

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** CS/CS/CS/HB 727 Wildlife Corridors

**SPONSOR(S):** State Affairs Committee, Agriculture & Natural Resources Appropriations Subcommittee and Environment, Agriculture & Flooding Subcommittee, Truenow and others

**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	20 Y, 0 N, As CS	Gawin	Williamson

### SUMMARY ANALYSIS

The ability to migrate plays an important role in supporting biodiversity by enabling animals to safely travel in order to find mates, food, and shelter. Due to human development, many habitats have become fragmented, creating blockades such as residential areas, industrial parks, and roads. Wildlife corridors are sections of land that connect two or more wildlife habitats together and allow animals to avoid roads and other developments. Florida's wildlife corridor encompasses about 17 million acres, including almost 10 million acres of conservation lands.

The Little Wekiva River is a tributary to the Wekiva River, which is located in a major wildlife corridor. The Little Wekiva River is approximately 15 miles long, and its main stem flows northward from Lake Lawne in Orlando. It 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 specifies that the Florida Wildlife Corridor is an existing physical, geographically defined area comprised of over 18 million acres, of which 10 million acres are conservation lands. The bill requires the Department of Environmental Protection (DEP) to encourage and promote various methods of investing in and protecting the Florida Wildlife Corridor to continue its conservation.

The bill requires the St. Johns River Water Management District, in consultation with Seminole County, DEP, 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 River Watershed Management Plan Final Report dated November 2005.

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

##### Wildlife Corridors

The ability to migrate plays an important role in supporting biodiversity by enabling animals to safely travel in order to find mates, food, and shelter. This increase in migration results in increased genetic diversity within the species population and ensures a species' resistance to issues such as disease, genetic mutations due to inbreeding, and potential extinction.<sup>1</sup> Due to human development, many habitats have become fragmented, creating blockades such as residential areas, industrial parks, and roads.<sup>2</sup> Wildlife corridors are sections of land that connect two or more wildlife habitats together and allow animals to avoid roads and other developments.<sup>3</sup> Florida's wildlife corridor encompasses about 17 million acres, including almost 10 million acres of conservation lands.<sup>4</sup>

The Department of Environmental Protection's (DEP) Florida Greenways and Trails Council (FGTC) is charged with facilitating a statewide system of interconnected landscape linkages, conservation corridors, and greenbelts, such as Florida's wildlife corridors system.<sup>5</sup> The Florida Ecological Greenways Network (FEGN) guides FGTC in ecological greenway conservation efforts and promotes public awareness of the need for and benefits of a statewide ecological greenways network.<sup>6</sup> It is also the primary data layer used to inform Florida Forever and other state and regional land acquisition programs regarding the most important ecological corridors and intact landscapes across the state.<sup>7</sup> The map below depicts the priority areas established by FGTC.<sup>8</sup>

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<sup>1</sup> Ersi, *Importance of Wildlife Corridors*,

<https://www.arcgis.com/apps/Cascade/index.html?appid=6b87112414f84c8392c842dabab9f9a1> (last visited Apr. 8, 2021).

<sup>2</sup> *Id.*

<sup>3</sup> University of Florida, *Connecting Nature to Nature: Wildlife Corridors*, <http://blogs.ifas.ufl.edu/pinellasco/2015/04/03/connecting-nature-to-nature-wildlife-corridors/> (last visited Mar. 6, 2021).

<sup>4</sup> Florida Wildlife Corridor, *What's at Stake?*, <https://floridawildlifecorridor.org/> (last visited Apr. 6, 2021).

<sup>5</sup> Section 260.0142(4)(a), F.S.

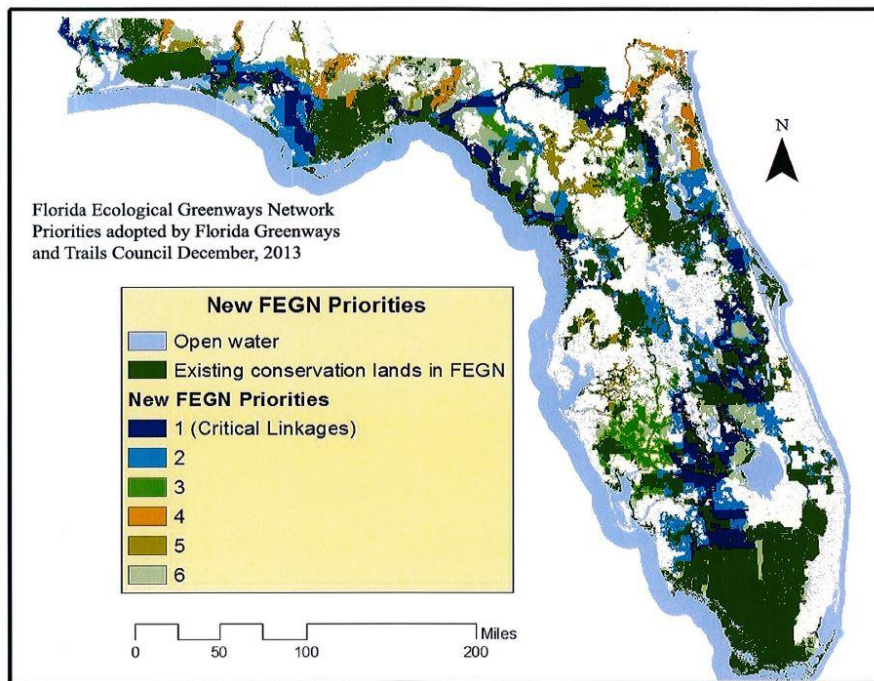
<sup>6</sup> DEP, *Priority Ecological Greenways Network 2013*,

[https://geodata.dep.state.fl.us/datasets/ac3aa7436500492bb557e2298f9aac7f\\_5?geometry=-104.576%2C24.510%2C-62.762%2C31.300](https://geodata.dep.state.fl.us/datasets/ac3aa7436500492bb557e2298f9aac7f_5?geometry=-104.576%2C24.510%2C-62.762%2C31.300) (last visited Apr. 7, 2021).

<sup>7</sup> *Id.*

<sup>8</sup> DEP, *Florida Ecological Greenways Network Priorities (2013)*, available at

[https://floridadep.gov/sites/default/files/New\\_FEGN\\_Priorities\\_Map\\_Adopted12-2013\\_byFGTC\\_0.pdf](https://floridadep.gov/sites/default/files/New_FEGN_Priorities_Map_Adopted12-2013_byFGTC_0.pdf) (last visited Apr. 7, 2021).



### Wekiva River System

The Wekiva River begins at the junction of Wekiwa Spring Run and Rock Springs Run and runs north for 15 miles.<sup>9</sup> It is a Florida and National Scenic and Wild River,<sup>10</sup> an Outstanding Florida Water,<sup>11</sup> and a state-designated paddling trail.<sup>12</sup> The Little Wekiva River, Blackwater Creek, and more than 30 springs contribute their waters to the Wekiva River as it winds its way north.<sup>13</sup> 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.<sup>14</sup> 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.<sup>15</sup> The Basin also comprises the southern end of one of Florida's major wildlife corridors connecting the Ocala National Forest to the Wekiva River.<sup>16</sup>

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.<sup>17</sup> 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.<sup>18</sup> 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.<sup>19</sup>

### Wekiva River Protection Act

<sup>9</sup> 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).

<sup>10</sup> National Wild and Scenic Rivers System, *Wekiva River, Florida*, <https://www.rivers.gov/rivers/wekiva.php> (last visited Mar. 2, 2021).

<sup>11</sup> Section 258.39(30), F.S.; r. 62-302.700(9)(a), F.A.C.

<sup>12</sup> DEP, *Florida's Designated Paddling Trails*, <https://floridadep.gov/PaddlingTrails> (last visited Mar. 2, 2021).

<sup>13</sup> DEP, *Wekiva River Aquatic Preserve*, <https://floridadep.gov/rcp/aquatic-preserve/locations/wekiva-river-aquatic-preserve> (last visited Mar. 2, 2021).

<sup>14</sup> National Wild and Scenic Rivers System, *Wekiva River, Florida*, <https://www.rivers.gov/wekiva.php> (last visited Mar. 2, 2021).

<sup>15</sup> *Id.*

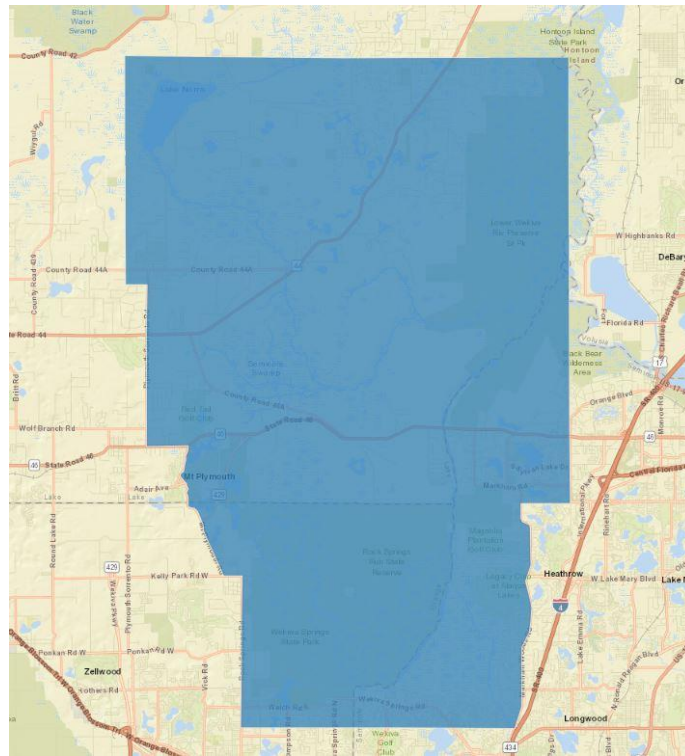
<sup>16</sup> DEP, *Wekiva River Basin State Parks: Advisory Group Draft Unit Management Plan* pg. 166, available at <https://floridadep.gov/sites/default/files/Wekiva%20River%20Basin%20State%20Parks%20Draft%20UMP.pdf> (last visited Apr. 9, 2021).

<sup>17</sup> Seminole County, *Seminole County Water Atlas*, <http://www.seminole.wateratlas.usf.edu/macro/waterbody.aspx?wbodyid=1013> (last visited Mar. 2, 2021).

<sup>18</sup> 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](http://www.orange.wateratlas.usf.edu/upload/documents/Basinreport_LittleWekiva_ExecSumm.pdf) (last visited Mar. 2, 2021).

<sup>19</sup> *Id.* at ES-3.

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.<sup>20</sup> 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.<sup>21</sup> 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.<sup>22</sup> The map below shows the Wekiva River Protection Area.<sup>23</sup>



### 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 impact<sup>24</sup> 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.<sup>25</sup> 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.<sup>26</sup>

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.<sup>27</sup> The comprehensive plan prohibits all development activity within the Wekiva River Protection

<sup>20</sup> Sections 369.301-369.309, F.S. *See s. 369.307(3)*, F.S.

<sup>21</sup> 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](http://www.orange.wateratlas.usf.edu/upload/documents/Basinreport_LittleWekiva_ExecSumm.pdf) (last visited Mar. 2, 2021).

<sup>22</sup> *Id.*  
<sup>23</sup> 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).

<sup>24</sup> 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.

<sup>25</sup> Section 369.307(1), F.S.

<sup>26</sup> 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.

<sup>27</sup> 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).

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.<sup>28</sup>

### 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.<sup>29</sup> 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.<sup>30</sup>



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, DEP and water management district grants, and local sales tax funding.<sup>31</sup>

### **Effect of the Bill**

#### Florida Wildlife Corridor

The bill defines “Florida Wildlife Corridor” to mean those conserved lands and opportunity areas defined by DEP as Priority Level One, Two, or Three in the FEGN.

The bill states that the Legislature recognizes that the state population is growing rapidly and that lands and waters that provide Florida's green infrastructure and vital habitat for wide-ranging wildlife, such as the Florida panther, need to be preserved and protected. In addition, the bill specifies that the Legislature recognizes that the Florida Wildlife Corridor is an existing physical, geographically defined area comprised of over 18 million acres, of which 10 million acres are conservation lands.

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<sup>28</sup> *Id.*

<sup>29</sup> Seminole County, *Little Wekiva River Restoration Project* (undated memo) (on file with the Environment, Agriculture & Flooding Subcommittee).

<sup>30</sup> *Id.*

<sup>31</sup> *Id.*

The bill declares that the Florida Wildlife Corridor has no regulatory power or duties and that the purpose of the corridor is to create incentives for conservation and sustainable development while sustaining and conserving the green infrastructure that is the foundation for Florida's economy and quality of life.

The bill specifies that the objectives of the Florida Wildlife Corridor include:

- Maintaining wildlife access to the habitats needed to allow for migration and genetic exchange amongst regional wildlife populations.
- Preventing fragmentation of wildlife habitats.
- Protecting the headwaters of major watersheds, including the Everglades and the St. Johns River.
- Providing ecological connectivity of the lands needed for large-scale ecosystem functions, such as water and prescribed burns that are essential for land management and restoration.
- Preserving and protecting land and waters that are not only vital to wildlife, but are critical to the state's groundwater recharge and serve as watersheds that provide drinking water to most Floridians as well as help maintain the health of downstream coastal estuaries.
- Providing wildlife crossings for the protection and safety of wildlife and the traveling public.
- Helping to sustain Florida's working ranches, farms, and forests that provide compatible wildlife habitat while sustaining rural prosperity and agricultural production.

To support the Florida Wildlife Corridor, the bill requires DEP to:

- Encourage all state, regional, and local agencies, including, but not limited to, the Fish and Wildlife Conservation Commission (FWC) and the Department of Transportation (DOT), that acquire lands to include in their land-buying efforts the acquisition of sufficient legal interest in the lands that are opportunity areas within the Florida Wildlife Corridor to endure its continued viability.
- Encourage investment in voluntary conservation easements with private landowners to achieve conservation of Florida Wildlife Corridor opportunity areas.
- Encourage state land-buying and land-management agencies to consider the opportunity areas within the Florida Wildlife Corridor a multi-phased project for the purpose of listing, acquisition, and management.
- Consider the inclusion of private funds to supplement the state's contribution in its efforts to acquire fee or less-than-fee interests in lands that contain recognized conserved lands and opportunity areas in the Florida Wildlife Corridor.
- Seek opportunities to attract new federal funding and strengthen existing federal funding programs to protect and conserve the Florida Wildlife Corridor.
- Encourage private landowners to continue to allow the use of private property for Florida Wildlife Corridor preservation and enhancement through existing and future incentives and liability protection.
- Encourage new approaches and novel financing mechanisms for long-term protection of the Florida Wildlife Corridor; payments for ecosystem services; blended financing for growth, resilience, and green infrastructure; support for sustainable intensification of agriculture; and other innovative approaches.
- Encourage state and local agencies with economic and ecotourism development responsibilities to recognize the importance of the Florida Wildlife Corridor in encouraging public access and bringing nature-based tourism to local communities and to support acquisition and development activities for preservation and enhancement of the corridor.
- Encourage the protection, preservation, and enhancement of the natural value of the Florida Wildlife Corridor for the citizens of the state, both present and future.

#### Little Wekiva River

By December 31, 2021, the bill requires the St. Johns River Water Management District (SJRWMD), in consultation with Seminole County, DEP, FWC, and DOT, to issue a report that includes information

and updates regarding the implementation of recommendations from the Little Wekiva River 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 or 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.
- 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.

Additionally, if DEP or SJRWMD discovers a violation of any permit condition, the bill requires appropriate action be taken to resolve those compliance issues.

**B. SECTION DIRECTORY:**

Section 1. Creates s. 259.20, F.S., creating the Florida Wildlife Corridor Act.

Section 2. Creates an unnumbered section of law to require SJRWMD to issue a report on the Little Wekiva River.

Section 3. Provides an effective date of July 1, 2021.

**II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

**A. FISCAL IMPACT ON STATE GOVERNMENT:**

1. Revenues:

None.

2. Expenditures:

This bill may have an insignificant negative fiscal impact on SJRWMD that can be absorbed within existing resources for issuing the report. The bill may have an insignificant negative fiscal impact on DEP associated with seeking funding for the Florida Wildlife Corridor that can be absorbed within existing resources.

**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.

On April 15, 2021, the State Affairs Committee adopted a proposed committee substitute (PCS) and reported the bill favorably as a committee substitute. The PCS added provisions to the bill related to the Florida Wildlife Corridor. Specifically, the PCS:

- Defined "Florida Wildlife Corridor" to mean those conserved lands and opportunity areas defined by DEP as Priority Level One, Two, or Three in the FEGN.
- Declared that the Florida Wildlife Corridor has no regulatory power or duties.
- Required DEP to encourage and promote various methods of investing in and protecting the Florida Wildlife Corridor to continue its conservation.

This analysis is drafted to the committee substitute as approved by the State Affairs Committee.