

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	_____	(Y/N)
ADOPTED AS AMENDED	_____	(Y/N)
ADOPTED W/O OBJECTION	_____	(Y/N)
FAILED TO ADOPT	_____	(Y/N)
WITHDRAWN	_____	(Y/N)
OTHER		

1 Committee/Subcommittee hearing bill: State Affairs Committee
 2 Representative Buchanan offered the following:

Amendment (with title amendment)

Between lines 56 and 57, insert:

Section 1. Paragraphs (a) and (b) of subsection (2) of section 259.105, Florida Statutes, are amended to read:

259.105 The Florida Forever Act.—

(2)(a) The Legislature finds and declares that:

1. Land acquisition programs have provided tremendous financial resources for purchasing environmentally significant lands to protect those lands from imminent development or alteration, thereby ensuring present and future generations' access to important waterways, open spaces, and recreation and conservation lands.

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16 2. The continued alteration and development of the state's
17 natural and rural areas to accommodate the state's growing
18 population have contributed to the degradation of water
19 resources, the fragmentation and destruction of wildlife
20 habitats, the loss of outdoor recreation space, and the
21 diminishment of wetlands, forests, working landscapes, and
22 coastal open space.

23 3. The potential development of the state's remaining
24 natural areas and escalation of land values require government
25 efforts to restore, bring under public protection, or acquire
26 lands and water areas to preserve the state's essential
27 ecological functions and invaluable quality of life.

28 4. It is essential to protect the state's ecosystems by
29 promoting a more efficient use of land, to ensure opportunities
30 for viable agricultural activities on working lands, and to
31 promote vital rural and urban communities that support and
32 produce development patterns consistent with natural resource
33 protection.

34 5. The state's groundwater, surface waters, and springs
35 are under tremendous pressure due to population growth and
36 economic expansion and require special protection and
37 restoration efforts, including the protection of uplands and
38 springsheds that provide vital recharge to aquifer systems and
39 are critical to the protection of water quality and water
40 quantity of the aquifers and springs. To ensure that sufficient

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41 quantities of water are available to meet the current and future
42 needs of the natural systems and citizens of the state, and
43 assist in achieving the planning goals of the department and the
44 water management districts, water resource development projects
45 on public lands, if compatible with the resource values of and
46 management objectives for the lands, are appropriate.

47 6. The needs of urban, suburban, and small communities in
48 the state for high-quality outdoor recreational opportunities,
49 greenways, trails, and open space have not been fully met by
50 previous acquisition programs. Through such programs as the
51 Florida Communities Trust and the Florida Recreation Development
52 Assistance Program, the state shall place additional emphasis on
53 acquiring, protecting, preserving, and restoring open space,
54 ecological greenways, and recreation properties within urban,
55 suburban, and rural areas where pristine natural communities or
56 water bodies no longer exist because of the proximity of
57 developed property.

58 7. Many of the state's unique ecosystems, such as the
59 Florida Everglades, are facing ecological collapse due to the
60 state's burgeoning population growth and other economic
61 activities. To preserve these valuable ecosystems for future
62 generations, essential parcels of land must be acquired to
63 facilitate ecosystem restoration.

64 8. Access to public lands to support a broad range of
65 outdoor recreational opportunities and the development of

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66 necessary infrastructure, if compatible with the resource values
67 of and management objectives for such lands, promotes an
68 appreciation for the state's natural assets and improves the
69 quality of life.

70 9. Acquisition of lands, in fee simple, less than fee
71 interest, or other techniques shall be based on a comprehensive
72 science-based assessment of the state's natural resources which
73 targets essential conservation lands by prioritizing all current
74 and future acquisitions based on a uniform set of data and
75 planned so as to protect the integrity and function of
76 ecological systems and working landscapes, and provide multiple
77 benefits, including preservation of fish and wildlife habitat,
78 recreation space for urban and rural areas, and the restoration
79 of natural water storage, flow, and recharge.

80 10. The state has embraced performance-based program
81 budgeting as a tool to evaluate the achievements of publicly
82 funded agencies, build in accountability, and reward those
83 agencies which are able to consistently achieve quantifiable
84 goals. While previous and existing state environmental programs
85 have achieved varying degrees of success, few of these programs
86 can be evaluated as to the extent of their achievements,
87 primarily because performance measures, standards, outcomes, and
88 goals were not established at the outset. Therefore, the Florida
89 Forever program shall be developed and implemented in the
90 context of measurable state goals and objectives.

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91 11.a. The state must play a major role in the recovery and
92 management of its imperiled species through the acquisition,
93 restoration, enhancement, and management of ecosystems that can
94 support the major life functions of such species. It is the
95 intent of the Legislature to support local, state, and federal
96 programs that result in net benefit to imperiled species habitat
97 by providing public and private land owners meaningful
98 incentives for acquiring, restoring, managing, and repopulating
99 habitats for imperiled species. It is the further intent of the
100 Legislature that public lands, both existing and to be acquired,
101 identified by the lead land managing agency, in consultation
102 with the Fish and Wildlife Conservation Commission for animals
103 or the Department of Agriculture and Consumer Services for
104 plants, as habitat or potentially restorable habitat for
105 imperiled species, be restored, enhanced, managed, and
106 repopulated as habitat for such species to advance the goals and
107 objectives of imperiled species management for conservation,
108 recreation, or both, consistent with the land management plan
109 without restricting other uses identified in the management
110 plan. It is also the intent of the Legislature that of the
111 proceeds distributed pursuant to subsection (3), additional
112 consideration be given to acquisitions that achieve a
113 combination of conservation goals, including the restoration,
114 enhancement, management, or repopulation of habitat for
115 imperiled species. The council, in addition to the criteria in

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116 subsection (9), shall give weight to projects that include
117 acquisition, restoration, management, or repopulation of habitat
118 for imperiled species. The term "imperiled species" as used in
119 this chapter and chapter 253, means plants and animals that are
120 federally listed under the Endangered Species Act, or state-
121 listed by the Fish and Wildlife Conservation Commission or the
122 Department of Agriculture and Consumer Services. As part of the
123 state's role, all state lands that have imperiled species
124 habitat shall include as a consideration in management plan
125 development the restoration, enhancement, management, and
126 repopulation of such habitats. In addition, the lead land
127 managing agency of such state lands may use fees received from
128 public or private entities for projects to offset adverse
129 impacts to imperiled species or their habitat in order to
130 restore, enhance, manage, repopulate, or acquire land and to
131 implement land management plans developed under s. 253.034 or a
132 land management prospectus developed and implemented under this
133 chapter. Such fees shall be deposited into a foundation or fund
134 created by each land management agency under s. 379.223, s.
135 589.012, or s. 259.032 (9) (c), to be used solely to restore,
136 manage, enhance, repopulate, or acquire imperiled species
137 habitat.

138 b. The Legislature recognizes that there have been
139 geographical and capacity constraints on available gopher
140 tortoise recipient sites that have coincided with increased

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141 demands for such sites. The Legislature also recognizes that the
142 success of gopher tortoise conservation depends both on private
143 lands participation and using appropriate public lands for
144 gopher tortoise and other imperiled species management and
145 recovery. To encourage adequate capacity for relocating gopher
146 tortoises, each lead land managing agency, in consultation with
147 the Fish and Wildlife Conservation Commission, shall consider in
148 the management plan for all state lands under its management
149 that are greater in size than 40 contiguous acres the
150 feasibility of using a portion of the property as a gopher
151 tortoise recipient site. If, during consultation with the
152 commission, the lead land managing agency determines that the
153 recipient site management is not in conflict with the primary
154 management objectives of the parcel, the management plan must
155 contain a component or section prepared by the managing agency
156 or cooperatively with a Fish and Wildlife Conservation
157 Commission wildlife biologist that assesses the feasibility of
158 managing the lands as a recipient site for gopher tortoises,
159 consistent with rules of the Fish and Wildlife Conservation
160 Commission. The feasibility assessment by the lead land managing
161 agency shall also evaluate the economic feasibility of
162 establishing a recipient site, including the initial cost and
163 recurring management costs of operating a recipient site meeting
164 the rules of the Fish and Wildlife Conservation Commission and
165 the revenue projections necessary to ensure the initial and

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166 recurring costs of establishing and perpetual maintenance of a
167 recipient site do not create an increased recurring expense for
168 the agency for management of the state lands.

169 12. There is a need to change the focus and direction of
170 the state's major land acquisition programs and to extend
171 funding and bonding capabilities, so that future generations may
172 enjoy the natural resources of this state.

173 (b) The Legislature recognizes that acquisition of lands
174 in fee simple is only one way to achieve the aforementioned
175 goals and encourages the use of less-than-fee interests, other
176 techniques, and the development of creative partnerships between
177 governmental agencies and private landowners. Such partnerships
178 may include those that advance the restoration, enhancement,
179 management, or repopulation of imperiled species habitat on
180 state lands as provided for in subparagraph (a)11. Easements
181 acquired pursuant to s. 570.71(2) (a) and (b), land protection
182 agreements, and nonstate funded tools such as rural land
183 stewardship areas, sector planning, gopher tortoise recipient
184 sites, and mitigation should be used, where appropriate, to
185 bring environmentally sensitive tracts under an acceptable level
186 of protection at a lower financial cost to the public, and to
187 provide private landowners with the opportunity to enjoy and
188 benefit from their property. The owner of lands where a
189 conservation easement or other less-than-fee interest has been
190 acquired by the board or another state agency or a regional or

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191 local government may establish a recipient site or conservation
192 bank on the property to advance the restoration, enhancement,
193 management, or repopulation of imperiled species habitat so long
194 as the recipient site or conservation bank's operation and
195 maintenance does not interfere with the management plan for the
196 conservation easement and the landowner complies with all state
197 and federal permitting for the recipient site or conservation
198 bank.

199 Section 2. (1) By December 31, 2022, the Fish and Wildlife
200 Conservation Commission shall streamline and improve the review
201 of applications for public and private gopher tortoise recipient
202 sites. Requests for additional information must be received by
203 the applicant within 45 days of receipt of an application, and
204 the commission shall approve or deny such applications within 45
205 days after receipt of a complete application.

206 (2) By October 31, 2022, the Fish and Wildlife
207 Conservation Commission shall:

208 (a) Establish an ongoing effort to encourage the
209 establishment of new gopher tortoise recipient sites on private
210 lands throughout the state;

211 (b) Update its permitting systems to create an online
212 dashboard to show permitted and available capacity for
213 reservations in permitted gopher tortoise recipient sites to
214 assist with the efficient relocation of gopher tortoises.

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215 (3) By February 1, 2023, the Fish and Wildlife
216 Conservation Commission shall submit a report to the President
217 of the Senate and the Speaker of the House of Representatives
218 that includes the following information:

219 (a) The progress made in establishing new private and
220 public gopher tortoise recipient sites;

221 (b) The average time it takes to approve or deny a
222 recipient site application once a complete application is
223 received;

224 (c) Any federal action taken to modify the listing of the
225 gopher tortoise under the Endangered Species Act; and

226 (d) Any other information relevant to the gopher tortoise
227 conservation program.

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

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Remove line 3 and insert:

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Commission; amending s. 259.105, F.S.; requiring land

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managing agencies to consider, as part of certain state

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land management plans, the feasibility of using portions of

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such lands as gopher tortoise recipient sites; providing

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requirements for the assessment of such lands; specifying

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permit timeframe requirements; directing the commission to

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streamline and improve the review of gopher tortoise

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recipient site applications; requiring the commission to

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 323 (2022)

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240 encourage the establishment of gopher tortoise recipient
241 sites on public and private lands; requiring the commission
242 to submit a report on gopher tortoise recipient sites to
243 the President of the Senate and Speaker of the House of
244 Representatives; amending s. 327.35215, F.S.; requiring