

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

1 providing for reversion of the management and
2 operation responsibilities to certain agencies
3 upon the dissolution of the corporation;
4 providing that the corporation may be dissolved
5 only by an act of the Legislature; providing
6 for reversion of funds upon the dissolution of
7 the corporation; providing a contingent
8 effective date.
9

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

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

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

28 WHEREAS, it is in the public's best interest that the
29 management regime for the Babcock Ranch include the
30 development of an operational program for appropriate
31

1 preservation and development of the ranch's land and
2 resources, and

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

8
9 Be It Enacted by the Legislature of the State of Florida:

10
11 Section 1. Section 259.1053, Florida Statutes, is
12 created to read:

13 259.1053 Babcock Ranch Preserve; Babcock Ranch, Inc.;
14 creation; membership; organization; meetings.--

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

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

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

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

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

27 (d) "Commission" means the Fish and Wildlife
28 Conservation Commission.

29 (e) "Commissioner" means the Commissioner of
30 Agriculture.

31

1 (f) "Department" means the Department of Agriculture
2 and Consumer Services.

3 (g) "Executive director" means the Executive Director
4 of the Fish and Wildlife Conservation Commission.

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

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

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

21 (k) "Multiple use" means the management of all of the
22 renewable surface resources of the Babcock Ranch Preserve to
23 best meet the needs of the public, including the use of the
24 land for some or all of the renewable surface resources or
25 related services over areas large enough to allow for periodic
26 adjustments in use to conform to the changing needs and
27 conditions of the preserve while recognizing that a portion of
28 the land will be used for some of the renewable surface
29 resources available on that land. The goal of multiple use is
30 the harmonious and coordinated management of the renewable
31 surface resources without impairing the productivity of the

1 land and considering the relative value of the renewable
2 surface resources, and not necessarily a combination of uses
3 to provide the greatest monetary return or the greatest unit
4 output.

5 (1) "Sustained yield of the renewable surface
6 resources" means the achievement and maintenance of a high
7 level of annual or regular periodic output of the various
8 renewable surface resources of the preserve without impairing
9 the productivity of the land.

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

11 (a) The acquisition of the Babcock Crescent B Ranch by
12 the Board of Trustees of the Internal Improvement Trust Fund
13 is a conservation acquisition under the Florida Forever
14 program created under s. 259.105, with a goal of sustaining
15 the ecological and economic integrity of the property being
16 acquired while allowing the business of the ranch to operate
17 and prosper.

18 (b) Upon the date of acquisition of the Babcock
19 Crescent B Ranch, there is created the Babcock Ranch Preserve,
20 which shall be managed in accordance with the purposes and
21 requirements of this section.

22 (c) The preserve is established to protect and
23 preserve the environmental, agricultural, scientific, scenic,
24 geologic, watershed, fish, wildlife, historic, cultural, and
25 recreational values of the preserve, and to provide for the
26 multiple use and sustained yield of the renewable surface
27 resources within the preserve consistent with this section.

28 (d) Babcock Ranch, Inc., and its officers and
29 employees shall participate in the management of the Babcock
30 Ranch Preserve in an advisory capacity only until the
31

1 management agreement referenced in paragraph (10)(a) is
2 terminated or expires.

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

9 (f) Nothing in this section shall be construed as
10 affecting the constitutional responsibilities of the
11 commission in the exercise of its regulatory and executive
12 power with respect to wild animal life and freshwater aquatic
13 life, including the regulation of hunting, fishing, and
14 trapping within the preserve.

15 (g) Nothing in this section shall be construed to
16 interfere with or prevent the ability of Babcock Ranch, Inc.,
17 to implement agricultural practices authorized by the
18 agricultural land use designations established in the local
19 comprehensive plans of either Charlotte or Lee Counties as
20 those plans apply to the Babcock Ranch Preserve.

21 (h) To clarify the responsibilities of the lead
22 managing agencies and the not-for-profit corporation created
23 under this section, the lead managing agencies are directed to
24 establish a range of resource protection values for the
25 Babcock Ranch Preserve, and the corporation shall establish
26 operational parameters to conduct the business of the ranch
27 within the range of values. The corporation shall establish a
28 range of operational values to conduct the business of the
29 ranch and the lead managing agencies providing ground support
30 to the ranch outside of each agency's jurisdictional
31

1 responsibilities shall establish management parameters within
2 that range of values.

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

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

12 (a) There is created a not-for-profit corporation, to
13 be known as Babcock Ranch, Inc., which shall be registered,
14 incorporated, organized, and operated in compliance with the
15 provisions of chapter 617, and which shall not be a unit or
16 entity of state government. For purposes of sovereign
17 immunity, the corporation shall be a corporation primarily
18 acting as an instrumentality of the state but otherwise shall
19 not be an agency within the meaning of s. 20.03(11) or a unit
20 or entity of state government.

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

24 (c) Meetings and records of the corporation, its
25 directors, advisory committees, or similar groups created by
26 the corporation, including any not-for-profit subsidiaries,
27 are subject to the public records provisions of chapter 119
28 and the public meetings and records provisions of s. 286.011.

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

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

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

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

30 2. The executive director shall appoint one member
31 with expertise in hunting; fishing; nongame species

1 management; or wildlife habitat management, restoration, and
2 conservation.

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

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

20 5. The Charlotte County Board of County Commissioners
21 shall appoint one member who shall be a resident of the county
22 and who shall be active in an organization concerned with the
23 activities of the ranch.

24 6. The Lee County Board of County Commissioners shall
25 appoint one member who shall be a resident of the county and
26 who shall have experience in land conservation and management.
27 This appointee, or a successor appointee, shall serve as a
28 member of the board of directors so long as the county
29 participates in the state land management plan.

30
31

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

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

7 2. The remaining initial five appointees shall each
8 serve a 2-year term.

9 3. Each member appointed thereafter shall serve a
10 4-year term.

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

15 5. No member may serve more than 8 years in
16 consecutive terms.

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

21 (e) No member shall vote in an official capacity upon
22 any measure that would inure to his or her special private
23 gain or loss, that he or she knows would inure to the special
24 private gain or loss of any principal by whom he or she is
25 retained or to the parent organization or subsidiary of a
26 principal by which he or she is retained, or that he or she
27 knows would inure to the special private gain or loss of a
28 relative or business associate of the member. Such member
29 shall, prior to the vote being taken, publicly state the
30 nature of his or her interest in the matter from which he or
31 she is abstaining from voting and, no later than 15 days

1 following the date the vote occurs, shall disclose the nature
2 of his or her interest as a public record in a memorandum
3 filed with the person responsible for recording the minutes of
4 the meeting, who shall incorporate the memorandum in the
5 minutes of the meeting.

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

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

23 (8) ORGANIZATION; MEETINGS.--

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

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

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

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

14 (9) POWERS AND DUTIES.--

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

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

26 (c)1. Except for the constitutional powers of the
27 commission as provided in s. 9, Art. IV of the State
28 Constitution, the board of directors shall have all necessary
29 and proper powers for the exercise of the authority vested in
30 the corporation, including, but not limited to, the power to
31 solicit and accept donations of funds, property, supplies, or

1 services from individuals, foundations, corporations, and
2 other public or private entities for the purposes of this
3 section. All funds received by the corporation shall be
4 deposited into the operating fund authorized under this
5 section unless otherwise directed by the Legislature.

6 2. The board of directors may not increase the number
7 of its members.

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

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

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

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

29 7. The corporation may not merge with other
30 corporations or other business entities.

31

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

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

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

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

29 (d) The corporation shall have the sole and exclusive
30 right to use the words "Babcock Ranch, Inc.," and any seal,
31 emblem, or other insignia adopted by the members. Without the

1 express written authority of the corporation, no person may
2 use the words "Babcock Ranch, Inc.," as the name under which
3 that person conducts or purports to conduct business, for the
4 purpose of trade or advertisement, or in any manner that may
5 suggest any connection with the corporation.

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

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

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

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

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

29 (b) The board of directors shall provide for an annual
30 financial audit of the corporate accounts and records to be
31 conducted by an independent certified public accountant in

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

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

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

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

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

27 (f) All parties in contract with the corporation and
28 all holders of leases from the corporation which are
29 authorized to occupy, use, or develop properties under the
30 management jurisdiction of the corporation must procure proper
31 insurance as is reasonable or customary to insure against any

1 loss in connection with the properties or with activities
2 authorized in the leases or contracts.

3 (11) COMPREHENSIVE BUSINESS PLAN.--

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

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

22 (c) Not less than 2 years prior to the corporation's
23 assuming management and operation responsibilities for the
24 preserve, the corporation, with input from the commission and
25 the department, must begin developing the comprehensive
26 business plan to carry out the purposes of this section. To
27 the extent consistent with these purposes, the comprehensive
28 business plan shall provide for:

29 1. The management and operation of the preserve as a
30 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
4 recreational 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
19 to, labor and maintenance of facilities, for resources or
20 services 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 this state, shall provide the commission and the department
27 with the proprietary management plan and business plan in
28 place for the operation of the ranch as of November 22, 2005,
29 the date on which the board of trustees approved the purchase.

30 (12) MANAGEMENT OF PRESERVE; FEES.--
31

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

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

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

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

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

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

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

15 (13) MISCELLANEOUS PROVISIONS.--

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

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

30 (14) DISSOLUTION OF BABCOCK RANCH, INC.--
31

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

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

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

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

16
17 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
18 COMMITTEE SUBSTITUTE FOR
19 Senate Bill 2102

20 The committee substitutes reorganizes and restructures the
21 original bill, and better defines the powers and duties of
22 Babcock Ranch, Inc. The committee substitute provides that
23 the acquisition of the Babcock Crescent B Ranch is a
24 conservation acquisition under the Florida Forever program.
25 The role of and the interaction between the state's land
26 managing agencies and the not-for-profit corporation are
27 clarified with regard to the establishment of resource
28 protection values and the establishment of operational values
29 for the working ranch.

30 The committee substitute restructures the appointments process
31 for members of the Board of Directors of Babcock Ranch, Inc.
The Board of Trustees of the Internal Improvement Fund
appointments are reduced from five members to four members,
legislative appointments are deleted, the Commissioner of
Agriculture is authorized to appoint a board member with
expertise in agricultural operations or forestry management,
and Charlotte and Lee counties are each authorized to appoint
a board member.