

HOUSE OF REPRESENTATIVES STAFF FINAL BILL ANALYSIS

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

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

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

FINAL HOUSE FLOOR ACTION: 115 Y's 0 N's **GOVERNOR'S ACTION:** Approved

SUMMARY ANALYSIS

CS/CS/CS/HB 727 passed the House on April 27, 2021, as CS/CS/SB 976.

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 (SJRWMD), 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 Watershed Management Plan Final Report dated November 2005.

The bill requires DEP and SJRWMD to immediately review, with the goal of identifying significant contributors of sediment accumulation, any permits that SJRWMD has determined may have contributed to sediment buildup north of State Road 436 to assess whether the permittee is in violation of any permit conditions. If DEP or SJRWMD discovers a violation of any permit condition, the bill requires appropriate action be taken to resolve those compliance issues.

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

The bill was approved by the Governor on June 29, 2021, ch. 2021-181, L.O.F., and became effective on July 1, 2021.

I. SUBSTANTIVE INFORMATION

A. EFFECT OF 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.¹ Due to human development, many habitats have become fragmented, creating blockades such as residential areas, industrial parks, and roads.² Wildlife corridors are sections of land that connect two or more wildlife habitats together and allow animals to avoid roads and other developments.³ Florida's wildlife corridor encompasses about 17 million acres, including almost 10 million acres of conservation lands.⁴

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.⁵ 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.⁶ 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.⁷ The map below depicts the priority areas established by FGTC.⁸

¹ Ersi, *Importance of Wildlife Corridors*,

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

² *Id.*

³ 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).

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

⁵ Section 260.0142(4)(a), F.S.

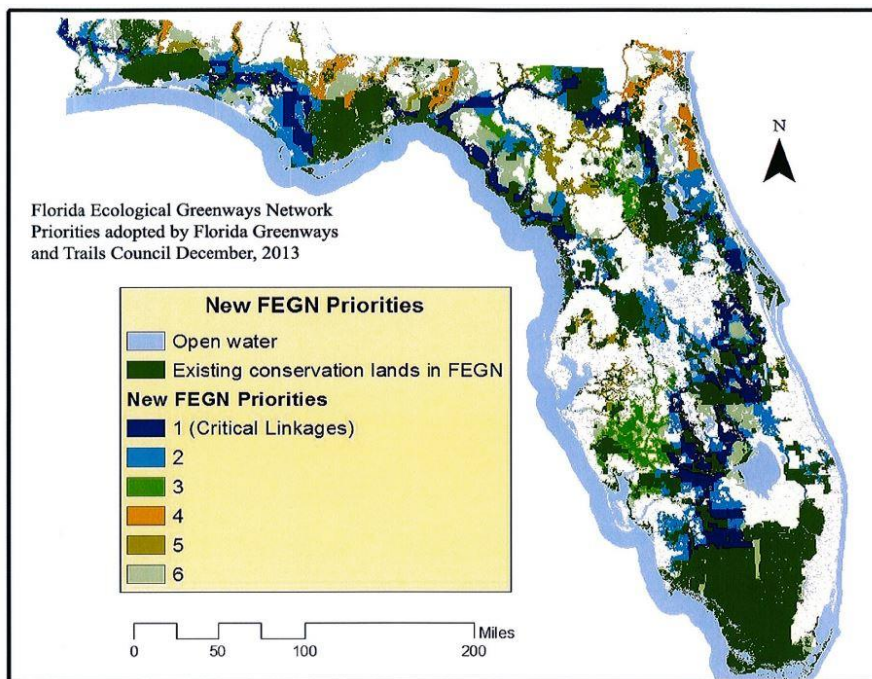
⁶ DEP, *Priority Ecological Greenways Network 2013*,

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

⁷ *Id.*

⁸ DEP, *Florida Ecological Greenways Network Priorities (2013)*, available at

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

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.¹⁷ 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.¹⁸ According to the 2005 Little Wekiva River Watershed Management Plan, the

⁹ 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).

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

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

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

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

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

¹⁵ *Id.*

¹⁶ 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).

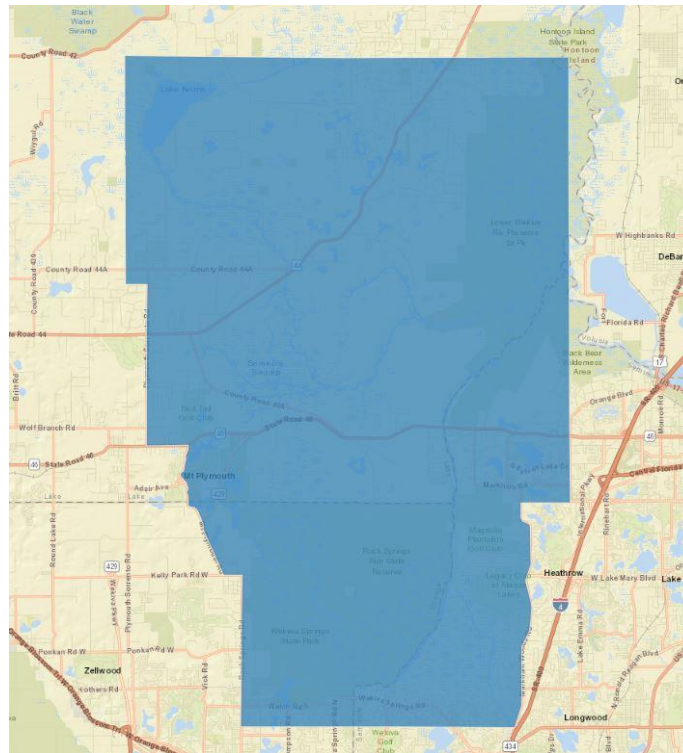
¹⁷ Seminole County, *Seminole County Water Atlas*, <http://www.seminole.wateratlas.usf.edu/macro/waterbody.aspx?wbodyid=1013> (last visited Mar. 2, 2021).

¹⁸ 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).

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.¹⁹

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.²⁰ 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.²¹ 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.²² The map below shows the Wekiva River Protection Area.²³



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 impact²⁴ 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.²⁵ Wekiva River development permits include any zoning permit, subdivision approval, rezoning,

¹⁹ *Id.* at ES-3.

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

²¹ 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).

²² *Id.*

²³ 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).

²⁴ 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.

²⁵ Section 369.307(1), F.S.

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.²⁶

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.²⁷ 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.²⁸

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.²⁹ 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.³⁰



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.³¹

²⁶ 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.

²⁷ 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).

²⁸ *Id.*

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

³⁰ *Id.*

³¹ *Id.*

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, and 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 finds that the Florida Wildlife Corridor is an existing physical, geographically defined area consisting of over 18 million acres, of which 10 million acres are conservation lands.

The bill declares that the purpose of the Florida Wildlife Corridor is to create incentives for conservation and sustainable development while sustaining and conserving the green infrastructure that is the foundation of the state'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 of 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 flood and sea-level rise resiliency and large-scale ecosystem functions, such as water management and prescribed burns essential for land management and restoration.
- Preserving and protecting land and waters that are not only vital to wildlife, but are critical to this state's groundwater recharge and that serve as watersheds that provide drinking water to most Floridians and 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 the state's working ranches, farms, and forests that provide compatible wildlife habitats while sustaining rural prosperity and agricultural production.

The bill requires DEP to:

- Encourage all state, regional, and local agencies that acquire lands, including, but not limited to, the Fish and Wildlife Conservation Commission (FWC) and the Department of Transportation (DOT), to include in their land-buying efforts the acquisition of sufficient legal interest in opportunity areas to ensure the continued viability of the Florida Wildlife Corridor.
- Encourage investment in conservation easements voluntarily entered into by private landowners to conserve opportunity areas.
- Encourage state land-buying agencies and land management agencies to consider the conservation of opportunity areas as a multiphased 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 a fee or less-than-fee interest in lands that contain recognized opportunity areas and conserved lands in the Florida Wildlife Corridor.
- Seek opportunities to attract new sources of federal funding and to strengthen existing programs to protect and conserve the Florida Wildlife Corridor.
- Encourage private landowners, through existing and future incentives and liability protections, to continue to allow their private property to be used for the preservation and enhancement of the Florida Wildlife Corridor.
- Encourage new approaches and novel financing mechanisms for long-term protection of the Florida Wildlife Corridor, including, but not limited to, public-private partnerships; payments for ecosystem services; blended financing for growth, resilience, and green infrastructure; and support for the sustainable growth of agriculture.

- Encourage state and local agencies with economic and ecotourism development responsibilities to recognize the importance of the Florida Wildlife Corridor in encouraging public access to wildlife areas and bringing nature-based tourism to local communities and to support acquisition and development activities for preservation and enhancement of the Florida Wildlife Corridor.
- Encourage private investment in ecotourism focused on the Florida Wildlife Corridor.
- Encourage the protection, preservation, and enhancement of the natural value of the Florida Wildlife Corridor for current and future residents of the state.

The bill specifies that it may not be construed to authorize or affect the use of private property.

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 Watershed Management Plan Final Report dated November 2005. The report must include, but not be limited to:

- A description of all projects or recommendations included in the report that have been implemented and their 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.
- A list of permit violations that may have contributed to sediment buildup north of State Road 436.
- 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.

The bill requires DEP and SJRWMD to immediately review, with the goal of identifying significant contributors of sediment accumulation, any permits that SJRWMD has determined may have contributed to sediment buildup north of State Road 436 to assess whether the permittee is in violation of any permit conditions. If DEP or SJRWMD discovers a violation of any permit condition, the bill requires appropriate action be taken to resolve those compliance issues.

The bill requires DEP and SJRWMD to review known violations of such permits since 2018 and attempt to determine, using existing information, what effects such violations may have had on sediment accumulation in the Little Wekiva River.

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 and reviewing permits. The bill may have an insignificant negative fiscal impact on DEP associated with reviewing permits and 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.