

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

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

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,

11
12 Be It Enacted by the Legislature of the State of Florida:

13
14 Section 1. Section 259.1053, Florida Statutes, is
15 created to read:

16 259.1053 Babcock Ranch Preserve; Babcock Ranch, Inc.;
17 creation; membership; organization; meetings.--

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

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

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

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

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

30 (d) "Commission" means the Fish and Wildlife
31 Conservation Commission.

1 (e) "Commissioner" means the Commissioner of
2 Agriculture.

3 (f) "Department" means the Department of Agriculture
4 and Consumer Services.

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

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

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

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

23 (k) "Multiple use" means the management of all of the
24 renewable surface resources of the Babcock Ranch Preserve to
25 best meet the needs of the public, including the use of the
26 land for some or all of the renewable surface resources or
27 related services over areas large enough to allow for periodic
28 adjustments in use to conform to the changing needs and
29 conditions of the preserve while recognizing that a portion of
30 the land will be used for some of the renewable surface
31 resources available on that land. The goal of multiple use is

1 the harmonious and coordinated management of the renewable
2 surface resources without impairing the productivity of the
3 land and considering the relative value of the renewable
4 surface resources, and not necessarily a combination of uses
5 to provide the greatest monetary return or the greatest unit
6 output.

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

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

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

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

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

30 (d) Babcock Ranch, Inc., and its officers and
31 employees shall participate in the management of the Babcock

1 Ranch Preserve in an advisory capacity only until the
2 management agreement referenced in paragraph (10)(a) is
3 terminated or expires.

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

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

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

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

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 (j) The Division of State Lands of the Department of
12 Environmental Protection shall perform staff duties and
13 functions for Babcock Ranch, Inc., the not-for-profit
14 corporation created under this section, until such time as the
15 corporation organizes to elect officers, file articles of
16 incorporation, and exercise its powers and duties.

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

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

28 (b) The corporation is organized on a nonstock basis
29 and shall operate in a manner consistent with its public
30 purpose and in the best interest of the state.
31

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

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

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

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

25 (a)1. The Board of Trustees of the Internal
26 Improvement Trust Fund shall appoint four members. No
27 appointee shall be an employee of any governmental entity. One
28 appointee shall have expertise in domesticated livestock
29 management, production, and marketing, including range
30 management and livestock business management. One appointee
31 shall have expertise in the management of game and nongame

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

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

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

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

28 5. The Charlotte County Board of County Commissioners
29 shall appoint one member who shall be a resident of the county
30 and who shall be active in an organization concerned with the
31 activities of the ranch.

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

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

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

13 2. The remaining initial five appointees shall each
14 serve a 2-year term.

15 3. Each member appointed thereafter shall serve a
16 4-year term.

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

21 5. No member may serve more than 8 years in
22 consecutive terms.

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

27 (e) No member shall vote in an official capacity upon
28 any measure that would inure to his or her special private
29 gain or loss, that he or she knows would inure to the special
30 private gain or loss of any principal by whom he or she is
31 retained or to the parent organization or subsidiary of a

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

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

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

29 (8) ORGANIZATION; MEETINGS.--

30 (a)1. The board of directors shall annually elect a
31 chairperson and a vice chairperson from among the board's

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

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

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

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

20 (9) POWERS AND DUTIES.--

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

26 (b) The board of directors shall review and approve
27 any management plan developed pursuant to ss. 253.034 and
28 259.032 for the management of lands in the preserve prior to
29 the submission of that plan to the Board of Trustees of the
30 Internal Improvement Trust Fund for approval and
31 implementation.

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

12 2. The board of directors may not increase the number
13 of its members.

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

20 4. The corporation may not sell, convey, mortgage,
21 pledge, lease, exchange, transfer, or otherwise dispose of any
22 real property.

23 5. The corporation may not purchase, take, receive,
24 subscribe for, or otherwise acquire, own, hold, vote, use,
25 employ, sell, mortgage, lend, pledge, or otherwise dispose of
26 or otherwise use and deal in and with, shares and other
27 interests in, or obligations of, other domestic or foreign
28 corporations, whether for profit or not for profit,
29 associations, partnerships, or individuals, or direct or
30 indirect obligations of the United States, or any other
31

1 government, state, territory, government district,
2 municipality, or any instrumentality thereof.

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

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

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

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

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

30 (c) The members may, with the written approval of the
31 commission and in consultation with the department, designate

1 hunting, fishing, and trapping zones and may establish
2 additional periods when no hunting, fishing, or trapping shall
3 be permitted for reasons of public safety, administration, and
4 the protection and enhancement of nongame habitat and nongame
5 species, as defined under s. 372.001.

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

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

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

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

28 (10) OPERATING FUND, ANNUAL BUDGET, AUDIT, REPORTING
29 REQUIREMENTS.--

30 (a) The board of directors may establish and manage an
31 operating fund to address the corporation's unique cash-flow

1 needs and to facilitate the management and operation of the
2 preserve as a working ranch.

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

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

29 (d) The board of directors shall prepare an annual
30 budget with the goal of achieving a financially
31 self-sustaining operation within 15 full fiscal years after

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

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

31

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

8 (11) COMPREHENSIVE BUSINESS PLAN.--

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

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

27 (c) Not less than 2 years prior to the corporation's
28 assuming management and operation responsibilities for the
29 preserve, the corporation, with input from the commission and
30 the department, must begin developing the comprehensive
31 business plan to carry out the purposes of this section. To

1 the extent consistent with these purposes, the comprehensive
2 business plan shall provide for:

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

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

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

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

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

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

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

1 place for the operation of the ranch as of November 22, 2005,
2 the date on which the board of trustees approved the purchase.

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

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

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

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

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

29 3. Negotiate directly with and enter into such
30 agreements, leases, contracts, and other arrangements with any
31 person, firm, association, organization, corporation, or

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

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

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

18 (13) MISCELLANEOUS PROVISIONS.--

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

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

1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 CS for SB 2102
4 Directs staff from the Division of State Lands in the
5 Department of Environmental Protection (DEP) to support the
6 duties and functions of the Babcock Ranch Preserve.
7 Appropriates \$50,000 from the Conservation and Recreation
8 Lands Trust Fund to DEP for the operation and management of
9 the Babcock Ranch Preserve.
10 Clarifies the provisions of the Babcock Ranch, Inc., for
11 improving, using, or otherwise dealing in and with real
12 property.
13 Eliminates the requirement that the corporation cannot
14 accumulate a cash balance of more than 25 percent of annual
15 expenditures in the corporate operating account.
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