



589372

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/04/2013	.	
	.	
	.	
	.	

Appropriations Subcommittee on General Government (Dean)
recommended the following:

Senate Amendment (with title amendment)

Between lines 180 and 181
insert:

Section 2. Subsections (3), (4), and (5) of section
259.1052, Florida Statutes, are amended to read:

259.1052 Babcock Crescent B Ranch Florida Forever
acquisition; conditions for purchase.-

(3) The Legislature recognizes that the acquisition of the
state's portion of the Babcock Crescent B Ranch represents a
unique opportunity to assist in preserving the largest private
and undeveloped single-ownership tract of land in Charlotte



589372

13 County. The Legislature further recognizes Lee County as a
14 partner in the acquisition of the ranch. Upon the termination or
15 expiration of the management agreement, Lee County will retain
16 ownership and assume responsibility for management of the Lee
17 County portion of the acquisition. Lee County and the lead
18 manager may enter into an agreement for management of the Lee
19 County property.

20 (4) This section authorizes the acquisition of the state's
21 portion of the Babcock Crescent B Ranch in order to protect and
22 preserve for future generations the scientific, scenic,
23 historic, and natural values of the ranch, including rivers and
24 ecosystems; to protect and preserve the archaeological,
25 geological, and cultural resources of the ranch; to provide for
26 species recovery; and to provide opportunities for public
27 recreation compatible with the working ranch and agricultural
28 activities conducted on the property.

29 (5) The Florida Forest Service of Fish and Wildlife
30 Conservation Commission and the Department of Agriculture and
31 Consumer Services shall, with the cooperation of the Fish and
32 Wildlife Conservation Commission, be the lead managing agency
33 ~~agencies~~ responsible for the management of Babcock Crescent B
34 Ranch.

35 Section 3. Section 259.10521, Florida Statutes, is
36 repealed.

37 Section 4. Section 259.1053, Florida Statutes, is amended
38 to read:

39 259.1053 Babcock Ranch Preserve; ~~Babcock Ranch, Inc.;~~
40 ~~creation; membership; organization; meetings.-~~

41 (1) SHORT TITLE.—This section may be cited as the "Babcock



589372

42 Ranch Preserve Act."

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

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

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

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

52 (b) ~~(d)~~ "Commission" means the Fish and Wildlife
53 Conservation Commission.

54 (c) ~~(e)~~ "Commissioner" means the Commissioner of
55 Agriculture.

56 (d) ~~(f)~~ "Department" means the Department of Agriculture and
57 Consumer Services.

58 (e) ~~(g)~~ "Executive director" means the Executive Director of
59 the Fish and Wildlife Conservation Commission.

60 (f) ~~(h)~~ "Financially self-sustaining" means having
61 management and operation expenditures not more than the revenues
62 collected from fees and other receipts for resource use and
63 development and from interest and invested funds.

64 (g) "Florida Forest Service" means the Florida Forest
65 Service of the Department of Agriculture and Consumer Services.

66 ~~(i) "Management and operating expenditures" means expenses~~
67 ~~of the corporation, including, but not limited to, salaries and~~
68 ~~benefits of officers and staff, administrative and operating~~
69 ~~expenses, costs of improvements to and maintenance of lands and~~
70 ~~facilities of the Babcock Ranch Preserve, and other similar~~



589372

71 ~~expenses. Such expenditures shall be made from revenues~~
72 ~~generated from the operation of the ranch and not from funds~~
73 ~~appropriated by the Legislature except as provided in this~~
74 ~~section.~~

75 ~~(j) "Member" means a person appointed to the board of~~
76 ~~directors of the not-for-profit corporation created under this~~
77 ~~section.~~

78 ~~(h)~~ ~~(k)~~ "Multiple use" means the management of all of the
79 renewable surface resources of the Babcock Ranch Preserve to
80 best meet the needs of the public, including the use of the land
81 for some or all of the renewable surface resources or related
82 services over areas large enough to allow for periodic
83 adjustments in use to conform to the changing needs and
84 conditions of the preserve while recognizing that a portion of
85 the land will be used for some of the renewable surface
86 resources available on that land. The goal of multiple use is
87 the harmonious and coordinated management of the renewable
88 surface resources without impairing the productivity of the land
89 and considering the relative value of the renewable surface
90 resources, and not necessarily a combination of uses to provide
91 the greatest monetary return or the greatest unit output.

92 ~~(i)~~ ~~(l)~~ "Sustained yield of the renewable surface resources"
93 means the achievement and maintenance of a high level of annual
94 or regular periodic output of the various renewable surface
95 resources of the preserve without impairing the productivity of
96 the land.

97 (3) CREATION OF BABCOCK RANCH PRESERVE.—

98 (a) Upon the date of acquisition of the Babcock Crescent B
99 Ranch, there is created the Babcock Ranch Preserve, which shall



589372

100 be managed in accordance with the purposes and requirements of
101 this section.

102 (b) The preserve is established to protect and preserve the
103 environmental, agricultural, scientific, scenic, geologic,
104 watershed, fish, wildlife, historic, cultural, and recreational
105 values of the preserve, and to provide for the multiple use and
106 sustained yield of the renewable surface resources within the
107 preserve consistent with this section.

108 (c) The Legislature recognizes that the Babcock Crescent B
109 Ranch will need a variety of facilities to enhance its public
110 use and potential. The need for such facilities may exceed the
111 ability of the state to provide such facilities in a timely
112 manner with funds available. The Legislature finds it to be in
113 the public interest to provide incentives for partnerships with
114 public or private organizations with the intent of producing
115 additional revenue to help enhance the use and potential of the
116 ranch Babcock Ranch, Inc., and its officers and employees shall
117 participate in the management of the Babcock Ranch Preserve in
118 an advisory capacity only until the management agreement
119 referenced in paragraph (11)(a) is terminated or expires.

120 (d) ~~Nothing in This section does not shall~~ preclude Babcock
121 Ranch, Inc., ~~prior to assuming management and operation of the~~
122 ~~preserve and thereafter, from allowing~~ the use of common
123 varieties of mineral materials such as sand, stone, and gravel
124 for construction and maintenance of roads and facilities within
125 the preserve.

126 (e) ~~Nothing in This section does not affect shall be~~
127 ~~construed as affecting~~ the constitutional responsibilities of
128 the commission in the exercise of its regulatory and executive



589372

129 power with respect to wild animal life and freshwater aquatic
130 life, including the regulation of hunting, fishing, and trapping
131 within the preserve.

132 (f) ~~Nothing in~~ This section does not ~~shall be construed to~~
133 interfere with or prevent the implementation of ~~ability of~~
134 ~~Babcock Ranch, Inc., to implement~~ agricultural practices
135 authorized by the agricultural land use designations established
136 in the local comprehensive plans of either Charlotte County or
137 Lee County as those plans apply to the Babcock Ranch Preserve.

138 (g) ~~To clarify the responsibilities of the lead managing~~
139 ~~agencies and the not-for-profit corporation created under this~~
140 ~~section, the lead managing agencies are directed to establish a~~
141 ~~range of resource protection values for the Babcock Ranch~~
142 ~~Preserve, and the corporation shall establish operational~~
143 ~~parameters to conduct the business of the ranch within the range~~
144 ~~of values. The corporation shall establish a range of~~
145 ~~operational values for conducting the business of the ranch, and~~
146 ~~the lead managing agencies providing ground support to the ranch~~
147 ~~outside of each agency's jurisdictional responsibilities shall~~
148 ~~establish management parameters within that range of values.~~

149 (g) ~~(h)~~ ~~Nothing in~~ This section does not ~~shall~~ preclude the
150 maintenance and use of roads and trails or the relocation of
151 roads in existence on the effective date of this section, or the
152 construction, maintenance, and use of new trails, or any
153 motorized access necessary for the administration of the land
154 contained within the preserve, including motorized access
155 necessary for emergencies involving the health or safety of
156 persons within the preserve.

157 (i) ~~The Division of State Lands of the Department of~~



589372

158 ~~Environmental Protection shall perform staff duties and~~
159 ~~functions for Babcock Ranch, Inc., the not-for-profit~~
160 ~~corporation created under this section, until such time as the~~
161 ~~corporation organizes to elect officers, file articles of~~
162 ~~incorporation, and exercise its powers and duties.~~

163 (4) ~~CREATION OF BABCOCK RANCH ADVISORY GROUP, INC.—~~

164 (a) The purpose of the Babcock Ranch Advisory Group is to
165 assist the department by providing guidance and advice
166 concerning the management and stewardship of the Babcock Ranch
167 Preserve.

168 (b) The Babcock Ranch Advisory Group shall be comprised of
169 nine members appointed to 5-year terms by the commissioner as
170 follows:

171 1. One member with experience in sustainable management of
172 forest lands for commodity purposes.

173 2. One member with experience in financial management,
174 budget and program analysis, and small business operations.

175 3. One member with experience in the management of game and
176 nongame wildlife and fish populations, including hunting,
177 fishing, and other recreational activities.

178 4. One member with experience in domesticated livestock
179 management, production, and marketing, including range
180 management and livestock business management.

181 5. One member with experience in agriculture operations or
182 forestry management.

183 6. One member with experience in hunting, fishing, nongame
184 species management, or wildlife habitat management, restoration,
185 and conservation.

186 7. One member who is a private landowner.



589372

187 8. One member who is a resident of Lee County with
188 experience in land conservation and management.

189 9. One member who is a resident of Charlotte County and
190 active in an organization involved with the activities of the
191 ranch.

192
193 Vacancies will be filled in the same manner that the original
194 appointment was made. A member appointed to fill a vacancy shall
195 serve for the remainder of that term.

196 (c) Members of the Babcock Ranch Advisory Group shall:

197 1. Elect a chair and vice chair from among the group
198 members.

199 2. Meet regularly as determined by the director of the
200 Florida Forest Service.

201 3. Serve without compensation or reimbursement for travel
202 and per diem expenses.

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

212 ~~(b) The corporation is organized on a nonstock basis and~~
213 ~~shall operate in a manner consistent with its public purpose and~~
214 ~~in the best interest of the state.~~

215 ~~(c) Meetings and records of the corporation, its directors,~~



589372

216 ~~advisory committees, or similar groups created by the~~
217 ~~corporation, including any not-for-profit subsidiaries, are~~
218 ~~subject to the public records provisions of chapter 119 and the~~
219 ~~public meetings and records provisions of s. 286.011.~~

220 ~~(5) APPLICABILITY OF SECTION.—In any conflict between a~~
221 ~~provision of this section and a provision of chapter 617, the~~
222 ~~provisions of this section shall prevail.~~

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

230 ~~(7) BOARD; MEMBERSHIP; REMOVAL; LIABILITY.—The corporation~~
231 ~~shall be governed by a nine-member board of directors who shall~~
232 ~~be appointed by the Board of Trustees of the Internal~~
233 ~~Improvement Trust Fund; the executive director of the~~
234 ~~commission; the Commissioner of Agriculture; the Babcock Florida~~
235 ~~Company, a corporation registered to do business in the state,~~
236 ~~or its successors or assigns; the Charlotte County Board of~~
237 ~~County Commissioners; and the Lee County Board of County~~
238 ~~Commissioners in the following manner:~~

239 ~~(a)1. The Board of Trustees of the Internal Improvement~~
240 ~~Trust Fund shall appoint four members. One appointee shall have~~
241 ~~expertise in domesticated livestock management, production, and~~
242 ~~marketing, including range management and livestock business~~
243 ~~management. One appointee shall have expertise in the management~~
244 ~~of game and nongame wildlife and fish populations, including~~



589372

245 ~~hunting, fishing, and other recreational activities. One~~
246 ~~appointee shall have expertise in the sustainable management of~~
247 ~~forest lands for commodity purposes. One appointee shall have~~
248 ~~expertise in financial management, budget and program analysis,~~
249 ~~and small business operations.~~

250 ~~2. The executive director shall appoint one member with~~
251 ~~expertise in hunting; fishing; nongame species management; or~~
252 ~~wildlife habitat management, restoration, and conservation.~~

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

255 ~~4. The Babcock Florida Company, or its successors or~~
256 ~~assigns, shall appoint one member with expertise in the~~
257 ~~activities and management of the Babcock Ranch on the date of~~
258 ~~acquisition of the ranch by the state as provided under s.~~
259 ~~259.1052. This appointee shall serve on the board of directors~~
260 ~~only until the termination of or expiration of the management~~
261 ~~agreement attached as Exhibit "E" to that certain Agreement for~~
262 ~~Sale and Purchase approved by the Board of Trustees of the~~
263 ~~Internal Improvement Trust Fund on November 22, 2005, and by Lee~~
264 ~~County, a political subdivision of the state, on November 20,~~
265 ~~2005. Upon termination of or expiration of the management~~
266 ~~agreement, the person serving as the head of the property~~
267 ~~owners' association, if any, required to be created under the~~
268 ~~agreement for sale and purchase shall serve as a member of the~~
269 ~~board of directors of Babcock Ranch, Inc.~~

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



589372

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

280 ~~(b) All members of the board of directors shall be~~
281 ~~appointed no later than 90 days following the initial~~
282 ~~acquisition of the Babcock Ranch by the state, and:~~

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

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

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

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

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

295 ~~(c) With the exception of the Babcock Florida Company~~
296 ~~appointee, no member may be an officer, director, or shareholder~~
297 ~~in any entity that contracts with or receives funds from the~~
298 ~~corporation or its subsidiaries.~~

299 ~~(d) No member shall vote in an official capacity upon any~~
300 ~~measure that would inure to his or her special private gain or~~
301 ~~loss, that he or she knows would inure to the special private~~
302 ~~gain or loss of any principal by whom he or she is retained or~~



589372

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

314 ~~(e) Each member of the board of directors is accountable~~
315 ~~for the proper performance of the duties of office, and each~~
316 ~~member owes a fiduciary duty to the people of the state to~~
317 ~~ensure that funds provided in furtherance of this section are~~
318 ~~disbursed and used as prescribed by law and contract. Any~~
319 ~~official appointing a member may remove that member for~~
320 ~~malfeasance, misfeasance, neglect of duty, incompetence,~~
321 ~~permanent inability to perform official duties, unexcused~~
322 ~~absence from three consecutive meetings of the board, arrest or~~
323 ~~indictment for a crime that is a felony or misdemeanor involving~~
324 ~~theft or a crime of dishonesty, or pleading nolo contendere to,~~
325 ~~or being found guilty of, any crime.~~

326 ~~(f) Each member of the board of directors shall serve~~
327 ~~without compensation, but shall receive travel and per diem~~
328 ~~expenses as provided in s. 112.061 while in the performance of~~
329 ~~his or her duties.~~

330 ~~(g) No appointee shall be an employee of any governmental~~
331 ~~entity.~~



589372

332 ~~(8) ORGANIZATION; MEETINGS.—~~

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

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

346 ~~(b)1. The board of directors shall meet upon the call of~~
347 ~~the chairperson at least 3 times per year in Charlotte County or~~
348 ~~in Lee County.~~

349 ~~2. A majority of the members of the board of directors~~
350 ~~constitutes a quorum. Except as otherwise provided in this~~
351 ~~section, the board of directors may take official action by a~~
352 ~~majority of the members present at any meeting at which a quorum~~
353 ~~is present. Members may not vote by proxy.~~

354 ~~(9) POWERS AND DUTIES.—~~

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

360 ~~(b) The board of directors shall review and approve any~~



589372

361 ~~management plan developed pursuant to ss. 253.034 and 259.032~~
362 ~~for the management of lands in the preserve prior to the~~
363 ~~submission of that plan to the Board of Trustees of the Internal~~
364 ~~Improvement Trust Fund for approval and implementation.~~

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

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

378 ~~3. Except as necessary to manage and operate the preserve~~
379 ~~as a working ranch, the corporation may not purchase, take,~~
380 ~~receive, lease, take by gift, devise, or bequest, or otherwise~~
381 ~~acquire, own, hold, improve, use, or otherwise deal in and with~~
382 ~~real property, or any interest therein, wherever situated.~~

383 ~~4. The corporation may not sell, convey, mortgage, pledge,~~
384 ~~lease, exchange, transfer, or otherwise dispose of any real~~
385 ~~property.~~

386 ~~5. The corporation may not purchase, take, receive,~~
387 ~~subscribe for, or otherwise acquire, own, hold, vote, use,~~
388 ~~employ, sell, mortgage, lend, pledge, or otherwise dispose of or~~
389 ~~otherwise use and deal in and with, shares and other interests~~



589372

390 ~~in, or obligations of, other domestic or foreign corporations,~~
391 ~~whether for profit or not for profit, associations,~~
392 ~~partnerships, or individuals, or direct or indirect obligations~~
393 ~~of the United States, or any other government, state, territory,~~
394 ~~government district, municipality, or any instrumentality~~
395 ~~thereof.~~

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

400 ~~7. The corporation may not merge with other corporations or~~
401 ~~other business entities.~~

402 ~~8. The corporation may not enter into any contract, lease,~~
403 ~~or other agreement related to the use of ground or surface~~
404 ~~waters located in, on, or through the preserve without the~~
405 ~~consent of the Board of Trustees of the Internal Improvement~~
406 ~~Trust Fund and permits that may be required by the Department of~~
407 ~~Environmental Protection or the appropriate water management~~
408 ~~district under chapters 373 and 403.~~

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

418 ~~10. The corporation may not enter into any contract, lease,~~



589372

419 ~~or other agreement related to the use and occupancy of the~~
420 ~~property within the preserve for a period greater than 10 years.~~

421 ~~(d) The members may, with the written approval of the~~
422 ~~commission and in consultation with the department, designate~~
423 ~~hunting, fishing, and trapping zones and may establish~~
424 ~~additional periods when no hunting, fishing, or trapping shall~~
425 ~~be permitted for reasons of public safety, administration, and~~
426 ~~the protection and enhancement of nongame habitat and nongame~~
427 ~~species, as defined under s. 379.101.~~

428 ~~(e) The corporation shall have the sole and exclusive right~~
429 ~~to use the words "Babcock Ranch, Inc.," and any seal, emblem, or~~
430 ~~other insignia adopted by the members. Without the express~~
431 ~~written authority of the corporation, no person may use the~~
432 ~~words "Babcock Ranch, Inc.," as the name under which that person~~
433 ~~conducts or purports to conduct business, for the purpose of~~
434 ~~trade or advertisement, or in any manner that may suggest any~~
435 ~~connection with the corporation.~~

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

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

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



589372

448 ~~marital status.~~

449 ~~(10) OPERATING FUND, ANNUAL BUDGET, AUDIT, REPORTING~~
450 ~~REQUIREMENTS.—~~

451 ~~(a) The board of directors may establish and manage an~~
452 ~~operating fund to address the corporation's unique cash-flow~~
453 ~~needs and to facilitate the management and operation of the~~
454 ~~preserve as a working ranch.~~

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

470 ~~(c) Not later than January 15 of each year, Babcock Ranch,~~
471 ~~Inc., shall submit to the Board of Trustees of the Internal~~
472 ~~Improvement Trust Fund, the President of the Senate, the Speaker~~
473 ~~of the House of Representatives, the department, and the~~
474 ~~commission a comprehensive and detailed report of its~~
475 ~~operations, activities, and accomplishments for the prior year,~~
476 ~~including information on the status of the ecological, cultural,~~



589372

477 ~~and financial resources being managed by the corporation, and~~
478 ~~benefits provided by the preserve to local communities. The~~
479 ~~report shall also include a section describing the corporation's~~
480 ~~goals for the current year.~~

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

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



589372

506 ~~be subject to distribution by the state. Upon assuming~~
507 ~~management responsibilities for the preserve, the corporation~~
508 ~~shall optimize the generation of income based on existing~~
509 ~~marketing conditions to the extent that activities do not~~
510 ~~unreasonably diminish the long-term environmental, agricultural,~~
511 ~~scenic, and natural values of the preserve, or the multiple-use~~
512 ~~and sustained yield capability of the land.~~

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

520 ~~(11) COMPREHENSIVE BUSINESS PLAN.—~~

521 ~~(a) A comprehensive business plan for the management and~~
522 ~~operation of the preserve as a working ranch and amendments to~~
523 ~~the business plan may be developed only with input from the~~
524 ~~department and the commission, and may be implemented by Babcock~~
525 ~~Ranch, Inc., only upon expiration of the management agreement~~
526 ~~attached as Exhibit "E" to that certain agreement for sale and~~
527 ~~purchase approved by the Board of Trustees of the Internal~~
528 ~~Improvement Trust Fund on November 22, 2005, and by Lee County~~
529 ~~on November 20, 2005.~~

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



589372

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

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

546 ~~1. The management and operation of the preserve as a~~
547 ~~working ranch;~~

548 ~~2. The protection and preservation of the environmental,~~
549 ~~agricultural, scientific, scenic, geologic, watershed, fish,~~
550 ~~wildlife, historic, cultural, and recreational values of the~~
551 ~~preserve;~~

552 ~~3. The promotion of high-quality hunting experiences for~~
553 ~~the public, with emphasis on deer, turkey, and other game~~
554 ~~species;~~

555 ~~4. Multiple use and sustained yield of renewable surface~~
556 ~~resources within the preserve;~~

557 ~~5. Public use of and access to the preserve for recreation;~~
558 ~~and~~

559 ~~6. The use of renewable resources and management~~
560 ~~alternatives that, to the extent practicable, benefit local~~
561 ~~communities and small businesses and enhance the coordination of~~
562 ~~management objectives with those on surrounding public or~~
563 ~~private lands. The use of renewable resources and management~~



589372

564 ~~alternatives should provide cost savings to the corporation~~
565 ~~through the exchange of services, including, but not limited to,~~
566 ~~labor and maintenance of facilities, for resources or services~~
567 ~~provided to the corporation.~~

568 ~~(d) On or before the date on which title to the portion of~~
569 ~~the Babcock Crescent B Ranch being purchased by the state as~~
570 ~~provided in s. 259.1052 is vested in the Board of Trustees of~~
571 ~~the Internal Improvement Trust Fund, Babcock Ranch Management,~~
572 ~~LLC, a limited liability company incorporated in this state,~~
573 ~~shall provide the commission and the department with the~~
574 ~~management plan and business plan in place for the operation of~~
575 ~~the ranch as of November 22, 2005, the date on which the board~~
576 ~~of trustees approved the purchase.~~

577 ~~(5) (12) MANAGEMENT OF PRESERVE; FEES.-~~

578 (a) The department ~~corporation~~ shall assume all authority
579 provided by this section to manage and operate the preserve as a
580 working ranch upon the termination or expiration of the
581 management agreement attached as Exhibit "E" to that certain
582 Agreement for Sale and Purchase approved by the Board of
583 Trustees of the Internal Improvement Trust Fund on November 22,
584 2005, and by Lee County on November 20, 2005 ~~a determination by~~
585 ~~the Board of Trustees of the Internal Improvement Trust Fund~~
586 ~~that the corporation is able to conduct business, and that~~
587 ~~provision has been made for essential services on the preserve,~~
588 ~~which, to the maximum extent practicable, shall be made no later~~
589 ~~than 60 days prior to the termination of the management~~
590 ~~agreement referenced in paragraph (11)(a).~~

591 (b) Upon assuming management and operation of the preserve,
592 the department ~~corporation~~ shall:



589372

593 1. ~~With input from the commission and the department,~~
594 Manage and operate the preserve and the uses thereof, including,
595 but not limited to, the activities necessary to administer and
596 operate the preserve as a working ranch; the activities
597 necessary for the preservation and development of the land and
598 renewable surface resources of the preserve; the activities
599 necessary for interpretation of the history of the preserve on
600 behalf of the public; the activities necessary for the
601 management, public use, and occupancy of facilities and lands
602 within the preserve; and the maintenance, rehabilitation,
603 repair, and improvement of property within the preserve.†

604 2. Develop programs and activities relating to the
605 management of the preserve as a working ranch.†

606 ~~3. Negotiate directly with and enter into such agreements,~~
607 ~~leases, contracts, and other arrangements with any person, firm,~~
608 ~~association, organization, corporation, or governmental entity,~~
609 ~~including entities of federal, state, and local governments, as~~
610 ~~are necessary and appropriate to carry out the purposes and~~
611 ~~activities authorized by this section;~~

612 ~~3.4.~~ Establish procedures for entering into lease
613 agreements and other agreements for the use and occupancy of the
614 facilities of the preserve. The procedures shall ensure
615 reasonable competition and set guidelines for determining
616 reasonable fees, terms, and conditions for such agreements.†; ~~and~~

617 ~~4.5.~~ Assess reasonable fees for admission to, use of, and
618 occupancy of the preserve to offset costs of operating the
619 preserve as a working ranch. These fees are independent of fees
620 assessed by the commission for the privilege of hunting,
621 fishing, or pursuing outdoor recreational activities within the



589372

622 preserve, and shall be deposited into the Incidental Trust Fund
623 of the Florida Forest Service, subject to appropriation by the
624 Legislature operating fund established by the board of directors
625 under the authority provided under this section.

626 (c) The commission, in cooperation with the department,
627 shall:

628 1. Establish and implement public hunting and other fish
629 and wildlife management activities. Tier I and Tier II public
630 hunting opportunities shall be provided consistent with the
631 management plan and the recreation master plan.

632 a. Tier I public hunting shall provide hunting
633 opportunities similar to those offered on wildlife management
634 areas with an emphasis on youth and family-oriented hunts.

635 b. Tier II public hunting shall be provided specifically by
636 fee-based permitting to ensure compatibility with livestock
637 grazing and other essential agricultural operations on the
638 preserve.

639 2. Establish and administer permit fees for Tier II public
640 hunting to capitalize on the value of hunting on portions of the
641 preserve and to help ensure that the preserve is financially
642 self-sufficient. The fees shall be deposited into the State Game
643 Trust Fund of the Fish and Wildlife Conservation Commission to
644 be used to offset the costs of providing public hunting and to
645 support fish and wildlife management and other land management
646 activities on the preserve.

647 (d) The Board of Trustees of the Internal Improvement Trust
648 Fund or its designated agent may:

649 1. Negotiate directly with, and enter into such agreements,
650 leases, contracts, and other arrangements with, any person,



589372

651 firm, association, organization, corporation, or governmental
652 entity, including entities of federal, state, and local
653 governments, as are necessary and appropriate to carry out the
654 purposes and activities authorized by this section.

655 2. Grant privileges, leases, concessions, and permits for
656 the use of land for the accommodation of visitors to the
657 preserve; however, natural curiosities or objects of interest
658 may not be granted, leased, or rented on terms that deny or
659 interfere with free access to them by the public. Such grants,
660 leases, and permits may be made and given without advertisement
661 or securing competitive bids. Such grants, leases, or permits
662 may not be assigned or transferred by any grantee without
663 consent of the Board of Trustees of the Internal Improvement
664 Trust Fund or its designated agent.

665 ~~(13) MISCELLANEOUS PROVISIONS.—~~

666 ~~(a) Except for the powers of the commissioner provided in~~
667 ~~this section, and the powers of the commission provided in s. 9,~~
668 ~~Art. IV of the State Constitution, the preserve shall be managed~~
669 ~~by Babcock Ranch, Inc.~~

670 ~~(b) Officers and employees of Babcock Ranch, Inc., are~~
671 ~~private employees. At the request of the board of directors, the~~
672 ~~commission and the department may provide state employees for~~
673 ~~the purpose of implementing this section. Any state employees~~
674 ~~provided to assist the directors in implementing this section~~
675 ~~for more than 30 days shall be provided on a reimbursable basis.~~
676 ~~Reimbursement to the commission and the department shall be made~~
677 ~~from the corporation's operating fund provided under this~~
678 ~~section and not from any funds appropriated to the corporation~~
679 ~~by the Legislature.~~



589372

680 ~~(6) (14) DISSOLUTION OF BABCOCK RANCH ADVISORY GROUP, INC.-~~

681 ~~(a) The corporation may be dissolved only by an act of the~~
682 ~~Legislature.~~

683 ~~(b) Upon dissolution of the corporation, the management~~
684 ~~responsibilities provided in this section shall revert to the~~
685 ~~commission and the department unless otherwise provided by the~~
686 ~~Legislature under the act dissolving Babcock Ranch, Inc.~~

687 ~~(c) The Babcock Ranch Advisory Group shall terminate on~~
688 ~~June 30, 2018. Upon dissolution of the Babcock Ranch Advisory~~
689 ~~Group corporation, any cash balances of funds shall revert to~~
690 ~~the Incidental Trust Fund of the Florida Forest Service General~~
691 ~~Revenue Fund or such other state fund as may be provided under~~
692 ~~the act dissolving Babcock Ranch, Inc.~~

693
694 ===== T I T L E A M E N D M E N T =====

695 And the title is amended as follows:

696 Between lines 6 and 7

697 insert:

698 259.1052, F.S.; providing for Lee County to retain
699 ownership and assume responsibility for management of
700 a specified portion of the Babcock Crescent B Ranch
701 Florida Forever acquisition; requiring certain
702 activities on the property to be compatible with
703 working ranch and agricultural activities;
704 establishing the Department of Agriculture and
705 Consumer Services as the lead agency responsible for
706 managing the Babcock Crescent B Ranch; repealing s.
707 259.10521, F.S., relating to the citizen support
708 organization for the Babcock Crescent B Ranch and use



589372

709 of the ranch property; amending s. 259.1053, F.S.;

710 deleting and revising provisions of the Babcock

711 Preserve Ranch Act to conform to the termination or

712 expiration of the management agreement and the

713 dissolution of Babcock Ranch, Inc.; revising

714 definitions; providing legislative findings; creating

715 the Babcock Ranch Advisory Group; providing for the

716 department to manage and operate the preserve;

717 requiring certain fees to be deposited into the

718 Incidental Trust Fund of the Florida Forest Service of

719 the Department of Agriculture and Consumer Services,

720 subject to appropriation; directing the Fish and

721 Wildlife Conservation Commission, in cooperation with

722 the department, to establish, implement, and

723 administer certain activities and fees; requiring such

724 fees to be deposited into the State Game Trust Fund of

725 the Fish and Wildlife Conservation Commission and used

726 for specified purposes; authorizing the Board of

727 Trustees of the Internal Improvement Trust Fund to

728 negotiate and enter into certain agreements and grant

729 certain privileges, leases, concessions, and permits;

730 providing for certain funds to revert to the

731 Incidental Trust Fund of the Florida Forest Service

732 upon dissolution of the Babcock Ranch Advisory Group;

733 amending s.