

Bill No. SB 2102

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CHAMBER ACTION

Senate

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The Committee on Environmental Preservation (Baker)
recommended the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

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

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

(1) This section may be cited as the "Babcock Ranch
Preserve Act."

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

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

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

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1 (c) "Board of Directors" means the governing board of
2 the not-for-profit corporation created under this section.

3 (d) "Commission" means the Fish and Wildlife
4 Conservation Commission.

5 (e) "Commissioner" means the Commissioner of
6 Agriculture.

7 (f) "Department" means the Department of Agriculture
8 and Consumer Services.

9 (g) "Executive Director" means the Executive Director
10 of the Fish and Wildlife Conservation Commission.

11 (h) "Financially self-sustaining" means management and
12 operation expenditures not more than the revenues collected
13 from fees and other receipts for resource use and development,
14 and interest and invested funds.

15 (i) "Management and operating expenditures" means
16 expenses of the corporation, including but not limited to,
17 salaries and benefits of officers and staff, administrative
18 and operating expenses, costs for improvements to and
19 maintenance of lands and facilities of the Babcock Ranch
20 Preserve, and other similar expenses. Such expenditures shall
21 be made from revenues generated from the operation of the
22 ranch and not from funds appropriated by the Legislature
23 except as provided in this section.

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

27 (k) "Multiple use" means the management of all of the
28 renewable surface resources of the Babcock Ranch Preserve to
29 best meet the needs of the public, including the use of the
30 land for some or all of the renewable surface resources or
31 related services over areas large enough to allow for periodic

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1 adjustments in use to conform to the changing needs and
 2 conditions of the preserve while recognizing that a portion of
 3 the land will be used for some of the renewable surface
 4 resources available on that land. The goal of multiple use is
 5 the harmonious and coordinated management of the renewable
 6 surface resources without impairing the productivity of the
 7 land and considering the relative value of the renewable
 8 surface resources, and not necessarily a combination of uses
 9 to provide the greatest monetary return or the greatest unit
 10 output.

11 (1) "Sustained yield of the renewable surface
 12 resources" means the achievement and maintenance of a high
 13 level of annual or regular periodic output of the various
 14 renewable surface resources of the preserve without impairing
 15 the productivity of the land.

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

17 (a) The acquisition of the Babcock Crescent B Ranch by
 18 the Board of Trustees of the Internal Improvement Trust Fund
 19 is a conservation acquisition under the Florida Forever
 20 program created under s. 259.105, with a goal of sustaining
 21 the ecological and economic integrity of the property being
 22 acquired while allowing the business of the ranch to operate
 23 and prosper.

24 (b) Upon the date of acquisition of the Babcock
 25 Crescent B Ranch, there is created the Babcock Ranch Preserve,
 26 which shall be managed in accordance with the purposes and
 27 requirements of this section.

28 (c) The preserve is established to protect and
 29 preserve the environmental, agricultural, scientific, scenic,
 30 geologic, watershed, fish, wildlife, historic, cultural, and
 31 recreational values of the preserve, and to provide for the

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1 multiple use and sustained yield of the renewable surface
2 resources within the preserve consistent with this section.

3 (d) Babcock Ranch, Inc., and its officers and
4 employees shall participate in the management of the Babcock
5 Ranch Preserve in an advisory capacity only until the
6 Management Agreement referenced in paragraph (10)(a) is
7 terminated or expires.

8 (e) Nothing in this section shall preclude Babcock
9 Ranch, Inc., prior to assuming management and operation of the
10 preserve and thereafter, from allowing the use of common
11 varieties of mineral materials such as sand, stone, and gravel
12 for construction and maintenance of roads and facilities
13 within the preserve.

14 (f) Nothing in this section shall be construed as
15 affecting the constitutional responsibilities of the
16 commission in the exercise of its regulatory and executive
17 power with respect to wild animal life and fresh water aquatic
18 life, including the regulation of hunting, fishing, and
19 trapping within the preserve.

20 (g) Nothing in this section shall be construed to
21 interfere with or prevent the ability of Babcock Ranch, Inc.
22 to implement agricultural practices authorized by the
23 agricultural land use designations established in the local
24 comprehensive plans of either Charlotte or Lee counties as
25 those plans apply to the Babcock Ranch Preserve.

26 (h) To clarify the responsibilities of the lead
27 managing agencies and the not-for-profit corporation created
28 under this section, the lead managing agencies are directed to
29 establish a range of resource protection values for the
30 Babcock Ranch Preserve, and the corporation shall establish
31 operational parameters to conduct the business of the ranch

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1 within the range of values. The corporation shall establish a
 2 range of operational values to conduct the business of the
 3 ranch and the lead managing agencies providing ground support
 4 to the ranch outside of each agency's jurisdictional
 5 responsibilities shall establish management parameters within
 6 that range of values.

7 (i) Nothing in this section shall preclude the
 8 maintenance and use of roads and trails or the relocation of
 9 roads in existence on the effective date of this section; or
 10 the construction, maintenance, and use of new trails, or any
 11 motorized access necessary for the administration of the land
 12 contained within the preserve, including motorized access
 13 necessary for emergencies involving the health or safety of
 14 persons within the preserve.

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

16 (a) There is created a not-for-profit corporation, to
 17 be known as Babcock Ranch, Inc., which shall be registered,
 18 incorporated, organized, and operated in compliance with the
 19 provisions of chapter 617, and which shall not be a unit or
 20 entity of state government. For purposes of sovereign
 21 immunity, the corporation shall be a corporation primarily
 22 acting as an instrumentality of the state, but otherwise shall
 23 not be an agency within the meaning of s. 20.031(11) or a unit
 24 or entity of state government.

25 (b) The corporation is organized on a nonstock basis,
 26 and shall operate in a manner consistent with its public
 27 purpose and in the best interest of the state.

28 (c) Meetings and records of the corporation, its
 29 directors, advisory committees, or similar groups created by
 30 the corporation, including any not-for-profit subsidiaries,
 31 are subject to the public records provisions of chapter 119,

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1 and the public meetings and records provisions of s. 286.011.

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

5 (6) PURPOSE.--The purpose of Babcock Ranch, Inc., is
6 to provide management and administrative services for the
7 preserve, to establish and implement management policies that
8 will achieve the purposes and requirements of this section, to
9 cooperate with state agencies to further the purposes of the
10 preserve, and to establish the administrative and accounting
11 procedures for the operation of the corporation.

12 (7) BOARD; MEMBERSHIP; REMOVAL; LIABILITY.--The
13 corporation shall be governed by a nine-member board of
14 directors who shall be appointed by the Board of Trustees of
15 the Internal Improvement Trust Fund; the executive director of
16 the commission; the Babcock Florida Company, a corporation
17 registered to do business in the state, or its successors or
18 assigns; the Charlotte county board of county commissioners,
19 and the Lee county board of county commissioners in the
20 following manner:

21 (a)1. The Board of Trustees of the Internal
22 Improvement Trust Fund shall appoint four members. No
23 appointee shall be an employee of any governmental entity. One
24 appointee shall have expertise in domesticated livestock
25 management, production, and marketing, including range
26 management and livestock business management. One appointee
27 shall have expertise in the management of game and nongame
28 wildlife and fish population, including hunting, fishing and
29 other recreational activities. One appointee shall have
30 expertise in the sustainable management of forest lands for
31 commodity purposes. One appointee shall have expertise in

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1 financial management, budget and program analysis, and small
2 business operations.

3 2. The executive director shall appoint one member
4 with expertise in hunting; fishing; nongame species
5 management; or wildlife habitat management, restoration, and
6 conservation.

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

9 4. The Babcock Florida Company, its successors or
10 assigns, shall appoint one member with expertise in the
11 activities and management of the Babcock Ranch on the date of
12 acquisition of the ranch by the state as provided under s.
13 259.1052. This appointee shall serve on the board of directors
14 only until the termination of or expiration of the management
15 agreement attached as Exhibit "E" to that certain Agreement
16 for Sale and Purchase approved by the Board of Trustees of the
17 Internal Improvement Trust Fund on November 22, 2005 and by
18 Lee County, a political subdivision of the state, on November
19 20, 2005. Upon termination of or expiration of the management
20 agreement, the person serving as the head of the property
21 owner's association, if any, required to be created under the
22 agreement for sale and purchase shall serve as a member of the
23 board of directors of Babcock Ranch, Inc.

24 5. The Charlotte County board of county commissioners
25 shall appoint one member who shall be a resident of the county
26 and who shall be active in an organization concerned with the
27 activities of the ranch.

28 6. The Lee County board of county commissioners shall
29 appoint one member who shall be a resident of the county and
30 who shall have experience in land conservation and management.
31 This appointee, or a successor appointee, shall serve as a

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1 member of the board of directors so long as the county
2 participates in the state land management plan.

3 (c) All members of the board of directors shall be
4 appointed no later 90 days following the initial acquisition
5 of the Babcock Ranch by the state, and

6 1. Four members initially appointed by the Board of
7 Trustees of the Internal Improvement Trust Fund each shall
8 serve a 4 year term.

9 2. The remaining initial five appointees shall serve a
10 2-year term.

11 3. Members appointed thereafter each shall serve a
12 4-year term.

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

17 5. No member may serve more than eight years in
18 consecutive terms.

19 (d) With the exception of the Babcock Florida Company
20 appointee, no member may be an officer, director, or
21 shareholder in any entity that contracts with or receives
22 funds from the corporation or its subsidiaries.

23 (e) No member shall vote in an official capacity upon
24 any measure which would inure to his or her special private
25 gain or loss; which he or she knows would inure to the special
26 private gain or loss of any principal by whom he or she is
27 retained or to the parent organization or subsidiary of a
28 principal by which he or she is retained; or which he or she
29 knows would inure to the special private gain or loss of a
30 relative or business associate of the member. Such member
31 shall, prior to the vote being taken, publicly state the

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1 nature of his or her interest in the matter from which he or
2 she is abstaining from voting and, no later than 15 days
3 following the date the vote occurs, disclose the nature of his
4 or her interest as a public record in a memorandum filed with
5 the person responsible for recording the minutes of the
6 meeting, who shall incorporate the memorandum in the minutes
7 of the meeting.

8 (f) Each member of the board of directors is
9 accountable for the proper performance of the duties of
10 office, and each member owes a fiduciary duty to the people of
11 the state to ensure that funds provided in furtherance of this
12 section are disbursed and used as prescribed by law and
13 contract. Any official appointing a member may remove that
14 member for malfeasance, misfeasance, neglect of duty,
15 incompetence, permanent inability to perform official duties,
16 unexcused absence from three consecutive meetings of the
17 board, arrest or indictment for a crime that is a felony or
18 misdemeanor involving theft or a crime of dishonesty, or
19 pleading nolo contendere to, or being found guilty of, any
20 crime.

21 (g) Each member of the board of directors shall serve
22 without compensation, but shall receive travel and per diem
23 expenses as provided in s. 112.061 while in the performance of
24 his or her duties.

25 (8) ORGANIZATION; MEETINGS.--

26 (a)1. The board of directors shall annually elect a
27 chairperson and a vice chairperson from among the board's
28 members. The members may, by a vote of five of the nine board
29 members, remove a member from the position of chairperson or
30 vice chairperson prior to the expiration of his or her term as
31 chairperson or vice chairperson. His or her successor shall be

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1 elected to serve for the balance of the removed chairperson's
2 or vice chairperson's term.

3 2. The chairperson shall ensure that records are kept
4 of the proceedings of the board of directors, and is the
5 custodian of all books, documents, and papers filed with the
6 board, the minutes of meetings of the board, and the official
7 seal of the corporation.

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

11 2. A majority of the members of the board of directors
12 constitutes a quorum. Except as otherwise provided in this
13 section, the board of directors may take official action by a
14 majority of the members present at any meeting at which a
15 quorum is present. Members may not vote by proxy.

16 (9) POWERS AND DUTIES.--

17 (a) The board of directors shall adopt articles of
18 incorporation and bylaws necessary to govern its activities.
19 The adopted articles of incorporation and bylaws must be
20 approved by the Board of Trustees of the Internal Improvement
21 Trust Fund prior to filing with the Department of State.

22 (b) The board of directors shall review and approve
23 any management plan developed pursuant to ss. 253.034 and
24 259.032 for the management of lands in the preserve prior to
25 the submission of that plan to the Board of Trustees of the
26 Internal Improvement Trust Fund for approval and
27 implementation.

28 (c)1. Except for the constitutional powers of the
29 commission as provided in s. 9, Art. IV, of the State
30 Constitution, the board of directors shall have all necessary
31 and proper powers for the exercise of the authorities vested

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1 in the corporation, including, but not limited to, the power
2 to solicit and accept donations of funds, property, supplies,
3 or services from individuals, foundations, corporations, and
4 other public or private entities for the purposes of this
5 section. All funds received by the corporation shall be
6 deposited into the operating fund authorized under this
7 section unless otherwise directed by the Legislature.

8 2. The board of directors may not increase the number
9 of its members.

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

14 4. The corporation may not sell, convey, mortgage,
15 pledge, lease, exchange, transfer or otherwise dispose of any
16 real property.

17 5. The corporation may not purchase, take, receive,
18 subscribe for, or otherwise acquire, own, hold, vote, use,
19 employ, sell, mortgage, lend, pledge, or otherwise dispose of
20 or otherwise use and deal in and with, shares and other
21 interests in, or obligations of, other domestic or foreign
22 corporations, whether for profit or not for profit,
23 associations, partnerships, or individuals, or direct or
24 indirect obligations of the United States, or of any other
25 government, state, territory, government district,
26 municipality, or of any instrumentality thereof.

27 6. The corporation may not lend money for its
28 corporate purposes, investment and reinvest its funds, and
29 take and hold real and personal property as security for the
30 payment of funds loaned or invested.

31 7. The corporation may not merge with other

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1 corporations or other business entities.

2 8. The corporation may not enter into any contract,
3 lease or other agreement related to the use of ground or
4 surface waters located in, on, or through the preserve without
5 the consent of the Board of Trustees of the Internal
6 Improvement Trust Fund and permits which may be required by
7 the Department of Environmental Protection or the appropriate
8 water management district under chapters 373 and 403.

9 9. The corporation may not grant any easements in, on,
10 or across the preserve. Any easements to be granted for the
11 use of, access to, or ingress and egress across state property
12 within the preserve must be executed by the Board of Trustees
13 of the Internal Improvement Trust Fund as the owners of the
14 state property within the preserve. Any easements to be
15 granted for the use of, access to, or ingress and egress
16 across property within the preserve titled in the name of a
17 local government must be granted by the governing body of that
18 local government.

19 10. The corporation may not enter into any contract,
20 lease, or other agreement related to the use and occupancy of
21 the property within the preserve for a period of greater than
22 10 years.

23 (c) The members may, with the written approval of the
24 commission and in consultation with the department, designate
25 hunting, fishing, and trapping zones and establish additional
26 periods when no hunting, fishing, or trapping shall be
27 permitted for reasons of public safety, administration, and
28 the protection and enhancement of nongame habitat and nongame
29 species, as defined under s. 372.001.

30 (d) The corporation shall have the sole and exclusive
31 right to use the words "Babcock Ranch, Inc.", and any seal,

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1 emblem, or other insignia adopted by the members. Without the
 2 express written authority of the corporation, no person may
 3 use the words "Babcock Ranch, Inc." as the name under which
 4 that person shall conduct or purport to conduct business, for
 5 the purpose of trade or advertisement, or in any manner that
 6 may suggest any connection with the corporation.

7 (e) The corporation may from time to time appoint
 8 advisory committees to further any part of this section. The
 9 advisory committees shall be reflective of the expertise
 10 necessary for the particular function for which the committee
 11 is created, and may include public agencies, private entities,
 12 and not-for-profit conservation and agricultural
 13 representatives.

14 (f) State laws governing the procurement of
 15 commodities and services by state agencies, as provided in s.
 16 287.057, shall apply to the corporation.

17 (g) The corporation and its subsidiaries must provide
 18 equal employment opportunities for all persons regardless of
 19 race, color, religion, gender, national origin, age, handicap,
 20 or marital status.

21 (10) OPERATING FUND, ANNUAL BUDGET, AUDIT, REPORTING
 22 REQUIREMENTS.--

23 (a) The board of directors may establish and manage an
 24 operating fund to address the corporation's unique cash-flow
 25 needs and to facilitate the management and operation of the
 26 preserve as a working ranch. A cash balance reserve of not
 27 more than 25 percent of the annual management and operating
 28 expenditures of the corporation may accumulate and be
 29 maintained in the operating fund at anytime.

30 (b) The board of directors shall provide for an annual
 31 financial audit of the corporate accounts and records to be

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1 conducted by an independent certified public accountant in
 2 accordance with rules adopted by the Auditor General, under s.
 3 11.45(8). The audit report shall be submitted no later than 3
 4 months following the end of the fiscal year to the Auditor
 5 General, the President of the Senate, the Speaker of the House
 6 of Representatives, and the appropriate substantive and fiscal
 7 committees of the Legislature. The Auditor General, the Office
 8 of Program Policy Analysis and Government Accountability, and
 9 the substantive or fiscal committees of the Legislature to
 10 which legislation affecting the Babcock Ranch Preserve may be
 11 referred shall have the authority to require and receive from
 12 the corporation or from the independent auditor any records
 13 relative to the operation of the corporation.

14 (c) Not later than January 15 of each year, Babcock
 15 Ranch, Inc., shall submit to the Board of Trustees of the
 16 Internal Improvement Trust Fund, the President of the Senate,
 17 the Speaker of the House of Representatives, the department
 18 and the commission a comprehensive and detailed report of its
 19 operations, activities and accomplishments for the prior year,
 20 including information on the status of the ecological,
 21 cultural, and financial resources being managed by the
 22 corporation, and benefits provided by the preserve to local
 23 communities. The report shall also include a section
 24 describing the corporation's goals for the current year.

25 (d) The board of directors shall prepare an annual
 26 budget with the goal of achieving a financially
 27 self-sustaining operation within 15 full fiscal years after
 28 the initial acquisition of the Babcock Ranch by the state. The
 29 department shall provide necessary assistance, including
 30 details as necessary, to the corporation for the timely
 31 formulation and submission of an annual legislative budget

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1 request for appropriations, if any, to support the
2 administration, operation, and maintenance of the preserve. A
3 request for appropriations shall be submitted to the
4 department and shall be included in the department's annual
5 legislative budget request as a separate line item
6 appropriation. Requests for appropriations shall be submitted
7 to the department in time to allow the department to meet the
8 requirements of s. 216.023. The department may not deny a
9 request or refuse to include in its annual legislative budget
10 submission a request from the corporation for an
11 appropriation.

12 (e) Notwithstanding any other provision of law, all
13 monies received from donations or from management of the
14 preserve shall be retained by the corporation in the operating
15 fund and shall be available, without further appropriation,
16 for the administration, preservation, restoration, operation
17 and maintenance, improvements, repairs, and related expenses
18 incurred with respect to properties being managed by the
19 corporation. Except as provided in this section, monies
20 received by the corporation for the management of the preserve
21 shall not be subject to distribution by the state. Upon
22 assuming management responsibilities for the preserve, the
23 corporation shall optimize the generation of income based on
24 existing marketing conditions to the extent that activities do
25 not unreasonably diminish the long-term environmental,
26 agricultural scenic and natural values of the preserve, or the
27 multiple-use and sustained yield capability of the land.

28 (f) All parties in contract with the corporation and
29 all holders of leases from the corporation which are
30 authorized to occupy, use or develop properties under the
31 management jurisdiction of the corporation, must procure such

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1 proper insurance as is reasonable or customary to insure
2 against any loss in connection with such properties or with
3 activities authorized in such leases or contracts.

4 (11) COMPREHENSIVE BUSINESS PLAN.--

5 (a) A comprehensive business plan for the management
6 and operation of the preserve as a working ranch and
7 amendments to the business plan may only be developed with
8 input from the department and the commission, and may only be
9 implemented by Babcock Ranch, Inc., upon expiration of the
10 Management Agreement attached as Exhibit "E" to that certain
11 Agreement for Sale and Purchase approved by the Board of
12 Trustees of the Internal Improvement Trust Fund on November
13 22, 2005 and by Lee County on November 20, 2005.

14 (b) Any final decision of Babcock Ranch, Inc., to
15 adopt or amend the comprehensive business plan or to approve
16 any activity related to the management of the renewable
17 surface resources of the preserve shall be made in sessions
18 which are open to the public. The board of directors shall
19 establish procedures for providing adequate public information
20 and opportunities for public comment on the proposed
21 comprehensive business plan for the preserve or for amendments
22 to the comprehensive business plan adopted by the members.

23 (c) Not less than two years prior to the corporation
24 assuming management and operation responsibilities for the
25 preserve, the corporation, with input from the commission and
26 the department, must begin developing the comprehensive
27 business plan to carry out the purposes of this section. To
28 the extent consistent with such purposes, the comprehensive
29 business plan shall provide for:

- 30 1. The management and operation of the preserve as a
31 working ranch,

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1 2. The protection and preservation of the
 2 environmental, agricultural, scientific, scenic, geologic,
 3 watershed, fish, wildlife, historic, cultural and recreational
 4 values of the preserve,

5 3. The promotion of high-quality hunting experiences
 6 for the public, with emphasis on deer, turkey, and other game
 7 species,

8 4. Multiple use and sustained yield of renewable
 9 surface resources within the preserve,

10 5. Public use of and access to the preserve for
 11 recreation, and

12 6. The use of renewable resources and management
 13 alternatives that, to the extent practicable, benefit local
 14 communities and small businesses and enhance the coordination
 15 of management objectives with those on surrounding public or
 16 private lands. The use of renewable resources and management
 17 alternatives should provide cost savings to the corporation
 18 through the exchange of services, including but not limited to
 19 labor and maintenance of facilities, for resources or services
 20 provided to the corporation.

21 (d) On or before the date on which title to the
 22 portion of the Babcock Crescent B Ranch being purchased by the
 23 state as provided in s. 259.1052, is vested in the Board of
 24 Trustees of the Internal Improvement Trust Fund, Babcock Ranch
 25 Management, LLC, a limited liability company incorporated in
 26 the state, shall provide the commission and the department
 27 with the proprietary management plan and business plan in place
 28 for the operation of the ranch as of November 22, 2005, the
 29 date on which the Board of Trustees approved the purchase.

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

31 (a) The corporation shall assume all authority

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1 provided by this section to manage and operate the preserve as
 2 a working ranch upon a determination by the Board of Trustees
 3 of the Internal Improvement Trust Fund that the corporation is
 4 able to conduct business, and that provision has been made for
 5 essential services on the preserve, which to the maximum
 6 extent practicable, shall be made no later than 60 days prior
 7 to the termination of the Management Agreement referenced in
 8 paragraph (10)(a).

9 (b) Upon assuming management and operation of the
 10 preserve, the corporation shall:

11 1. With input from the commission and the department,
 12 manage and operate the preserve and the uses thereof,
 13 including but not limited to, the activities necessary to
 14 administer and operate the preserve as a working ranch; the
 15 activities necessary for the preservation and development of
 16 the land and renewable surface resources of the preserve; the
 17 activities necessary for interpretation of the history of the
 18 preserve on behalf of the public; activities necessary for the
 19 management, public use and occupancy of facilities and lands
 20 within the preserve; and maintenance, rehabilitation, repair
 21 and improvement of property within the preserve.

22 2. Develop programs and activities relating to the
 23 management of the preserve as a working ranch;

24 3. Negotiate directly with and enter into such
 25 agreements, leases, contracts, and other arrangements with any
 26 person, firm, association, organization, corporation or
 27 governmental entity, including entities of federal, state, and
 28 local governments, as are necessary and appropriate to carry
 29 out the purposes and activities authorized by this section;

30 4. Establish procedures for entering into lease
 31 agreements and other agreements for the use and occupancy of

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1 the facilities of the preserve. The procedures shall ensure
 2 reasonable competition, and set guidelines for determining
 3 reasonable fees, terms, and conditions for such agreements;
 4 and

5 5. Assess reasonable fees for admission to, use of,
 6 and occupancy of the preserve to offset costs for operation of
 7 the preserve as a working ranch. These fees are independent of
 8 fees assessed by the commission for the privilege of hunting,
 9 fishing, or pursuing outdoor recreational activities within
 10 the preserve, and shall be deposited into the operating fund
 11 established by the board of directors under the authority
 12 provided under this section.

13 (13) MISCELLANEOUS PROVISIONS.--

14 (a) Except for the powers of the commissioner provided
 15 in this section, and the powers of the commission provided in
 16 s. 9, Art. IV, of the State Constitution, the preserve shall
 17 be managed by Babcock Ranch, Inc.

18 (b) Officers and employees of Babcock Ranch, Inc., are
 19 private employees. At the request of the board of directors,
 20 the commission and the department may provide state employees
 21 for the purpose of implementing this section. Any state
 22 employees provided to assist the directors in implementing
 23 this section for more than 30 days shall be provided on a
 24 reimbursable basis. Reimbursement to the commission and the
 25 department shall be made from the corporation's operating fund
 26 provided under this section and not from any funds
 27 appropriated to the corporation by the Legislature.

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

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

31 (b) Upon dissolution of the corporation, the

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1 management responsibilities provided in this section shall
 2 revert to the commission and the department unless otherwise
 3 provided by the Legislature under the act dissolving Babcock
 4 Ranch, Inc.

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

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

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15 ===== T I T L E A M E N D M E N T =====

16 And the title is amended as follows:

17 Delete everything before the enacting clause

18

19 and insert:

20 A bill to be entitled
 21 An act relating to land management; creating s.
 22 259.1053, F.S.; creating the Babcock Ranch
 23 Preserve Act; providing a short title;
 24 providing definitions; creating Babcock Ranch,
 25 Inc., a not-for-profit corporation to be
 26 incorporated in the state; providing that the
 27 corporation shall act as an instrumentality of
 28 the state for purposes of sovereign immunity
 29 under s. 768.28, F.S.; providing that the
 30 corporation shall not be an agency under s.
 31 20.03, F.S.; providing that the corporation is

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1 subject to the provisions of chs. 119 and 286,
2 F.S., requiring public records and meetings;
3 providing for the corporation to be governed by
4 the Babcock Board of Directors; providing for
5 the appointment of board members and terms of
6 office; prohibiting any board member from
7 voting on any measure that constitutes a
8 conflict of interest; providing for the board
9 members to serve without compensation, but to
10 receive per diem and travel expenses;
11 authorizing state agencies to provide state
12 employees for purposes of implementing the
13 Babcock Ranch Preserve; providing certain
14 powers and duties of the corporation; providing
15 limitations on the powers and duties of the
16 corporation; providing that the corporation and
17 its subsidiaries must provide equal employment
18 opportunities; providing for the corporation to
19 establish and manage an operating fund;
20 requiring an annual financial audit of the
21 accounts and records of the corporation;
22 requiring annual reports by the corporation to
23 the Board of Trustees of the Internal
24 Improvement Trust Fund, the Legislature, the
25 Department of Agriculture and Consumer
26 Services, and the Fish and Wildlife
27 Conservation Commission; requiring that the
28 corporation prepare an annual budget;
29 specifying a goal of self-sustaining operation
30 within a certain period; providing for the
31 corporation to retain donations and other

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1 moneys; requiring that the corporation adopt
2 articles of incorporation and bylaws subject to
3 the approval of the Board of Trustees of the
4 Internal Improvement Trust Fund; authorizing
5 the corporation to appoint advisory committees;
6 providing requirements for a comprehensive
7 business plan; specifying the procedures by
8 which the corporation shall assume the
9 management and operation of the Babcock Ranch
10 Preserve; prohibiting the corporation from
11 taking certain actions without the consent of
12 the Board of Trustees of the Internal
13 Improvement Trust Fund; requiring that the
14 corporation be subject to certain state laws
15 and rules governing the procurement of
16 commodities and services; authorizing the
17 corporation to assess fees; providing for
18 management of the Babcock Ranch Preserve until
19 expiration of a current management agreement;
20 providing for reversion of the management and
21 operation responsibilities to certain agencies
22 upon the dissolution of the corporation;
23 providing that the corporation may only be
24 dissolved by an act of the Legislature;
25 providing for reversion of funds upon the
26 dissolution of the corporation; providing a
27 contingent effective date.

28 WHEREAS, the Babcock Ranch comprises the largest
29 private undeveloped single-ownership tract of land in
30 Charlotte County, and contains historical evidence in the form
31 of old logging camps and other artifacts which indicate the

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1 importance of this land for domesticated livestock production,
2 timber supply, and other bona fide agricultural uses, and

3 WHEREAS, the careful husbandry of the Babcock Ranch,
4 including selective timbering, limited grazing and hunting,
5 and the use of prescribed burning has preserved a mix of
6 healthy range and timberland with significant species
7 diversity, and provides a model for sustainable land
8 development and use, and

9 WHEREAS, the Babcock Ranch must be protected for
10 current and future generations by continued operation as a
11 working ranch under a unique management regime which protects
12 the land and resource values of the property and the
13 surrounding ecosystem while allowing and providing for the
14 ranch to become financially self-sustaining, and

15 WHEREAS, it is in the public's best interest that the
16 management regime for the Babcock Ranch includes the
17 development of an operational program for appropriate
18 preservation and development of the ranch's land and
19 resources, and

20 WHEREAS, the public's interest will be served by the
21 creation of a not-for-profit corporation to develop and
22 implement environmentally sensitive, cost-effective, and
23 creative methods to manage and operate a working ranch, NOW,
24 THEREFORE,

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