEETINGS.--

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

341 2. The chair shall ensure that records are kept of the  
342 proceedings of the board of directors and is the custodian of  
343 all books, documents, and papers filed with the board, the  
344 minutes of meetings of the board, and the official seal of the  
345 corporation.

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

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

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

354 (9) POWERS AND DUTIES.--

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

360 (b) The board of directors shall review and approve any  
361 comprehensive business plan prior to the submission of that plan  
362 to the Board of Trustees of the Internal Improvement Trust Fund  
363 for approval and implementation.

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

375 2. The board of directors may not increase the number of  
376 its members.

377       3. The corporation may not purchase, take, receive, lease,  
378 take by gift, devise, or bequest, or otherwise acquire, own,  
379 hold, improve, use, or otherwise deal in and with real property,  
380 or any interest therein, wherever situated, unless otherwise  
381 provided in this section.

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

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

395       6. The corporation may not lend money for its corporate  
396 purposes or take and hold real and personal property as security  
397 for the payment of funds lent or invested.

398       7. The corporation may not merge with other corporations  
399 or other business entities.

400       8. The corporation may not enter into any contract, lease,  
401 or other agreement related to the use of ground or surface  
402 waters located in, on, or through the preserve without the  
403 consent of the Board of Trustees of the Internal Improvement

404 Trust Fund and permits that may be required by the Department of  
405 Environmental Protection or the appropriate water management  
406 district under chapters 373 and 403.

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

416 10. The corporation may not enter into any contract,  
417 lease, or other agreement related to the use and occupancy of  
418 the property within the preserve for a period of greater than 10  
419 years.

420 (d) The corporation, in consultation with the commission  
421 and the department, may designate hunting, fishing, and trapping  
422 zones and may establish additional periods when no hunting,  
423 fishing, or trapping shall be permitted for reasons of public  
424 safety, administration, and the protection and enhancement of  
425 nongame habitat and nongame species, as defined under s.  
426 372.001.

427 (e) The corporation shall have the sole and exclusive  
428 right to use the words "Babcock Ranch, Inc." and any seal,  
429 emblem, or other insignia adopted by the members. Without the  
430 express written authority of the corporation, no person may use



431 the words "Babcock Ranch, Inc." as the name under which that  
432 person conducts or purports to conduct business, for the purpose  
433 of trade or advertisement, or in any manner that may suggest any  
434 connection with the corporation.

435 (f) The corporation may from time to time appoint advisory  
436 committees to further any part of this section. The advisory  
437 committees shall be reflective of the expertise necessary for  
438 the particular function for which the committee is created and  
439 may include public agencies, private entities, and not-for-  
440 profit conservation and agricultural representatives.

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

444 (h) The corporation and its subsidiaries must provide  
445 equal employment opportunities for all persons regardless of  
446 race, color, religion, gender, national origin, age, handicap,  
447 or marital status.

448 (10) OPERATING FUND; AUDIT; REPORTING REQUIREMENTS; ANNUAL  
449 BUDGET.--

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

457        (b) The board of directors shall provide for an annual  
458 financial audit of the corporate accounts and records to be  
459 conducted by an independent certified public accountant in  
460 accordance with rules adopted by the Auditor General under s.  
461 11.45(8). The audit report shall be submitted no later than 3  
462 months following the end of the fiscal year to the Auditor  
463 General, the President of the Senate, the Speaker of the House  
464 of Representatives, and the appropriate substantive and fiscal  
465 committees of the Legislature. The Auditor General, the Office  
466 of Program Policy Analysis and Government Accountability, and  
467 the substantive or fiscal committees of the Legislature to which  
468 legislation affecting the Babcock Ranch Preserve may be referred  
469 shall have the authority to require and receive from the  
470 corporation or from the independent auditor any records relative  
471 to the operation of the corporation.

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

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

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

510 management responsibilities for the preserve, the corporation  
511 shall optimize the generation of income based on existing  
512 marketing conditions to the extent that activities do not  
513 unreasonably diminish the long-term environmental, agricultural,  
514 scenic, and natural values of the preserve or the multiple-use  
515 and sustained-yield capability of the land.

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

523 (11) COMPREHENSIVE BUSINESS PLAN.--

524 (a) A comprehensive business plan for the management and  
525 operation of the preserve as a working ranch and amendments to  
526 the business plan may be developed with input from the  
527 department and the commission and may be implemented by Babcock  
528 Ranch, Inc., upon the termination or expiration of the  
529 management agreement. Any amendment to the business plan  
530 regarding the agricultural operations of the ranch shall not be  
531 effective until approved by the commissioner.

532 (b) Any final decision of Babcock Ranch, Inc., to adopt or  
533 amend the comprehensive business plan or to approve any activity  
534 related to the management of the renewable surface resources of  
535 the preserve shall be made in sessions that are open to the  
536 public. The board of directors shall establish procedures for

537 providing adequate public information and opportunities for  
538 public comment on the proposed comprehensive business plan for  
539 the preserve or for amendments to the comprehensive business  
540 plan adopted by the members.

541 (c) Not less than 2 years prior to the corporation's  
542 assuming management and operation responsibilities for the  
543 preserve, the corporation, with input from the commission and  
544 the department, must begin developing the comprehensive business  
545 plan to carry out the purposes of this section. To the extent  
546 consistent with these purposes, the comprehensive business plan  
547 shall provide for:

548 1. The management and operation of the preserve as a  
549 working ranch.

550 2. The protection and conservation of the environmental,  
551 agricultural, scientific, scenic, geologic, watershed, fish,  
552 wildlife, historic, cultural, and recreational values of the  
553 preserve.

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

557 4. Multiple use and sustained yield of the renewable  
558 surface resources within the preserve.

559 5. Public use of and controlled access to the preserve for  
560 recreation.

561 6. The use of renewable resources and management  
562 alternatives that, to the extent practicable, benefit local  
563 communities and small businesses and enhance the coordination of

564 management objectives with those on surrounding public or  
565 private lands. The use of renewable resources and management  
566 alternatives should provide cost savings to the corporation  
567 through the exchange of services, including, but not limited to,  
568 labor and maintenance of facilities, for resources or services  
569 provided to the corporation.

570 (d) On or before the date on which title to the portion of  
571 the Babcock Crescent B Ranch being purchased by the state is  
572 vested in the Board of Trustees of the Internal Improvement  
573 Trust Fund, Babcock Ranch Management, LLC, a limited liability  
574 company incorporated in the state, shall provide the commission  
575 and the department with the current proprietary management plan  
576 and business plan in place.

577 (e) The comprehensive business plan for the preserve shall  
578 be consistent with the management practices taking place on the  
579 Babcock Crescent B Ranch prior to the state taking title to the  
580 land.

581 (f) To achieve the goal of a financially self-sustaining  
582 operation, the comprehensive business plan must preserve to the  
583 maximum extent practicable environmental resources and wildlife  
584 habitats found on the preserve.

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 or expiration of the management agreement.

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.

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  
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 comprehensive  
666 business plan consistent with current ranch management practices  
667 when Babcock Ranch, Inc., takes over management of the working  
668 ranch.

669        (d) The Commissioner of Agriculture shall have authority  
670 to approve or reject any proposed changes to the comprehensive

671 business plan relating to the agricultural operations on the  
 672 working ranch.

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

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

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

679 2. Tenant farming.

680 3. Hunting leases.

681 4. Any other bona fide agricultural use.

682 (2) The funds appropriated in subsection (1) shall be  
 683 distributed to the seller in accordance with the terms of the  
 684 purchase agreement.

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