

Bill No. CS for SB 2102

Barcode 844076

CHAMBER ACTION

Senate

House

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The Committee on General Government Appropriations (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) SHORT TITLE.--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 from 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 freshwater 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 (j) The Division of State Lands of the Department of
 16 Environmental Protection shall perform staff duties and
 17 functions for Babcock Ranch, Inc., the not-for-profit
 18 corporation created under this section, until such time as the
 19 corporation organizes to elect officers, file articles of
 20 incorporation, and exercise its powers and duties.

21 (4) CREATION OF BABCOCK RANCH, INC.--

22 (a) Subject to filing articles of incorporation, there
 23 is created a not-for-profit corporation, to be known as
 24 Babcock Ranch, Inc., which shall be registered, incorporated,
 25 organized, and operated in compliance with the provisions of
 26 chapter 617, and which shall not be a unit or entity of state
 27 government. For purposes of sovereign immunity, the
 28 corporation shall be a corporation primarily acting as an
 29 instrumentality of the state but otherwise shall not be an
 30 agency within the meaning of s. 20.03(11) or a unit or entity
 31 of state government.

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

4 (c) Meetings and records of the corporation, its
5 directors, advisory committees, or similar groups created by
6 the corporation, including any not-for-profit subsidiaries,
7 are subject to the public records provisions of chapter 119
8 and the public meetings and records provisions of s. 286.011.

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

12 (6) PURPOSE.--The purpose of Babcock Ranch, Inc., is
13 to provide management and administrative services for the
14 preserve, to establish and implement management policies that
15 will achieve the purposes and requirements of this section, to
16 cooperate with state agencies to further the purposes of the
17 preserve, and to establish the administrative and accounting
18 procedures for the operation of the corporation.

19 (7) BOARD; MEMBERSHIP; REMOVAL; LIABILITY.--The
20 corporation shall be governed by a nine-member board of
21 directors who shall be appointed by the Board of Trustees of
22 the Internal Improvement Trust Fund; the executive director of
23 the commission; the Commissioner of Agriculture; the Babcock
24 Florida Company, a corporation registered to do business in
25 the state, or its successors or assigns; the Charlotte County
26 Board of County Commissioners, and the Lee County Board of
27 County Commissioners in the following manner:

28 (a)1. The Board of Trustees of the Internal
29 Improvement Trust Fund shall appoint four members. No
30 appointee shall be an employee of any governmental entity. One
31 appointee shall have expertise in domesticated livestock

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1 management, production, and marketing, including range
 2 management and livestock business management. One appointee
 3 shall have expertise in the management of game and nongame
 4 wildlife and fish populations, including hunting, fishing, and
 5 other recreational activities. One appointee shall have
 6 expertise in the sustainable management of forest lands for
 7 commodity purposes. One appointee shall have expertise in
 8 financial management, budget and program analysis, and small
 9 business operations.

10 2. The executive director shall appoint one member
 11 with expertise in hunting; fishing; nongame species
 12 management; or wildlife habitat management, restoration, and
 13 conservation.

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

16 4. The Babcock Florida Company, or its successors or
 17 assigns, shall appoint one member with expertise in the
 18 activities and management of the Babcock Ranch on the date of
 19 acquisition of the ranch by the state as provided under s.
 20 259.1052. This appointee shall serve on the board of directors
 21 only until the termination of or expiration of the management
 22 agreement attached as Exhibit "E" to that certain Agreement
 23 for Sale and Purchase approved by the Board of Trustees of the
 24 Internal Improvement Trust Fund on November 22, 2005, and by
 25 Lee County, a political subdivision of the state, on November
 26 20, 2005. Upon termination of or expiration of the management
 27 agreement, the person serving as the head of the property
 28 owners' association, if any, required to be created under the
 29 agreement for sale and purchase shall serve as a member of the
 30 board of directors of Babcock Ranch, Inc.

31 5. The Charlotte County Board of County Commissioners

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1 shall appoint one member who shall be a resident of the county
2 and who shall be active in an organization concerned with the
3 activities of the ranch.

4 6. The Lee County Board of County Commissioners shall
5 appoint one member who shall be a resident of the county and
6 who shall have experience in land conservation and management.
7 This appointee, or a successor appointee, shall serve as a
8 member of the board of directors so long as the county
9 participates in the state land management plan.

10 (c) All members of the board of directors shall be
11 appointed no later 90 days following the initial acquisition
12 of the Babcock Ranch by the state, and:

13 1. Four members initially appointed by the Board of
14 Trustees of the Internal Improvement Trust Fund shall each
15 serve a 4-year term.

16 2. The remaining initial five appointees shall each
17 serve a 2-year term.

18 3. Each member appointed thereafter shall serve a
19 4-year term.

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

24 5. No member may serve more than 8 years in
25 consecutive terms.

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

30 (e) No member shall vote in an official capacity upon
31 any measure that would inure to his or her special private

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1 gain or loss, that he or she knows would inure to the special
2 private gain or loss of any principal by whom he or she is
3 retained or to the parent organization or subsidiary of a
4 principal by which he or she is retained, or that he or she
5 knows would inure to the special private gain or loss of a
6 relative or business associate of the member. Such member
7 shall, prior to the vote being taken, publicly state the
8 nature of his or her interest in the matter from which he or
9 she is abstaining from voting and, no later than 15 days
10 following the date the vote occurs, shall disclose the nature
11 of his or her interest as a public record in a memorandum
12 filed with the person responsible for recording the minutes of
13 the meeting, who shall incorporate the memorandum in the
14 minutes of the meeting.

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

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

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1 (8) ORGANIZATION; MEETINGS.--

2 (a)1. The board of directors shall annually elect a
3 chairperson and a vice chairperson from among the board's
4 members. The members may, by a vote of five of the nine board
5 members, remove a member from the position of chairperson or
6 vice chairperson prior to the expiration of his or her term as
7 chairperson or vice chairperson. His or her successor shall be
8 elected to serve for the balance of the removed chairperson's
9 or vice chairperson's term.

10 2. The chairperson shall ensure that records are kept
11 of the proceedings of the board of directors, and is the
12 custodian of all books, documents, and papers filed with the
13 board, the minutes of meetings of the board, and the official
14 seal of the corporation.

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

18 2. A majority of the members of the board of directors
19 constitutes a quorum. Except as otherwise provided in this
20 section, the board of directors may take official action by a
21 majority of the members present at any meeting at which a
22 quorum is present. Members may not vote by proxy.

23 (9) POWERS AND DUTIES.--

24 (a) The board of directors shall adopt articles of
25 incorporation and bylaws necessary to govern its activities.
26 The adopted articles of incorporation and bylaws must be
27 approved by the Board of Trustees of the Internal Improvement
28 Trust Fund prior to filing with the Department of State.

29 (b) The board of directors shall review and approve
30 any management plan developed pursuant to ss. 253.034 and
31 259.032 for the management of lands in the preserve prior to

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1 the submission of that plan to the Board of Trustees of the
2 Internal Improvement Trust Fund for approval and
3 implementation.

4 (c)1. Except for the constitutional powers of the
5 commission as provided in s. 9, Art. IV of the State
6 Constitution, the board of directors shall have all necessary
7 and proper powers for the exercise of the authority vested in
8 the corporation, including, but not limited to, the power to
9 solicit and accept donations of funds, property, supplies, or
10 services from individuals, foundations, corporations, and
11 other public or private entities for the purposes of this
12 section. All funds received by the corporation shall be
13 deposited into the operating fund authorized under this
14 section unless otherwise directed by the Legislature.

15 2. The board of directors may not increase the number
16 of its members.

17 3. Except as necessary to manage and operate the
18 preserve as a working ranch, the corporation may not purchase,
19 take, receive, lease, take by gift, devise, or bequest, or
20 otherwise acquire, own, hold, improve, use, or otherwise deal
21 in and with real property, or any interest therein, wherever
22 situated.

23 4. The corporation may not sell, convey, mortgage,
24 pledge, lease, exchange, transfer, or otherwise dispose of any
25 real property.

26 5. The corporation may not purchase, take, receive,
27 subscribe for, or otherwise acquire, own, hold, vote, use,
28 employ, sell, mortgage, lend, pledge, or otherwise dispose of
29 or otherwise use and deal in and with, shares and other
30 interests in, or obligations of, other domestic or foreign
31 corporations, whether for profit or not for profit,

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1 associations, partnerships, or individuals, or direct or
2 indirect obligations of the United States, or any other
3 government, state, territory, government district,
4 municipality, or any instrumentality thereof.

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

9 7. The corporation may not merge with other
10 corporations or other business entities.

11 8. The corporation may not enter into any contract,
12 lease, or other agreement related to the use of ground or
13 surface waters located in, on, or through the preserve without
14 the consent of the Board of Trustees of the Internal
15 Improvement Trust Fund and permits that may be required by the
16 Department of Environmental Protection or the appropriate
17 water management district under chapters 373 and 403.

18 9. The corporation may not grant any easements in, on,
19 or across the preserve. Any easements to be granted for the
20 use of, access to, or ingress and egress across state property
21 within the preserve must be executed by the Board of Trustees
22 of the Internal Improvement Trust Fund as the owners of the
23 state property within the preserve. Any easements to be
24 granted for the use of, access to, or ingress and egress
25 across property within the preserve titled in the name of a
26 local government must be granted by the governing body of that
27 local government.

28 10. The corporation may not enter into any contract,
29 lease, or other agreement related to the use and occupancy of
30 the property within the preserve for a period greater than 10
31 years.

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1 (c) The members may, with the written approval of the
 2 commission and in consultation with the department, designate
 3 hunting, fishing, and trapping zones and may establish
 4 additional periods when no hunting, fishing, or trapping shall
 5 be permitted for reasons of public safety, administration, and
 6 the protection and enhancement of nongame habitat and nongame
 7 species, as defined under s. 372.001.

8 (d) The corporation shall have the sole and exclusive
 9 right to use the words "Babcock Ranch, Inc.," and any seal,
 10 emblem, or other insignia adopted by the members. Without the
 11 express written authority of the corporation, no person may
 12 use the words "Babcock Ranch, Inc.," as the name under which
 13 that person conducts or purports to conduct business, for the
 14 purpose of trade or advertisement, or in any manner that may
 15 suggest any connection with the corporation.

16 (e) The corporation may from time to time appoint
 17 advisory committees to further any part of this section. The
 18 advisory committees shall be reflective of the expertise
 19 necessary for the particular function for which the committee
 20 is created, and may include public agencies, private entities,
 21 and not-for-profit conservation and agricultural
 22 representatives.

23 (f) State laws governing the procurement of
 24 commodities and services by state agencies, as provided in s.
 25 287.057, shall apply to the corporation.

26 (g) The corporation and its subsidiaries must provide
 27 equal employment opportunities for all persons regardless of
 28 race, color, religion, gender, national origin, age, handicap,
 29 or marital status.

30 (10) OPERATING FUND, ANNUAL BUDGET, AUDIT, REPORTING
 31 REQUIREMENTS.--

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1 (a) The board of directors may establish and manage an
2 operating fund to address the corporation's unique cash-flow
3 needs and to facilitate the management and operation of the
4 preserve as a working ranch.

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

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

31 (d) The board of directors shall prepare an annual

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1 budget with the goal of achieving a financially
2 self-sustaining operation within 15 full fiscal years after
3 the initial acquisition of the Babcock Ranch by the state. The
4 department shall provide necessary assistance, including
5 details as necessary, to the corporation for the timely
6 formulation and submission of an annual legislative budget
7 request for appropriations, if any, to support the
8 administration, operation, and maintenance of the preserve. A
9 request for appropriations shall be submitted to the
10 department and shall be included in the department's annual
11 legislative budget request. Requests for appropriations shall
12 be submitted to the department in time to allow the department
13 to meet the requirements of s. 216.023. The department may not
14 deny a request or refuse to include in its annual legislative
15 budget submission a request from the corporation for an
16 appropriation.

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

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1 the multiple-use and sustained-yield capability of the land.

2 (f) All parties in contract with the corporation and
3 all holders of leases from the corporation which are
4 authorized to occupy, use, or develop properties under the
5 management jurisdiction of the corporation must procure proper
6 insurance as is reasonable or customary to insure against any
7 loss in connection with the properties or with activities
8 authorized in the leases or contracts.

9 (11) COMPREHENSIVE BUSINESS PLAN.--

10 (a) A comprehensive business plan for the management
11 and operation of the preserve as a working ranch and
12 amendments to the business plan may be developed only with
13 input from the department and the commission, and may be
14 implemented by Babcock Ranch, Inc., only upon expiration of
15 the management agreement attached as Exhibit "E" to that
16 certain agreement for sale and purchase approved by the Board
17 of Trustees of the Internal Improvement Trust Fund on November
18 22, 2005, and by Lee County on November 20, 2005.

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

28 (c) Not less than 2 years prior to the corporation's
29 assuming management and operation responsibilities for the
30 preserve, the corporation, with input from the commission and
31 the department, must begin developing the comprehensive

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1 business plan to carry out the purposes of this section. To
2 the extent consistent with these purposes, the comprehensive
3 business plan shall provide for:

4 1. The management and operation of the preserve as a
5 working ranch;

6 2. The protection and preservation of the
7 environmental, agricultural, scientific, scenic, geologic,
8 watershed, fish, wildlife, historic, cultural, and
9 recreational values of the preserve;

10 3. The promotion of high-quality hunting experiences
11 for the public, with emphasis on deer, turkey, and other game
12 species;

13 4. Multiple use and sustained yield of renewable
14 surface resources within the preserve;

15 5. Public use of and access to the preserve for
16 recreation; and

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

26 (d) On or before the date on which title to the
27 portion of the Babcock Crescent B Ranch being purchased by the
28 state as provided in s. 259.1052 is vested in the Board of
29 Trustees of the Internal Improvement Trust Fund, Babcock Ranch
30 Management, LLC, a limited liability company incorporated in
31 this state, shall provide the commission and the department

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1 with the proprietary management plan and business plan in
2 place for the operation of the ranch as of November 22, 2005,
3 the date on which the board of trustees approved the purchase.

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

5 (a) The corporation shall assume all authority
6 provided by this section to manage and operate the preserve as
7 a working ranch upon a determination by the Board of Trustees
8 of the Internal Improvement Trust Fund that the corporation is
9 able to conduct business, and that provision has been made for
10 essential services on the preserve, which, to the maximum
11 extent practicable, shall be made no later than 60 days prior
12 to the termination of the management agreement referenced in
13 paragraph (11)(a).

14 (b) Upon assuming management and operation of the
15 preserve, the corporation shall:

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

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

30 3. Negotiate directly with and enter into such
31 agreements, leases, contracts, and other arrangements with any

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1 person, firm, association, organization, corporation, or
2 governmental entity, including entities of federal, state, and
3 local governments, as are necessary and appropriate to carry
4 out the purposes and activities authorized by this section;

5 4. Establish procedures for entering into lease
6 agreements and other agreements for the use and occupancy of
7 the facilities of the preserve. The procedures shall ensure
8 reasonable competition and set guidelines for determining
9 reasonable fees, terms, and conditions for such agreements;
10 and

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

19 (13) MISCELLANEOUS PROVISIONS.--

20 (a) Except for the powers of the commissioner provided
21 in this section, and the powers of the commission provided in
22 s. 9, Art. IV of the State Constitution, the preserve shall be
23 managed by Babcock Ranch, Inc.

24 (b) Officers and employees of Babcock Ranch, Inc., are
25 private employees. At the request of the board of directors,
26 the commission and the department may provide state employees
27 for the purpose of implementing this section. Any state
28 employees provided to assist the directors in implementing
29 this section for more than 30 days shall be provided on a
30 reimbursable basis. Reimbursement to the commission and the
31 department shall be made from the corporation's operating fund

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1 provided under this section and not from any funds
2 appropriated to the corporation by the Legislature.

3 (14) DISSOLUTION OF BABCOCK RANCH, INC.--

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

6 (b) Upon dissolution of the corporation, the
7 management responsibilities provided in this section shall
8 revert to the commission and the department unless otherwise
9 provided by the Legislature under the act dissolving Babcock
10 Ranch, Inc.

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

15 Section 2. For the 2006-2007 fiscal year, the sum of
16 \$50,000 is appropriated in nonrecurring funds from the
17 Conservation and Recreation Lands Trust Fund in the Department
18 of Environmental Protection for the operation and management
19 of the Babcock Ranch Preserve, to be administered by Babcock
20 Ranch, Inc., as provided under s. 259.1053, Florida Statutes.

21 Section 3. This act shall take effect on the same date
22 that SB 1226 or similar legislation takes effect, if such
23 legislation is adopted in the same legislative session, or an
24 extension thereof, and becomes law.

25
26

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

28 And the title is amended as follows:

29 Delete everything before the enacting clause

30

31 and insert:

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1 A bill to be entitled

2 An act relating to land management; creating s.

3 259.1053, F.S.; creating the Babcock Ranch

4 Preserve Act; providing a short title;

5 providing definitions; requiring the Division

6 of State Lands of the Department of

7 Environmental Protection to perform certain

8 staff duties and functions for Babcock Ranch,

9 Inc.; creating Babcock Ranch, Inc., a

10 not-for-profit corporation to be incorporated

11 in the state; providing that the corporation

12 shall act as an instrumentality of the state

13 for purposes of sovereign immunity under s.

14 768.28, F.S.; providing that the corporation

15 shall not be an agency under s. 20.03, F.S.;

16 providing that the corporation is subject to

17 the provisions of chs. 119 and 286, F.S.,

18 requiring public records and meetings;

19 providing for the corporation to be governed by

20 the Babcock Board of Directors; providing for

21 the appointment of board members and terms of

22 office; prohibiting any board member from

23 voting on any measure that constitutes a

24 conflict of interest; providing for the board

25 members to serve without compensation, but to

26 receive per diem and travel expenses;

27 authorizing state agencies to provide state

28 employees for purposes of implementing the

29 Babcock Ranch Preserve; providing certain

30 powers and duties of the corporation; providing

31 limitations on the powers and duties of the

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1 corporation; providing that the corporation and
2 its subsidiaries must provide equal employment
3 opportunities; providing for the corporation to
4 establish and manage an operating fund;
5 requiring an annual financial audit of the
6 accounts and records of the corporation;
7 requiring annual reports by the corporation to
8 the Board of Trustees of the Internal
9 Improvement Trust Fund, the Legislature, the
10 Department of Agriculture and Consumer
11 Services, and the Fish and Wildlife
12 Conservation Commission; requiring that the
13 corporation prepare an annual budget;
14 specifying a goal of self-sustaining operation
15 within a certain period; providing for the
16 corporation to retain donations and other
17 moneys; requiring that the corporation adopt
18 articles of incorporation and bylaws subject to
19 the approval of the Board of Trustees of the
20 Internal Improvement Trust Fund; authorizing
21 the corporation to appoint advisory committees;
22 providing requirements for a comprehensive
23 business plan; specifying the procedures by
24 which the corporation shall assume the
25 management and operation of the Babcock Ranch
26 Preserve; prohibiting the corporation from
27 taking certain actions without the consent of
28 the Board of Trustees of the Internal
29 Improvement Trust Fund; requiring that the
30 corporation be subject to certain state laws
31 and rules governing the procurement of

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1 commodities and services; authorizing the
 2 corporation to assess fees; providing for
 3 management of the Babcock Ranch Preserve until
 4 expiration of a current management agreement;
 5 providing for reversion of the management and
 6 operation responsibilities to certain agencies
 7 upon the dissolution of the corporation;
 8 providing that the corporation may be dissolved
 9 only by an act of the Legislature; providing
 10 for reversion of funds upon the dissolution of
 11 the corporation; providing an appropriation;
 12 providing a contingent effective date.

13
 14 WHEREAS, the Babcock Ranch comprises the largest
 15 private undeveloped single-ownership tract of land in
 16 Charlotte County and contains historical evidence in the form
 17 of old logging camps and other artifacts that indicate the
 18 importance of this land for domesticated livestock production,
 19 timber supply, and other bona fide agricultural uses, and

20 WHEREAS, the careful husbandry of the Babcock Ranch,
 21 including selective timbering, limited grazing and hunting,
 22 and the use of prescribed burning, has preserved a mix of
 23 healthy range and timberland with significant species
 24 diversity and provides a model for sustainable land
 25 development and use, and

26 WHEREAS, the Babcock Ranch must be protected for
 27 current and future generations by continued operation as a
 28 working ranch under a unique management regime that protects
 29 the land and resource values of the property and the
 30 surrounding ecosystem while allowing and providing for the
 31 ranch to become financially self-sustaining, and

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1 WHEREAS, it is in the public's best interest that the
2 management regime for the Babcock Ranch include the
3 development of an operational program for appropriate
4 preservation and development of the ranch's land and
5 resources, and

6 WHEREAS, the public's interest will be served by the
7 creation of a not-for-profit corporation to develop and
8 implement environmentally sensitive, cost-effective, and
9 creative methods to manage and operate a working ranch, NOW,
10 THEREFORE,

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