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A bill to be entitled
 An act relating to growth management; amending s.
 163.3184, F.S.; providing a cross-reference; creating s.
 163.3247, F.S.; providing a popular name; providing
 legislative intent; providing definitions; identifying
 those local governments that are subject to the act;
 requiring that those local governments amend their
 comprehensive plans to include land use strategies,
 development controls, and best-management practices to
 ensure the protection of Florida's springs; requiring
 certain local governments to develop a Wekiva Sector Plan;
 providing for transportation requirements for the Wekiva
 Parkway; providing for regulatory programs and land
 acquisition; providing for planning assistance to local
 governments; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Paragraph (b) of subsection (1) of section
 163.3184, Florida Statutes, is amended to read:

163.3184 Process for adoption of comprehensive plan or
 plan amendment.--

(1) DEFINITIONS.--As used in this section, the term:

(b) "In compliance" means consistent with the requirements
 of ss. 163.3177, 163.31776, when a local government adopts an
 educational facilities element, 163.3178, 163.3180, 163.3191,
~~and~~ 163.3245, and 163.3247, with the state comprehensive plan,
 with the appropriate strategic regional policy plan, and with
 chapter 9J-5, Florida Administrative Code, where such rule is
 not inconsistent with this part and with the principles for



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31 guiding development in designated areas of critical state
 32 concern.

33 Section 2. Section 163.3247, Florida Statutes, is created
 34 to read:

35 163.3247 Wekiva River Springs Protection.--

36 (1) POPULAR NAME.--This section may be known by the
 37 popular name the "Wekiva River Springs Protection Act."

38 (2) LEGISLATIVE INTENT.--

39 (a) The Legislature recognizes the Wekiva River and its
 40 tributaries, along with the St. Johns River and associated lands
 41 in central Florida, as one of the most valuable natural assets
 42 of the state. The Wekiva River and its tributaries have been
 43 designated an Outstanding Florida Water, a National Wild and
 44 Scenic River, a Florida Wild and Scenic River, and a Florida
 45 Aquatic Preserve.

46 (b) In 1988, the Legislature enacted the Wekiva River
 47 Protection Act, codified in part II of chapter 369, to protect
 48 the resources of the Wekiva River Basin. The Wekiva River
 49 Protection Act delineates an area comprising portions of Lake,
 50 Orange, and Seminole Counties as the Wekiva River Protection
 51 Area.

52 (c) The Wekiva River is a spring-fed system associated
 53 with 19 second-magnitude and third-magnitude springs and
 54 numerous smaller springs. The Legislature recognizes that a
 55 spring is only as healthy as its groundwater recharge basin. The
 56 groundwater that feeds springs is recharged by seepage from the
 57 surface and through direct conduits such as sinkholes. Because
 58 of this, the health of the spring systems is directly influenced
 59 by activities and land uses within the spring recharge basin.



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60 (d) Protection of groundwater that recharges the springs
61 connected to the Wekiva River is crucial to the long-term
62 viability of the Wekiva River ecosystem and the region's water
63 supply. The volume of groundwater moving toward discharge to
64 form the Wekiva River spring system has diminished over time,
65 given withdrawals of water for consumptive use and loss of
66 recharge due to land development trends. The Water Needs and
67 Sources Assessment indicates that the Wekiva Basin is located in
68 a Priority Water Resource Caution Area, indicating that water
69 supply problems are projected to become critical by 2010 and
70 projected water use may result in unacceptable impacts to
71 natural systems and groundwater quality, including decline in
72 the water table affecting wetland vegetation and reduced spring
73 flows. The St. Johns Water Management District projects a 20-
74 percent reduction in spring flows by the year 2020.

75 (e) Because the majority of the groundwater recharge basin
76 of the Wekiva River is located outside the Wekiva River
77 Protection Area as delineated in part II of chapter 369, no
78 special protection currently exists for critical groundwater
79 recharge lands. Therefore, the Legislature directs local
80 governments within the Wekiva River Springs Protection Area or
81 groundwater recharge basin of the Wekiva River to amend their
82 comprehensive plans to include land use strategies, development
83 controls, and best-management practices to ensure the protection
84 of the Wekiva River springs system.

85 (f) In addition to the planning requirements for the
86 Wekiva River Springs Protection Area, the Legislature authorizes
87 local governments with first-magnitude, second-magnitude or
88 third-magnitude springs to adopt similar springshed protection



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89 strategies applicable to a springshed protection area as
90 delineated in the local government's comprehensive plan.

91 (g) Recognizing the need to balance regional
92 transportation needs in central Florida with protection of the
93 Wekiva River Protection Area in part II of chapter 369, as
94 recommended by the Wekiva Basin Area Task Force in its Final
95 Report dated January 15, 2003, it is the intent of the
96 Legislature that each comprehensive plan for the rural areas of
97 Lake, Orange, and Seminole Counties and any rural area within
98 the municipalities in those counties as described in
99 subparagraph (4)(a)1. be revised to include a Wekiva Sector
100 Plan, as a component to the local government comprehensive plan,
101 which is designed to protect the rural character of the area and
102 recharge areas in the Wekiva River Basin. The sector plan must
103 be adopted and in effect before the permitting and construction
104 of the "Wekiva Parkway."

105 (3) DEFINITIONS.--As used in this section, the term:

106 (a) "Effective recharge areas" means those areas that
107 contribute medium (4 to 8 inches of recharge to the aquifer
108 annually) to high (greater than 8 inches of recharge to the
109 aquifer annually) recharge to replenish the aquifer and sustain
110 spring flows. These recharge areas, sometimes referred to as
111 "most effective areas of recharge," are vulnerable to
112 contamination due to the rapid movement of surface waters down
113 through the soils to the aquifer.

114 (b)1. "First-magnitude springs" means those springs
115 identified by the Florida Geological Survey as discharging at
116 least 100 cubic feet of water per second;

117 2. "Second-magnitude springs" means those springs
118 discharging 10 to 100 cubic feet of water per second; and



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119 3. "Third-magnitude springs" means those springs
 120 discharging 1 to 10 cubic feet of water per second,
 121
 122 on or before July 1, 2003.

123 (c) "Rural character" means characterized by a pattern of
 124 land use in which open space, agricultural and silvicultural
 125 lands, the natural landscape, and vegetation predominate over
 126 the built environment; that fosters traditional rural
 127 lifestyles, supports rural-based economies such as agriculture,
 128 timber, ecotourism, and aquaculture, and provides opportunities
 129 to both live and work in rural areas; that provides visual
 130 landscapes associated with rural areas and rural communities;
 131 and that is compatible with the use of the land by wildlife and
 132 consistent with the protection of the quality and quantity of
 133 water resources, including natural surface water flows and
 134 groundwater recharge and discharge areas.

135 (d) "Springshed protection area" means a land-planning
 136 area wherein special springshed features require additional
 137 protection through local government comprehensive plans and land
 138 development regulations, including land that is most sensitive
 139 to environmental contamination and merits special protection.
 140 The area subject to land planning for springshed protection
 141 includes the areas of groundwater contribution and recharge,
 142 sinkholes, depressions, and stream-to-sink features, including
 143 areas around the spring itself, and first-magnitude, second-
 144 magnitude and third-magnitude springs.

145 (4) DESIGNATION OF THE WEKIVA RIVER SPRINGS PROTECTION
 146 AREA AND THE WEKIVA SECTOR PLAN AREA.--

147 (a) The Wekiva River Springs Protection Area means the
 148 groundwater recharge basin of the Wekiva River generally



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149 depicted as within the yellow line on Figure 5, and the Wekiva
 150 Sector Plan Area means the area generally depicted as the yellow
 151 hatchmarks on Figure 5a, in the Final Report of the Wekiva Basin
 152 Area Task Force dated January 15, 2003. Before September 30,
 153 2003, and after giving notice to all local governments with
 154 jurisdiction over any land proposed to be included in the Wekiva
 155 River Springs Protection Area, the state land planning agency
 156 and the St. Johns River Water Management District shall hold a
 157 rule-development workshop to recommend definitive boundaries for
 158 the Wekiva River Springs Protection Area and the Wekiva Sector
 159 Plan Area based on the following criteria:

160 (a) The Wekiva River Springs Protection Area must include
 161 the portions of Lake, Orange, and Seminole Counties, and all or
 162 portions of the municipalities in those counties, within the
 163 areas of groundwater contribution and recharge to the Wekiva
 164 River and its tributaries and springs.

165 (b) The Wekiva Sector Plan Area must include the rural
 166 areas of Lake, Orange, and Seminole Counties, and any existing
 167 rural area within municipalities in those counties, to form a
 168 contiguous sector planning area without enclaves. The Wekiva
 169 Sector Plan Area should, to the extent feasible, avoid areas
 170 within municipalities that are developed at urban densities and
 171 intensities of use.

172 (c) Within 45 days after receipt of the recommended
 173 boundary, the Administration Commission shall adopt, modify, or
 174 reject the recommendation and shall by rule establish the
 175 definitive boundaries of the Wekiva River Springs Protection
 176 Area and the Wekiva Sector Plan Area.

177 (5) COMPREHENSIVE PLAN REQUIREMENTS FOR THE WEKIVA RIVER
 178 SPRINGS PROTECTION AREA.--



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179 (a) For those local governments located within the Wekiva
180 River Springs Protection Area, the comprehensive plan must
181 include land use strategies, development controls, and best-
182 management practices to ensure their protection from
183 incompatible land uses and land use activities that may directly
184 or indirectly adversely impact the spring's water quality; water
185 quantity; visual, economic, and recreational qualities; and
186 other characteristics. Land use strategies, development
187 controls, and best-management practices are to apply throughout
188 the Wekiva River Springs Protection Area.

189 (b) Land use strategies are also to include, at a minimum,
190 public education, partnerships with property owners,
191 consideration of land use or development rights acquisition,
192 cooperative management of public owned lands, economic
193 development and ecotourism, best-management practices for
194 agriculture and silviculture, and the provision of appropriate
195 drainage, wastewater treatment, and water supply to support new
196 or existing development.

197 (c) Provisions for nonregulatory programs to reduce
198 residential and other development rights and strengthen local
199 governments' capacity to achieve the objectives of this act to
200 retain recharge areas, environmentally sensitive lands, and
201 rural character. Nonregulatory programs include conservation
202 easements, purchase of development rights, and transfer of land
203 use credits or development rights. Transferable land use
204 credits or development rights increase density and cluster
205 development rights in appropriately designated receiving areas,
206 while discouraging development in recharge areas and
207 environmentally sensitive lands. Land use credits and
208 development rights may be transferred from one jurisdiction to



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209 another as reflected in the applicable comprehensive plans that
210 assign and distribute land use credits or development rights and
211 designate appropriate receiving areas.

212 (d) Land use strategies and development standards to
213 protect the quality and quantity of recharge that replenish the
214 aquifer and maintain springs flows and best-management practices
215 to mitigate land use impacts which are consistent with the
216 Florida Springs: Land Use Strategies and Best Management
217 Practices Manual must be adopted. Land use strategies include
218 locating low-impact land uses near the springs and in areas of
219 high recharge. Low-impact land uses include preservation,
220 conservation, recreation, unimproved rangeland, silviculture and
221 very-low-density rural residential use that, generally, has no
222 more than one unit per 10 acres. In addition, the following
223 best-management practices are to be used to mitigate impacts in
224 the recharge basin of the Wekiva River:

225 1. Reduce impervious surface (streets and parking areas)
226 to reduce runoff and retain recharge;

227 2. Maintain open space and natural recharge areas to
228 protect groundwater resources and wildlife habitat;

229 3. Manage stormwater impacts to reduce runoff and maintain
230 water quality of recharge;

231 4. Provide enhanced wastewater treatment for septic tanks,
232 central treatment systems, and a septic tank maintenance
233 program;

234 5. Use landscape design and maintenance to reduce impacts
235 from chemicals and conserve water resources, including golf
236 course design and maintenance; and

237 6. Site, construct, and maintain golf courses using
238 special management zones, best-management practices, integrated



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239 pest management, and a natural resource management plan to
240 prevent, manage, and monitor potential impacts to water
241 resources.

242 (e) The comprehensive plan amendments required by this
243 subsection must be adopted by July 1, 2004, or as part of any
244 comprehensive plan amendment that proposes to increase the
245 density or intensity of use within the Wekiva River Springs
246 Protection Area. A local government may not amend its
247 comprehensive plan thereafter unless it has adopted the required
248 comprehensive plan amendments. The Administration Commission
249 may impose the sanctions provided by s. 163.3184(11) against any
250 local government that fails to adopt the required comprehensive
251 plan amendments by January 1, 2005, using the procedure in s.
252 163.3191(11).

253 (f) Notwithstanding the provisions of chapter 380, the
254 numerical guidelines and standards provided in s. 380.0651 and
255 in chapter 28-24, Florida Administrative Code, must be reduced
256 by 50 percent as applied to proposed developments entirely or
257 partially located within the Wekiva River Springs Protection
258 Area.

259 (6) COMPREHENSIVE PLAN AMENDMENT REQUIREMENTS FOR THE
260 WEKIVA SECTOR PLAN AREA.--

261 (a) The Wekiva Sector Plan is intended to be a
262 cooperative, coordinated effort between the local governments
263 within the sector plan area with the objective of maintaining
264 rural character and protecting groundwater recharge resulting in
265 no net loss of recharge potential. Through intergovernmental
266 coordination, each participating local government shall adopt
267 the sector plan as applicable to its planning jurisdiction to



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268 assure furtherance of the objectives of this act and
269 compatibility among local governments.

270 (b) Each local government within the Wekiva Sector Plan
271 Area shall adopt the sector plan as an amendment to the local
272 government comprehensive plan that addresses the following
273 content requirements:

274 1. A detailed land use plan that does not exceed the
275 overall type, intensity, and density of development now
276 permitted by the applicable local comprehensive plan within the
277 sector plan area. However, flexibility is available to convert
278 between land use categories, as long as provisions to protect
279 rural character and groundwater recharge remain at levels that
280 are equal to or greater than existing levels. The sector plan
281 may include innovative and flexible planning techniques, such as
282 performance standards for open space and impervious surface
283 coverage, clustering, transfer of development rights, and land
284 acquisition, for the purposes of ensuring the predominance of
285 open space, agricultural and silvicultural lands, the natural
286 landscape, and vegetation over the built environment.

287 2. A detailed transportation plan that addresses as
288 applicable the Wekiva Parkway alignment, interchange locations,
289 and the need for any additional or expanded regional or local
290 roadways, including alignment, interchange locations, and design
291 and construction features. The transportation plan should
292 include an evaluation of any programmed road improvements within
293 or which might affect the Wekiva River Protection Area and
294 Wekiva River Springs Protection Area and eliminate any
295 improvements that are inconsistent with maintaining rural
296 character or protecting groundwater recharge or that are made
297 unnecessary by the Wekiva Parkway.



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298 3. Infrastructure planning, including best-management
 299 practices and incentives for enhanced wastewater treatment and
 300 effluent disposal, stormwater management, the inspection and
 301 maintenance of existing onsite treatment and disposal systems,
 302 and for the installation of enhanced onsite treatment and
 303 disposal systems.

304 4. Land use strategies, development standards, and best-
 305 management practices to protect the quality and quantity of
 306 recharge and replenish the aquifer and maintain springs flows
 307 consistent with Florida Springs: Land Use Strategies and Best
 308 Management Practices Manual.

309 5. Provision for nonregulatory programs to reduce
 310 residential and other development rights and retain rural
 311 character, such as conservation easements, purchase of
 312 development rights, and transfer of development rights.

313 6. Provisions requiring design standards for commercial
 314 signs and associated advertising which reflect the rural
 315 character of the area.

316 7. Interchange land use plans, as applicable, including
 317 provisions for land use planning requirements for each of the
 318 interchanges recommended for the Wekiva Parkway, including land
 319 use strategies, development standards, and best-management
 320 practices to maintain rural character and protect groundwater
 321 recharge. The interchange land use plans must address
 322 appropriate land uses and compatible development, secondary road
 323 access, access management, right-of-way protection, vegetative
 324 protection and landscaping, signage, and the height and
 325 appearance of structures. The interchange land use plans must
 326 also direct appropriate changes to land development regulations.



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327 (c) During the period of time between the effective date
328 of this act and the effective date of the local comprehensive
329 plan amendment adopting the Wekiva Sector Plan, a local
330 government that has planning jurisdiction within the Wekiva
331 Sector Plan Area may not amend its comprehensive plan to
332 increase the types, intensities, and densities of land uses
333 within the Wekiva Sector Plan Area, or to identify or schedule
334 new road improvements within the area, except for the necessary
335 comprehensive plan amendments needed to plan, design, engineer,
336 and acquire the right-of-way for the Wekiva Parkway. Permitting
337 and construction of the Wekiva Parkway may not occur until the
338 completion of the sector plan.

339 (7) TRANSPORTATION REQUIREMENTS FOR THE WEKIVA PARKWAY.--

340 (a) The Department of Transportation, the Orlando-Orange
341 County Expressway Authority, and the Seminole County Expressway
342 Authority shall provide to the Governor and the Legislature a
343 report of their joint recommendations on a funding plan that
344 addresses the Wekiva Basin Area Task Force recommendations in
345 its Final Report dated January 15, 2003, and any legislation
346 needed to implement the recommendations.

347 (b) The Orlando-Orange County Expressway Authority and the
348 Department of Transportation shall locate the precise corridor
349 location and interchange locations for the Wekiva Parkway within
350 the corridor generally depicted in Figure 3, "Recommended
351 Corridor for the Wekiva Parkway," of the Final Report of the
352 Wekiva Basin Area Task Force dated January 15, 2003. The
353 transportation agencies shall apply the "Guiding Principles for
354 Corridor Location" in selecting the final roadway alignment and
355 shall apply the "Guiding Principles for the Wekiva Parkway
356 Design Features and Construction" to the construction of any new



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357 expressways, including the Wekiva Parkway, and to the expansion
358 of existing expressways within the Wekiva Sector Plan Area and
359 the Wekiva River Protection Area, as recommended by the Task
360 Force.

361 (c) This act is repealed effective July 1, 2008, unless
362 purchase of the right-of-way for the Wekiva Parkway has been
363 completed.

364 (8) REGULATORY PROGRAMS AND LAND ACQUISITION.--

365 (a) The St. Johns River Water Management District shall
366 review existing rules and statutes to determine the
367 appropriateness of modifications necessary for protection of the
368 Wekiva River Springs Protection Area as recommended by the
369 Wekiva Basin Area Task Force in its Final Report dated January
370 15, 2003.

371 (b) The State of Florida shall give the highest priority
372 and use all means at its disposal for completing the acquisition
373 of the Wekiva-Ocala Greenway Florida Forever Project. Efforts
374 should be made to identify and acquire additional lands in the
375 Wekiva River Springs Protection Area, including efforts to
376 protect agricultural lands through the purchase of easements as
377 provided in the Rural and Family Lands Protection Program, ss.
378 570.70 and 570.71.

379 (9) TIMING OF PLAN AMENDMENTS.--Plan amendments related to
380 the implementation of the Wekiva Parkway and plan amendments
381 required by this section shall be exempt from the twice per year
382 limit on the adoption of plan amendments as provided in s.
383 163.3187(1).

384 (10) PLANNING ASSISTANCE TO LOCAL GOVERNMENTS.--The state
385 land planning agency and appropriate state and regional agencies
386 shall provide planning assistance to the affected local



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387 governments in the development of comprehensive plan amendments
388 to meet the requirements of this act. The state land planning
389 agencies, with the support of the Department of Environmental
390 Protection and the St. Johns Water Management District, shall
391 develop model land development regulations for springshed
392 protection.

393 Section 3. This act shall take effect July 1, 2003.