

# FLORIDA HOUSE OF REPRESENTATIVES

## FINAL BILL ANALYSIS

*This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.*

**BILL #:** [HB 5011](#) [PCB BUC 25-06](#)

**TITLE:** Funding for Environmental Resource Management

**SPONSOR(S):** McClure

**COMPANION BILL:** None

**LINKED BILLS:** None

**RELATED BILLS:** [SB 2506](#)

**FINAL HOUSE FLOOR ACTION:** 91 Y's 13 N's **GOVERNOR'S ACTION:** Pending

### SUMMARY

#### Effect of the Bill:

The bill conforms law to the to the General Appropriations Act (GAA) for Fiscal Year 2025-2026. Specifically, the bill repeals certain provisions related to the distribution and expenditure of funds received by the state pursuant to the 2021 Seminole Gaming Compact. The bill also modifies provisions related to the acquisition and management of state conservation lands, scoring criteria for the Statewide Flooding and Sea Level Rise Resilience plan, and funding for the Water Quality Improvement Grant Program.

#### Fiscal or Economic Impact:

None

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### ANALYSIS

#### **EFFECT OF THE BILL:**

HB 5011 passed as [SB 2506](#), as amended by the conference committee.

The bill repeals [s. 380.095, F.S.](#), which provides for the [deposit and distribution](#) of revenue share payments received under the [2021 Seminole Gaming Compact](#). (Section 10)

The bill amends [s. 253.0251, F.S.](#), to require that all applications for full fee simple acquisition projects identify, within their [acquisition plans](#), why the project requires a full fee simple interest to achieve public policy goals, together with the reasons full title is determined to be necessary. (Section 2)

The bill amends [s. 259.032, F.S.](#), to include water control districts existing pursuant to [ch. 298, F.S.](#), to those governmental entities that may contract with state agencies for [land management](#) activities. (Section 3)

The bill repeals [s. 260.0145, F.S.](#), relating to the [Local Trail Management Grant Program](#) within the Department of Environmental Protection (DEP). The provision authorizes activities related to [s. 380.095, F.S.](#), and is subject to appropriation. (Section 6)

The bill amends [s. 373.1501, F.S.](#), to provide a legislative declaration 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 and further provides that any acquisition of real property for a reservoir project constitutes a public purpose for which it is in the public interest to expend public funds. The bill directs that any land necessary for implementing a reservoir project may only be acquired in accordance with law relating to acquisition of real property by a district and laws relating to eminent domain. (Section 8)

The bill amends [s. 380.093, F.S.](#), to require as a Tier 1 criteria within the scoring system used by the Department of Environmental Protection (DEP) to rank projects in the [Statewide Flooding and Sea Level Rise Resilience plan](#) the degree to which the project reduces the flood risk and, thereby, increases credits awards to a community participating in the National Flood Insurance Program's Community Rating System. (Section 9)

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The bill amends [s. 403.0673, F.S.](#), to require DEP to dedicate at least twenty-five percent of the [Water Quality Improvement Grant Program](#) funds to projects within a rural area of opportunity and announce grant awards by November 1 of each fiscal year. (Section 11)

The bill also makes conforming changes to revise or remove cross-references related to changes described above. (Sections 1, 4, 5 & 7)

Subject to the Governor's veto powers, the effective date of the bill is July 1, 2025. (Section 12)

## **FISCAL OR ECONOMIC IMPACT:**

### **STATE GOVERNMENT:**

The bill does not have a fiscal impact, it merely conforms law to the funding decisions provided in the General Appropriations Act (GAA) for Fiscal Year 2025-2026. For Fiscal Year 2025-26, an estimated \$834.2 million would be deposited in the Indian Gaming Revenue Clearing Trust Fund for subsequent distribution under current law. Under the bill, these revenues will be deposited in the General Revenue Fund.

While the bill repeals current law providing for the annual distribution of funds received under the 2021 Compact, these funds must also be appropriated in the GAA each year. Any funds deposited in the Indian Gaming Revenue Clearing Trust Fund and any revenues distributed to other trust funds pursuant to [s. 380.095, F.S.](#), before the effective date of the bill will remain in the trust funds to be used for appropriations made by law.

For Fiscal Year 2025-2026, residual funds deposited into departmental trust funds were partially appropriated for land management activities and the Water Quality Improvement Grant Program through the GAA.

## **RELEVANT INFORMATION**

### **SUBJECT OVERVIEW:**

#### [2021 Seminole Gaming Compact](#)

Gaming compacts are regulated by the Federal Indian Gaming Regulatory Act (IGRA)<sup>1</sup> and state law.<sup>2</sup> The Governor entered into a new gaming compact with the Seminole Tribe in 2021,<sup>3</sup> and the Legislature subsequently ratified the 2021 Compact in a special legislative session.<sup>4</sup> The U.S. Department of the Interior approved the 2021 Compact on August 6, 2021,<sup>5</sup> which became effective upon publication of notice in the Federal Register.<sup>6</sup>

The 2021 Compact establishes a guaranteed minimum payment period for the first five years of the compact. During the five-year period, the Seminole Tribe is required to make guaranteed minimum revenue share payments as specified, to total \$2.5 billion.

#### [Distribution of Gaming Compact Revenues](#)

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<sup>1</sup> [25 U.S.C. s. 2701](#), *et seq.*

<sup>2</sup> Ss. [285.710, F.S.](#), and [285.712, F.S.](#)

<sup>3</sup> Office of Economic & Demographic Research (EDR), *Revenue Estimating Conference Indian Gaming Revenues*, <http://www.edr.state.fl.us/Content/conferences/Indian-gaming/IndianGamingSummary.pdf> (last visited Mar. 24, 2025).

<sup>4</sup> [Chapter 2021-268, L.O.F.](#)

<sup>5</sup> The Secretary of the Interior may approve or disapprove of a compact within 45 days of submission, but if no action is taken within the 45-day timeframe, the compact is considered to have been approved but only to the extent that the compact is consistent with federal law. [25 U.S.C. s. 2710\(d\)](#). The Secretary of the Interior did not act on the 2021 Compact.

<sup>6</sup> U.S. Department of the Interior, *Seminole Tribe and State of Florida Tribal State Gaming Compact*, <https://www.bia.gov/sites/default/files/dup/assets/as-ia/oig/pdf/508%20Compliant%202021.08.11%20Seminole%20Tribe%20Gaming%20Compact.pdf> (last visited Mar. 24, 2025).

Section [380.095, F.S.](#), requires the Department of Revenue to deposit 96 percent of any revenue share payment received under the 2021 Compact into the Indian Gaming Revenue Clearing Trust Fund within the Department of Financial Services. The funds must be distributed in the following manner:

- The lesser of 26.042 percent or \$100 million to support the Corridor. To be eligible for funding, the acquisition project must be on the Florida Forever or RFLPP priority lists. The funds must be appropriated each year. Each eligible agency may, on a first-come, first-served basis, submit a budget amendment to request the release of funds.
- The lesser of 26.042 or \$100 million for the management of uplands and removal of invasive species:
  - The lesser of 36 percent or \$36 million is appropriated to DEP, of which the lesser of 88.889 percent or \$32 million is distributed to the State Park Trust Fund for land management activities within the state park system and the lesser of 11.111 percent or \$4 million is distributed to the Internal Improvement Trust Fund for the purpose of implementing the Local Trail Management Grant Program;
  - The lesser of 32 percent or \$32 million is appropriated to DACS for land management activities;
  - The lesser of 32 percent or \$32 million is appropriated to FWC for land management activities, including management activities for gopher tortoises and Florida panthers.
  - For the above funds intended for land management, a land manager may not use more than 25 percent of the distribution for operation capital outlay or capital assets;
- The lesser of 26.042 percent or \$100 million to DEP for the Statewide Flooding and Sea Level Rise Resilience Plan; and
- The remainder to DEP for the Water Quality Improvement Grant Program.

## [Conservation Lands](#)

### *Florida Forever Program*

The Florida Forever Program is the state's conservation and recreation lands acquisition program.<sup>7</sup> Since 2001, the state has purchased more than 902,011 acres of land for approximately \$3.3 billion.<sup>8</sup> Florida Forever supports a wide range of goals, including water resource protection, coastal resiliency, preservation of cultural resources, public access to outdoor recreation, and the restoration and maintenance of public lands.<sup>9</sup>

The Acquisition and Restoration Council (ARC) is a 10-member body that makes recommendations on the acquisition, management, and disposal of state-owned lands.<sup>10</sup> The Department of Environmental Protection (DEP) provides primary staff to support ARC. ARC is responsible for developing the Florida Forever priority list, which consists of ranked land acquisition projects that are deemed suitable as conservation property and meet Florida Forever goals.<sup>11</sup> ARC members determine the priority of lands based on weighted criteria.<sup>12</sup>

Anyone can propose a project for consideration for the priority list. To develop the list, ARC accepts applications from state agencies, local governments, nonprofit and for-profit organizations, private land trusts, and private individuals for project proposals eligible for Florida Forever funding.<sup>13</sup> ARC then submits the list to the Board of Trustees of the Internal Improvement Trust Fund (Board) for approval.<sup>14</sup> The Board comprises the Governor, Attorney General, Chief Financial Officer, and Commissioner of Agriculture. The Florida Forever priority list is used by DEP to prioritize projects with the available Florida Forever funds allocated annually by the Legislature. To be considered for acquisition, a project must have a willing seller and be on the list.

### *Rural and Family Lands Protection Program*

<sup>7</sup> Section 259.105, F.S. Such acquisitions include less-than-free agreements.

<sup>8</sup> Department of Environmental Protection (DEP), *Florida Forever*, <https://floridadep.gov/floridaforever> (last visited June 17, 2025).

<sup>9</sup> *See* s. 259.105(2)(a), F.S.

<sup>10</sup> Section 259.035(3), F.S.

<sup>11</sup> Section 259.105(8)-(9), F.S.

<sup>12</sup> Section 259.105(10), F.S.

<sup>13</sup> Section 259.105(7)(a), F.S.

<sup>14</sup> Section 259.04(1)(c), F.S.

The Rural and Family Lands Protection Program (RFLPP) is a land preservation program within the Department of Agriculture and Consumer Services (DACS) that was created to protect agricultural lands through the acquisition of permanent agricultural land conservation easements.<sup>15</sup> Through the RFLPP, DACS, on behalf of the Board, is authorized to allocate money to acquire perpetual, less-than-fee interests in land, enter into agricultural protection agreements, and enter into resource conservation agreements.<sup>16</sup> To qualify for acquisition, the agricultural land must protect the integrity and function of working landscapes, ensure opportunities for viable agricultural activities on working lands threatened by conversion to other uses, and meet certain public purposes.<sup>17</sup>

Under the RFLPP, lands must be acquired pursuant to a priority ranking process that is similar to the process for creating the Florida Forever priority list.<sup>18</sup> Through the RFLPP, the state has acquired conservation easements for over 69,000 acres of working agricultural land.<sup>19</sup> All perpetual easements acquired under the RFLPP must adhere to best management practices established by DACS.<sup>20</sup>

### Management of State Conservation Lands

The Florida Fish and Wildlife Conservation Commission (FWC) is the lead land management entity for the state.<sup>21</sup> DACS and DEP also manage state lands. During the 2023-2024 fiscal year, FWC was the lead manager of 1,537,194 acres of land, the Florida Forest Service within DACS lead management of 1,185,633 acres, and the Division of Recreation and Parks within DEP lead management of 815,200 acres, respectively.<sup>22</sup>

The Board is charged with the management, control, supervision, conservation, and protection of all lands owned or vested to the state or any of its agencies, departments, boards, or commissions.<sup>23</sup> State lands acquired as part of the Florida Forever Program or other land conservation programs are required to be managed to ensure the conservation of the state's plant and animal species and to ensure the accessibility of state lands for the benefit and enjoyment of all people of the state, both present and future.<sup>24</sup> Additionally, all such lands are required to be managed in a manner that provides the greatest combination of benefits to the public and to the natural resources, that provides opportunities for public outdoor recreation that are compatible with the conservation and protection of public lands, and that aligns with the purposes for which the lands were acquired.<sup>25</sup>

### Florida Wildlife Corridor

The Florida Wildlife Corridor (Corridor), is a geographically defined area comprising over 18 million acres of land, which include 10 million acres of conservation lands and 8 million acres of opportunity areas that do not have conservation status.<sup>26</sup>

Section 259.1055, F.S., authorizes FWC to enter into voluntary agreements with private landowners for environmental services within the Corridor. FWC may use funds appropriated from the Indian Gaming Revenue Clearing Trust Fund for this purpose.<sup>27</sup> The agreements must require that the landowner protect and restore water

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<sup>15</sup> DACS, *Rural and Family Lands Protection Program*, <https://www.fdacs.gov/Consumer-Resources/Protect-Our-Environment/Rural-and-Family-Lands-Protection-Program> (last visited June 17, 2025).

<sup>16</sup> Section 570.71(1), F.S.

<sup>17</sup> *Id.*

<sup>18</sup> Section 259.105(3)(i)1., F.S.

<sup>19</sup> DACS, *Rural and Family Lands Protection Program*, <https://www.fdacs.gov/Consumer-Resources/Protect-Our-Environment/Rural-and-Family-Lands-Protection-Program> (last visited June 17, 2025).

<sup>20</sup> Rule 5I-7.014(3), F.A.C.

<sup>21</sup> Florida Fish and Wildlife Conservation Commission, *Terrestrial Habitat Management Plans*, <https://myfwc.com/conservation/management-plans/terrestrial/> (last visited Mar. 24, 2025).

<sup>22</sup> DEP, *Land Management Uniform Accounting Council (LMUAC) 2024 Annual Report (Fiscal Year 2023-2024)*, <https://floridadep.gov/sites/default/files/Land%20Management%20Uniform%20Accounting%20Council%20%28LMUAC%29%202024%20Annual%20Report%20%28FY%202023-24%29.pdf>, p. 4. (last visited Mar. 24, 2025).

<sup>23</sup> Section 253.03(1), F.S.

<sup>24</sup> Section 253.034(1), F.S.

<sup>25</sup> *Id.*

<sup>26</sup> DEP, *Florida Wildlife Corridor*, [https://floridadep.gov/sites/default/files/Florida\\_Wildlife\\_Corridor.pdf](https://floridadep.gov/sites/default/files/Florida_Wildlife_Corridor.pdf) (last visited Mar. 24, 2025).

<sup>27</sup> S. 259.1055(6)(c), F.S.

resources; improve management of wildlife habitat, including the long-term conservation of forest and grassland soils and native plants; manage the land in a manner that keeps the desired ecosystem healthy for protected species such as the gopher tortoise and Florida panther; or provide other incentives to landowners to continue and improve land uses that are both economically sustainable and beneficial to the environment.

FWC must ensure that any agreement for environmental services entered into requires the landowner to manage the land in a manner that improves or enhances the land beyond what is required under any other agreement or contract the landowner may have with the state.

### Florida Greenways and Trails System

The Florida Greenways and Trails System (FGTS) is made up of existing planned and conceptual nonmotorized trails and ecological greenways that form an integrated statewide system. The system includes paddling, hiking, biking, multi-use, and equestrian trails.<sup>28</sup> DEP is authorized to acquire lands, both public and private, to establish and expand a statewide system of greenways and trails for recreational and conservation purposes and to designate lands as part of the FGTS.

#### [Local Trail Management Grant Program](#)

DEP administers the Local Trail Management Grant Program to assist local governments with costs associated with the operation and maintenance of trails within the Florida Greenways and Trails System.<sup>29</sup> Such funding is subject to appropriation. A local government may receive multiple grant awards per application cycle. DEP is required to prioritize trails within the Corridor and local governments that provide cost share for the costs associated with the maintenance of the trails.

Local governments may only use grant funds for the operation and maintenance of trails, including, but not limited to, the purchase of equipment and capital assets; the funding of necessary repairs to ensure the safety of trail users; and other necessary maintenance, such as pressure washing, bush pruning, and clearing debris. Local governments may not use grant funds for the planning, design, or construction of trails.

#### [Statewide Flooding and Sea Level Rise Resilience Plan](#)

In 2021, the Legislature passed SB 1954,<sup>30</sup> which established several new programs and initiatives aimed at addressing the impacts of flooding and sea level rise on the state. SB 1954 directed DEP to annually develop a three-year Statewide Flooding and Sea Level Rise Resilience Plan and submit it to the Legislature, which must review and approve funding for the plan, subject to appropriation.<sup>31</sup> The plan must consist of ranked projects that address risks of flooding and sea level rise to coastal and inland communities.<sup>32</sup> DEP publishes the Statewide Resilience Plan on its website each December.<sup>33</sup>

#### [Water Quality Improvement Grant Program](#)

The Water Quality Improvement Grant Program,<sup>34</sup> previously known as the wastewater grant program, is managed by DEP.<sup>35</sup> The Water Quality Improvement Grant Program must be used for projects that improve the quality of water bodies that are not attaining nutrient or nutrient-related standards, have an established TMDL, or are located within a BMAP, a reasonable assurance plan, an accepted alternative restoration plan area, or a rural area of opportunity. These grants may be used for specified projects related to onsite sewage treatment and disposal

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<sup>28</sup> See DEP, *Florida Greenways and Trails System Plan and Maps*, <https://floridadep.gov/parks/ogt/content/florida-greenways-and-trails-system-plan-and-maps> (last visited June 17, 2025).

<sup>29</sup> [S. 260.0145, F.S.](#)

<sup>30</sup> Chapter 2021-28, Laws of Fla.

<sup>31</sup> Section 380.093(5)(a), F.S.

<sup>32</sup> *Id.*

<sup>33</sup> The fiscal year 2024-2025 Statewide Resilience Plan is the most up to date plan, published in December 2023. DEP, *Statewide Resilience Plan 2024-2025*, <https://floridadep.gov/sites/default/files/2024-2025%20Statewide%20Resilience%20Plan-FINAL.pdf> (last visited June 17, 2025).

<sup>34</sup> Section 403.0673, F.S.

<sup>35</sup> Chapter 2023-169, L.O.F.

systems, domestic wastewater treatment facilities, stormwater treatment facilities, projects in BMAPs, or projects listed in city or county capital improvement elements.<sup>36</sup>

DEP is required to coordinate with the WMDs to identify grant recipients in each district and to coordinate with local governments and other stakeholders to identify the most effective and beneficial projects. DEP must consider and prioritize the estimated reduction in nutrient load per project; project readiness; the cost-effectiveness of the project; the cost share identified by the applicant, except for rural areas of opportunity; the overall environmental benefit of the project; the location of the project; and previous state involvement in the project.

DEP submits an annual report identifying the projects funded through the grant program to the Governor and Legislature.<sup>37</sup> The report must include a list of those projects receiving funding and include the following information for each project:

- A description of the project;
- The cost of the project;
- The estimated nutrient load reduction;
- The location of the projection;
- The waterbody or waterbodies where the project would reduce nutrients; and
- The total cost-share being provided.<sup>38</sup>

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<sup>36</sup> Section 403.0673(2), F.S.

<sup>37</sup> Section 403.0673(7), F.S.

<sup>38</sup> *Id.*