

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.)

Prepared By: The Professional Staff of the General Government Appropriations Committee

BILL: CS/SB 776

INTRODUCER: Environmental Preservation and Conservation Committee and Senator Constantine

SUBJECT: Wekiva River Protection Act

DATE: April 14, 2010 **REVISED:** _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Uchino	Kiger	EP	Fav/CS
2.	Pigott	DeLoach	GA	Favorable
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

Please see Section VIII. for Additional Information:

A. COMMITTEE SUBSTITUTE..... Statement of Substantial Changes

B. AMENDMENTS..... Technical amendments were recommended

Amendments were recommended

Significant amendments were recommended

I. Summary:

This bill amends the mitigation restrictions contained in section 369.317, Florida Statutes, to provide that, if certain lands within the Wekiva Study Area or the Wekiva Parkway (parkway) alignment corridor are used as environmental mitigation to offset certain impacts, then the activity is considered to meet the cumulative impact surface water and wetlands requirements contained in section 373.414(8)(a), Florida Statutes.

This bill substantially amends section 369.317, Florida Statutes.

II. Present Situation:

The Wekiva Basin, consisting of the Wekiva River, the St. Johns River, and their tributaries, along with associated lands in Central Florida, is part of a vast wildlife corridor that connects northwest Orange County with the Ocala National Forest. The Wekiva River and its tributaries have been designated an Outstanding Florida Water, a National and Scenic River, a Florida Wild and Scenic River, and a Florida Aquatic Preserve.

The Wekiva Parkway is a limited access highway or expressway constructed between State Route (SR) 429 and Interstate 4, specifically incorporating the corridor alignment recommended by the Wekiva River Basin Area Task Force and the SR 429 Working Group. The Wekiva Parkway and related transportation facilities must follow the design criteria contained in the recommendations of the Wekiva River Area Task Force that were adopted by reference by the Wekiva River Basin Coordinating Committee. The parkway is subject to reasonable environmental, economic, and engineering considerations.

In 2004, the Legislature enacted Part III, ch. 369, F.S., known as the Wekiva Parkway and Protection Act. The act implemented the recommendations of the Wekiva River Basin Coordinating Committee's Final Report of March 16, 2004. It provides legislative intent and a legal description of the Wekiva Study Area. The majority of the land within the Study Area contributes groundwater recharge to the Wekiva River and springs. The act requires each local government within the study area to adopt a master stormwater management plan and a wastewater facility plan for joint planning areas and utility service areas where central wastewater systems are not readily available.

The act directs that funds expended by the Department of Transportation and the Orlando-Orange County Expressway Authority to purchase interests in certain lands be eligible as environmental mitigation for road construction related impacts in the Wekiva Study Area. The act specifies the offset of road construction impacts as the only authorized use of mitigation credits. Currently, there is a surplus of mitigation credits available to mitigate the parkway expansion that cannot be used for other mitigation purposes within either the Wekiva Study Area or the Wekiva Parkway alignment corridor.

III. Effect of Proposed Changes:

The bill amends s. 369.317, F.S., to provide that, if certain lands within the Wekiva Study Area or the Wekiva Parkway alignment corridor are used as environmental mitigation to offset certain impacts, then the activity is considered to meet the cumulative impact upon surface water and wetlands requirements in s. 373.414(8)(a), F.S. This change will allow the use of mitigation credits for other projects or developments within the study area or expansion corridor.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

The expansion of mitigation credits for use within the Wekiva Parkway alignment corridor will allow additional projects and developments to take advantage of a surplus of banked credits.

C. Government Sector Impact:

The proposed change will allow state agencies and the St. Johns River Water Management District additional flexibility in determining how mitigation credits may be applied within the Wekiva Study Area and the Wekiva Parkway alignment corridor.

The St. Johns River Water Management District reports that this bill will have no fiscal or workload impact to the district.

The Department of Environmental Protection reports that this bill will have no fiscal or workload impact to the department.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

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

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

CS by Environmental Preservation and Conservation on February 16, 2010:

The original bill was a shell bill. The CS amends s. 369.317, F.S., to provide that if certain lands within the Wekiva Study Area or the Wekiva parkway alignment corridor are used as environmental mitigation to offset certain impacts, then the activity is considered to meet the cumulative impact surface water and wetlands requirements in s. 373.414(8)(a), F.S.

B. Amendments:

None.