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A bill to be entitled

An act relating to natural resources; amending s. 17.71, F.S.; conforming a provision to changes made by the act; deleting provisions authorizing the Department of Financial Services to disburse certain funds from the Indian Gaming Revenue Clearing Trust Fund; amending s. 253.0251, F.S.; revising requirements for applications for full fee simple acquisition projects; amending s. 259.032, F.S.; revising the list of entities that certain state agencies may contract with; revising the requirements for certain provisions in certain land management contracts; amending ss. 259.037 and 259.1055, F.S.; conforming provisions to changes made by the act; repealing s. 260.0145, F.S., relating to the Local Trail Management Grant Program; amending s. 373.026, F.S.; conforming a cross-reference; amending s. 373.1501, F.S.; providing a legislative declaration; authorizing the governing board of the South Florida Water Management District to acquire land to implement a reservoir project in a certain area; providing construction; providing that land necessary for implementing such project be acquired in a specified manner; prohibiting the district or the state from requesting that the United States Army Corps of Engineers acquire lands for such reservoir project; prohibiting the inclusion of any such request in a certain agreement; making technical changes; conforming provisions to changes made by the act;

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amending s. 380.093, F.S.; revising the scoring system for assessing project eligibility for inclusion in the statewide flooding and sea-level rise plan; repealing s. 380.095, F.S., relating to dedicated funding for conservation lands, resiliency, and clean water infrastructure; amending s. 403.0673, F.S.; requiring the Department of Environmental Protection to dedicate a certain amount of funds to projects located in a rural area of opportunity; requiring the department to announce grant awards by a certain date; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 17.71, Florida Statutes, is amended to read:

17.71 Indian Gaming Revenue Clearing Trust Fund.—

(1) The Indian Gaming Revenue Clearing Trust Fund is created within the Department of Financial Services. The purpose of the trust fund is to act as a depository for a portion of the revenue-sharing payments received by the state under the gaming compact, as the term "compact" is defined in s. 285.710(1).

(2) Funds shall be credited to the Indian Gaming Revenue Clearing Trust Fund ~~as provided in s. 380.095~~. Funds received from such revenue-sharing payments and deposited into the trust fund are exempt from the service charges imposed pursuant to s. 215.20.

(3) ~~The department shall disburse funds, by nonoperating transfer, from the Indian Gaming Revenue Clearing Trust Fund as~~

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provided in s. 380.095.

~~(4)~~ Pursuant to s. 19(f)(3), Art. III of the State Constitution, the Indian Gaming Revenue Clearing Trust Fund is exempt from the termination provisions of s. 19(f)(2), Art. III of the State Constitution.

Section 2. Subsection (2) of section 253.0251, Florida Statutes, is amended to read:

253.0251 Alternatives to fee simple acquisition.—

(2) All applications for full ~~alternatives to~~ fee simple acquisition projects must ~~shall~~ identify, within their acquisition plans, the reasons the projects ~~that~~ require a full fee simple interest to achieve the public policy goals, together with the reasons full title is determined to be necessary. The state agencies and the water management districts may use alternatives to fee simple acquisition to bring the remaining projects in their acquisition plans under public protection. For purposes of this section, the phrase "alternatives to fee simple acquisition" includes, but is not limited to, purchase of development rights; obtaining conservation easements; obtaining flowage easements; purchase of timber rights, mineral rights, or hunting rights; purchase of agricultural interests or silvicultural interests; fee simple acquisitions with reservations; creating life estates; or any other acquisition technique that achieves the public policy goals listed in subsection (1). It is presumed that a private landowner retains the full range of uses for all the rights or interests in the landowner's land which are not specifically acquired by the public agency. The lands upon which hunting rights are specifically acquired pursuant to this section shall be

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88 available for hunting in accordance with the management plan or  
89 hunting regulations adopted by the Fish and Wildlife  
90 Conservation Commission, unless the hunting rights are purchased  
91 specifically to protect activities on adjacent lands.

92 Section 3. Paragraph (d) of subsection (7) of section  
93 259.032, Florida Statutes, is amended to read:

94 259.032 Conservation and recreation lands.—

95 (7)

96 (d) State agencies designated to manage lands acquired  
97 under this chapter or with funds deposited into the Land  
98 Acquisition Trust Fund, except those lands acquired under s.  
99 259.1052, may contract with local governments, water control  
100 districts designated pursuant to chapter 298, and soil and water  
101 conservation districts to assist in management activities,  
102 including the responsibility of being the lead land manager.  
103 Such land management contracts must ~~may~~ include a provision for  
104 the transfer of management funding to the local government,  
105 water control district, or soil and water conservation district  
106 ~~from the land acquisition trust fund of the lead land managing~~  
107 ~~agency in an amount adequate for the local government,~~ water  
108 control district, or soil and water conservation district to  
109 perform its ~~contractual~~ land management responsibilities or ~~and~~  
110 ~~proportionate to its responsibilities,~~ and which otherwise would  
111 have been expended by the state agency to manage the property.

112 Section 4. Paragraph (a) of subsection (7) of section  
113 259.037, Florida Statutes, is amended to read:

114 259.037 Land Management Uniform Accounting Council.—

115 (7)(a) The LMUAC shall recommend the most efficient and  
116 effective use of the funds available to state agencies for land

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117 management activities ~~pursuant to s. 380.095~~. The  
118 recommendations must be based on a review of the resources of  
119 each land management agency to determine current expenditures,  
120 including personnel costs, spent specifically on upland  
121 management activities and invasive species removal. The  
122 recommendations must include a calculation methodology to  
123 distribute the funds between ~~to the~~ state agencies ~~specified in~~  
124 ~~s. 380.095(2)(b)~~.

125 Section 5. Paragraph (c) of subsection (6) of section  
126 259.1055, Florida Statutes, is amended to read:

127 259.1055 Florida wildlife corridor.—

128 (6) MANAGEMENT TECHNIQUES.—The Fish and Wildlife  
129 Conservation Commission is authorized to enter into voluntary  
130 agreements with private landowners for environmental services  
131 within the Florida wildlife corridor.

132 ~~(c) Subject to appropriation, the commission may use land~~  
133 ~~management funds received pursuant to s. 380.095 for this~~  
134 ~~purpose.~~

135 Section 6. Section 260.0145, Florida Statutes, is repealed.

136 Section 7. Paragraph (b) of subsection (8) of section  
137 373.026, Florida Statutes, is amended to read:

138 373.026 General powers and duties of the department.—The  
139 department, or its successor agency, shall be responsible for  
140 the administration of this chapter at the state level. However,  
141 it is the policy of the state that, to the greatest extent  
142 possible, the department may enter into interagency or  
143 interlocal agreements with any other state agency, any water  
144 management district, or any local government conducting programs  
145 related to or materially affecting the water resources of the

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146 state. All such agreements shall be subject to the provisions of  
147 s. 373.046. In addition to its other powers and duties, the  
148 department shall, to the greatest extent possible:

149 (8)

150 (b) To ensure to the greatest extent possible that project  
151 components will go forward as planned, the department shall  
152 collaborate with the South Florida Water Management District in  
153 implementing the comprehensive plan as defined in s.

154 373.470(2)(b), the Lake Okeechobee Watershed Protection Plan as  
155 defined in s. 373.4595(2), and the River Watershed Protection  
156 Plans as defined in s. 373.4595(2). Before any project component  
157 is submitted to Congress for authorization or receives an  
158 appropriation of state funds, the department must approve, or  
159 approve with amendments, each project component within 60 days  
160 following formal submittal of the project component to the  
161 department. Prior to the release of state funds for the  
162 implementation of the comprehensive plan, department approval  
163 shall be based upon a determination of the South Florida Water  
164 Management District's compliance with s. 373.1501(6) ~~s.~~

165 ~~373.1501(5)~~. Once a project component is approved, the South  
166 Florida Water Management District shall provide to the President  
167 of the Senate and the Speaker of the House of Representatives a  
168 schedule for implementing the project component, the estimated  
169 total cost of the project component, any existing federal or  
170 nonfederal credits, the estimated remaining federal and  
171 nonfederal share of costs, and an estimate of the amount of  
172 state funds that will be needed to implement the project  
173 component. All requests for an appropriation of state funds  
174 needed to implement the project component shall be submitted to

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the department, and such requests shall be included in the department's annual request to the Governor. Prior to the release of state funds for the implementation of the Lake Okeechobee Watershed Protection Plan or the River Watershed Protection Plans, on an annual basis, the South Florida Water Management District shall prepare an annual work plan as part of the consolidated annual report required in s. 373.036(7). Upon a determination by the secretary of the annual work plan's consistency with the goals and objectives of s. 373.4595, the secretary may approve the release of state funds. Any modifications to the annual work plan shall be submitted to the secretary for review and approval.

Section 8. Present subsections (4) through (10) of section 373.1501, Florida Statutes, are redesignated as subsections (5) through (11), respectively, a new subsection (4) is added to that section, and present subsection (9) of that section is amended, to read:

373.1501 South Florida Water Management District as local sponsor.—

(4) The Legislature declares that acquiring land for water storage north of Lake Okeechobee is in the public interest, for a public purpose, and necessary for the public health and welfare. The governing board of the district is authorized to acquire land, if necessary, to implement a reservoir project north of Lake Okeechobee with the goal of providing at least 200,000 acre-feet of water storage. Any acquisition of real property for the purpose of a reservoir project constitutes a public purpose for which it is in the public interest to expend public funds. Any land necessary for implementing the projects

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in this subsection may be acquired only in accordance with s. 373.139(2) and chapters 73 and 74. The district and the state are not authorized to request that the United States Army Corps of Engineers acquire the lands for such reservoir project and may not include any such request in the project partnership agreement for such reservoir project.

~~(10)~~~~(9)~~ Final agency action with regard to any project component subject to s. 373.026(8)(b) must ~~shall~~ be taken by the department. Actions taken by the district pursuant to subsection (6) ~~are~~ ~~(5)~~ ~~shall~~ not be considered final agency action. Any petition for formal proceedings filed pursuant to ss. 120.569 and 120.57 must require ~~shall require~~ a hearing under the summary hearing provisions of s. 120.574, which is ~~shall be~~ mandatory. The final hearing under this section must ~~shall~~ be held within 30 days after receipt of the petition by the Division of Administrative Hearings.

Section 9. Paragraph (g) of subsection (5) of section 380.093, Florida Statutes, is amended to read:

380.093 Resilient Florida Grant Program; comprehensive statewide flood vulnerability and sea level rise data set and assessment; Statewide Flooding and Sea Level Rise Resilience Plan; regional resilience entities.—

(5) STATEWIDE FLOODING AND SEA LEVEL RISE RESILIENCE PLAN.—

(g) The department shall implement a scoring system for assessing each project eligible for inclusion in the plan pursuant to this subsection. The scoring system must include the following tiers and associated criteria:

1. Tier 1 must account for 40 percent of the total score and consist of all of the following criteria:

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233       a. The degree to which the project addresses the risks  
234 posed by flooding and sea level rise identified in the local  
235 government vulnerability assessments or the comprehensive  
236 statewide flood vulnerability and sea level rise assessment, as  
237 applicable.

238       b. The degree to which the project addresses risks to  
239 regionally significant assets.

240       c. The degree to which the project reduces risks to areas  
241 with an overall higher percentage of vulnerable critical assets.

242       d. The degree to which the project contributes to existing  
243 flooding mitigation projects that reduce upland damage costs by  
244 incorporating new or enhanced structures or restoration and  
245 revegetation projects.

246       e. The degree to which the project reduces the flood risk,  
247 and thereby increases the credits awarded, to a community  
248 participating in the National Flood Insurance Program's  
249 Community Rating System.

250       2. Tier 2 must account for 30 percent of the total score  
251 and consist of all of the following criteria:

252       a. The degree to which flooding and erosion currently  
253 affect the condition of the project area.

254       b. The overall readiness of the project to proceed in a  
255 timely manner, considering the project's readiness for the  
256 construction phase of development, the status of required  
257 permits, the status of any needed easement acquisition, and the  
258 availability of local funding sources.

259       c. The environmental habitat enhancement or inclusion of  
260 nature-based options for resilience, with priority given to  
261 state or federal critical habitat areas for threatened or

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endangered species.

d. The cost-effectiveness of the project.

3. Tier 3 must account for 20 percent of the total score and consist of all of the following criteria:

a. The availability of local, state, and federal matching funds, considering the status of the funding award, and federal authorization, if applicable.

b. Previous state commitment and involvement in the project, considering previously funded phases, the total amount of previous state funding, and previous partial appropriations for the proposed project.

c. The exceedance of the flood-resistant construction requirements of the Florida Building Code and applicable flood plain management regulations.

4. Tier 4 must account for 10 percent of the total score and consist of all of the following criteria:

a. The proposed innovative technologies designed to reduce project costs and provide regional collaboration.

b. The extent to which the project assists financially disadvantaged communities.

Section 10. Section 380.095, Florida Statutes, is repealed.

Section 11. Subsections (10) and (11) are added to section 403.0673, Florida Statutes, to read:

403.0673 Water quality improvement grant program.—A grant program is established within the Department of Environmental Protection to address wastewater, stormwater, and agricultural sources of nutrient loading to surface water or groundwater.

(10) The department shall dedicate at least 25 percent of the funds appropriated for the water quality grant program each

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291 fiscal year for projects located in a rural area of opportunity.  
292 (11) The department shall announce grant awards by November  
293 1 of each fiscal year in which funds are appropriated for the  
294 grant program.  
295 Section 12. This act shall take effect July 1, 2025.