

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/CS/HB 727 Study of the Little Wekiva River

SPONSOR(S): Agriculture & Natural Resources Appropriations Subcommittee, Environment, Agriculture & Flooding Subcommittee, Truenow

TIED BILLS: **IDEN./SIM. BILLS:** CS/SB 976

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Environment, Agriculture & Flooding Subcommittee	15 Y, 0 N, As CS	Gawin	Moore
2) Agriculture & Natural Resources Appropriations Subcommittee	14 Y, 0 N, As CS	White	Pigott
3) State Affairs Committee			

SUMMARY ANALYSIS

The Little Wekiva River is a tributary to the Wekiva River. It is approximately 15 miles long, and its main stem flows northward from Lake Lawne in Orlando. The Little Wekiva River has experienced chronic occurrences of sedimentation from the urbanization of the river's watershed, which has overtaxed the conveyance and sediment transport capacity of the river.

The bill requires the St. Johns River Water Management District (SJRWMD), in consultation with the Department of Environmental Protection (DEP), Seminole County, the Fish and Wildlife Conservation Commission, and the Department of Transportation, to issue a report by December 31, 2021, that includes information and updates regarding the implementation of recommendations from the Little Wekiva Watershed Management Plan Final Report dated November 2005.

The bill also requires appropriate action to resolve compliance issues be taken pursuant to chapter 373, F.S., if DEP or SJRWMD discovers a violation of any permit condition.

The bill may have an insignificant negative fiscal impact on the state that can be absorbed within existing resources.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

Wekiva River System

The Wekiva River begins at the junction of Wekiwa Spring Run and Rock Springs Run and runs north for 15 miles.¹ It is a Florida and National Scenic and Wild River,² an Outstanding Florida Water,³ and a state-designated paddling trail.⁴ The Little Wekiva River, Blackwater Creek, and more than 30 springs contribute their waters to the Wekiva River as it winds its way north.⁵ The Wekiva River Basin is a complex ecological system of rivers, springs, seepage areas, lakes, streams, sinkholes, wetland prairies, hardwood hammocks, pine flatwoods, and sand pine scrub communities.⁶ The ecological condition of the Wekiva River Basin supports many species of plant and animal life, some of which are endangered, threatened, or of special concern.⁷

The Little Wekiva River is a tributary to the Wekiva River. It is approximately 15 miles long, and its main stem flows northward from Lake Lawne in Orlando.⁸ Its stream course consists of a combination of channelized ditches, lakes, incised channel reaches and meandering wetland flow until its confluence with the Wekiva River.⁹ According to the 2005 Little Wekiva River Watershed Management Plan, the Little Wekiva River has experienced chronic occurrences of sedimentation from the urbanization of the river's watershed, which has overtaxed the conveyance and sediment transport capacity of the river.¹⁰

Wekiva River Protection Act

In 1988, the Florida Legislature passed the Wekiva River Protection Act and declared the Wekiva River Protection Area as a natural resource of state and regional importance.¹¹ The act requires the river's surrounding counties to amend their comprehensive plans and land development rules to deter wetlands losses, promote protection of wildlife and their habitats, and provide long-term protection for the area.¹² A small portion of the Little Wekiva River Basin is within this protection area, namely the area of the basin that is to the north of State Road 434 and to the west of Markham Woods Road.¹³ The map below shows the Wekiva River Protection Area.¹⁴

¹ Florida Department of Environmental Protection (DEP), *Wekiva River Aquatic Preserve*, <https://floridadep.gov/rcp/aquatic-preserve/locations/wekiva-river-aquatic-preserve> (last visited Mar. 2, 2021).

² National Wild and Scenic Rivers System, *Wekiva River, Florida*, <https://www.rivers.gov/rivers/wekiva.php> (last visited Mar. 2, 2021).

³ Section 258.39(30), F.S.; r. 62-302.700(9)(a), F.A.C.

⁴ DEP, *Florida's Designated Paddling Trails*, <https://floridadep.gov/PaddlingTrails> (last visited Mar. 2, 2021).

⁵ DEP, *Wekiva River Aquatic Preserve*, <https://floridadep.gov/rcp/aquatic-preserve/locations/wekiva-river-aquatic-preserve> (last visited Mar. 2, 2021).

⁶ National Wild and Scenic Rivers System, *Wekiva River, Florida*, <https://www.rivers.gov/wekiva.php> (last visited Mar. 2, 2021).

⁷ *Id.*

⁸ Seminole County, *Seminole County Water Atlas*, <http://www.seminole.wateratlas.usf.edu/macro/waterbody.aspx?wbodyid=1013> (last visited Mar. 2, 2021).

⁹ St. Johns River Water Management District (SJRWMD), *Little Wekiva River Watershed Management Plan* (Nov. 2005), http://www.orange.wateratlas.usf.edu/upload/documents/Basinreport_LittleWekiva_ExecSumm.pdf (last visited Mar. 2, 2021).

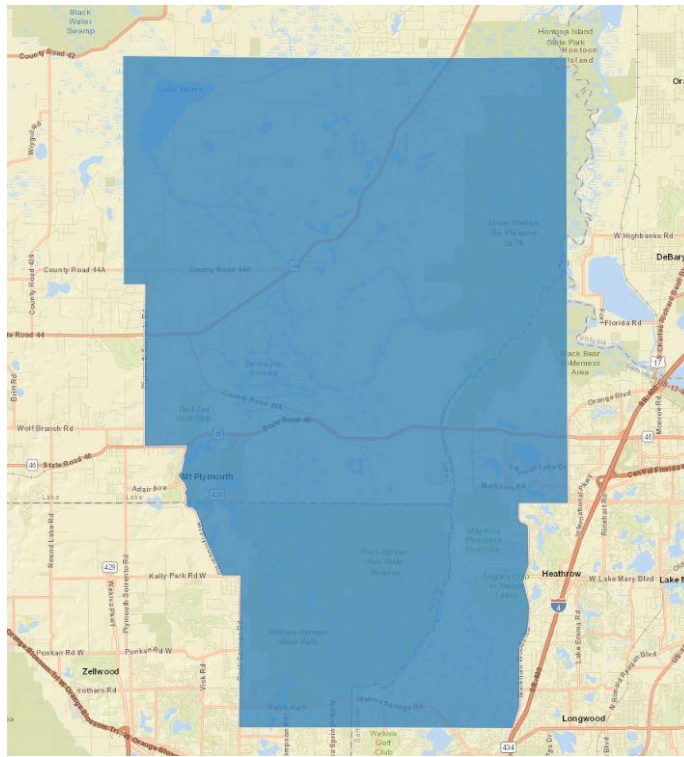
¹⁰ *Id.* at ES-3.

¹¹ Sections 369.301-369.309, F.S. *See* s. 369.307(3), F.S.

¹² Sections 369.305-369.309, F.S. *See* SJRWMD, *Little Wekiva River Watershed Management Plan* (Nov. 2005), available at http://www.orange.wateratlas.usf.edu/upload/documents/Basinreport_LittleWekiva_ExecSumm.pdf (last visited Mar. 2, 2021).

¹³ *Id.*

¹⁴ SJRWMD, *Wekiva River Protection Area*, <https://data-floridaswater.opendata.arcgis.com/maps/edit?content=floridaswater%3A%3Awekiva-river-protection-area-sjrwmd> (last visited Mar. 2, 2021).



Development Permits in the Wekiva River Protection Area

Pursuant to the Wekiva River Protection Act, Orange, Seminole, and Lake Counties are required to consider and issue development permits applicable to a proposed development of regional impact¹⁵ that is located partially or wholly within the Wekiva River Protection Area at the same time as the development order approving, approving with conditions, or denying a development of regional impact.¹⁶ Wekiva River development permits include any zoning permit, subdivision approval, rezoning, special exception, variance, site plan approval, or other official action of local government having the effect of permitting the development of land in the Wekiva River Protection Area.¹⁷

To comply with the Wekiva River Protection Act, Seminole County amended its comprehensive plan to ensure the protection of natural resources and the long-term viability of the Wekiva River Protection Area.¹⁸ The comprehensive plan prohibits all development activity within the Wekiva River Protection Area except in cases of overriding public interest. Seminole County manages and regulates development along the Wekiva River to ensure that all development maintains consistency with the Wekiva River Protection Act and Wekiva Parkway and Protection Act.¹⁹

Seminole County Little Wekiva River Restoration Project

Seminole County has proposed a project to maintain and restore the Little Wekiva River in a proposed area that is approximately 7,000 linear feet in length and 20 acres.²⁰ The proposed area is shown in the map below. The project is intended to address excess accumulated sediments and vegetation that are causing the river to expand into the flood plain. Proposed project activities include harvesting invasive plant islands, removing deposited sediments within the river, recontouring historic meanders, and replanting with beneficial native plant species.²¹

¹⁵ Section 380.06(1), F.S. A “development of regional impact” means a development that, because of its character, magnitude, or location, would have a substantial effect upon the health, safety, or welfare of citizens of more than one county.

¹⁶ Section 369.307(1), F.S.

¹⁷ Section 369.303(8), F.S. Wekiva River development permits do not include building permits, certificates of occupancy, or other permits relating to the compliance of a development with applicable electrical, plumbing, or other building codes.

¹⁸ Seminole County, *Comprehensive Plan – Conservation Element*, CON-36 (last amended Jan. 23, 2018), available at <https://www.seminolecountyfl.gov/core/fileparse.php/3289/urlt/Conservation-Ord-2018-04.pdf> (last visited Mar. 1, 2021).

¹⁹ *Id.*

²⁰ Seminole County, *Little Wekiva River Restoration Project* (undated memo) (on file with the Environment, Agriculture & Flooding Subcommittee).

²¹ *Id.*



Seminole County estimates that the project will cost \$1,650,000 and is seeking matching funds for the restoration project with local and state partners, the Department of Environmental Protection (DEP) and water management district grants, and local sales tax funding.²²

Effect of the Bill

The bill requires the St. Johns River Water Management District (SJRWMD), in consultation with DEP, Seminole County, the Fish and Wildlife Conservation Commission, and the Department of Transportation, to issue a report by December 31, 2021, that includes information and updates regarding the implementation of recommendations from the Little Wekiva Watershed Management Plan Final Report dated November 2005. The report must include:

- A description of all projects or recommendations included in the report that have been implemented and the completion dates;
- An analysis of how the projects and recommendations achieved the results included in the report;
- An analysis of costs for ongoing operation and maintenance of completed construction projects;
- An analysis of any new projects that may benefit the watershed; and
- Recommendations and cost estimates for future studies or projects that may be necessary to identify new or potentially significant contributors of sediment accumulation in the Little Wekiva River.

The bill also requires appropriate action to resolve compliance issues to be taken pursuant to chapter 373, F.S., if DEP or SJRWMD discovers a violation of any permit condition.

B. SECTION DIRECTORY:

Section 1. Creates an unnumbered section of law to require SJRWMD to issue a report on the Little Wekiva River.

Section 2. Provides an effective date of July 1, 2021.

²² *Id.*

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The bill may have an insignificant negative fiscal impact on SJRWMD that can be absorbed within existing resources for issuing the report.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not Applicable. This bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditures of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On March 8, 2021, the Environment, Agriculture & Flooding Subcommittee adopted an amendment and reported the bill favorably as a committee substitute. The amendment:

- Removed the requirement that anyone applying for a permit located within the Wekiva River Protection Area must include a study of the potential impacts to the Wekiva River from the proposed development project;

- Authorized local and state agencies, or their contractors, to conduct restoration efforts during the study period;
- Required DEP and SJRWMD to review certain permits to assess whether any permittee is in violation of any permit conditions, take appropriate action, and remediate the impacts; and
- Required permitting agencies to levy all fines authorized by law against permittees or their contractors associated with a project that has had an accumulation of sediments or has been found to have caused ecological harm to the Little Wekiva River.

On April 1, 2021, the Agriculture and Natural Resources Appropriations Subcommittee adopted a strike-all amendment and reported the bill favorably as a committee substitute. The amendment:

- Removed the requirement for DEP to perform a study and issue a report to identify the source of sediment accumulation in the Little Wekiva River;
- Required SJRWMD to issue a report that includes information and updates regarding the implementation of recommendations from the Little Wekiva Watershed Management Plan Final Report dated November 2005;
- Removed the requirement that DEP and SJRWMD review certain permits and remediate the impacts from permit violations;
- Removed the requirement that permitting agencies levy all fines authorized by law against permittees that caused ecological harm to the Little Wekiva River; and
- Required appropriate action to resolve compliance issues be taken if DEP or SJRWMD discovers a violation of any permit conditions.

This analysis is drafted to the committee substitute as approved by the Agriculture and Natural Resources Appropriations Subcommittee.