



305982

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/13/2022	.	
	.	
	.	
	.	

Appropriations Subcommittee on Agriculture, Environment, and General Government (Hutson) recommended the following:

Senate Amendment (with title amendment)

Before line 61

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



11 lands to protect those lands from imminent development or
12 alteration, thereby ensuring present and future generations'
13 access to important waterways, open spaces, and recreation and
14 conservation lands.

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

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

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

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



305982

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

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

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

63 8. Access to public lands to support a broad range of
64 outdoor recreational opportunities and the development of
65 necessary infrastructure, if compatible with the resource values
66 of and management objectives for such lands, promotes an
67 appreciation for the state's natural assets and improves the
68 quality of life.



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

91 11. 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



305982

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
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 must ~~shall~~ include as a consideration in management plan
125 development the restoration, enhancement, management, and
126 repopulation of such habitats. Each lead land managing agency,



305982

127 in consultation with the Fish and Wildlife Conservation
128 Commission, shall consider in the management plan for all state
129 lands under its management which are greater in size than 40
130 contiguous acres the feasibility of using a portion of the
131 property as a gopher tortoise recipient site. If, during
132 consultation with the Fish and Wildlife Conservation Commission,
133 the lead land managing agency determines that the recipient site
134 management is not in conflict with the primary management
135 objects of the parcel, the management plan must contain a
136 component or section prepared by a qualified wildlife biologist
137 which assesses the feasibility of managing the site as a
138 recipient site for gopher tortoises, consistent with the rules
139 of the Fish and Wildlife Conservation Commission. Each land
140 management agency shall consult with the Fish and Wildlife
141 Conservation Commission on feasibility assessments and
142 implementation of gopher tortoise management. In addition, the
143 lead land managing agency of such state lands may use fees
144 received from public or private entities for projects to offset
145 adverse impacts to imperiled species or their habitat in order
146 to restore, enhance, manage, repopulate, or acquire land and to
147 implement land management plans developed under s. 253.034 or a
148 land management prospectus developed and implemented under this
149 chapter. Such fees shall be deposited into a foundation or fund
150 created by each land management agency under s. 379.223, s.
151 589.012, or s. 259.032(9)(c), to be used solely to restore,
152 manage, enhance, repopulate, or acquire imperiled species
153 habitat.

154 12. There is a need to change the focus and direction of
155 the state's major land acquisition programs and to extend



305982

156 funding and bonding capabilities, so that future generations may
157 enjoy the natural resources of this state.

158 (b) The Legislature recognizes that acquisition of lands in
159 fee simple is only one way to achieve the aforementioned goals
160 and encourages the use of less-than-fee interests, other
161 techniques, and the development of creative partnerships between
162 governmental agencies and private landowners. Such partnerships
163 may include those that advance the restoration, enhancement,
164 management, or repopulation of imperiled species habitat on
165 state lands as provided for in subparagraph (a)11. Easements
166 acquired pursuant to s. 570.71(2)(a) and (b), land protection
167 agreements, and nonstate funded tools such as rural land
168 stewardship areas, sector planning, gopher tortoise recipient
169 sites, and mitigation should be used, where appropriate, to
170 bring environmentally sensitive tracts under an acceptable level
171 of protection at a lower financial cost to the public, and to
172 provide private landowners with the opportunity to enjoy and
173 benefit from their property.

174 Section 2. Section 379.51, Florida Statutes, is created to
175 read:

176 379.51 Penalties for death or injury of gopher tortoises or
177 destruction of their burrows.—

178 (1) Unless otherwise provided by law, a person, firm, or
179 corporation that commits a violation of any rule of the Fish and
180 Wildlife Conservation Commission relating to the conservation of
181 gopher tortoises or their burrows which results in the
182 destruction of a burrow or the death or injury of a gopher
183 tortoise must be punished as provided in subsection (2).

184 (2)(a) For a first conviction, the person, firm, or



185 corporation commits a misdemeanor of the first degree,
186 punishable by imprisonment as provided in s. 775.082 or by a
187 fine of not less than \$100 nor more than \$500 for each gopher
188 tortoise death or injury or burrow destroyed, or by both such
189 imprisonment and fine.

190 (b) For a second or subsequent conviction, the person,
191 firm, or corporation commits a felony of the third degree,
192 punishable by imprisonment as provided in s. 775.082 or by a
193 fine of not less than \$5,000 for each gopher tortoise death or
194 injury or burrow destroyed, or by both such imprisonment and
195 fine.

196
197 ===== T I T L E A M E N D M E N T =====

198 And the title is amended as follows:

199 Delete line 3

200 and insert:

201 Commission; amending s. 259.105, F.S.; requiring land
202 management agencies to consider, in consultation with
203 the Fish and Wildlife Conservation Commission, as part
204 of certain state land management plans, the
205 feasibility of using portions of such lands as gopher
206 tortoise recipient sites; requiring the agencies to
207 consult with the commission on required feasibilities
208 assessments and the implementation of management
209 strategies; creating s. 379.51, F.S.; providing
210 criminal penalties for any person, firm, or
211 corporation that violates certain commission rules
212 resulting in the death or injury of a gopher tortoise
213 or the destruction of gopher tortoise burrows;



305982

214 providing graduated criminal penalties for second or
215 subsequent convictions; amending ss. 327.352 and
216 327.35215, F.S.;