

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Sirois offered the following:

2
3 **Amendment (with title amendment)**

4 Remove lines 73-255 and insert:

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

7 259.105 The Florida Forever Act.—

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

9 1. Land acquisition programs have provided tremendous
10 financial resources for purchasing environmentally significant
11 lands to protect those lands from imminent development or
12 alteration, thereby ensuring present and future generations'

031891

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Amendment No.

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
34 are under tremendous pressure due to population growth and
35 economic expansion and require special protection and
36 restoration efforts, including the protection of uplands and
37 springsheds that provide vital recharge to aquifer systems and

031891

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Amendment No.

38 are critical to the protection of water quality and water
39 quantity of the aquifers and springs. To ensure that sufficient
40 quantities of water are available to meet the current and future
41 needs of the natural systems and citizens of the state, and
42 assist in achieving the planning goals of the department and the
43 water management districts, water resource development projects
44 on 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.

031891

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Amendment No.

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

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

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Amendment No.

88 Forever program shall be developed and implemented in the
89 context of measurable state goals and objectives.

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

031891

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Amendment No.

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

031891

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Amendment No.

137 b. The Legislature recognizes that there have been
138 geographical and capacity constraints on available gopher
139 tortoise recipient sites that have coincided with increased
140 demands for such sites. The Legislature also recognizes that the
141 success of gopher tortoise conservation depends on participation
142 by privately owned lands and the use of appropriate public lands
143 for gopher tortoise and other imperiled species management and
144 recovery. To encourage adequate capacity for relocating gopher
145 tortoises, each lead land managing agency, in consultation with
146 the Fish and Wildlife Conservation Commission, shall consider
147 the feasibility of using a portion of state lands as a gopher
148 tortoise recipient site in management plans for all state lands
149 under the management of the agency that are greater than 40
150 contiguous acres. If the lead land managing agency, in
151 consultation with the Fish and Wildlife Conservation Commission,
152 determines that gopher tortoise recipient site management does
153 not conflict with the primary management objectives of the
154 lands, the management plan must contain a component prepared by
155 the agency or cooperatively with a Fish and Wildlife
156 Conservation Commission wildlife biologist that assesses the
157 feasibility of managing the lands as a recipient site for gopher
158 tortoises consistent with rules of the Fish and Wildlife
159 Conservation Commission. The feasibility assessment by the lead
160 land managing agency must also evaluate the economic feasibility
161 of establishing a gopher tortoise recipient site, including the

031891

Approved For Filing: 3/1/2022 2:56:01 PM

Amendment No.

162 initial cost and recurring management costs of operating the
163 gopher tortoise recipient site consistent with the rules of the
164 Fish and Wildlife Conservation Commission and the revenue
165 projections necessary to ensure the initial and recurring costs
166 of establishing and perpetually maintaining the gopher tortoise
167 recipient site do not create an increased recurring expense for
168 the agency.

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

031891

Approved For Filing: 3/1/2022 2:56:01 PM

Amendment No.

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

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

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

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

031891

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Amendment No.

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

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

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

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

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

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

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

232 Remove lines 3-15 and insert:

233 Commission; amending s. 259.105, F.S.; providing
234 legislative findings; requiring lead land managing
235 agencies, in consultation with the Fish and Wildlife
236 Conservation Commission, to consider the use of state

031891

Approved For Filing: 3/1/2022 2:56:01 PM

Amendment No.

237 lands as gopher tortoise recipient sites in certain
238 management plans; requiring certain management plans
239 to include feasibility assessments for managing gopher
240 tortoise recipient sites; authorizing owners of
241 certain lands to establish gopher tortoise recipient
242 sites or conservation banks on the lands under certain
243 conditions; requiring the commission to streamline and
244 improve the review of gopher tortoise recipient site
245 applications and approve or deny such applications
246 within a specified timeframe; requiring the commission
247 to encourage the establishment of gopher tortoise
248 recipient sites on private lands and to create an
249 online dashboard for certain gopher tortoise recipient
250 site information; requiring the commission to submit a
251 report on gopher tortoise recipient sites to the
252 Legislature by a specified date; providing report
253 requirements; amending ss. 327.352 and 327.35215,

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