



CHAMBER ACTION

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The Committee on Local Government & Veterans' Affairs recommends the following:

Committee Substitute

Remove the entire bill and insert:

A bill to be entitled

An act relating to growth management; amending s. 369.301, F.S., renaming the Wekiva River Protection Act as the Wekiva River and Springs Protection Act; creating s. 369.3011, F.S.; creating the Wekiva River Basin Planning Act; providing legislative intent; finding that recommendations of the Wekiva Basin Area Task Force should be taken as a whole and implemented; providing that the corridor recommended by the Wekiva Basin Area Task Force be used for environmental and engineering studies; providing criteria for location of the Wekiva Parkway and other expressways; providing for the approval of the alignment location by the Seminole County Expressway Authority; providing principles for design and construction of the Wekiva Parkway; providing objectives; providing that certain agencies submit a report to the Governor and Legislature recommending the appropriate entity to operate the Wekiva Parkway; providing specific



29 | components of said report; providing for the mitigation of
30 | construction impacts; providing a limitation on the number
31 | of interchanges; providing for the creation of a
32 | stakeholder working group; providing for application of
33 | certain principles to corridor selection, design, and
34 | construction of the U.S. 441 bypass; providing for
35 | recommendations from the working group; providing
36 | legislative intent regarding the review of long-range
37 | transportation improvement plans by certain local
38 | governments; finding a decreased need to widen certain
39 | rural two-lane roads; providing for application of certain
40 | principles to future roadway improvements; providing a
41 | compelling state interest and establishing the Wekiva
42 | River Springshed Protection Area; finding it desirable to
43 | establish an integrated transportation plan; prohibiting
44 | finding it desirable to establish an integrated plan for
45 | transportation, land use, and water resources; providing
46 | an exemption for certain comprehensive plan amendments;
47 | providing that permitting and construction not occur until
48 | the completion of a springhead protection plan; providing
49 | content requirements for certain plans; providing specific
50 | considerations for interchange land use plans; defining
51 | "rural character"; providing that the St. Johns River
52 | Water Management District review certain regulatory
53 | provisions to add specific criteria; providing priority to
54 | certain land acquisition; providing for management of
55 | certain lands by the appropriate state land management
56 | agency; providing for stakeholder involvement in the



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57 legislative and rulemaking processes; providing direction
58 to local governments regarding local decisionmaking;
59 providing legislative intent regarding the location of
60 regional transportation facilities; providing definitions;
61 providing for the designation of the Wekiva River
62 Springhead Protection Area and Integrated Planning Area;
63 providing comprehensive plan requirements for the Wekiva
64 River Springshed Protection Area; providing for
65 integration of future transportation, land use, and water
66 resource planning in the Wekiva Basin Area; providing
67 transportation requirements for the Wekiva Parkway;
68 providing for planning assistance to local governments;
69 providing for specific duties of the Department of
70 Agriculture and Consumer Services; amending s. 163.3187,
71 F.S.; providing requirements regarding comprehensive plan
72 amendments; creating s. 373.4155, F.S.; providing certain
73 duties of the St. Johns River Water Management District;
74 amending s. 373.139, F.S., relating to certain land
75 acquisition; amending s. 369.307, F.S., relating to
76 developments of regional impact; providing for repeal;
77 providing an effective date.

78

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

80

81 Section 1. Section 369.301, Florida Statutes, is amended
82 to read:



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83 369.301 Popular name ~~Short title~~.—This part may be known
84 by the popular name ~~cited as~~ the "Wekiva River and Springs
85 Protection Act."

86 Section 2. Section 369.3011, Florida Statutes, is created
87 to read:

88 369.3011 Land use, transportation, and water resources
89 planning in the Wekiva River Basin.--

90 (1) POPULAR NAME.--This section may be known by the
91 popular name the "Wekiva River Basin Planning Act."

92 (2) LEGISLATIVE INTENT.--

93 (a) The Legislature recognizes the Wekiva River, its
94 tributaries, and its associated lands in central Florida as one
95 of the most valuable natural assets of the state. The Wekiva
96 River is a spring fed system which derives a majority of its
97 base flow from numerous springs whose source of water is the
98 Floridan Aquifer. The Wekiva River and its tributaries have been
99 designated an Outstanding Florida Water, a National Wild and
100 Scenic River, a Florida Wild and Scenic River, and a Florida
101 Aquatic Preserve.

102 (b) In 1988, the Legislature enacted the Wekiva River
103 Protection Act, codified in this part, to protect the resources
104 of the Wekiva River System. The Wekiva River Protection Act
105 delineates an area comprising portions of Lake, Orange, and
106 Seminole Counties as the Wekiva River Protection Area. Because
107 the majority of the groundwater recharge that supplies water to
108 the springs within the basin of the Wekiva River is located
109 outside the Wekiva River Protection Area, as delineated in part
110 II of chapter 369, no special protection currently exists for



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111 critical groundwater recharge lands located outside the
112 protection area.

113 (c) The Legislature recognizes that population growth and
114 the future transportation and water resources needs of the
115 central Florida region must be balanced with protection of the
116 ecosystem of the Wekiva Basin Area and finds that these issues
117 are of legitimate and compelling state interest. The
118 Legislature, therefore, finds that the recommendations included
119 in the final report of the Wekiva Basin Area Task Force, dated
120 January 15, 2003, should be implemented. Specifically, the
121 Legislature makes the following findings:

122 1. The Legislature finds that the recommendations of the
123 Wekiva Basin Area Task Force included in its final report dated
124 January 15, 2003, should be taken as a whole. The Legislature
125 recognizes that each recommendation is complementary to the
126 others and that for any transportation corridor to be considered
127 in the Wekiva Basin Area, the recommendation related to the
128 corridor and the accompanying recommendations related to roadway
129 design features, springshed and wildlife habitat protection,
130 land use strategies, and land acquisition priorities must be
131 integrated into a unified plan of implementation.

132 2. The Legislature finds that task force recommendation 2
133 suitably guides the appropriate transportation agencies to use
134 the corridor depicted in its final report as figure 3,
135 "Recommended Corridor for the Wekiva Parkway," for the purpose
136 of undertaking the environmental and engineering studies to
137 determine the precise alignment and shall be the policy of the
138 state. It is the intent of the Legislature that final alignment



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139 of the Wekiva Parkway within Seminole County be subject to the
140 approval of the Seminole County Expressway Authority. It is the
141 intent of the Legislature that the Wekiva Parkway must be
142 planned in its entirety, rather than in phases. The Legislature
143 intends that in addition to using the project development and
144 environmental studies, the appropriate transportation agencies
145 should locate the Wekiva Parkway and other expressways in the
146 Wekiva Basin Area such that they:

147 a. Serve an identified long-term regional transportation
148 need.

149 b. Do not encourage or promote additional development from
150 already approved land uses.

151 c. Relieve or remove traffic demands on State Road 46 and
152 provide a north-south connection from State Road 46 to U.S. 441
153 with limited interchanges.

154 d. Minimize any impacts to habitat and species.

155 e. Minimize impacts on springshed and groundwater recharge
156 areas.

157 f. Minimize direct impacts to wetlands.

158 g. Avoid, or mitigate if required, impacts on conservation
159 lands and their proper management.

160 h. Seek to minimize the impacts on existing neighborhoods
161 and residential communities.

162 i. Follow, where feasible, existing road alignments
163 through environmentally sensitive areas.

164 j. Attempt to improve the connectivity of existing
165 wildlife corridors.



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- 166 3. The Legislature finds that task force recommendation 3
167 suitably guides the appropriate transportation agencies to use
168 the following principles for designing and constructing the
169 Wekiva Parkway, new expressway connectors, and the expansion of
170 existing expressways in the Wekiva Basin Area:
- 171 a. Provide that all new expressways be fully limited
172 access, with interchanges.
- 173 b. Promote a parkway look with appropriate natural buffers
174 between the roadways and the adjacent areas.
- 175 c. Include the maximum provision for bridging through
176 strategically important wetlands.
- 177 d. Elevate the roadway and box culvert identified as
178 functionally significant wildlife corridors and provide
179 appropriate wildlife bridges with barriers to direct wildlife to
180 safe crossing points.
- 181 e. Design stormwater treatment facilities to minimize
182 habitat loss and promote restoration of impacted sites and
183 ensure capture and treatment of runoff from bridges over
184 Outstanding Florida Waters to Outstanding Florida Waters
185 standards.
- 186 f. Offer opportunities to view, understand, and access the
187 environmental uniqueness of the Wekiva River ecosystem.
- 188 g. Provide nonintrusive and minimal roadway and bridge
189 lighting in the Wekiva River Protection Area to support the
190 conservation of dark skies in the basin.
- 191 h. Incorporate safety and access design features to
192 promote the continuation of prescribed burning in the basin.



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193 4. The Legislature finds that task force recommendation 4
194 suitably guides the design and construction of the Wekiva
195 Parkway and any new expressway connector in the Wekiva Basin
196 Area and that they shall accomplish the following:

197 a. Reduce hazards to wildlife by relocating County Road
198 46-A to tie into State Road 46 at the proposed State Road 46
199 interchange.

200 b. Close the portions of County Road 46-A that parallel
201 and duplicate State Road 46 east of the recommended relocation
202 and serve only the traffic necessary to provide local access to
203 property.

204 c. Elevate the Wekiva Parkway through the Wekiva River
205 Protection Area to the maximum extent feasible and have box
206 culverts and adequate barriers as often as practicable to
207 provide for adequate wildlife passages.

208 d. Close existing State Road 46 at an appropriate location
209 west of the Lake-Seminole County line so that the remaining
210 sections of State Road 46 continue to be open only to provide
211 local access to private properties and recreational and
212 conservation lands and prevent through traffic.

213
214 Where the at-grade portions of existing State Road 46 remain in
215 place to provide local access, there will be no need to provide
216 wildlife passages on this low-volume, low-speed service road.

217 5. The Legislature finds that task force recommendation 5
218 appropriately proposes that the Department of Transportation,
219 the Orlando-Orange County Expressway Authority, and the Seminole
220 County Expressway Authority consider the recommendations of the



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221 task force and prepare a report to the Governor, the Speaker of
222 the House of Representatives, and President of the Senate of
223 their joint recommendations for the appropriate transportation
224 entities to operate the Wekiva Parkway. The report shall also
225 include joint recommendations on the following:

226 a. A funding plan that addresses the task force
227 recommendations, including those related to wider rights-of-way
228 to promote the parkway concept, preserve rural character, buffer
229 interchanges, and other design features.

230 b. Legislation to secure the authority required to acquire
231 private lands or development rights within the Wekiva River
232 Protection Area and the proposed Wekiva River Springshed
233 Protection Area in excess of that which is required for rights-
234 of-way and associated roadway construction.

235 6. The Legislature finds that task force recommendation 6
236 appropriately guides plans for mitigating impacts of the
237 construction of the Wekiva Parkway to ensure that, to the
238 maximum extent feasible, land acquisition and mitigation occur
239 prior to roadway construction, and mitigation occurs only within
240 the Wekiva River Protection Area, the Wekiva River Springshed
241 Protection Area Basin, or the Wekiva Basin Planning Area.

242 7. The Legislature finds that task force recommendation 7
243 appropriately limits the number of interchanges along the Wekiva
244 Parkway to five and guides their location as follows:

245 a. With respect to State Road 429 south of U.S. 441, the
246 most southerly interchange would occur south of U.S. 441 and
247 serve as a junction with the current State Road 429 to allow a
248 continuation of the route to the northwest and then north and



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249 also to serve as a future connection to the proposed extension
250 to the Apopka bypass at Maitland Boulevard.

251 b. With respect to U.S. 441, an interchange would be
252 located where State Road 429 reaches U.S. 441.

253 c. Between U.S. 441 and State Road 46, a single
254 interchange would be located at an appropriate location and a
255 potential system connection to the proposed U.S. 441 bypass
256 would be located at a place to be determined by the appropriate
257 transportation agencies, in cooperation with local governments,
258 consistent with the guiding principles for corridor location, as
259 applicable. The ultimate location of the interchange and the
260 potential system connection must be reflected in the
261 transportation component of the sector plan developed pursuant
262 to recommendation 11.

263 d. With respect to State Road 46, an interchange would be
264 located at State Road 46 near the area where County Road 46-A
265 should be relocated.

266 e. With respect to Interstate 4, an interchange would be
267 located where the Wekiva Parkway reaches I-4 or State Road 417
268 in Seminole County, no farther north than the St. Johns River
269 Bridge and no farther south than the State Road 417 interchange
270 on I-4.

271 8. The Legislature finds that task force recommendation 8
272 appropriately calls for creation of a working group of
273 stakeholders of applicable local governments, transportation
274 agencies, environmental groups, citizen representatives, and
275 state and regional agencies to study the corridor for a new
276 limited access facility known as the U.S. 441 bypass to link the



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277 Wekiva Parkway south of State Road 46 and west of the Wekiva
278 River Protection Area, to U.S. 441 to Lake and northwest Orange
279 Counties. The Legislature also finds that the principles
280 enumerated in subparagraphs 2., 3., and 4. should also be
281 applied to the corridor selection, design, and construction of
282 the U.S. 441 bypass. The U.S. 441 bypass shall be planned in its
283 entirety, rather than in phases. This working group should also
284 consider, evaluate, and make recommendations concerning the
285 potential capacity expansion of the other roadways in the Wekiva
286 Basin Area in light of the creation of a U.S. 441 bypass and the
287 Wekiva Parkway.

288 9. The Legislature finds that task force recommendation 9
289 appropriately recognizes that transportation agencies and local
290 governments in the Wekiva Basin area have plans to increase the
291 number of travel lanes on certain roadways located within the
292 Wekiva River Protection Area and within the recharge area for
293 the Wekiva River springshed. The Legislature intends that all
294 affected local governments review their long-range
295 transportation improvement plans in light of the task force
296 recommendations.

297 10. The Legislature finds that task force recommendation
298 10 appropriately guides transportation agencies to apply the
299 principles for locating, designing, and constructing the Wekiva
300 Parkway enumerated in subparagraphs 2., 3., and 4. to any future
301 improvements to State Road 44 through the Wekiva River
302 Protection Area or the Wekiva Springshed Protection Area.

303 11. The Legislature finds that task force recommendation
304 11 identifies a compelling state interest in protecting the



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305 | water resources in the Wekiva Basin Area, making it necessary to
306 | establish a Wekiva River Springshed Protection Area to
307 | complement the existing Wekiva River Protection Area. The
308 | Legislature further finds that it is desirable to establish an
309 | integrated plan for transportation, land use, and water
310 | resources in the Wekiva Basin Area. It is the intent of the
311 | Legislature that local governments with jurisdiction shall not
312 | amend their comprehensive plans within the area to increase the
313 | types, intensities, and densities of land uses, or to identify
314 | or schedule new road improvements until such time as plan
315 | amendments consistent with this act are adopted. The Legislature
316 | finds that there is also a state interest in providing that plan
317 | amendments within municipal boundaries that existed on January
318 | 15, 2003, and in areas where municipal services are already
319 | provided or are scheduled to be provided in a 5-year capital
320 | plan in effect on January 15, 2003, should be exempted from this
321 | limitation. The Legislature also finds that plan amendments
322 | needed to plan, design, engineer, and acquire the right-of-way
323 | for the Wekiva Parkway and the U.S. 441 bypass should be
324 | exempted from this limitation. The Legislature further finds
325 | that the permitting and construction of the Wekiva Parkway and
326 | the U.S. 441 bypass should not occur until the completion of a
327 | springshed protection plan and the development of an integrated
328 | plan to address future transportation, land use, and water
329 | resource needs. It is the intent of the Legislature that the
330 | integrated plan be a cooperative, coordinated effort with the
331 | objectives of maintaining rural character and protecting
332 | groundwater recharge. The Legislature does not intend that the



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333 foregoing expressions of intent be construed to limit any local
334 government's authority to implement its current comprehensive
335 plan, including the ability to provide services as provided in
336 the 5-year capital improvement element.

337 12. The Legislature finds that task force recommendation
338 12 appropriately guides the content requirements for protecting
339 the springshed and integrating transportation, land use, and
340 water resources planning, which content shall be as follows:

341 a. A detailed land use plan that does not exceed the
342 overall types, intensities, and densities of development now
343 permitted by the applicable local comprehensive plan within the
344 springshed area. However, flexibility is available to convert
345 between future land use categories, provided that provisions to
346 protect rural character and groundwater recharge are equal to or
347 greater than existing levels. The springshed sector plan may
348 include innovative and flexible planning techniques such as
349 performance standards for open space and impervious surface
350 coverage, clustering, transfer of development rights, and land
351 acquisition for the purposes of conservation, recreation, and
352 open space.

353 b. A detailed transportation plan that addresses, as
354 applicable, the Wekiva Parkway alignment, interchange locations,
355 and the need for any additional or expanded regional or local
356 roadways, including alignment and design and construction
357 features consistent with the task force recommendations. The
358 transportation plan should include an evaluation of any
359 programmed road improvements within or which might affect the
360 Springshed Protection Area and eliminate any improvements that



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361 are inconsistent with maintaining rural character and protecting
362 groundwater recharge or which are made unnecessary by the Wekiva
363 Parkway.

364 c. Infrastructure planning, including best practices for
365 wastewater treatment and effluent disposal, and stormwater
366 management.

367 d. Land use strategies, development standards, and best
368 management practices for springshed and recharge protection
369 consistent with the Florida Springs: Land Use Strategies and
370 Best Management Practices Manual, dated December 2002, and the
371 definition of "rural character" included in subparagraph 14.

372 e. Provisions for nonregulatory programs to reduce
373 residential and other development rights such as conservation
374 easements, purchase of development rights, and transfer of
375 development rights.

376 f. Provisions requiring design standards for commercial
377 signs and associated advertising that reflect the rural
378 character of the area.

379 g. A program to encourage the inspection and maintenance
380 of existing septic systems and provide incentives for
381 installation of enhanced onsite treatment and disposal systems.

382 h. Interchange land use plans, as applicable. In addition
383 to the interchange planning requirements in subparagraph 13.,
384 the interchanges in the sector planning area are to include land
385 use strategies, development standards, and best management
386 practices to maintain rural character and protect groundwater
387 recharge.



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388 13. The Legislature finds that task force recommendation
389 13 appropriately guides development of land use planning
390 requirements for each potential interchange recommended for the
391 Wekiva Parkway and that such plans should be adopted as an
392 amendment to the affected local government comprehensive plans.
393 The Legislature intends that interchange land use plans should
394 address appropriate land uses and compatible development,
395 secondary road access, access management, right-of-way
396 protection, vegetation protection and landscaping, signage, and
397 the height and appearance of structures. The Legislature also
398 intends that interchange land use plans will also direct
399 appropriate changes to land development regulations.

400 14. The Legislature finds that the task force
401 recommendation 14 aptly describes rural character as patterns of
402 land use:

403 a. Where the predomination of open space, agricultural and
404 silvicultural lands, the natural landscape, and vegetation over
405 the built environment.

406 b. That foster traditional rural lifestyles, support
407 rural-based economies such as agriculture, timber, ecotourism,
408 and aquaculture, and provide opportunities to both live and work
409 in rural areas.

410 c. That provide visual landscapes associated with rural
411 areas and rural communities.

412 d. That are compatible with the use of the land by
413 wildlife and are consistent with the protection of the quality
414 and quantity of water resources, including natural surface water
415 flows and groundwater recharge and discharge areas.



416 15. The Legislature finds that task force recommendation
417 15 appropriately guides the development of new permitting
418 criteria to be applied by the St. Johns River Water Management
419 District in the Wekiva Springshed Protection Area through its
420 existing permit programs governing management and storage of
421 surface waters and environmental resource permits under part IV
422 of chapter 373, and consumptive uses of water under part II of
423 chapter 373. The Legislature intends that the district review
424 its existing rules to determine the appropriateness of adding
425 specific criteria to achieve the following goals:

426 a. The equalization of predevelopment and postdevelopment
427 recharge rates for each permitted system so that no loss of
428 recharge occurs.

429 b. The construction of retention/detention systems in a
430 manner designed to minimize losses of water due to
431 evapotranspiration.

432 c. The limitation of impervious surfaces to a density and
433 spatial distribution within each permitted project necessary to
434 maximize recharge rates.

435 d. The inclusion of features in projects involving the
436 redevelopment of existing developed sites to reestablish
437 recharge at rates which, as nearly as practicable, match the
438 recharge rates at the site existing prior to disturbance by any
439 development.

440 e. The use of landscape components, such as xeriscape,
441 which minimize the need for irrigation in projects that involve
442 landscaping.



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443 f. The encouragement of the use of reclaimed water use to
444 the greatest extent practicable for irrigation purposes.

445 g. New consumptive uses of water within the protection
446 area should not increase withdrawals such that minimum flow
447 levels for the Wekiva River springs established in rule 40-C-8,
448 Florida Administrative Code, are not maintained.

449 h. The limitation of impacts of nitrate fertilizers
450 through best management practices.

451 i. The appropriate lowering of thresholds for consumptive
452 use permits necessary to achieve the other goals established in
453 sub-subparagraphs a.-h.

454 j. The appropriate lowering of thresholds for surface
455 water management permits necessary to achieve the other goals
456 established in sub-subparagraphs a.-h.

457 k. The requirement of concurrent approval of environmental
458 resource permits and surface water management permits and any
459 related consumptive use permits.

460 16. The Legislature finds that task force recommendation
461 16 appropriately guides the state to use all means at its
462 disposal to complete the acquisition of the Wekiva-Ocala
463 Greenway Florida Forever Project. It is the intent of the
464 Legislature that the highest priority be given to completing the
465 acquisition of the following specific parcels prior to
466 construction associated with the Wekiva Parkway and U.S. 441
467 bypass:

468 a. Neighborhood lakes.

469 b. Seminole Woods/Swamp.

470 c. New Garden Coal.



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471 d. Pine Plantation.

472

473 It is also the intent of the Legislature that efforts should be
474 made to identify and acquire additional lands located within the
475 Wekiva River Springs recharge area. To the maximum extent
476 feasible, these lands shall be managed as part of the Florida
477 State Park System or by another appropriate state land
478 management agency.

479 17. The Legislature finds that task force recommendation
480 17 outlines a sound process for implementation of the
481 recommendations. The Legislature also finds that both the
482 legislative and rulemaking processes provide adequate
483 opportunities for involvement by stakeholders in the development
484 of public policy related to the Wekiva Basin Area. Further, the
485 Legislature finds that the nature of the ecosystem in the Wekiva
486 Basin dictates adoption of legislative direction for planning to
487 integrate future transportation, land use, and water resources
488 in the Wekiva Basin Area and rulemaking by affected agencies to
489 implement this act.

490 (d) The Legislature finds that in addition to the issues
491 of legitimate and compelling state interest related to
492 protecting natural resources and meeting the future
493 transportation needs in and near the Wekiva Basin Area, there
494 exists a state interest in respecting and recognizing judicially
495 acknowledged or constitutionally protected property rights. It
496 is the intent of the Legislature that county and municipal
497 governments with jurisdiction establish policies to guide and
498 coordinate local decisions relating to growth and development in



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499 the Wekiva Basin Area and implement their decisions without
500 imposing undue restrictions on private property rights in
501 violation of the laws and constitutions of this state and of the
502 United States. Further, the Legislature recognizes sensitivity
503 to private property rights as stated in s. 163.3167(8), and it
504 is not the intent of the Legislature to limit or modify rights
505 of any person to complete any development that has been
506 authorized as a development of regional impact pursuant to
507 chapter 380 or who has been issued a final local development
508 order and development has commenced and is continuing in good
509 faith as of July 1, 2003.

510 (e) The Legislature finds that protection of groundwater
511 that recharges the springs connected to the Wekiva River is
512 crucial to the long-term viability of the Wekiva River ecosystem
513 and the region's water supply. The volume of groundwater moving
514 toward discharge to form the Wekiva River springs system has
515 diminished over time, given withdrawals of water for consumptive
516 use and loss of recharge due to land development trends. The
517 Water Needs and Sources Assessment indicates that the Wekiva
518 Basin is located in a priority water resource caution area,
519 indicating that water supply problems are projected to become
520 critical by 2010 and if projected water use were permitted it
521 may result in unacceptable impacts to natural systems and
522 groundwater quality, including decline in the water table
523 affecting wetland vegetation and reduced spring flows. The St.
524 Johns Water Management District projects that if projected water
525 use were permitted it would result in a 20-percent reduction in
526 spring flows by the year 2020.



527 (f) The Legislature finds that the water resources and
 528 ecosystems of the Wekiva River Basin and the associated
 529 springshed areas that sustain the spring-fed Wekiva River and
 530 tributaries are of irreplaceable value to the quality of life
 531 and well-being of the people of the state. The Legislature
 532 further finds that greater intensities of development
 533 facilitated by the construction of major transportation
 534 facilities through the Wekiva River Basin and associated
 535 springshed areas present serious threats to the continuing
 536 existence of the hydrological functions of the springs. It is
 537 the intent of the Legislature that regional transportation
 538 facilities be located, designed, and constructed in a manner
 539 that ensures the protection of the Wekiva River Basin Ecosystem.
 540 To accomplish these purposes, the Legislature directs that the
 541 completion of transportation improvements, including, but not
 542 limited to, the Wekiva River Parkway and U.S. 441 bypass, be
 543 accomplished in the context of a well-coordinated plan which
 544 simultaneously ensures that the natural resources of the Wekiva
 545 Basin and springshed are protected against adverse impacts.

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

547 (a) "Rural character" means characterized by a pattern of
 548 land use in which open space, agricultural and silvicultural
 549 lands, the natural landscape, and vegetation predominate over
 550 the urban environment; that fosters traditional rural
 551 lifestyles, supports rural-based economies such as agriculture,
 552 timber, ecotourism, recreational opportunities, and aquaculture,
 553 and provides opportunities to both live and work in rural areas
 554 that encourages innovative development and clustering of



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555 housing; that provides visual landscapes associated with rural
556 areas and rural communities; and that is compatible with the use
557 of the land by wildlife and consistent with the protection of
558 the quality and quantity of water resources, including natural
559 surface water flows and groundwater recharge and discharge
560 areas.

561 (b) "Springshed" means the geographic area that
562 contributes groundwater and surface water to spring flows.

563 (c) "U.S. 441 bypass" means a system connector designed and
564 constructed as part of Metro-Orlando Beltway system that links
565 the Wekiva Parkway south of State Road 46 and west of the Wekiva
566 River Protection Area to U.S. 44I in Lake and northwest Orange
567 Counties.

568 (d) "Wekiva Parkway" means any highway, interstate
569 connector, or expressway connector, constructed between State
570 Road 429 and Interstate 4.

571 (4) DESIGNATION OF THE WEKIVA RIVER SPRINGSHED PROTECTION
572 AREA AND INTEGRATED PLANNING AREA.--

573 (a) The Governor and Cabinet, sitting as the
574 Administration Commission, shall establish a Wekiva River
575 Springshed Protection Area, which shall complement the Wekiva
576 River Protection Area as defined in s. 369.303(9). The Governor
577 and Cabinet shall also establish, within the Wekiva River
578 Springshed Protection Area, an area within which the state land
579 planning agency shall coordinate and integrate planning for
580 future transportation, land use, and water resources needs among
581 affected local governments. Before September 30, 2003, the state
582 land planning agency shall give notice of negotiated rulemaking,



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583 pursuant to s. 120.54(2)(d), to define the proposed boundaries
584 for the Wekiva River Springshed Protection Area and the
585 integrated planning area.

586 (b) The state land planning agency shall consider the
587 following criteria when recommending the boundary for the Wekiva
588 River Springshed Protection Area:

589 1. The Wekiva River Springshed Protection Area must
590 encompass an area equivalent to or less than the Wekiva River
591 Springshed.

592 2. The best available data from the St. Johns River Water
593 Management District, the Department of Environmental Protection,
594 and other sources regarding significant recharge areas, the
595 surface water basin, areas of Floridan aquifer vulnerability,
596 Priority Water Resource Caution Areas, and areas that contain
597 special features such as sinks, depressions, and stream-to-sink
598 features.

599 3. Predictability and uniformity of implementation, such
600 as aligning boundaries with recognizable geographic features
601 that are not subject to change.

602 (c) The state land planning agency shall consider the
603 following criteria when recommending the boundary for the area
604 within which it shall coordinate and integrate planning for
605 future transportation, land use, and water resources needs among
606 affected local governments:

607 1. The integrated planning area may not encompass an area
608 larger than the Wekiva River Springshed Protection Area.



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609 2. Areas where development patterns will be affected by
610 the construction and related mitigation of the Wekiva Parkway
611 and the U.S. 441 bypass.

612 3. Proximity to the Wekiva River Protection Area and the
613 existing compatibility of adjacent land uses.

614 4. Existing areas designated as sending and receiving
615 areas for transfer of development rights programs.

616 5. Areas subject to joint planning agreements.

617 6. Urban service boundaries and municipal service areas
618 established in local comprehensive plans.

619 (d) Within 45 days after receipt of the recommended
620 boundaries, the Governor and Cabinet, sitting as the
621 Administration Commission, shall adopt, modify, or reject the
622 recommendation and shall by rule establish the definitive
623 boundaries of the Wekiva River Springshed Protection Area and
624 the integrated planning area.

625 (5) COMPREHENSIVE PLAN REQUIREMENTS FOR THE WEKIVA RIVER
626 SPRINGSHED PROTECTION AREA.--

627 (a) Those local governments located within the Wekiva
628 River Springshed Protection Area shall amend their respective
629 comprehensive plans to include land use strategies, development
630 controls, and best management practices to ensure protection of
631 the springshed from incompatible land uses and land use
632 activities that may adversely impact the Wekiva River
633 Springshed's water quality; water quantity; visual, economic,
634 and recreational qualities; and other characteristics. Land use
635 strategies, development controls, and best-management practices



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636 are to apply throughout the Wekiva River Springshed Protection
637 Area.

638 (b) The state land planning agency shall adopt minimum
639 requirements for land use strategies, development controls, and
640 best management practices through negotiated rulemaking pursuant
641 to s. 120.54(2)(d). The rules for the land use strategies and
642 development standards shall protect the quality and quantity of
643 recharge that replenishes the Floridan aquifer and maintain
644 spring flows. Best management practices shall mitigate land use
645 impacts consistent with Protecting Florida Springs: Land Use
646 Strategies and Best Management Practices, published by the
647 Departments of Community Affairs and Environmental Protection,
648 dated December 2002, and this act.

649 (c) Minimum requirements for land use and development
650 standards adopted by the state land planning agency shall
651 address the following:

652 1. Providing for appropriate drainage, wastewater
653 treatment, and water supply to support new or existing
654 development.

655 2. Encouraging the location of low-impact land uses near
656 the springs and in areas of high recharge. Low-impact land uses
657 include preservation, conservation, recreation, unimproved
658 rangeland, silviculture, and rural residential.

659 3. Minimizing impervious surfaces to reduce runoff and
660 retain recharge.

661 4. Maintaining open space and natural recharge areas to
662 protect groundwater resources and wildlife habitat through
663 performance standards for open space and impervious surface



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664 coverage, clustering, transfer of land use credits or
665 development rights, and land acquisition, purchase of
666 development rights, and conservation easements.

667 5. Managing stormwater impacts to reduce runoff and
668 maintain water quality of recharge.

669 6. Providing enhanced wastewater treatment for septic
670 tanks, central treatment systems, and a septic tank maintenance
671 program.

672 7. Using landscape design and maintenance to reduce
673 impacts from chemicals and conserve water resources, including
674 golf course design and maintenance.

675 8. Siting, constructing, and maintaining golf courses
676 using special management zones, best management practices,
677 integrated pest management, and a natural resource management
678 plan to prevent, manage, and monitor potential impacts to water
679 resources.

680 9. Adopting local programs for public education,
681 partnerships with property owners, consideration of land use or
682 development rights acquisition, cooperative management of
683 publicly owned lands, economic development, and ecotourism.

684 (d) Within 1 year after the designation of the Wekiva
685 River Springshed Protection Area, or as part of any
686 comprehensive plan amendment that proposes to increase the
687 density or intensity of use within the Wekiva River Springshed
688 Protection Area, a local government must adopt the comprehensive
689 plan amendments required by this subsection. A local government
690 may not amend its comprehensive plan thereafter unless it has
691 adopted the required comprehensive plan amendments. The



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692 Administration Commission may impose the sanctions provided by
693 s. 163.3184(11) against any local government that fails to adopt
694 the required comprehensive plan amendments, using the procedure
695 in s. 163.3191(11). All existing local governments are required
696 to adopt the comprehensive plan amendments required by this
697 subsection as amendments to their respective comprehensive
698 plans. All municipalities incorporated within the Wekiva River
699 Springshed Protection Area after July 1, 2003, shall include
700 applicable portions of the comprehensive plan amendments
701 required by this subsection in the initial transmittal and
702 adoption of its local government comprehensive plan.

703 (e) In its review of revised comprehensive plans submitted
704 after the due date described in this subsection, and in its
705 review of comprehensive plan amendments submitted after those
706 due dates, the state land planning agency shall review the local
707 comprehensive plans, and any amendments, which are applicable to
708 portions of the Wekiva River Springshed Protection Area for
709 compliance with the provisions of this subsection in addition to
710 its review of local comprehensive plans and amendments for
711 compliance as defined in s. 163.3184; and all the procedures and
712 penalties described in s. 163.3184 shall be applicable to this
713 review.

714 (6) INTEGRATION OF FUTURE TRANSPORTATION, LAND USE, AND
715 WATER RESOURCE PLANNING IN THE WEKIVA BASIN AREA.--

716 (a) By September 30, 2003, the state land planning agency
717 shall give notice of proposed rulemaking pursuant to s.
718 120.54(2)(d) to establish minimum criteria integration of future
719 transportation, land use, and water resource planning in the



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720 integrated planning area designated by the Governor and Cabinet.

721 These requirements shall address the following:

722 1. A detailed land use plan that does not exceed the
723 overall types, intensities, and densities of development now
724 permitted by the applicable local comprehensive plan as of July
725 1, 2003. However, flexibility is available to convert between
726 land use categories when provisions are established to protect
727 rural character, where appropriate. The land use plan adopted by
728 the respective jurisdictions may include the establishment of
729 reasonable urban growth boundaries for existing municipalities
730 in the area. As a component of the land use plan, a local
731 government shall have the option to investigate the economic and
732 other benefits that might be derived from the establishment of a
733 rural land stewardship area pursuant to s. 163.3177(11)(d). As
734 part of this investigation, a local government shall have the
735 flexibility to consider application of the stewardship concept
736 that may be better suited to local circumstances. If deemed
737 beneficial, a rural land stewardship area should be established
738 by the local government.

739 2. A transportation plan that addresses, as applicable,
740 the Wekiva Parkway alignments, interchange locations, and the
741 need for any additional or expanded expressways, including
742 alignment, interchange locations, and design and construction
743 features. The transportation plan should include an evaluation
744 of any programmed road improvements within or which might affect
745 the Wekiva River Protection Area and Wekiva River Springs
746 Protection Area and eliminate any improvements that are
747 inconsistent with maintaining rural character, where



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748 appropriate, or protecting groundwater recharge, or that are
749 made unnecessary by the Wekiva Parkway or the U.S. 441 bypass.

750 3. Infrastructure planning, including best management
751 practices and incentives for enhanced wastewater treatment and
752 effluent disposal; stormwater management, including programs
753 establishing incentives and/or regulations for the inspection
754 and maintenance of existing onsite treatment and disposal
755 systems; and for the installation of enhanced onsite treatment
756 and disposal systems.

757 4. Provisions requiring design standards for commercial
758 and other signage that are compatible with and reflect the
759 character of the area.

760 5. Interchange land use plans, as applicable, including
761 provisions for land use planning requirements for each of the
762 interchanges associated with the Wekiva Parkway, including land
763 use strategies and development standards to maintain, where
764 appropriate, rural character and to protect groundwater
765 resources. The interchange land use plans or any other plans for
766 additional expressways must address appropriate land uses and
767 compatible development, secondary road access, access
768 management, right-of-way protection, vegetative protection and
769 landscaping, signage, and the height and appearance of
770 structures.

771 (b) During the period of time between July 1, 2003, and
772 the designation of the integrated planning area by the
773 Administration Commission, a local government with jurisdiction
774 shall not amend its comprehensive plan in the following areas
775 within Lake County and Orange County: Township 18 South, Range



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776 27 East, Sections 22-27, 34-36; and Township 18 South, Range 28
777 East, Section 19-22, 27-34; and Township 19 South, Range 27
778 East, Section 1-3, 10-15, 23-26, 35, 36; and Township 19 south,
779 Range 28 East, Section 3-10, 15-22, 27-34; and Township 20
780 South, Range 27 East, Sections 1, 2, 11-14, 23-26, 35, 36; and
781 Township 20 South, Range 28 East, Sections 3-10, 15-22, less and
782 except those lands located in a joint planning area defined by a
783 county and municipality as of July 1, 2003, and less and except
784 those lands located in the Wekiva River Protection Area defined
785 in s. 369.303(9).

786 (c) Notwithstanding paragraph (b), a municipality may
787 amend its plan:

788 1. Within its corporate boundaries as they existed on
789 January 15, 2003.

790 2. In areas where municipal services are already provided
791 or are scheduled to be provided in a 5-year capital plan in
792 effect on January 15, 2003.

793 3. As needed to plan, design, engineer, and acquire the
794 right-of-way for the Wekiva Parkway or the U.S. 441 bypass.

795
796 This act shall not be construed to limit any local government's
797 authority to implement its current comprehensive plan, including
798 the ability to provide services as provided in the 5-year
799 capital improvement element.

800 (d) Within 1 year after the designation of the integrated
801 planning area, or as part of any comprehensive plan amendment
802 that proposes to increase the density or intensity of use within
803 the integrated planning area, a local government must adopt the



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804 comprehensive plan amendments required by this subsection. A
805 local government may not amend its comprehensive plan thereafter
806 unless it has adopted the required plan amendments. The
807 Administration Commission may impose the sanctions provided in
808 s. 163.3184(11) against any local government that fails to adopt
809 the required comprehensive plan amendments, using the procedure
810 in s. 163.3191(11). All existing local governments are required
811 to adopt the comprehensive plan amendments required by this
812 subsection as amendments to their respective comprehensive
813 plans. All municipalities incorporated within the integrated
814 planning area after July 1, 2003, shall include applicable
815 portions of the comprehensive plan amendments required by this
816 subsection in the initial transmittal and adoption of its local
817 government comprehensive plan.

818 (e) In its review of revised comprehensive plans after the
819 due date described in this subsection, and in its review of
820 comprehensive plan amendments after those due dates, the state
821 land planning agency shall review the local comprehensive plans
822 and any amendments that are applicable to portions of the
823 integrated planning area for compliance with the provisions of
824 this subsection in addition to its review of local comprehensive
825 plans and amendments for compliance as defined in s. 163.3184;
826 and all the procedures and penalties described in s. 163.3184
827 shall be applicable to this review.

828 (f) As part of the integrated planning process for future
829 transportation, land use, and water resources, the state land
830 planning agency and local governments with jurisdiction are
831 encouraged to consider issues of compatibility of the integrated



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832 planning area with the Wekiva River Protection Area as
833 designated in part II of chapter 369. By September 15, 2004, the
834 state land planning agency shall report to the Governor, the
835 President of the Senate, and the Speaker of the House of
836 Representatives any land use compatibility issues with respect
837 to the Wekiva River Protection Area, including recommendations
838 to address any identified compatibility issues.

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

840 (a) The Department of Transportation, in collaboration
841 with the Turnpike Enterprise, the Orlando-Orange County
842 Expressway Authority, and the Seminole County Expressway
843 Authority, shall, by September 15, 2004, provide to the Governor
844 and the President of the Senate and the Speaker of the House of
845 Representatives a report of their joint recommendations to
846 implement the Wekiva Basin Area task force recommendations in
847 its final report dated January 15, 2003. The report shall also
848 include the agencies' joint recommendations on the following:

849 1. The choice of a lead agency to build the Wekiva Parkway
850 and the respective roles of other transportation agencies,
851 authorities, and enterprises.

852 2. A funding plan for locating, designing, and
853 constructing the Wekiva Parkway that addresses the task force
854 recommendations related to wider rights-of-way to promote the
855 parkway concept, preserve rural character, buffer interchanges,
856 and other design features.

857 3. Any legislation needed to secure the authority needed
858 to acquire private lands or development rights within the Wekiva
859 River Protection Area or the Wekiva River Springshed Protection



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860 Area in excess of that which is required for right-of-way and
861 associated roadway construction.

862 (b) The Orlando-Orange County Expressway Authority, the
863 Seminole County Expressway Authority, the Department of
864 Transportation, and the turnpike enterprise shall locate the
865 precise corridor and interchanges for the Wekiva Parkway
866 consistent with the legislative intent expressed in this act.

867 (c) No authority created under chapters 334, 338, and 348
868 shall have power to construct the Wekiva Parkway or to construct
869 or expand another expressway or limited access facility within
870 the Wekiva River Protection Area or the Wekiva River Springshed
871 Protection Area until the Wekiva River Springshed Protection
872 Area comprehensive plan requirements and the integrated future
873 transportation, land use, and water resources comprehensive plan
874 requirements are adopted pursuant to this section.

875
876 Notwithstanding the foregoing, should a local government fail to
877 timely and appropriately adopt plan amendments required by this
878 section, it shall be subject to the imposition of sanctions by
879 the Administration Commission, and such failure alone shall not
880 preclude construction of the Wekiva Parkway.

881 (9) PLANNING ASSISTANCE TO LOCAL GOVERNMENTS.--The state
882 land planning agency and appropriate state and regional agencies
883 shall provide planning assistance to the affected local
884 governments in the development of comprehensive plan amendments
885 to meet the requirements of this act. The state land planning
886 agency, with the support of the Department of Environmental
887 Protection, the Department of Agriculture and Consumer Services,



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888 and the St. Johns River Water Management District, shall develop
 889 model land development regulations for the implementation of
 890 this act. The state land planning agency is authorized to
 891 prioritize the expenditure of funds appropriated for the purpose
 892 of providing technical assistance to local governments to those
 893 local governments with jurisdiction in the Wekiva River
 894 Springshed Protection Area.

895 (10) DUTIES OF THE DEPARTMENT OF AGRICULTURE AND CONSUMER
 896 SERVICES.--The Department of Agriculture and Consumer Services
 897 shall assist local governments in implementing this section and
 898 local governments shall consult with said department to
 899 determine if agricultural best management practices should be
 900 included in the comprehensive plan. Following consultation with
 901 a local government, any agricultural best management practices
 902 to be included in a comprehensive plan amendment shall be
 903 developed by the Department of Agriculture and Consumer
 904 Services.

905 Section 3. Paragraph (m) is added to subsection (1) of
 906 section 163.3187, Florida Statutes, to read:

907 163.3187 Amendment of adopted comprehensive plan.--

908 (1) Amendments to comprehensive plans adopted pursuant to
 909 this part may be made not more than two times during any
 910 calendar year, except:

911 (m) Any comprehensive plan amendment related to the
 912 implementation of the Wekiva River Basin Planning Act, pursuant
 913 to s. 369.3011.

914 Section 4. Section 373.4155, Florida Statutes, is created
 915 to read:



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916 373.4155 Duties of the St. Johns River Water Management
917 District regarding springshed protection.--Within 90 days after
918 the adoption of a final boundary of the Wekiva River Springshed
919 Protection Area by the Administration Commission pursuant to s.
920 369.3011, the St. Johns River Water Management District shall
921 publish notice of proposed rule amendments to consider
922 implementation consistent with this act.

923 Section 5. Section 381.0069, Florida Statutes, is created
924 to read:

925 381.0069 Wekiva River Springshed Protection Area.--Within
926 3 years after the adoption of a final boundary of the Wekiva
927 River Springshed Protection Area by the Administration
928 Commission pursuant to s. 163.3247, the Department of Health,
929 with assistance from the Department of Environmental Protection,
930 shall develop a program to encourage and provide incentives for
931 the inspection and maintenance of onsite wastewater treatment
932 and disposal systems and for the installation of enhanced onsite
933 treatment and disposal systems within the Wekiva River
934 Springshed Protection Area.

935 Section 6. Subsection (8) is added to section 373.139,
936 Florida Statutes, to read:

937 373.139 Acquisition of real property.--

938 (8) The St. Johns River Water Management District is
939 encouraged to pursue purchase of lands and development rights on
940 lands in the Wekiva Basin Area that contribute surface water and
941 groundwater to spring flow as a means to protect the Wekiva
942 River Springs through a reduction of developable unit density.



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943 Section 7. Subsection (5) of section 369.307, Florida
944 Statutes, is amended to read:

945 369.307 Developments of Regional Impact in the Wekiva
946 River Protection Area; land acquisition.--

947 (5) The Department of Environmental Protection is directed
948 to proceed to negotiate for acquisition of conservation and
949 recreation lands projects within the Wekiva River Protection
950 Area provided that such projects have been deemed qualified
951 under statutory and rule criteria for purchase and have been
952 placed on the priority list for acquisition by the advisory
953 council created in s. 259.035 or its successor. Agencies are
954 encouraged to use all means at their disposal for completing the
955 acquisition of the Wekiva-Ocala Greenway Florida Forever
956 Project. Efforts should be made to identify and acquire
957 additional lands in the Wekiva River Springshed Protection Area
958 and Wekiva River Protection Area, including efforts to protect
959 agricultural and environmentally sensitive lands through the
960 purchase of easements as provided in ss. 570.70 and 570.71.
961 Agencies are encouraged to pursue binding purchase agreements
962 for the acquisition of properties identified in s.
963 369.3011(2)(c)16., to the greatest extent practicable, prior to
964 the commencement of construction of the Wekiva Parkway, the U.S.
965 441 bypass, or any other expressways or limited-access roads
966 within the Wekiva River Springshed Protection Area or Wekiva
967 River Protection Area.

968 Section 8. This act shall stand repealed effective July 1,
969 2008, unless purchase of the right-of-way for the Wekiva Parkway
970 has been completed.



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Section 9. This act shall take effect July 1, 2003.