

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Appropriations Committee on Agriculture, Environment, and General Government

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BILL: SB 1638

INTRODUCER: Senator Hutson

SUBJECT: Funding for Environmental Resource Management

DATE: January 23, 2024

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Reagan	Betta	AEG	<b>Favorable</b>
2.			FP	

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**I. Summary:**

SB 1638 dedicates the revenues from the 2021 gaming compact between the Seminole Tribe of Florida and the State of Florida to the acquisition and management of conservation lands and the identification and prioritization of critical clean water infrastructure investments. Specifically, the bill sets forth the following distribution of compact revenues:

- Thirty-two percent for land acquisition, with funds distributed to the Incidental Trust Fund within the Department of Agriculture and Consumer Services (DACS) for conservation easements and land acquisitions, with priority to land within the Florida wildlife corridor.
- Thirty-two percent for land management, with funds distributed to state land managers for the management of state-owned uplands and removal of invasive exotics, which is further subdivided as follows:
  - Nine percent to the Internal Improvement Trust Fund within the Department of Environmental Protection (DEP) for the purpose of implementing the Local Trail Management Grant Program.
  - Nine percent to the State Park Trust Fund within the DEP for land management activities within the state park system.
  - Twenty-seven percent to the Incidental Trust Fund within the DACS for land management activities.
  - Fifty-five percent to the State Game Trust Fund within the Fish and Wildlife Conservation Commission (FWC) for land management activities.
- Thirty-two percent for water quality, with funds distributed to the Water Protection and Sustainability Program Trust Fund within the DEP to implement the Water Quality Work Program, which is created in the bill to establish a five-year work plan for the Water Quality Revolving Loan Fund.

Additionally, the bill provides the following appropriations from the trust funds to which the compact revenues are distributed, contingent upon such distributions being made:

- For land acquisition: \$128 million in recurring funds from the Incidental Trust Fund in the DACS for conservation easements and land acquisitions.

- For land management:
  - \$5 million in nonrecurring funds from the State Game Trust Fund in FWC to the Institute of Food and Agricultural Sciences (IFAS) at the University of Florida to perform a study of state agencies' upland land management activities.
  - \$11,520,000 in nonrecurring funds from the Internal Improvement Trust Fund in the DEP to implement the Local Trail Management Program.
  - \$11,520,000 in nonrecurring funds from the State Park Trust Fund in the DEP for state park land management activities.
  - \$34,560,000 in nonrecurring funds from the Incidental Trust Fund in the DACS for land management activities.
  - \$65,400,000 in nonrecurring funds from the State Game Trust Fund in the FWC for land management activities.
- For water quality:
  - \$5 million in nonrecurring funds from the Water Protection and Sustainability Trust Fund in the DEP to contract with the Water School at Florida Gulf Coast University (Water School) to set criteria and priorities for the five-year work plan.
  - \$25 million in nonrecurring funds from the Water Protection and Sustainability Trust Fund in the DEP to contract with the Water School for a study to analyze impaired water bodies, including upstream sources, to determine the root causes of such impairment.

The bill takes effect upon becoming a law.

## II. Present Situation:

### **2021 Gaming Compact**

Gaming compacts are regulated by the Federal Indian Gaming Regulatory Act, s. 25 U.S.C. 2701, et seq., and ch. 285, part II, F.S. The State of Florida (state) entered into a gaming compact with the Seminole Tribe of Florida (Seminole Tribe) on April 7, 2010 (the 2010 Compact). In ch. 2021-268, Laws of Florida (CS/SB 2A), the Legislature ratified a new Gaming Compact between the Seminole Tribe and the state, which was executed by Governor Ron DeSantis and the Seminole Tribe on April 23, 2021, as amended on May 17, 2021 (the 2021 Compact). The 2021 Compact was approved by the United States Department of the Interior on August 6, 2021, and became effective upon the publication of notice in the Federal Register. The 2021 Compact supersedes the 2010 Compact.

### ***Revenue Sharing under the 2021 Gaming Compact***

The 2021 Compact establishes a guarantee minimum payment period for the first five years of the compact. During the five year period, the Seminole Tribe is to make guaranteed minimum revenue share payments as specified, to total \$2.5 billion. The revenue share payments must be paid by the Seminole Tribe to the state as follows:

- Percentage payments for slots, raffles, drawings, and new games range from 12 percent of net win<sup>1</sup> up to \$2 billion, to 25 percent of net win greater than \$3.5 billion.

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<sup>1</sup> The term "Net Win" is defined in the 2010 Gaming Compact and the 2021 Gaming Compact as "the total receipts from the play of all Covered Games less all prize payouts and free play or promotional credits issued by the Tribe." See 2021 Gaming Compact Part III, Section T, available at <https://www.seminolecompact.com/> (last visited Jan. 22, 2024).

- Percentage payments for table games range from 15 percent of net win up to \$1 billion, to 25 percent of net win greater than \$2 billion.
- Percentage payment for tribal sports betting is 13.75 percent of net win excluding the net win received by the Seminole Tribe on pari-mutuel sports betting.
- Percentage payment for pari-mutuel sports betting is 10 percent of net win received by the Seminole Tribe on pari-mutuel sports betting.
- The Seminole Tribe’s guaranteed minimum revenue share payment is \$400 million per year for the first five years.
- At the end of the third year of the five year guaranteed minimum payment period, if the total revenue share payments are less than \$1.5 billion, the Seminole Tribe must pay the difference to the state.
- At the end of the fifth year of the five year guaranteed minimum payment period, if the total revenue share payments are less than \$2.5 billion, the Seminole Tribe must pay the difference to the state.

The specific revenue share payment amounts paid by the Seminole Tribe to the state will be calculated as outlined in the chart below in accordance with the 2021 Compact.

<b>SUMMARY OF REVENUE SHARE PAYMENTS -2021 Gaming Compact</b> (Revenue Share Payments by the Seminole Tribe to the State)	
<b>Net Win - Slots, Raffles and Drawings; New Games, if Authorized by the State</b>	
\$0-2B:	12%;
\$2-2.5B:	17.5%
\$2.5-3B:	20%
\$3-3.5B:	22.5%
\$3.5B+:	25%
<b>Net Win - Slots, Raffles and Drawings; New Games, if Authorized by the State</b>	
\$0-1B:	15%;
\$1-1.5B:	17.5%
\$1.5-2B:	22.5%
\$2B+:	25%
<b>Net Win – Sports Betting</b>	
<b>Guaranteed Minimum Compact Term Payment of \$2.5B</b> (Two billion, five hundred million dollars) (includes all Revenue Share Payments for the first five years of the 2021 Gaming Compact)	

***Litigation***

The State of Florida began receiving Indian Gaming payments pursuant to the 2021 Compact in October of 2021. The U.S. District Court for the District of Columbia set aside federal approval of the 2021 Compact on November 22, 2021. The Seminole Tribe of Florida continued revenue sharing with the State of Florida through February 2022, after which time they discontinued all payments. Between October 2021 and February 2022, the state received five payments of \$37.5 million, totaling \$187.5 million<sup>2</sup>

<sup>2</sup> See the review of the Indian Gaming Revenues by the Revenue Estimating Conference/Impact Conference at <http://www.edr.state.fl.us/Content/conferences/Indian-gaming/IndianGamingSummary.pdf> (last visited Jan. 16, 2024). The Office of Economic and Demographic Research (EDR) is a research arm of the Legislature principally concerned with

Litigation relating to the legality of the 2021 Gaming Compact is currently pending in the Florida Supreme Court, challenging actions taken by the Florida Legislature and Governor to expand casino gambling in Florida in violation of the Florida Constitution (specifically Amendment 3 adopted in 2018, now Article X, Section 30 to the Florida Constitution). The challenged actions include execution and ratification of the 2021 Gaming Compact and enactment of implementing legislation, particularly as to sports betting.

In addition, there is a proceeding pending in the U.S. Supreme Court challenging the legality of the 2021 Gaming Compact, but that court has not yet determined to accept the case.

### **Conservation Lands**

Article X, section 18 of the Florida Constitution requires that “the fee interest in real property held by an entity of the state and designated for natural resources conservation purposes as provided by general law shall be managed for the benefit of the citizens of this state...”<sup>3</sup>

#### ***Conservation Land Management***

The Board of the Internal Improvement Trust Fund (board) is charged with the management, control, supervision, conservation, and protection of all lands owned by, or which may hereafter inure to, the state or any of its agencies, departments, boards or commissions.<sup>4</sup> Section 253.034, F.S., specifies that state lands acquired pursuant to ch. 259, F.S., 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>5</sup> Additionally, all lands acquired and managed under ch. 259, F.S., are required to be managed in a manner that provides the greatest combination of benefits to the public and to the resources, for public outdoor recreation which is compatible with the conservation and protection of public lands, and for the purposes for which the lands were acquired.<sup>6</sup>

The board is authorized to enter into leases or similar instruments for the use, benefit, and possession of public lands by agencies which may properly use and possess such lands for the benefit of the state.<sup>7</sup> The Fish and Wildlife Conservation Commission is the main land management entity for the state. The Department of Agriculture and Consumer Services (DACs) and the DEP also manage state lands.<sup>8</sup>

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forecasting economic and social trends that affect policy making, revenues, and appropriations. At the request of the legislative committees or other members of an estimating conference, EDR conducts impact assessments of proposed policy changes. Often, EDR's estimates are incorporated in the committee bill analysis or fiscal note. In some cases, committees will request EDR to take a particular proposal to a consensus estimating conference to obtain an impact estimate that is formally agreed to by both houses of the Legislature and by the Governor's Office.

<sup>3</sup> FLA. CONST. art. X, s. 18.

<sup>4</sup> Section 253.03, F.S.

<sup>5</sup> Section 253.034(5)(a), F.S.

<sup>6</sup> Section 259.032(7), F.S.; s. 259.032(7)(a)2, F.S., provides that “such management may include, but not be limited to, the following public recreational uses: fishing, hunting, camping, bicycling, hiking, nature study, swimming, boating, canoeing, horseback riding, diving, model hobbyist activities, birding, sailing, jogging, and other related outdoor activities compatible with the purposes for which the lands were acquired.”

<sup>7</sup> Section 253.03(2), F.S.

<sup>8</sup> See [Land Management Uniform Accounting Council Annual Report \(last visited Jan. 22, 2024\)](#).

Each manager of conservation lands is required to submit a land management plan to the division at least every 10 years.<sup>9</sup> The land management plan must contain, at a minimum, all of the following elements:

- A physical description of the land.
- A quantitative data description of the land which includes an inventory of forest and other natural resources; exotic and invasive plants; hydrological features; infrastructure, including recreational facilities; and other significant land, cultural, or historical features.
- A detailed description of each short-term and long-term land management goal, the associated measurable objectives, and the related activities that are to be performed to meet the land management objectives.
- A schedule of land management activities which contains short-term and long-term land management goals and the related measurable objective and activities.
- A summary budget for the scheduled land management activities of the land management plan. For state lands containing or anticipated to contain imperiled species habitat, the summary budget shall include any fees anticipated from public or private entities for projects to offset adverse impacts to imperiled species or such habitat, which fees shall be used solely to restore, manage, enhance, repopulate, or acquire imperiled species habitat.<sup>10</sup> The summary budget is required to be prepared in such a manner that it facilitates computing an aggregate of land management costs for all state-managed lands using the following categories:
  - Resource management;
  - Administration;
  - Support;
  - Capital improvements;
  - Recreation visitor services; and
  - Law enforcement activities.<sup>11</sup>

Each land management plan is required to provide a desired outcome, describe both short-term and long-term management goals, and include measurable objectives to achieve those goals.<sup>12</sup> Short-term goals are required to be achievable within a two-year planning period, and long-term goals are required to be achievable within a 10-year planning period.<sup>13</sup> These short-term and long-term management goals are the basis for all subsequent land management activities.<sup>14</sup>

Short-term and long-term management goals must include measurable objectives for the following, as appropriate:

- Habitat restoration and improvement.
- Public access and recreational opportunities.
- Hydrological preservation and restoration.
- Sustainable forest management.

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<sup>9</sup> Section 253.034(5), F.S.

<sup>10</sup> *Id.*

<sup>11</sup> Section 259.037(3)(a), F.S.

<sup>12</sup> Section 253.034(5)(a), F.S.

<sup>13</sup> *Id.*

<sup>14</sup> *Id.*

- Exotic and invasive species maintenance and control.
- Capital facilities and infrastructure.
- Cultural and historical resources.
- Imperiled species habitat maintenance, enhancement, restoration, or population restoration.<sup>15</sup>

Land management plans are required to be updated every 10 years on a rotating basis.<sup>16</sup> Each manager of conservation lands is required to update a land management plan whenever the manager proposes to add new facilities or make substantive land use or management changes that were not addressed in the approved plan, or within one year of the addition of significant new lands.<sup>17</sup>

Regional land management review teams are required to evaluate the extent to which the existing management plan provides sufficient protection to threatened or endangered species, unique or important natural or physical features, geological or hydrological functions, or archaeological features, and the extent to which the land is being managed for the purposes for which it was acquired and the degree to which actual management practices, including public access, are in compliance with the adopted management plan.<sup>18</sup>

If the land management review team determines that reviewed lands are not being managed for the purposes for which they were acquired or in compliance with the adopted land management plan, management policy statement, or management prospectus, or if the managing agency fails to address the review findings in the updated management plan, the department is required to provide the review findings to the board, and the managing agency must report to the board its reasons for managing the lands as it has.<sup>19</sup> The manager of the land is required to consider the findings and recommendations of the land management review team in finalizing the 10-year update of the land management plan.<sup>20</sup>

By July 1 of each year, each governmental agency and each private entity designated to manage lands is required to report to the department on the progress of funding, staffing, and resource management of every project for which the agency or entity is responsible.<sup>21</sup> The use or possession of any such lands that is not in accordance with an approved land management plan is subject to termination by the board.<sup>22</sup>

### ***Rural and Family Lands Protection Program***

The Rural and Family Lands Protection Program (RFLPP) within the DACS is an agricultural land preservation program designed to protect agricultural lands through the acquisition of conservation easements. The DACS is authorized to enter into conservation easements for any of the following purposes:

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<sup>15</sup> Section 253.034(5)(b), F.S.

<sup>16</sup> Section 253.034(5)(e), F.S.

<sup>17</sup> Section 253.034(5), F.S.

<sup>18</sup> Section 259.036(3), F.S.

<sup>19</sup> Section 259.036(5), F.S.

<sup>20</sup> Section 259.036(2), F.S.

<sup>21</sup> Section 259.032(8), F.S.

<sup>22</sup> Section 253.034(5)(h), F.S.

- Promotion and improvement of wildlife habitat;
- Protection and enhancement of water bodies, aquifer recharge areas, wetlands, and watersheds;
- Perpetuation of open space on lands with significant natural areas; or
- Protection of agricultural lands threatened by conversion to other uses.

The DACS developed a priority list in 2023, which includes a total of 392,670 acres and divides the 258 projects into three tiers.<sup>23</sup>

### ***Florida Greenways and Trails System***

In 1995, the Legislature created the Florida Greenways Coordinating Council (FGCC), tasking the FGCC with promoting the creation of a statewide greenways and trails system and designating the Department of Environmental Protection (DEP) as the lead agency of the system.<sup>24</sup> The FGCC published a five-year implementation plan for the Florida Greenways and Trails System (FGTS) in 1998.<sup>25</sup> The plan contained a multiuse recreational Opportunity Trail Map for connecting Florida's greenways and trails, providing a review of existing greenways and trails and making recommendations to complete the system.

In 1999, the Legislature created the Florida Greenways and Trails Council (the Council) as recommended by the 1998 Plan. Among other duties, the Council, then and now, facilitates establishment and expansion of a statewide system of greenways and trails for recreational and conservation purposes, including:

- Recommending priorities for critical links in the FGTS;
- Reviewing recommendations for acquisition funding;
- Reviewing proposals for lands to be designated as part of the FGTS; and
- Recommending updates to the implementation plan for the FGTS.<sup>26</sup>

In 2013, the DEP published the *2013-2017 Florida Greenways and Trails System Plan*, the first update to the FGTS since the 1998 Plan was published.<sup>27</sup> The Office of Greenways and Trails (OGT)<sup>28</sup> within the DEP, using the 1998 Land Trails Opportunity Map, established criteria to help identify priority land trail corridors within the FGTS, as opposed to priority segments, allowing for identification of potential long-distance trail corridors. The multi-county approach assisted in identification of gaps in connectivity across jurisdictional boundaries and in

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<sup>23</sup> See *DACS 2023 RFLPP Projects Rankings*, January 8, 2024, (on file with Appropriations Committee on Agriculture, Environment, and General Government).

<sup>24</sup> Chapter 95-260, L.O.F.

<sup>25</sup> Executive Summary available at FDEP, *Connecting Florida Communities with Greenways and Trails Plan: A Summary of the Five Year Implementation Plan for the Florida Greenways and Trails System* (1998), available at [1998FGTSPlanExecutiveSummary\\_0.pdf \(floridadep.gov\)](#) (last visited Jan. 16, 2024).

<sup>26</sup> Section 260.0142(4), F.S.

<sup>27</sup> DEP, *Florida Greenways & Trails System Plan 2019-2023*, at p. 6, available at [FL-Greenway+Trails-System-Plan-\(floridadep.gov\)](#) (last visited Jan. 16, 2024).

<sup>28</sup> The OGT is tasked with fulfilling ch. 260, F.S., the Florida Greenways and Trails Act. The Office leads, plans, and facilitates the development of an interconnected FGTS, through coordinated efforts with state and local partners, to compile local trails data from cities, counties, and other land managing entities into one inclusive system. *Id.* at p. 4.

encouraging regional planning to close those gaps.<sup>29</sup> The FGTS Plan and Maps are currently undergoing a third update for the 2024-2028 Fiscal Years.<sup>30</sup>

The 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, using funds from the Florida Forever Trust Fund distributed to the DEP for acquisition of lands under the Florida Greenways and Trails Program, and to designate lands as part of the FGTS.<sup>31</sup>

### *Florida Wildlife Corridor*

The 2021 Legislature created the Florida Wildlife Corridor Act to “create incentives for conservation and sustainable development while sustaining and conserving green infrastructure that acts as the foundation of the state’s economy and quality of life.”<sup>32</sup> The Legislature also appropriated \$300 million,<sup>33</sup> directing the FDEP to encourage and promote investments in areas that protect and enhance the Wildlife Corridor by establishing a “network of connected wildlife habitats required for the long-term survival of and genetic exchange amongst regional wildlife populations which serves to prevent fragmentation by providing ecological connectivity of the lands needed to furnish adequate habitats and allow safe movement and dispersal.”<sup>34</sup>

The Florida Wildlife Corridor (Wildlife Corridor) is statutorily defined as “the conserved lands”<sup>35</sup> and “opportunity areas”<sup>36</sup> defined by the FDEP as priority one, two, and three categories of the Florida Ecological Greenways Network (FEGN).<sup>37</sup> The FEGN “is the primary data layer used to inform the Florida Forever and other state, federal, and regional land acquisition

<sup>29</sup> DEP, *Florida Greenways & Trails System Plan 2019-2023*, at p. 6, available at [FL-Greenway+Trails-System-Plan-\(floridadep.gov\)](https://www.floridadep.gov/FL-Greenway+Trails-System-Plan-(floridadep.gov)) (last visited Jan. 16, 2024). The DEP’s resulting Land Trails Opportunity Maps are “the state companion to community greenways and trails and bicycle and pedestrian master plans, and [encompass] a combination of paved and unpaved, multiple and single-use trails.”

<sup>30</sup> See the 2024-2028 FGTS Plan and Maps Update Schedule at DEP, *Florida Greenways and Trails System Plan and Maps*, available at [Florida Greenways and Trails System Plan and Maps | Florida Department of Environmental Protection](https://www.floridadep.gov/Florida-Greenways-and-Trails-System-Plan-and-Maps) (last visited Jan. 16, 2024).

<sup>31</sup> Chapter 260 and s. 259.105(3)(h), F.S. “Designation” of lands means the identification and inclusion of specific lands and waterways as part of the statewide system of greenways and trails pursuant to a formal public process, including the specific written consent of the landowner when private property is to be used for trail purposes. When the DEP determines that public access is appropriate for greenways and trails, written authorization must be granted by the landowner to the DEP permitting public access to all or a specified part of the landowner’s property. Section 260.013(3), F.S. The processes for solicitation, application, evaluation, and selection of lands to be acquired or developed, and for designation of public conservation or recreational lands and waterways and for private lands and waterways, are set out in Fla. Admin. Code R. 62S-1.

<sup>32</sup> Section 259.1055(3), F.S.

<sup>33</sup> Chapter 2021-37, L.O.F., s. 152.

<sup>34</sup> Section 259.1055(4)(g), F.S.

<sup>35</sup> Defined in s. 259.1055(4)(a), F.S., to mean “federal, state, or local lands owned or managed for conservation purposes, including, but not limited to, federal, state, and local parks; federal and state forests; wildlife management areas; wildlife refuges; military bases and airports with conservation lands; properties owned by land trust and managed for conservation; and privately owned land with a conservation easement, including, but not limited to, ranches, forestry operations, and groves.”

<sup>36</sup> Section 259.1055(4)(e), F.S., states “[T]hose lands and waters within the Florida wildlife corridor which are not conserved lands and the green spaces within the Florida wildlife corridor which lack conservation status, are contiguous to or between conserved lands, and provide an opportunity to develop the Florida wildlife corridor into a statewide conservation network.”

<sup>37</sup> Section 259.1055(4)(d), F.S. For a 2021 layered map reflecting the Wildlife Corridor, Florida Forever Projects and Acquisitions, and FEGN Priority Levels 1-3, see the FDEP’s map available at [Florida Forever and Florida Ecological Greenways Network \(FEGN\) \(floridadep.gov\)](https://www.floridadep.gov/Florida-Forever-and-Florida-Ecological-Greenways-Network-(FEGN)-(floridadep.gov)) (last visited Jan. 22, 2024).

programs regarding the most important ecological corridors and intact landscapes across the state for protection of Florida’s native wildlife, ecosystem services, and ecological resiliency.”<sup>38</sup> The priority-category lands “are the most important for protecting [an] ecologically functional connected statewide network of public and private conservation lands.”<sup>39, 40</sup>

The FDEP notes that the existing Wildlife Corridor “encompasses nearly 17.7 million acres – 9.6 million acres (54%) that are already protected and 8.1 million acres (46%) of remaining opportunity areas that do not have conservation status.”<sup>41</sup> Further, “There are 1.46 million acres within the Florida Wildlife Corridor opportunity area that are a high priority for conservation through the State’s Florida Forever program.”<sup>42</sup>

### III. Effect of Proposed Changes:

**Section 1** creates s. 260.0145, F.S., to, subject to appropriation, establish the Local Trail Management Grant Program within the Department Environmental Protection (DEP). The Local Trail Management Grant Program will provide grants to assist local governments with costs associated with the operation and maintenance of trails within the Florida Greenways and Trails System. The bill provides that a local government may receive multiple grant awards per application cycle.

The DEP is required to give priority to each of the following:

- A local government that provides cost share for the costs associated with the operation and maintenance of the trails, except for trails within fiscally constrained counties or rural areas of opportunity.
- Trails within the Florida wildlife corridor.
- A local government 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. A local government may not use grant funds for the planning, design, or construction of trails.

Beginning January 15, 2025, and each January 15 thereafter, the DEP is required to submit a report listing the grants awarded to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The report must include all of the following information for each grant award:

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<sup>38</sup> FDEP, *Florida Wildlife Corridor*, available at [https://floridadep.gov/sites/default/files/Florida\\_Wildlife\\_Corridor.pdf](https://floridadep.gov/sites/default/files/Florida_Wildlife_Corridor.pdf) (last visited Jan. 22, 2024).

<sup>39</sup> Florida Natural Areas Inventory (FNAI), *Florida Natural Areas Inventory Geospatial Open Data, Summary*, available at [FEGN2021 | Florida Natural Areas Inventory \(fnai.org\)](https://fnai.org) (last visited Jan. 22, 2024). The FNAI provides scientific support to the FDEP.

<sup>40</sup> Section 259.1055(4)(c), F.S., defines the FEGN as “a periodically updated model developed to delineate large connected areas of statewide ecological significance.”

<sup>41</sup> Florida Wildlife Corridor Foundation, *About the Corridor*, available at [About The Corridor - The Florida Wildlife Corridor](https://www.floridawildlifecorridor.org/about-the-corridor) (last visited Jan. 22, 2024).

<sup>42</sup> Section 259.105, F.S., sets out the Florida Forever Act. “Florida Forever is Florida’s premier conservation and recreation lands acquisition program; a blueprint for conserving Florida’s natural and cultural heritage.” See FDEP, *Florida Forever*, for additional information, available at [Florida Forever | Florida Department of Environmental Protection](https://www.floridadep.gov/florida-forever) (last visited Jan. 22, 2024).

- The grant recipient's name.
- A description of the individual components of the trail, a description of the maintenance activities funded.
- The total management cost for the trail components.
- The cost share, if any, provided by the recipient.

**Section 2** creates section 380.095, F.S., to provide dedicated funding for conservation lands and clean water infrastructure. The bill provides that the Legislature recognizes that:

- The conservation and preservation of the land and water resources of the state are essential to maintaining the quality of life enjoyed by Floridians and to sustaining and growing a thriving state economy, including legacy industries such as tourism and agriculture.
- Historic investments in land conservation continue to foster the preservation of working farmland and ranchland, allow for the strategic expansion and interconnectivity of the Florida wildlife corridor, and promote the protection of endangered native species, including the Florida panther.
- Funding for the management of conservation lands ensures opportunities for expanded public access to state lands, including state parks, the Florida Greenways and Trails System, and game lands, among others, for recreation; and promotes opportunities to protect such lands from wildfire damage and the infiltration of dangerous nonnative plant and animal species, among other benefits.
- Projections for significant population growth necessitate an additional recurring revenue source for further funding and planning associated with the protection of this state's conservation lands and clean water infrastructure.

The bill dedicates revenues from the 2021 gaming compact between the Seminole Tribe of Florida and the State of Florida to acquire and manage conservation lands and to identify and fund the prioritization of critical clean water infrastructure investments. Specifically the bill provides that, notwithstanding s. 285.710, F.S., on a monthly basis the Department of Revenue shall distribute 96 percent of the revenue share payments received under the compact. The funds shall be kept in a separate account within each trust fund and shall be distributed as follows:

- Thirty-two percent to the Incidental Trust Fund within the Department of Agriculture and Consumer Services (DACS) for conservation easements and land acquisitions. The DACS shall give priority to land within the Florida wildlife corridor.
- Thirty-two percent to state land managers for the management of state-owned uplands and removal of invasive exotics, which must be divided as follows:
  - Nine percent to the Internal Improvement Trust Fund within the DEP for the purpose of implementing the Local Trail Management Grant Program.
  - Nine percent to the State Park Trust Fund within the DEP for land management activities within the state park system.
  - Twenty-seven percent to the Incidental Trust Fund within the DACS for land management activities.
  - Fifty-five percent to the State Game Trust Fund within the Fish and Wildlife Conservation Commission (FWC) for land management activities.
- Thirty-two percent to the Water Protection and Sustainability Program Trust Fund within the DEP to implement the Water Quality Work Program.

The bill provides that state agencies may not use more than 10 percent of their funds for land management for operation capital outlay or capital assets.

**Section 3** creates section 403.0676, F.S., to establish the Water Quality Work Program. The program is to provide a comprehensive statewide assessment of critical water quality projects and to include financing options for local governments to implement such projects on a set schedule based upon a data-driven methodology for prioritization.

In order to assist local governments with financing water quality projects, the bill creates a water project revolving loan program within the DEP as part of the Water Quality Work Program. The DEP, subject to appropriation, will provide loans to local governments for projects to construct, upgrade, or expand facilities to provide advanced waste treatment or connect onsite sewage treatment and disposal systems to central sewer facilities. The loans must be interest-free and provided through a promissory note or other form of written agreement evidencing an obligation to repay the borrowed funds to the DEP. The term of the loan is 240 months, commencing 12 months after the execution of the loan agreement. The loans become due and payable in accordance with the terms of the agreement. However, loan payments may be made at any time before the loan is due without penalty, and early repayment is encouraged as other funding sources or revenues become available.

Additionally, the DEP is required to develop a five-year work program for the revolving loan program. The planned funding for the work plan must include funds distributed pursuant to s. 380.095, F.S., and anticipate an additional annual five percent increase from loan repayments. The first year of the work plan must commence July 1, 2025, and include the unexpended balance of funds from the 2024-2025 fiscal year.

The DEP is required to contract with the Water School at Florida Gulf Coast University to develop parameters for project criteria and for setting priorities for the work plan. The Water School shall recommend whether the scope of eligible projects should be expanded and shall provide prioritization criteria based upon an analysis of this state's water resources. The prioritization criteria must:

- Provide a data-driven framework for scoring projects, with consideration given for economic as well as environmental factors, including a consideration of the return on investment; and
- Promote efficiency through cross-jurisdictional planning, such as planning for the construction of wastewater transmission infrastructure concurrently with transportation facility projects.

The Water School may work with the DEP and use readily available data, such as data gathered as part of:

- The plans developed pursuant to s. 403.064(17), F.S.;
- The basin management plans and reports developed under ss. 403.067 and 403.0671, F.S.;
- The assessments and survey data compiled by the Office of Economic and Demographic Research pursuant to s. 403.928, F.S.; and
- The plans developed pursuant to s. 403.086(7), F.S.

The DEP shall, based upon the recommendations provided by the Water School, implement the loan program. The DEP shall create a loan application and set an application deadline and may

request any other information necessary to review and evaluate an application. Once the application deadline has passed, the DEP shall, based upon the qualified applicants, select the list of projects to include within the five-year work plan in accordance with the Water School's recommendations for prioritization.

Additionally, the Water School is required to conduct a study to identify and analyze impaired water bodies, including upstream sources, and determine the root causes of such impairment. At a minimum, the study must include an analysis of the following river basins:

- Apalachicola.
- Caloosahatchee.
- Indian.
- Peace.
- St. Johns.
- St. Lucie.
- Suwannee.

**Section 4** amends s. 403.890, F.S., to add the water quality work program as a purpose of the Water Protection and Sustainability Program Trust Fund. The bill requires that funds deposited into or appropriated to the Water Protection and Sustainability Program Trust Fund for the purposes of the water quality revolving loan program be kept in a separate account and may only be used for such purpose and, notwithstanding s. 216.301, F.S., and pursuant to s. 216.351, F.S., any balance in the trust fund at the end of any fiscal year for the water quality revolving loan program must remain in the trust fund at the end of the year and must be available for carrying out the purposes of the program. All moneys in the account not needed on an immediate basis for loans must be invested pursuant to s. 215.49, F.S. The principal and interest of all loans repaid and investment earnings must be deposited into the account.

**Section 5** provides that contingent upon funds being distributed to the Fish and Wildlife Conservation Commission pursuant to s. 380.095, F.S., and for the 2024-2025 fiscal year, the sum of \$5 million in nonrecurring funds from the State Game Trust Fund within the FWC is appropriated to the Institute of Food and Agricultural Sciences (IFAS) at the University of Florida to perform a study of state agencies' upland land management activities.

The study must include all of the following:

- Recommendations for best management practices for inclusion in the land management plans with regard to the separate missions of the land management agencies and based upon the purposes for which the land is managed.
- A review of land management plans to determine if the 10-year frequency of plan updates is adequate for best management practices.
- A review of the resources of each land management agency to determine current expenditures, including personnel costs, spent on upland management activities.
- A recommendation on the most efficient and effective use of the distribution of funds to the state agencies specified in s. 380.095(2)(b), F.S.

IFAS shall submit a report of the results of the study to the Executive Office of the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 3, 2025.

**Section 6** provides that contingent on the funds being distributed to the DEP pursuant to s. 380.095(2)(c), F.S., and for the 2024-2025 fiscal year:

- The sum of \$5 million in nonrecurring funds from the Water Protection and Sustainability Trust Fund within the DEP is appropriated to the Water School at Florida Gulf Coast University to develop a report, including recommendations to implement the five-year work plan for the water project revolving loan program. The recommendations must include a framework for the work plan and any implementing statutory language needed to implement the work plan. The Water School shall submit the report to the Executive Office of the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 3, 2025.
- The sum of \$25 million in nonrecurring funds from the Water Protection and Sustainability Trust Fund within the DEP is appropriated to the Water School at Florida Gulf Coast University to perform the study of impaired river basins.

**Section 7** provides that contingent upon funds being distributed to the DEP pursuant to s. 380.095(2)(b)1., F.S., and for the 2024-2025 fiscal year, the sum of \$11,520,000 in nonrecurring funds from the Internal Improvement Trust Fund within the DEP is appropriated for the purpose of implementing the Local Trail Management Grant Program created pursuant to s. 260.0145, F.S.

**Section 8** provides that contingent upon funds being distributed to the DEP pursuant to s. 380.095(2)(b)2., F.S., and for the 2024-2025 fiscal year, the sum of \$11,520,000 in nonrecurring funds from the State Park Trust Fund within the DEP is appropriated for land management activities as specified in s. 380.095(2)(b)2., F.S.

**Section 9** provides that contingent upon funds being distributed to the DACS pursuant to s. 380.095(2)(b)3., F.S., and for the 2024-2025 fiscal year, the sum of \$34,560,000 in nonrecurring funds from the Incidental Trust Fund within the DACS is appropriated for land management activities as specified in s. 380.095(2)(b)3., F.S.

**Section 10** provides that contingent upon funds being distributed to the FWC pursuant to s. 380.095(2)(b)4., F.S., and for the 2024-2025 fiscal year, the sum of \$65,400,000 in nonrecurring funds from the State Game Trust Fund within the FWC is appropriated for control of invasive exotics and upland land management activities pursuant to s. 380.095(2)(b)4., F.S.

Section 11. The bill provides that contingent upon funds being distributed to the DACS pursuant to s. 380.095(2)(a), F.S., and for the 2024-2025 fiscal year, the sum of \$128 million in recurring funds from the Incidental Trust Fund within the DACS is appropriated in fixed capital outlay for conservation easements pursuant to s. 570.71, F.S., and land acquisitions pursuant to s. 589.07, F.S.

**Section 12** provides that this act shall take effect upon becoming a law.

**IV. Constitutional Issues:**

## A. Municipality/County Mandates Restrictions:

None.

## B. Public Records/Open Meetings Issues:

None.

## C. Trust Funds Restrictions:

None.

## D. State Tax or Fee Increases:

None.

## E. Other Constitutional Issues:

None.

**V. Fiscal Impact Statement:**

## A. Tax/Fee Issues:

None.

## B. Private Sector Impact:

None.

## C. Government Sector Impact:

The 96 percent of compact revenues distributed to the various trust funds in the bill, will result in \$384 million less distributed to the General Revenue Fund based upon an estimated \$400 million in compact payments, which is the minimum amount set in the compact.

The bill provides the following appropriations from the trust funds to which the compact revenues are distributed, contingent upon such distributions being made:

- For land acquisition: \$128 million in recurring funds from the Incidental Trust Fund in the DACS for conservation easements and land acquisitions.
- For land management:
  - \$5 million in nonrecurring funds from the State Game Trust Fund in FWC to the Institute of Food and Agricultural Sciences (IFAS) at the University of Florida to perform a study of state agencies' upland land management activities.
  - \$11,520,000 in nonrecurring funds from the Internal Improvement Trust Fund in the DEP to implement the Local Trail Management Program.

- \$11,520,000 in nonrecurring funds from the State Park Trust Fund in the DEP for state park land management activities.
- \$34,560,000 in nonrecurring funds from the Incidental Trust Fund in the DACS for land management activities.
- \$65,400,000 in nonrecurring funds from the State Game Trust Fund in the FWC for land management activities.
- For water quality:
  - \$5 million in nonrecurring funds from the Water Protection and Sustainability Trust Fund in the DEP to contract with the Water School at Florida Gulf Coast University (Water School) to set criteria and priorities for the five-year work plan.
  - \$25 million in nonrecurring funds from the Water Protection and Sustainability Trust Fund in the DEP to contract with the Water School for a study to analyze impaired water bodies, including upstream sources, to determine the root causes of such impairment.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 403.890 of the Florida Statutes.

This bill creates the following sections of the Florida Statutes: 260.0145, 380.095, and 403.0676.

This bill creates undesignated sections of law.

**IX. Additional Information:****A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

**B. Amendments:**

None.