

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 Committee on Environment and Natural Resources

BILL: SB 976

INTRODUCER: Senator Brodeur

SUBJECT: Study of the Little Wekiva River

DATE: March 1, 2021

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Anderson	Rogers	EN	Pre-meeting
2.	_____	_____	AEG	_____
3.	_____	_____	AP	_____

I. Summary:

SB 976 requires the Department of Environmental Protection, in consultation with the St. Johns River Water Management District, Seminole County, the Fish and Wildlife Conservation Commission, and the Department of Transportation, to conduct a study and issue a report by December 31, 2021, to identify the source of sediment accumulation in the Little Wekiva River and detail improvements to the water quality and ecology of the area which might be achieved by efforts to dredge the river channel and remove invasive plants. The report must include an estimated cost for each improvement and potential funding sources.

The bill requires permit applications for developments that are located partially or wholly within the Wekiva River Protection Area to include a study of the potential impacts to the Wekiva River from the proposed development projects.

The bill takes effect on July 1, 2021.

II. Present Situation:

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 superb 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

¹ DEP, *Wekiva River Aquatic Preserve*, <https://floridadep.gov/rcp/aquatic-preserve/locations/wekiva-river-aquatic-preserve> (last visited Feb. 18, 2021).

² National Wild and Scenic Rivers System, *Florida*, <https://www.rivers.gov/florida.php> (last visited Feb. 18, 2021).

³ Section 258.39(30), F.S.; Fla. Admin. Code. R. 62-302.700.

⁴ DEP, *Florida's Designated Paddling Trails*, <https://floridadep.gov/PaddlingTrails> (last visited Feb. 18, 2021).

⁵ DEP, *Wekiva River Aquatic Preserve*, <https://floridadep.gov/rcp/aquatic-preserve/locations/wekiva-river-aquatic-preserve> (last visited Feb. 18, 2021).

⁶ National Wild and Scenic Rivers System, *Wekiva River, Florida*, <https://www.rivers.gov/wekiva.php> (last visited Feb. 18, 2021).

⁷ *Id.*

⁸ Seminole County, *Seminole County Water Atlas*, <http://www.seminole.wateratlas.usf.edu/macro/waterbody.aspx?wbodyid=1013> (last visited Feb. 18, 2021).

⁹ St. John's WMD, *Little Wekiva River Watershed Management Plan* (Nov. 2005), available at http://www.orange.wateratlas.usf.edu/upload/documents/Basinreport_LittleWekiva_ExecSumm.pdf.

¹⁰ *Id.* at ES-3.

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

¹² Sections 369.301-369.309, F.S. See St. John's WMD, *Little Wekiva River Watershed Management Plan* (Nov. 2005), available at http://www.orange.wateratlas.usf.edu/upload/documents/Basinreport_LittleWekiva_ExecSumm.pdf.

within this protection area, namely the area of the basin that is to the north of S.R. 434 and to the west of Markham Woods Road.¹³ The map below shows the Wekiva River Protection Area.¹⁴



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 which 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 mean 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

¹³ *Id.*

¹⁴ St. Johns WMD, *Wekiva River Protection Area*, <https://data-floridaswater.opendata.arcgis.com/maps/edit?content=floridaswater%3A%3Awekiva-river-protection-area-sjrwmd> (last visited Feb. 18, 2021).

¹⁵ 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 or more than one county. Section 380.06(1), F.S.

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>.

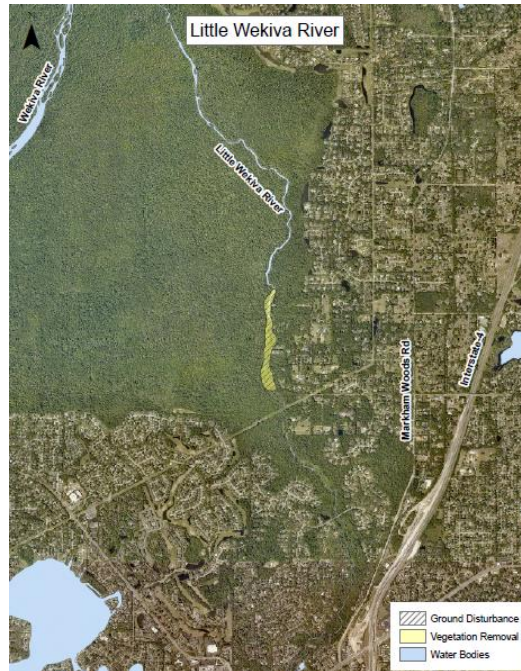
¹⁹ *Id.*

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, re-contouring historic meanders, and replanting with beneficial native plant species.²¹

Seminole County is leading the project and coordinating with local residents, the St. Johns River Water Management District, DEP, FWC, DOT, Orange County, the City of Altamonte Springs, United States Representative Stephanie Murphy, Florida Audubon, and the Friends of the Wekiva River.²²

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.²³



III. Effect of Proposed Changes:

The bill requires DEP, in consultation with the St. Johns River Water Management District, Seminole County, FWC, and DOT, to conduct a study and issue a report by December 31, 2021, to identify the source of sediment accumulation in the Little Wekiva River and detail

²⁰ *Seminole County*, Little Wekiva River Restoration Project (undated memo) (on file with the Senate Committee on Environment and Natural Resources).

²¹ *Id.*

²² *Id.*

²³ *Id.*

improvements to the water quality and ecology of the area which might be achieved by efforts to dredge the river channel and remove invasive plants. The report must include an estimated cost for each improvement and potential funding sources.

The bill amends s. 369.307, F.S., to require permit applications for developments that are located partially or wholly within the Wekiva River Protection Area to include a study of the potential impacts to the Wekiva River from the proposed development projects.

The bill takes effect on July 1, 2021.

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:

Developers who are subject to the requirement in the bill to include a study of potential impacts to the Wekiva River in a development permit application may see increased costs.

C. Government Sector Impact:

The agencies charged with completing the study required under the bill may incur increased costs associated with conducting the study and issuing the report.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 369.307 of the Florida Statutes.

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.