

Amendment No.

CHAMBER ACTION

Senate

House

.

Representative Caldwell offered the following:

Amendment (with title amendment)

Between lines 190 and 191, 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 County. The Legislature further recognizes Lee County as a partner in the acquisition of the ranch. Upon the termination or expiration of the management agreement, Lee County will retain ownership and assume responsibility for management of the Lee

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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 ~~Fish and Wildlife Conservation Commission and the~~
30 Department of Agriculture and Consumer Services shall, with the
31 cooperation of the Fish and Wildlife Conservation Commission, be
32 the lead managing agency ~~agencies~~ responsible for the management
33 of Babcock Crescent B Ranch.

34 Section 3. Section 259.10521, Florida Statutes, is amended
35 to read:

36 259.10521 Citizen support organization; use of property.-

37 (1) DEFINITIONS.—For the purpose of this section, the
38 "citizen support organization" means an organization that is:

39 (a) A Florida corporation not for profit incorporated
40 under the provisions of chapter 617 and approved by the
41 Department of State;

42 (b) Organized and operated to conduct programs and
43 activities in the best interest of the state; raise funds;
44 request and receive grants, gifts, and bequests of money;

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45 acquire, receive, hold, invest, and administer, in its own name,
46 securities, funds, objects of value, or other property, real or
47 personal; and make expenditures to or for the direct or indirect
48 benefit of the Babcock ~~Crescent B~~ Ranch Preserve;

49 (c) Determined by the Fish and Wildlife Conservation
50 Commission and the Florida Forest Service within the Department
51 of Agriculture and Consumer Services to be consistent with the
52 goals of the state in acquiring the ranch and in the best
53 interests of the state; and

54 (d) Approved in writing by the Fish and Wildlife
55 Conservation Commission and the Florida Forest Service to
56 operate for the direct or indirect benefit of the ranch and in
57 the best interest of the state. Such approval shall be given in
58 a letter of agreement from the Fish and Wildlife Conservation
59 Commission and the Florida Forest Service. Only one citizen
60 support organization may be created to operate for the direct or
61 indirect benefit of the Babcock ~~Crescent B~~ Ranch Preserve.

62 (2) USE OF PROPERTY.—

63 (a) The Fish and Wildlife Conservation Commission and the
64 Florida Forest Service may permit, without charge, appropriate
65 use of fixed property and facilities of the Babcock ~~Crescent B~~
66 Preserve Ranch by a citizen support organization, subject to the
67 provisions of this section. Such use must be directly in keeping
68 with the approved purposes of the citizen support organization
69 and may not be made at times or places that would unreasonably
70 interfere with recreational opportunities for the general
71 public.

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72 (b) The Fish and Wildlife Conservation Commission and the
73 Florida Forest Service may prescribe by rule any condition with
74 which the citizen support organization shall comply in order to
75 use fixed property or facilities of the ranch.

76 (c) The Fish and Wildlife Conservation Commission and the
77 Florida Forest Service shall not permit the use of any fixed
78 property or facilities of the ranch by a citizen support
79 organization that does not provide equal membership and
80 employment opportunities to all persons regardless of race,
81 color, religion, sex, age, or national origin.

82 (3) PARTNERSHIPS.—

83 (a) The Legislature recognizes that the Babcock ~~Crescent~~
84 Ranch Preserve will need a variety of facilities to enhance its
85 public use and potential. Such facilities include, but are not
86 limited to, improved access, camping areas, picnic shelters,
87 management facilities, and environmental education facilities.
88 The need for such facilities may exceed the ability of the state
89 to provide such facilities in a timely manner with moneys
90 available. The Legislature finds it to be in the public interest
91 to provide incentives for partnerships with private
92 organizations with the intent of producing additional revenue to
93 help enhance the use and potential of the ranch.

94 (b) The Legislature may annually appropriate funds from
95 the Land Acquisition Trust Fund for use only as state matching
96 funds, in conjunction with private donations in aggregates of at
97 least \$60,000, matched by \$40,000 of state funds, for a total
98 minimum project amount of \$100,000 for capital improvement
99 facility development at the ranch at either individually

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100 designated locations or for priority projects within the overall
101 ranch system. The citizen support organization may acquire
102 private donations pursuant to this section, and matching state
103 funds for approved projects may be provided in accordance with
104 this subsection. The Fish and Wildlife Conservation Commission
105 and the Florida Forest Service are authorized to properly
106 recognize and honor a private donor by placing a plaque or other
107 appropriate designation noting the contribution on project
108 facilities or by naming project facilities after the person or
109 organization that provided matching funds. The Fish and Wildlife
110 Conservation Commission and the Florida Forest Service are
111 authorized to adopt necessary administrative rules to carry out
112 the purposes of this subsection.

113 Section 4. Section 259.1053, Florida Statutes, is amended
114 to read:

115 259.1053 Babcock Ranch Preserve; Babcock Ranch Advisory
116 Group, Inc.; ~~creation; membership; organization; meetings.-~~

117 (1) SHORT TITLE.—This section may be cited as the "Babcock
118 Ranch Preserve Act."

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

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

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

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

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128 ~~(b)-(d)~~ "Commission" means the Fish and Wildlife
129 Conservation Commission.

130 ~~(c)-(e)~~ "Commissioner" means the Commissioner of
131 Agriculture.

132 ~~(d)-(f)~~ "Department" means the Department of Agriculture
133 and Consumer Services.

134 ~~(e)-(g)~~ "Executive director" means the Executive Director
135 of the Fish and Wildlife Conservation Commission.

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

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

142 ~~(i) "Management and operating expenditures" means expenses~~
143 ~~of the corporation, including, but not limited to, salaries and~~
144 ~~benefits of officers and staff, administrative and operating~~
145 ~~expenses, costs of improvements to and maintenance of lands and~~
146 ~~facilities of the Babcock Ranch Preserve, and other similar~~
147 ~~expenses. Such expenditures shall be made from revenues~~
148 ~~generated from the operation of the ranch and not from funds~~
149 ~~appropriated by the Legislature except as provided in this~~
150 ~~section.~~

151 ~~(j) "Member" means a person appointed to the board of~~
152 ~~directors of the not for profit corporation created under this~~
153 ~~section.~~

154 ~~(h)-(k)~~ "Multiple use" means the management of all of the
155 renewable surface resources of the Babcock Ranch Preserve to

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156 best meet the needs of the public, including the use of the land
157 for some or all of the renewable surface resources or related
158 services over areas large enough to allow for periodic
159 adjustments in use to conform to the changing needs and
160 conditions of the preserve while recognizing that a portion of
161 the land will be used for some of the renewable surface
162 resources available on that land. The goal of multiple use is
163 the harmonious and coordinated management of the renewable
164 surface resources without impairing the productivity of the land
165 and considering the relative value of the renewable surface
166 resources, and not necessarily a combination of uses to provide
167 the greatest monetary return or the greatest unit output.

168 (i)~~(1)~~ "Sustained yield of the renewable surface
169 resources" means the achievement and maintenance of a high level
170 of annual or regular periodic output of the various renewable
171 surface resources of the preserve without impairing the
172 productivity of the land.

173 (3) CREATION OF BABCOCK RANCH PRESERVE.—

174 (a) Upon the date of acquisition of the Babcock Crescent B
175 Ranch, there is created the Babcock Ranch Preserve, which shall
176 be managed in accordance with the purposes and requirements of
177 this section.

178 (b) The preserve is established to protect and preserve
179 the environmental, agricultural, scientific, scenic, geologic,
180 watershed, fish, wildlife, historic, cultural, and recreational
181 values of the preserve, and to provide for the multiple use and
182 sustained yield of the renewable surface resources within the
183 preserve consistent with this section.

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184 ~~(c) Babcock Ranch, Inc., and its officers and employees~~
185 ~~shall participate in the management of the Babcock Ranch~~
186 ~~Preserve in an advisory capacity only until the management~~
187 ~~agreement referenced in paragraph (11)(a) is terminated or~~
188 ~~expires.~~

189 ~~(c)(d) Nothing in This section does not shall~~ preclude
190 ~~Babcock Ranch, Inc., prior to assuming management and operation~~
191 ~~of the preserve and thereafter, from allowing~~ the use of common
192 varieties of mineral materials such as sand, stone, and gravel
193 for construction and maintenance of roads and facilities within
194 the preserve.

195 ~~(d)(e) Nothing in This section does not affect shall be~~
196 ~~construed as affecting~~ the constitutional responsibilities of
197 the commission in the exercise of its regulatory and executive
198 power with respect to wild animal life and freshwater aquatic
199 life, including the regulation of hunting, fishing, and trapping
200 within the preserve.

201 ~~(e)(f) Nothing in This section does not shall be construed~~
202 ~~to interfere with or prevent the implementation of ability of~~
203 ~~Babcock Ranch, Inc., to implement~~ agricultural practices
204 authorized by the agricultural land use designations established
205 in the local comprehensive plans of either Charlotte County or
206 Lee County as those plans apply to the Babcock Ranch Preserve.

207 ~~(g) To clarify the responsibilities of the lead managing~~
208 ~~agencies and the not for profit corporation created under this~~
209 ~~section, the lead managing agencies are directed to establish a~~
210 ~~range of resource protection values for the Babcock Ranch~~
211 ~~Preserve, and the corporation shall establish operational~~

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212 ~~parameters to conduct the business of the ranch within the range~~
213 ~~of values. The corporation shall establish a range of~~
214 ~~operational values for conducting the business of the ranch, and~~
215 ~~the lead managing agencies providing ground support to the ranch~~
216 ~~outside of each agency's jurisdictional responsibilities shall~~
217 ~~establish management parameters within that range of values.~~

218 (f)(h) ~~Nothing in This section does not shall~~ preclude the
219 maintenance and use of roads and trails or the relocation of
220 roads in existence on the effective date of this section, or the
221 construction, maintenance, and use of new trails, or any
222 motorized access necessary for the administration of the land
223 contained within the preserve, including motorized access
224 necessary for emergencies involving the health or safety of
225 persons within the preserve.

226 ~~(i) The Division of State Lands of the Department of~~
227 ~~Environmental Protection shall perform staff duties and~~
228 ~~functions for Babcock Ranch, Inc., the not-for-profit~~
229 ~~corporation created under this section, until such time as the~~
230 ~~corporation organizes to elect officers, file articles of~~
231 ~~incorporation, and exercise its powers and duties.~~

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

233 (a) The purpose of the Babcock Ranch Advisory Group is to
234 assist the department by providing guidance and advice
235 concerning the management and stewardship of the Babcock Ranch
236 Preserve.

237 (b) The Babcock Ranch Advisory Group shall be comprised of
238 nine members appointed to 5-year terms. Based on recommendations
239 from the Governor and Cabinet, the commission, and the governing

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240 boards of Charlotte County and Lee County, the commissioner
241 shall appoint members as follows:

242 1. One member with experience in sustainable management of
243 forest lands for commodity purposes.

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

246 3. One member with experience in management of game and
247 nongame wildlife and fish populations, including hunting,
248 fishing, and other recreational activities.

249 4. One member with experience in domesticated livestock
250 management, production, and marketing, including range
251 management and livestock business management.

252 5. One member with experience in agriculture operations or
253 forestry management.

254 6. One member with experience in hunting, fishing, nongame
255 species management, or wildlife habitat management, restoration,
256 and conservation.

257 7. One member with experience in public outreach and
258 education.

259 8. One member who is a resident of Lee County, to be
260 designated by the Board of County Commissioners of Lee County.

261 9. One member who is a resident of Charlotte County, to be
262 designated by the Board of County Commissioners of Charlotte
263 County.

264
265 Vacancies will be filled in the same manner in which the
266 original appointment was made. A member appointed to fill a
267 vacancy shall serve for the remainder of that term.

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

269 1. Elect a chair and vice chair from among the group
270 members.

271 2. Meet regularly as determined by the chair.

272 3. Serve without compensation but shall receive
273 reimbursement for travel and per diem expenses as provided in s.
274 112.061.

275 ~~(a) Subject to filing articles of incorporation, there is~~
276 ~~created a not-for-profit corporation, to be known as Babcock~~
277 ~~Ranch, Inc., which shall be registered, incorporated, organized,~~
278 ~~and operated in compliance with the provisions of chapter 617,~~
279 ~~and which shall not be a unit or entity of state government. For~~
280 ~~purposes of sovereign immunity, the corporation shall be a~~
281 ~~corporation primarily acting as an instrumentality of the state~~
282 ~~but otherwise shall not be an agency within the meaning of s.~~
283 ~~20.03(11) or a unit or entity of state government.~~

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

287 ~~(c) Meetings and records of the corporation, its~~
288 ~~directors, advisory committees, or similar groups created by the~~
289 ~~corporation, including any not-for-profit subsidiaries, are~~
290 ~~subject to the public records provisions of chapter 119 and the~~
291 ~~public meetings and records provisions of s. 286.011.~~

292 ~~(5) APPLICABILITY OF SECTION. In any conflict between a~~
293 ~~provision of this section and a provision of chapter 617, the~~
294 ~~provisions of this section shall prevail.~~

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295 ~~(6) PURPOSE.—The purpose of Babcock Ranch, Inc., is to~~
296 ~~provide management and administrative services for the preserve,~~
297 ~~to establish and implement management policies that will achieve~~
298 ~~the purposes and requirements of this section, to cooperate with~~
299 ~~state agencies to further the purposes of the preserve, and to~~
300 ~~establish the administrative and accounting procedures for the~~
301 ~~operation of the corporation.~~

302 ~~(7) BOARD; MEMBERSHIP; REMOVAL; LIABILITY.—The corporation~~
303 ~~shall be governed by a nine-member board of directors who shall~~
304 ~~be appointed by the Board of Trustees of the Internal~~
305 ~~Improvement Trust Fund; the executive director of the~~
306 ~~commission; the Commissioner of Agriculture; the Babcock Florida~~
307 ~~Company, a corporation registered to do business in the state,~~
308 ~~or its successors or assigns; the Charlotte County Board of~~
309 ~~County Commissioners; and the Lee County Board of County~~
310 ~~Commissioners in the following manner:~~

311 ~~(a)1. The Board of Trustees of the Internal Improvement~~
312 ~~Trust Fund shall appoint four members. One appointee shall have~~
313 ~~expertise in domesticated livestock management, production, and~~
314 ~~marketing, including range management and livestock business~~
315 ~~management. One appointee shall have expertise in the management~~
316 ~~of game and nongame wildlife and fish populations, including~~
317 ~~hunting, fishing, and other recreational activities. One~~
318 ~~appointee shall have expertise in the sustainable management of~~
319 ~~forest lands for commodity purposes. One appointee shall have~~
320 ~~expertise in financial management, budget and program analysis,~~
321 ~~and small business operations.~~

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

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

327 ~~4. The Babcock Florida Company, or its successors or~~
328 ~~assigns, shall appoint one member with expertise in the~~
329 ~~activities and management of the Babcock Ranch on the date of~~
330 ~~acquisition of the ranch by the state as provided under s.~~
331 ~~259.1052. This appointee shall serve on the board of directors~~
332 ~~only until the termination of or expiration of the management~~
333 ~~agreement attached as Exhibit "E" to that certain Agreement for~~
334 ~~Sale and Purchase approved by the Board of Trustees of the~~
335 ~~Internal Improvement Trust Fund on November 22, 2005, and by Lee~~
336 ~~County, a political subdivision of the state, on November 20,~~
337 ~~2005. Upon termination of or expiration of the management~~
338 ~~agreement, the person serving as the head of the property~~
339 ~~owners' association, if any, required to be created under the~~
340 ~~agreement for sale and purchase shall serve as a member of the~~
341 ~~board of directors of Babcock Ranch, Inc.~~

342 ~~5. The Charlotte County Board of County Commissioners~~
343 ~~shall appoint one member who shall be a resident of the county~~
344 ~~and who shall be active in an organization concerned with the~~
345 ~~activities of the ranch.~~

346 ~~6. The Lee County Board of County Commissioners shall~~
347 ~~appoint one member who shall be a resident of the county and who~~
348 ~~shall have experience in land conservation and management. This~~
349 ~~appointee, or a successor appointee, shall serve as a member of~~

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350 ~~the board of directors so long as the county participates in the~~
351 ~~state land management plan.~~

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

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

358 ~~2. The remaining initial five appointees shall each serve~~
359 ~~a 2-year term.~~

360 ~~3. Each member appointed thereafter shall serve a 4-year~~
361 ~~term.~~

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

365 ~~5. No member may serve more than 8 years in consecutive~~
366 ~~terms.~~

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

371 ~~(d) No member shall vote in an official capacity upon any~~
372 ~~measure that would inure to his or her special private gain or~~
373 ~~loss, that he or she knows would inure to the special private~~
374 ~~gain or loss of any principal by whom he or she is retained or~~
375 ~~to the parent organization or subsidiary of a principal by which~~
376 ~~he or she is retained, or that he or she knows would inure to~~
377 ~~the special private gain or loss of a relative or business~~

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378 ~~associate of the member. Such member shall, prior to the vote~~
379 ~~being taken, publicly state the nature of his or her interest in~~
380 ~~the matter from which he or she is abstaining from voting and,~~
381 ~~no later than 15 days following the date the vote occurs, shall~~
382 ~~disclose the nature of his or her interest as a public record in~~
383 ~~a memorandum filed with the person responsible for recording the~~
384 ~~minutes of the meeting, who shall incorporate the memorandum in~~
385 ~~the minutes of the meeting.~~

386 ~~(c) Each member of the board of directors is accountable~~
387 ~~for the proper performance of the duties of office, and each~~
388 ~~member owes a fiduciary duty to the people of the state to~~
389 ~~ensure that funds provided in furtherance of this section are~~
390 ~~disbursed and used as prescribed by law and contract. Any~~
391 ~~official appointing a member may remove that member for~~
392 ~~malfeasance, misfeasance, neglect of duty, incompetence,~~
393 ~~permanent inability to perform official duties, unexcused~~
394 ~~absence from three consecutive meetings of the board, arrest or~~
395 ~~indictment for a crime that is a felony or misdemeanor involving~~
396 ~~theft or a crime of dishonesty, or pleading nolo contendere to,~~
397 ~~or being found guilty of, any crime.~~

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

402 ~~(g) No appointee shall be an employee of any governmental~~
403 ~~entity.~~

404 ~~(8) ORGANIZATION; MEETINGS.—~~

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405 ~~(a)1. The board of directors shall annually elect a~~
406 ~~chairperson and a vice chairperson from among the board's~~
407 ~~members. The members may, by a vote of five of the nine board~~
408 ~~members, remove a member from the position of chairperson or~~
409 ~~vice chairperson prior to the expiration of his or her term as~~
410 ~~chairperson or vice chairperson. His or her successor shall be~~
411 ~~elected to serve for the balance of the removed chairperson's or~~
412 ~~vice chairperson's term.~~

413 ~~2. The chairperson shall ensure that records are kept of~~
414 ~~the proceedings of the board of directors, and is the custodian~~
415 ~~of all books, documents, and papers filed with the board, the~~
416 ~~minutes of meetings of the board, and the official seal of the~~
417 ~~corporation.~~

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

421 ~~2. A majority of the members of the board of directors~~
422 ~~constitutes a quorum. Except as otherwise provided in this~~
423 ~~section, the board of directors may take official action by a~~
424 ~~majority of the members present at any meeting at which a quorum~~
425 ~~is present. Members may not vote by proxy.~~

426 ~~(9) POWERS AND DUTIES.—~~

427 ~~(a) The board of directors shall adopt articles of~~
428 ~~incorporation and bylaws necessary to govern its activities. The~~
429 ~~adopted articles of incorporation and bylaws must be approved by~~
430 ~~the Board of Trustees of the Internal Improvement Trust Fund~~
431 ~~prior to filing with the Department of State.~~

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432 ~~(b) The board of directors shall review and approve any~~
433 ~~management plan developed pursuant to ss. 253.034 and 259.032~~
434 ~~for the management of lands in the preserve prior to the~~
435 ~~submission of that plan to the Board of Trustees of the Internal~~
436 ~~Improvement Trust Fund for approval and implementation.~~

437 ~~(c)1. Except for the constitutional powers of the~~
438 ~~commission as provided in s. 9, Art. IV of the State~~
439 ~~Constitution, the board of directors shall have all necessary~~
440 ~~and proper powers for the exercise of the authority vested in~~
441 ~~the corporation, including, but not limited to, the power to~~
442 ~~solicit and accept donations of funds, property, supplies, or~~
443 ~~services from individuals, foundations, corporations, and other~~
444 ~~public or private entities for the purposes of this section. All~~
445 ~~funds received by the corporation shall be deposited into the~~
446 ~~operating fund authorized under this section unless otherwise~~
447 ~~directed by the Legislature.~~

448 ~~2. The board of directors may not increase the number of~~
449 ~~its members.~~

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

455 ~~4. The corporation may not sell, convey, mortgage, pledge,~~
456 ~~lease, exchange, transfer, or otherwise dispose of any real~~
457 ~~property.~~

458 ~~5. The corporation may not purchase, take, receive,~~
459 ~~subscribe for, or otherwise acquire, own, hold, vote, use,~~

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460 ~~employ, sell, mortgage, lend, pledge, or otherwise dispose of or~~
461 ~~otherwise use and deal in and with, shares and other interests~~
462 ~~in, or obligations of, other domestic or foreign corporations,~~
463 ~~whether for profit or not for profit, associations,~~
464 ~~partnerships, or individuals, or direct or indirect obligations~~
465 ~~of the United States, or any other government, state, territory,~~
466 ~~government district, municipality, or any instrumentality~~
467 ~~thereof.~~

468 ~~6. The corporation may not lend money for its corporate~~
469 ~~purposes, invest and reinvest its funds, or take and hold real~~
470 ~~and personal property as security for the payment of funds lent~~
471 ~~or invested.~~

472 ~~7. The corporation may not merge with other corporations~~
473 ~~or other business entities.~~

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

481 ~~9. The corporation may not grant any easements in, on, or~~
482 ~~across the preserve. Any easements to be granted for the use of,~~
483 ~~access to, or ingress and egress across state property within~~
484 ~~the preserve must be executed by the Board of Trustees of the~~
485 ~~Internal Improvement Trust Fund as the owners of the state~~
486 ~~property within the preserve. Any easements to be granted for~~
487 ~~the use of, access to, or ingress and egress across property~~

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488 ~~within the preserve titled in the name of a local government~~
489 ~~must be granted by the governing body of that local government.~~

490 ~~10. The corporation may not enter into any contract,~~
491 ~~lease, or other agreement related to the use and occupancy of~~
492 ~~the property within the preserve for a period greater than 10~~
493 ~~years.~~

494 ~~(d) The members may, with the written approval of the~~
495 ~~commission and in consultation with the department, designate~~
496 ~~hunting, fishing, and trapping zones and may establish~~
497 ~~additional periods when no hunting, fishing, or trapping shall~~
498 ~~be permitted for reasons of public safety, administration, and~~
499 ~~the protection and enhancement of nongame habitat and nongame~~
500 ~~species, as defined under s. 379.101.~~

501 ~~(e) The corporation shall have the sole and exclusive~~
502 ~~right to use the words "Babcock Ranch, Inc.," and any seal,~~
503 ~~emblem, or other insignia adopted by the members. Without the~~
504 ~~express written authority of the corporation, no person may use~~
505 ~~the words "Babcock Ranch, Inc.," as the name under which that~~
506 ~~person conducts or purports to conduct business, for the purpose~~
507 ~~of trade or advertisement, or in any manner that may suggest any~~
508 ~~connection with the corporation.~~

509 ~~(f) The corporation may from time to time appoint advisory~~
510 ~~committees to further any part of this section. The advisory~~
511 ~~committees shall be reflective of the expertise necessary for~~
512 ~~the particular function for which the committee is created, and~~
513 ~~may include public agencies, private entities, and not-for-~~
514 ~~profit conservation and agricultural representatives.~~

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

518 ~~(h) The corporation and its subsidiaries must provide~~
519 ~~equal employment opportunities for all persons regardless of~~
520 ~~race, color, religion, gender, national origin, age, handicap,~~
521 ~~or marital status.~~

522 ~~(10) OPERATING FUND, ANNUAL BUDGET, AUDIT, REPORTING~~
523 ~~REQUIREMENTS.—~~

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

528 ~~(b) The board of directors shall provide for an annual~~
529 ~~financial audit of the corporate accounts and records to be~~
530 ~~conducted by an independent certified public accountant in~~
531 ~~accordance with rules adopted by the Auditor General under s.~~
532 ~~11.45(8). The audit report shall be submitted no later than 3~~
533 ~~months following the end of the fiscal year to the Auditor~~
534 ~~General, the President of the Senate, the Speaker of the House~~
535 ~~of Representatives, and the appropriate substantive and fiscal~~
536 ~~committees of the Legislature. The Auditor General, the Office~~
537 ~~of Program Policy Analysis and Government Accountability, and~~
538 ~~the substantive or fiscal committees of the Legislature to which~~
539 ~~legislation affecting the Babcock Ranch Preserve may be referred~~
540 ~~shall have the authority to require and receive from the~~
541 ~~corporation or from the independent auditor any records relative~~
542 ~~to the operation of the corporation.~~

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543 ~~(c) Not later than January 15 of each year, Babcock Ranch,~~
544 ~~Inc., shall submit to the Board of Trustees of the Internal~~
545 ~~Improvement Trust Fund, the President of the Senate, the Speaker~~
546 ~~of the House of Representatives, the department, and the~~
547 ~~commission a comprehensive and detailed report of its~~
548 ~~operations, activities, and accomplishments for the prior year,~~
549 ~~including information on the status of the ecological, cultural,~~
550 ~~and financial resources being managed by the corporation, and~~
551 ~~benefits provided by the preserve to local communities. The~~
552 ~~report shall also include a section describing the corporation's~~
553 ~~goals for the current year.~~

554 ~~(d) The board of directors shall prepare an annual budget~~
555 ~~with the goal of achieving a financially self-sustaining~~
556 ~~operation within 15 full fiscal years after the initial~~
557 ~~acquisition of the Babcock Ranch by the state. The department~~
558 ~~shall provide necessary assistance, including details as~~
559 ~~necessary, to the corporation for the timely formulation and~~
560 ~~submission of an annual legislative budget request for~~
561 ~~appropriations, if any, to support the administration,~~
562 ~~operation, and maintenance of the preserve. A request for~~
563 ~~appropriations shall be submitted to the department and shall be~~
564 ~~included in the department's annual legislative budget request.~~
565 ~~Requests for appropriations shall be submitted to the department~~
566 ~~in time to allow the department to meet the requirements of s.~~
567 ~~216.023. The department may not deny a request or refuse to~~
568 ~~include in its annual legislative budget submission a request~~
569 ~~from the corporation for an appropriation.~~

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570 ~~(c) Notwithstanding any other provision of law, all moneys~~
571 ~~received from donations or from management of the preserve shall~~
572 ~~be retained by the corporation in the operating fund and shall~~
573 ~~be available, without further appropriation, for the~~
574 ~~administration, preservation, restoration, operation and~~
575 ~~maintenance, improvements, repairs, and related expenses~~
576 ~~incurred with respect to properties being managed by the~~
577 ~~corporation. Except as provided in this section, moneys received~~
578 ~~by the corporation for the management of the preserve shall not~~
579 ~~be subject to distribution by the state. Upon assuming~~
580 ~~management responsibilities for the preserve, the corporation~~
581 ~~shall optimize the generation of income based on existing~~
582 ~~marketing conditions to the extent that activities do not~~
583 ~~unreasonably diminish the long-term environmental, agricultural,~~
584 ~~scenic, and natural values of the preserve, or the multiple use~~
585 ~~and sustained-yield capability of the land.~~

586 ~~(f) All parties in contract with the corporation and all~~
587 ~~holders of leases from the corporation which are authorized to~~
588 ~~occupy, use, or develop properties under the management~~
589 ~~jurisdiction of the corporation must procure proper insurance as~~
590 ~~is reasonable or customary to insure against any loss in~~
591 ~~connection with the properties or with activities authorized in~~
592 ~~the leases or contracts.~~

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

594 ~~(a) A comprehensive business plan for the management and~~
595 ~~operation of the preserve as a working ranch and amendments to~~
596 ~~the business plan may be developed only with input from the~~
597 ~~department and the commission, and may be implemented by Babcock~~

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598 ~~Ranch, Inc., only upon expiration of the management agreement~~
599 ~~attached as Exhibit "E" to that certain agreement for sale and~~
600 ~~purchase approved by the Board of Trustees of the Internal~~
601 ~~Improvement Trust Fund on November 22, 2005, and by Lee County~~
602 ~~on November 20, 2005.~~

603 ~~(b) Any final decision of Babcock Ranch, Inc., to adopt or~~
604 ~~amend the comprehensive business plan or to approve any activity~~
605 ~~related to the management of the renewable surface resources of~~
606 ~~the preserve shall be made in sessions that are open to the~~
607 ~~public. The board of directors shall establish procedures for~~
608 ~~providing adequate public information and opportunities for~~
609 ~~public comment on the proposed comprehensive business plan for~~
610 ~~the preserve or for amendments to the comprehensive business~~
611 ~~plan adopted by the members.~~

612 ~~(c) Not less than 2 years prior to the corporation's~~
613 ~~assuming management and operation responsibilities for the~~
614 ~~preserve, the corporation, with input from the commission and~~
615 ~~the department, must begin developing the comprehensive business~~
616 ~~plan to carry out the purposes of this section. To the extent~~
617 ~~consistent with these purposes, the comprehensive business plan~~
618 ~~shall provide for:~~

619 ~~1. The management and operation of the preserve as a~~
620 ~~working ranch;~~

621 ~~2. The protection and preservation of the environmental,~~
622 ~~agricultural, scientific, scenic, geologic, watershed, fish,~~
623 ~~wildlife, historic, cultural, and recreational values of the~~
624 ~~preserve;~~

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

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

630 ~~5. Public use of and access to the preserve for~~
631 ~~recreation; and~~

632 ~~6. The use of renewable resources and management~~
633 ~~alternatives that, to the extent practicable, benefit local~~
634 ~~communities and small businesses and enhance the coordination of~~
635 ~~management objectives with those on surrounding public or~~
636 ~~private lands. The use of renewable resources and management~~
637 ~~alternatives should provide cost savings to the corporation~~
638 ~~through the exchange of services, including, but not limited to,~~
639 ~~labor and maintenance of facilities, for resources or services~~
640 ~~provided to the corporation.~~

641 ~~(d) On or before the date on which title to the portion of~~
642 ~~the Babcock Crescent B Ranch being purchased by the state as~~
643 ~~provided in s. 259.1052 is vested in the Board of Trustees of~~
644 ~~the Internal Improvement Trust Fund, Babcock Ranch Management,~~
645 ~~LLC, a limited liability company incorporated in this state,~~
646 ~~shall provide the commission and the department with the~~
647 ~~management plan and business plan in place for the operation of~~
648 ~~the ranch as of November 22, 2005, the date on which the board~~
649 ~~of trustees approved the purchase.~~

650 ~~(5) (12) MANAGEMENT OF PRESERVE; FEES.-~~

651 ~~(a) The department corporation shall assume all authority~~
652 ~~provided by this section to manage and operate the preserve as a~~

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653 working ranch upon the termination or expiration of the
654 management agreement attached as Exhibit "E" to that certain
655 agreement for sale and purchase approved by the Board of
656 Trustees of the Internal Improvement Trust Fund on November 22,
657 2005, and by Lee County on November 20, 2005 ~~a determination by~~
658 ~~the Board of Trustees of the Internal Improvement Trust Fund~~
659 ~~that the corporation is able to conduct business, and that~~
660 ~~provision has been made for essential services on the preserve,~~
661 ~~which, to the maximum extent practicable, shall be made no later~~
662 ~~than 60 days prior to the termination of the management~~
663 ~~agreement referenced in paragraph (11)(a).~~

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

666 1. ~~With input from the commission and the department,~~
667 Manage and operate the preserve and the uses thereof, including,
668 but not limited to, the activities necessary to administer and
669 operate the preserve as a working ranch; the activities
670 necessary for the preservation and development of the land and
671 renewable surface resources of the preserve; the activities
672 necessary for interpretation of the history of the preserve on
673 behalf of the public; the activities necessary for the
674 management, public use, and occupancy of facilities and lands
675 within the preserve; and the maintenance, rehabilitation,
676 repair, and improvement of property within the preserve.†

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

679 ~~3. Negotiate directly with and enter into such agreements,~~
680 ~~leases, contracts, and other arrangements with any person, firm,~~

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681 ~~association, organization, corporation, or governmental entity,~~
682 ~~including entities of federal, state, and local governments, as~~
683 ~~are necessary and appropriate to carry out the purposes and~~
684 ~~activities authorized by this section;~~

685 3.4. Establish procedures for entering into lease
686 agreements and other agreements for the use and occupancy of the
687 facilities of the preserve. The procedures shall ensure
688 reasonable competition and set guidelines for determining
689 reasonable fees, terms, and conditions for such agreements. ~~;~~ and

690 4.5. Assess reasonable fees for admission to, use of, and
691 occupancy of the preserve to offset costs of operating the
692 preserve as a working ranch. These fees are independent of fees
693 assessed by the commission for the privilege of hunting,
694 fishing, or pursuing outdoor recreational activities within the
695 preserve, and shall be deposited into the Incidental Trust Fund
696 of the Florida Forest Service, subject to appropriation by the
697 Legislature operating fund established by the board of directors
698 under the authority provided under this section.

699 (c) The commission, in cooperation with the department,
700 shall:

701 1. Establish and implement public hunting and other fish
702 and wildlife management activities. Tier I and Tier II public
703 hunting opportunities shall be provided consistent with the
704 management plan and the recreation master plan. Tier I public
705 hunting shall provide hunting opportunities similar to those
706 offered on wildlife management areas with an emphasis on youth
707 and family-oriented hunts. Tier II public hunting shall be
708 provided specifically by fee-based permitting to ensure

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709 compatibility with livestock grazing and other essential
710 agricultural operations on the preserve.

711 2. Establish and administer permit fees for Tier II public
712 hunting to capitalize on the value of hunting on portions of the
713 preserve and to help ensure the preserve is financially self-
714 sufficient. The fees shall be deposited into the State Game
715 Trust Fund of the Fish and Wildlife Conservation Commission to
716 be used to offset the costs of providing public hunting and to
717 support fish and wildlife management and other land management
718 activities on the preserve.

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

721 1. Negotiate directly with and enter into such agreements,
722 leases, contracts, and other arrangements with any person, firm,
723 association, organization, corporation, or governmental entity,
724 including entities of federal, state, and local governments, as
725 are necessary and appropriate to carry out the purposes and
726 activities authorized by this section.

727 2. Grant privileges, leases, concessions, and permits for
728 the use of land for the accommodation of visitors to the
729 preserve, provided no natural curiosities or objects of interest
730 shall be granted, leased, or rented on such terms as shall deny
731 or interfere with free access to them by the public. Such
732 grants, leases, and permits may be made and given without
733 advertisement or securing competitive bids. Such grants, leases,
734 or permits may not be assigned or transferred by any grantee
735 without consent of the Board of Trustees of the Internal
736 Improvement Trust Fund or its designated agent.

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

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

742 ~~(b) Officers and employees of Babcock Ranch, Inc., are~~
743 ~~private employees. At the request of the board of directors, the~~
744 ~~commission and the department may provide state employees for~~
745 ~~the purpose of implementing this section. Any state employees~~
746 ~~provided to assist the directors in implementing this section~~
747 ~~for more than 30 days shall be provided on a reimbursable basis.~~
748 ~~Reimbursement to the commission and the department shall be made~~
749 ~~from the corporation's operating fund provided under this~~
750 ~~section and not from any funds appropriated to the corporation~~
751 ~~by the Legislature.~~

752 ~~(6) (14) DISSOLUTION OF BABCOCK RANCH, INC.—~~

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

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

759 ~~(c) Upon dissolution of the Babcock Ranch, Inc.~~
760 ~~corporation, all statutory powers, duties, functions, records,~~
761 ~~personnel, property, and unexpended balances of appropriations,~~
762 ~~allocations, and other funds of the corporation shall be~~
763 ~~transferred to the Department of Agriculture and Consumer~~
764 ~~Services unless otherwise provided by law. Any cash balances of~~

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765 funds shall revert to the Incidental Trust Fund of the Florida
766 Forest Service General Revenue Fund or such other state fund as
767 may be provided under the act dissolving Babcock Ranch, Inc.

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772 **T I T L E A M E N D M E N T**

773 Between lines 6 and 7, insert:

774 259.1052, F.S.; providing for Lee County to retain
775 ownership and assume responsibility for management of
776 a specified portion of the Babcock Crescent B Ranch
777 Florida Forever acquisition; requiring certain
778 activities on the property to be compatible with
779 working ranch and agricultural activities; amending s.
780 259.10521, F.S.; revising provisions relating to the
781 citizen support organization for the Babcock Ranch
782 Preserve and use of the ranch property; amending s.
783 259.1053, F.S.; revising provisions of the Babcock
784 Preserve Ranch Act to conform to the termination or
785 expiration of the management agreement and the
786 dissolution of Babcock Ranch, Inc.; creating the
787 Babcock Ranch Advisory Group; providing for the
788 department to manage and operate the preserve;
789 requiring certain fees to be deposited into the
790 Incidental Trust Fund of the Florida Forest Service,
791 subject to appropriation; directing the Fish and
792 Wildlife Commission, in cooperation with the Florida

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793 Forest Service, to establish, implement, and
794 administer certain activities and fees; requiring such
795 fees to be deposited into the State Game Trust Fund of
796 the Fish and Wildlife Conservation Commission and used
797 for specified purposes; authorizing the Board of
798 Trustees of the Internal Improvement Trust Fund to
799 negotiate and enter into certain agreements and grant
800 certain privileges, leases, concessions, and permits;
801 providing for transfer of the Babcock Ranch, Inc., to
802 the department upon dissolution of the corporation;
803 providing for certain funds to revert to the
804 Incidental Trust Fund of the Florida Forest Service
805 upon such dissolution; amending s.
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