

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

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WITHDRAWN	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

1 Committee/Subcommittee hearing bill: Infrastructure Strategies  
2 Committee

3 Representative Buchanan offered the following:

4  
5 **Amendment (with title amendment)**

6 Remove lines 183-383 and insert:

7 Section 2. Subsections (2) and (7), paragraph (b) of  
8 subsection (8), and paragraph (d) of subsection (9) of section  
9 259.032, Florida Statutes, are amended to read:

10 259.032 Conservation and recreation lands.—

11 (2) The Governor and Cabinet, sitting as the Board of  
12 Trustees of the Internal Improvement Trust Fund, may expend  
13 moneys appropriated by the Legislature to acquire the fee or any  
14 lesser interest in lands for any of the following public  
15 purposes:

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16 (a) To conserve and protect environmentally unique and  
17 irreplaceable lands that contain native, relatively unaltered  
18 flora and fauna representing a natural area unique to, or scarce  
19 within, a region of this state or a larger geographic area.†

20 (b) To conserve and protect lands within designated areas  
21 of critical state concern, if the proposed acquisition relates  
22 to the natural resource protection purposes of the designation.†

23 (c) To conserve and protect native species habitat or  
24 endangered or threatened species, emphasizing long-term  
25 protection for endangered or threatened species designated G-1  
26 or G-2 by the Florida Natural Areas Inventory, and especially  
27 those areas that are special locations for breeding and  
28 reproduction.†

29 (d) To conserve, protect, manage, or restore important  
30 ecosystems, landscapes, and forests, if the protection and  
31 conservation of such lands is necessary to enhance or protect  
32 significant surface water, groundwater, coastal, recreational,  
33 timber, or fish or wildlife resources which cannot otherwise be  
34 accomplished through local and state regulatory programs.†

35 (e) To promote water resource development that benefits  
36 natural systems and citizens of the state.†

37 (f) To facilitate the restoration and subsequent health  
38 and vitality of the Florida Everglades.†

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39 (g) To provide areas, including recreational trails, for  
40 natural resource-based recreation and other outdoor recreation  
41 on any part of any site compatible with conservation purposes. ~~†~~

42 (h) To preserve significant archaeological or historic  
43 sites. ~~†~~

44 (i) To conserve urban open spaces suitable for greenways  
45 or outdoor recreation which are compatible with conservation  
46 purposes. ~~† or~~

47 (j) To preserve agricultural lands under threat of  
48 conversion to development through less-than-fee acquisitions.

49 (k) To complete critical linkages through fee or less than  
50 fee acquisition that will help preserve and protect the green  
51 and blue infrastructure and vital habitat for wide-ranging  
52 wildlife, such as the Florida panther, within the Florida  
53 wildlife corridor as defined in s. 259.1055(4).

54 (7) (a) All lands managed under this chapter and s. 253.034  
55 must ~~shall~~ be:

56 1. ~~(a)~~ Managed in a manner that will provide the greatest  
57 combination of benefits to the public and to the resources.

58 2. ~~(b)~~ Managed for public outdoor recreation which is  
59 compatible with the conservation and protection of public lands.  
60 Such management may include, but not be limited to, the  
61 following public recreational uses: fishing, hunting, camping,  
62 bicycling, hiking, nature study, swimming, boating, canoeing,

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63 horseback riding, diving, model hobbyist activities, birding,  
64 sailing, jogging, and other related outdoor activities.

65 ~~(b)-(e)~~ Concurrent with its adoption of the annual list of  
66 acquisition projects pursuant to s. 259.035, the board shall  
67 adopt a management prospectus for each project. The management  
68 prospectus shall delineate:

69 1. The management goals for the property;

70 2. The conditions that will affect the intensity of  
71 management;

72 3. An estimate of the revenue-generating potential of the  
73 property, if appropriate;

74 4. A timetable for implementing the various stages of  
75 management and for providing access to the public, if  
76 applicable;

77 5. A description of potential multiple-use activities as  
78 described in this section and s. 253.034;

79 6. Provisions for protecting existing infrastructure and  
80 for ensuring the security of the project upon acquisition;

81 7. The anticipated costs of management and projected  
82 sources of revenue, including legislative appropriations, to  
83 fund management needs; and

84 8. Recommendations as to how many employees will be needed  
85 to manage the property, and recommendations as to whether local  
86 governments, volunteer groups, the former landowner, or other  
87 interested parties can be involved in the management.

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88           ~~(c)-(d)~~ Concurrent with the approval of the acquisition  
89 contract pursuant to s. 253.025(4) ~~s. 253.025(4)(e)~~ for any  
90 interest in lands except those lands acquired pursuant to s.  
91 259.1052, the board shall designate an agency or agencies to  
92 manage such lands. The board shall evaluate and amend, as  
93 appropriate, the management policy statement for the project as  
94 provided by s. 259.035 to ensure that the policy statement is  
95 compatible with conservation, recreation, or both. For any fee  
96 simple acquisition of a parcel which is or will be leased back  
97 for agricultural purposes, or any acquisition of a less than fee  
98 interest in land that is or will be used for agricultural  
99 purposes, the board shall first consider having a soil and water  
100 conservation district, created pursuant to chapter 582, manage  
101 and monitor such interests.

102           ~~(d)-(e)~~ State agencies designated to manage lands acquired  
103 under this chapter or with funds deposited into the Land  
104 Acquisition Trust Fund, except those lands acquired under s.  
105 259.1052, may contract with local governments and soil and water  
106 conservation districts to assist in management activities,  
107 including the responsibility of being the lead land manager.  
108 Such land management contracts may include a provision for the  
109 transfer of management funding to the local government or soil  
110 and water conservation district from the land acquisition trust  
111 fund of the lead land managing agency in an amount adequate for  
112 the local government or soil and water conservation district to

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113 perform its contractual land management responsibilities and  
114 proportionate to its responsibilities, and which otherwise would  
115 have been expended by the state agency to manage the property.

116 (e)~~(f)~~ Immediately following the acquisition of any  
117 interest in conservation and recreation lands, the department,  
118 acting on behalf of the board, may issue to the lead managing  
119 entity an interim assignment letter to be effective until the  
120 execution of a formal lease.

121 (8)

122 (b) Individual management plans required by s. 253.034(5),  
123 for parcels over 160 acres, shall be developed with input from  
124 an advisory group. Members of this advisory group shall include,  
125 at a minimum, representatives of the lead land managing agency,  
126 comanaging entities, local private property owners, the  
127 appropriate soil and water conservation district, a local  
128 conservation organization, and a local elected official. If  
129 habitat or potentially restorable habitat for imperiled species  
130 is located on state lands, the Fish and Wildlife Conservation  
131 Commission and the Department of Agriculture and Consumer  
132 Services shall be included on any advisory group required under  
133 chapter 253, and the short-term and long-term management goals  
134 required under chapter 253 must advance the goals and objectives  
135 of imperiled species management without restricting other uses  
136 identified in the management plan. The advisory group shall  
137 conduct at least one public hearing within the county in which

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138 the parcel or project is located. For those parcels or projects  
139 that are within more than one county, at least one areawide  
140 public hearing shall be acceptable and the lead managing agency  
141 shall invite a local elected official from each county. The  
142 areawide public hearing shall be held in the county in which the  
143 core parcels are located. Notice of such public hearing shall be  
144 posted on the parcel or project designated for management,  
145 advertised in a paper of general circulation, and announced at a  
146 scheduled meeting of the local governing body before the actual  
147 public hearing. The management prospectus required pursuant to  
148 paragraph (7)(b) ~~(7)(c)~~ shall be available to the public for a  
149 period of 30 days before the public hearing.

150  
151 By July 1 of each year, each governmental agency and each  
152 private entity designated to manage lands shall report to the  
153 Secretary of Environmental Protection on the progress of  
154 funding, staffing, and resource management of every project for  
155 which the agency or entity is responsible.

156 (9)

157 (d) Up to one-fifth of the funds appropriated for the  
158 purposes identified in paragraph (b) shall be reserved by the  
159 board for interim management of acquisitions and for associated  
160 contractual services, to ensure the conservation and protection  
161 of natural resources on project sites and to allow limited  
162 public recreational use of lands. Interim management activities

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163 may include, but not be limited to, resource assessments,  
164 control of invasive, nonnative species, habitat restoration,  
165 fencing, law enforcement, controlled burning, and public access  
166 consistent with preliminary determinations made pursuant to  
167 paragraph (7)(e) ~~(7)(f)~~. The board shall make these interim  
168 funds available immediately upon purchase.

169 Section 3. Paragraphs (i) and (m) of subsection (3) of  
170 section 259.105, Florida Statutes, are amended, and paragraphs  
171 (g) and (h) are added to subsection (10) of that section, to  
172 read:

173 259.105 The Florida Forever Act.—

174 (3) Less the costs of issuing and the costs of funding  
175 reserve accounts and other costs associated with bonds, the  
176 proceeds of cash payments or bonds issued pursuant to this  
177 section shall be deposited into the Florida Forever Trust Fund  
178 created by s. 259.1051. The proceeds shall be distributed by the  
179 Department of Environmental Protection in the following manner:

180 (i) Three and five-tenths percent to the Department of  
181 Agriculture and Consumer Services for the acquisition of  
182 agricultural lands, through perpetual conservation easements and  
183 other perpetual less than fee techniques, which will achieve the  
184 objectives of Florida Forever and s. 570.71. Rules concerning  
185 the application, acquisition, and priority ranking process for  
186 such easements shall be developed pursuant to s. 570.71(10) and  
187 as provided by this paragraph. The board shall ensure that such



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188 rules are consistent with the acquisition process provided for  
189 in s. 570.715. The rules developed pursuant to s. 570.71(10),  
190 shall also provide for the following:

191 1. An annual priority list shall be developed pursuant to  
192 s. 570.71(10), submitted to the council for review, and approved  
193 by the board pursuant to s. 259.04. By March 1, 2024, the  
194 Department of Agriculture and Consumer Services shall submit an  
195 updated priority list to the council. Any acquisitions for which  
196 funds have been obligated before July 1, 2023, to pay for an  
197 appraisal may not be impacted by the updated priority list.

198 2. Terms of easements and acquisitions proposed pursuant  
199 to this paragraph shall be approved by the board and may not be  
200 delegated by the board to any other entity receiving funds under  
201 this section.

202 3. All acquisitions pursuant to this paragraph shall  
203 contain a clear statement that they are subject to legislative  
204 appropriation.

205  
206 Funds provided under this paragraph may not be expended until  
207 final adoption of rules by the board pursuant to s. 570.71.

208 ~~(m) Notwithstanding paragraphs (a)-(j) and for the 2021-~~  
209 ~~2022 fiscal year, the amount of \$1,998,100 to only the~~  
210 ~~Department of Environmental Protection for grants pursuant to s.~~  
211 ~~375.075. This paragraph expires July 1, 2022.~~

212 (10) The council shall give increased priority to:

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213       (g) Projects in imminent danger of development, loss of  
214 significant natural attributes or recreational open space, or  
215 subdivision, which would result in multiple ownership and make  
216 acquisition of the project costly or less likely to be  
217 accomplished.

218       (h) Projects located within the Florida wildlife corridor  
219 as defined in s. 259.1055(4).

220       Section 4. Paragraph (b) of subsection (3) of section  
221 375.041, Florida Statutes, is amended to read:

222       375.041 Land Acquisition Trust Fund.—

223       (3) Funds distributed into the Land Acquisition Trust Fund  
224 pursuant to s. 201.15 shall be applied:

225       (b) Of the funds remaining after the payments required  
226 under paragraph (a), but before funds may be appropriated,  
227 pledged, or dedicated for other uses:

228       1. A minimum of the lesser of 25 percent or \$200 million  
229 shall be appropriated annually for Everglades projects that  
230 implement the Comprehensive Everglades Restoration Plan as set  
231 forth in s. 373.470, including the Central Everglades Planning  
232 Project subject to congressional authorization; the Long-Term  
233 Plan as defined in s. 373.4592(2); and the Northern Everglades  
234 and Estuaries Protection Program as set forth in s. 373.4595.  
235 From these funds, \$32 million shall be distributed each fiscal  
236 year through the 2023-2024 fiscal year to the South Florida  
237 Water Management District for the Long-Term Plan as defined in

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238 s. 373.4592(2). After deducting the \$32 million distributed  
239 under this subparagraph, from the funds remaining, a minimum of  
240 the lesser of 76.5 percent or \$100 million shall be appropriated  
241 each fiscal year through the 2025-2026 fiscal year for the  
242 planning, design, engineering, and construction of the  
243 Comprehensive Everglades Restoration Plan as set forth in s.  
244 373.470, including the Central Everglades Planning Project, the  
245 Everglades Agricultural Area Storage Reservoir Project, the Lake  
246 Okeechobee Watershed Project, the C-43 West Basin Storage  
247 Reservoir Project, the Indian River Lagoon-South Project, the  
248 Western Everglades Restoration Project, and the Picayune Strand  
249 Restoration Project. The Department of Environmental Protection  
250 and the South Florida Water Management District shall give  
251 preference to those Everglades restoration projects that reduce  
252 harmful discharges of water from Lake Okeechobee to the St.  
253 Lucie or Caloosahatchee estuaries in a timely manner. For the  
254 purpose of performing the calculation provided in this  
255 subparagraph, the amount of debt service paid pursuant to  
256 paragraph (a) for bonds issued after July 1, 2016, for the  
257 purposes set forth under this paragraph shall be added to the  
258 amount remaining after the payments required under paragraph  
259 (a). The amount of the distribution calculated shall then be  
260 reduced by an amount equal to the debt service paid pursuant to  
261 paragraph (a) on bonds issued after July 1, 2016, for the  
262 purposes set forth under this subparagraph.

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263           2. A minimum of the lesser of 7.6 percent or \$50 million  
264 shall be appropriated annually for spring restoration,  
265 protection, and management projects. For the purpose of  
266 performing the calculation provided in this subparagraph, the  
267 amount of debt service paid pursuant to paragraph (a) for bonds  
268 issued after July 1, 2016, for the purposes set forth under this  
269 paragraph shall be added to the amount remaining after the  
270 payments required under paragraph (a). The amount of the  
271 distribution calculated shall then be reduced by an amount equal  
272 to the debt service paid pursuant to paragraph (a) on bonds  
273 issued after July 1, 2016, for the purposes set forth under this  
274 subparagraph.

275           3. The sum of \$5 million shall be appropriated annually  
276 each fiscal year through the 2025-2026 fiscal year to the St.  
277 Johns River Water Management District for projects dedicated to  
278 the restoration of Lake Apopka. This distribution shall be  
279 reduced by an amount equal to the debt service paid pursuant to  
280 paragraph (a) on bonds issued after July 1, 2016, for the  
281 purposes set forth in this subparagraph.

282           4. The sum of \$64 million is appropriated and shall be  
283 transferred to the Everglades Trust Fund for the 2018-2019  
284 fiscal year, and each fiscal year thereafter, for the EAA  
285 reservoir project pursuant to s. 373.4598. Any funds remaining  
286 in any fiscal year shall be made available only for Phase II of  
287 the C-51 reservoir project or projects identified in

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288 subparagraph 1. and must be used in accordance with laws  
289 relating to such projects. Any funds made available for such  
290 purposes in a fiscal year are in addition to the amount  
291 appropriated under subparagraph 1. This distribution shall be  
292 reduced by an amount equal to the debt service paid pursuant to  
293 paragraph (a) on bonds issued after July 1, 2017, for the  
294 purposes set forth in this subparagraph.

295 5. The sum of \$50 million shall be appropriated annually  
296 to the South Florida Water Management District for the Lake  
297 Okeechobee Watershed Restoration Project in accordance with s.  
298 373.4599. This distribution must be reduced by an amount equal  
299 to the debt service paid pursuant to paragraph (a) on bonds  
300 issued after July 1, 2021, for the purposes set forth in this  
301 subparagraph.

302 6. The sum of \$100 million shall be appropriated annually  
303 to the Department of Environmental Protection for the  
304 acquisition of land pursuant to s. 259.105 ~~Notwithstanding~~  
305 ~~subparagraph 3., for the 2022-2023 fiscal year, funds shall be~~  
306 ~~appropriated as provided in the General Appropriations Act. This~~  
307 ~~subparagraph expires July 1, 2023.~~

308 Section 5. Subsection (10) of section 570.71, Florida  
309 Statutes, is amended and a new subsection (14) is added to that  
310 section to read:

311 570.71 Conservation easements and agreements.—

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312 (10) The department, in consultation with the Department  
313 of Environmental Protection, the water management districts, the  
314 Department of Economic Opportunity, and the Florida Fish and  
315 Wildlife Conservation Commission, shall adopt rules that  
316 establish an application process; and a process and criteria for  
317 setting priorities for use of funds consistent with the purposes  
318 specified in subsection (1) and giving preference to ranch and  
319 timber lands managed using sustainable practices, lands in  
320 imminent danger of development or degradation, or lands within  
321 the Florida wildlife corridor as defined in s. 259.1055(4); an  
322 appraisal process; and a process for title review and  
323 compliance and approval of the rules by the Board of Trustees of  
324 the Internal Improvement Trust Fund.

325 (14) Notwithstanding any other law or rule, the department  
326 shall submit a purchase agreement authorized by this section to  
327 the Board of Trustees of the Internal Improvement Trust Fund for  
328 approval only if the purchase price exceeds \$5 million.

329 Section 6. Subsection (5) and paragraph (b) of subsection  
330 (1) of section 570.715, Florida Statutes, are amended to read:

331 570.715 Conservation easement acquisition procedures.—

332 (1) For less than fee simple acquisitions pursuant to s.  
333 570.71, the Department of Agriculture and Consumer Services  
334 shall comply with the following acquisition procedures:

335 (b) Before approval by the board of trustees of an  
336 agreement to purchase less than fee simple title to land

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337 pursuant to s. 570.71, an appraisal of the parcel shall be  
338 required as follows:

339 1. Each parcel to be acquired shall have at least one  
340 appraisal. Two appraisals are required when the estimated value  
341 of the parcel exceeds \$5 ~~\$1~~ million. However, when both  
342 appraisals exceed \$5 ~~\$1~~ million and differ significantly, a  
343 third appraisal may be obtained.

344 2. Appraisal fees and associated costs shall be paid by  
345 the department. All appraisals used for the acquisition of less  
346 than fee simple interest in lands pursuant to this section shall  
347 be prepared by a state-certified appraiser who meets the  
348 standards and criteria established by rule of the board of  
349 trustees. Each appraiser selected to appraise a particular  
350 parcel shall, before contracting with the department or a  
351 participant in a multiparty agreement, submit to the department  
352 or participant an affidavit substantiating that he or she has no  
353 vested or fiduciary interest in such parcel.

354

355 -----

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

357 Remove lines 21-44 and insert:  
358 amending s. 259.032, F.S.; authorizing the Board of  
359 Trustees of the Internal Improvement Trust Fund to acquire  
360 specified conservation and recreation lands; conforming  
361 provisions to changes made by the act; amending s. 259.105,

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362 F.S.; requiring the Department of Agriculture and Consumer  
363 Services to submit an updated priority list for the  
364 acquisition of certain agricultural lands to the  
365 Acquisition and Restoration Council by a specified date;  
366 specifying that certain acquisitions may not be impacted by  
367 the updated priority list; deleting an obsolete provision;  
368 requiring the council to give increased priority to  
369 specified projects; amending s. 375.041, F.S.; requiring an  
370 annual appropriation from the Land Acquisition Trust Fund  
371 to the department for the acquisition of specified lands;  
372 deleting an obsolete provision; amending s. 570.71, F.S.;  
373 requiring the Department of Agriculture and Consumer  
374 Services, in consultation with the Department of  
375 Environmental Protection, the water management districts,  
376 the Department of Economic Opportunity, and the Florida  
377 Fish and Wildlife Conservation Commission, to adopt rules  
378 giving funding priority and preference to specified lands;  
379 requiring the Department of Agriculture and Consumer  
380 Services to submit certain purchase agreements to the Board  
381 of Trustees of the Internal Improvement Trust Fund for  
382 approval; amending s. 570.715, F.S.; increasing the  
383 estimated value threshold for the appraisal of specified  
384 conservation easement acquisitions;