

20252506er

1
2 An act relating to natural resources; amending s.
3 17.71, F.S.; conforming a provision to changes made by
4 the act; deleting provisions authorizing the
5 Department of Financial Services to disburse certain
6 funds from the Indian Gaming Revenue Clearing Trust
7 Fund; amending s. 253.0251, F.S.; revising
8 requirements for applications for full fee simple
9 acquisition projects; amending s. 259.032, F.S.;
10 revising the list of entities that certain state
11 agencies may contract with; revising the requirements
12 for certain provisions in certain land management
13 contracts; amending ss. 259.037 and 259.1055, F.S.;
14 conforming provisions to changes made by the act;
15 repealing s. 260.0145, F.S., relating to the Local
16 Trail Management Grant Program; amending s. 373.026,
17 F.S.; conforming a cross-reference; amending s.
18 373.1501, F.S.; providing a legislative declaration;
19 authorizing the governing board of the South Florida
20 Water Management District to acquire land to implement
21 a reservoir project in a certain area; providing
22 construction; providing that land necessary for
23 implementing such project be acquired in a specified
24 manner; prohibiting the district or the state from
25 requesting that the United States Army Corps of
26 Engineers acquire lands for such reservoir project;
27 prohibiting the inclusion of any such request in a
28 certain agreement; making technical changes;
29 conforming provisions to changes made by the act;

20252506er

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~~

20252506er

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

20252506er

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

20252506er

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

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

259.1055 Florida wildlife corridor.—

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

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

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

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

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

20252506er

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

(8)

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

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

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

20252506er

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

20252506er

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:

20252506er

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

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

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

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

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

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

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

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

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

20252506er

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

20252506er

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.