

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: SB 1956
 SPONSOR: Senators Constantine and Webster
 SUBJECT: Growth Management
 DATE: March 19, 2003 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Herrin	Yeatman	CP	Favorable
2.			NR	
3.			ATD	
4.			AP	
5.				
6.				

I. Summary:

This bill creates the “Wekiva River Springs Protection Act” and provides statements of legislative intent; directs local governments within the Wekiva River Springs Protection Area to amend their comprehensive plans to include “land use strategies, development controls, and best management practices to ensure the protection of the Wekiva River springs system”; requires the comprehensive plan for the rural areas of Lake, Orange, and Seminole Counties (Counties) be revised to include a Wekiva Sector Plan prior to the permitting and construction of the “Wekiva Parkway”; provides definitions for effective recharge areas, first-magnitude springs, second-magnitude springs, third-magnitude springs, rural character, and springshed protection area for the purposes of the act; and designates the geographical area to be included in the “Wekiva Springs Protection Area.”

In addition, the bill provides the Wekiva Sector Plan area must include the rural areas within municipalities or the Counties as part of a contiguous sector plan without enclaves; and requires adoption, modification, or rejection by the Administration Commission of the recommended boundaries for the Wekiva River Springs Protection Area (Area) and the Wekiva Sector Plan area within 45 days after receipt of the boundaries.

Further, the bill requires comprehensive plans for local governments located in the Area to include land use strategies, development controls, and the best-management practices that protect against incompatible land uses. The plans must also have provisions for nonregulatory programs that include conservation easements, purchase of development rights, and transfer of land use credits or development rights, to reduce development rights and enhance local governments’ ability to achieve the objectives of the act.

Under this bill, comprehensive plans of the affected local governments must have land use strategies and development standards to protect the aquifer and maintain spring flows and best management practices to mitigate land use impacts in the area. Plan amendments necessitated by this bill must be adopted by July 1, 2004 or as part of a plan amendment proposing an increased density or intensity of use within the Wekiva River Springs Protection Area. A local government may not amend its comprehensive plan after July 1, 2004 until it has adopted the amendments required by this act, and is subject to sanctions if the required amendments are not adopted by January 1, 2005. Also, the local government may not amend its comprehensive plan during the time between the bill's effective date and the effective date of the plan amendment adopting the Wekiva Sector Plan that would increase the intensity or density of land uses within the sector plan area or to identify or schedule road improvements within the area other than for the Wekiva Parkway.

The bill requires the Department of Transportation and the Orlando-Orange County Expressway Authority to locate the corridor and interchange for the Wekiva Parkway, and along with the Seminole County Expressway Authority to report joint recommendations on a funding plan that addresses the recommendations of the Wekiva Basin Area Task Force to the Governor and the Legislature; and it also provides the act automatically repeals July 1, 2008 unless the right-of-way purchases for the Wekiva Parkway has been completed.

Finally, this bill directs the St. Johns River Water Management District to review existing rules and statutes to determine if any modifications are necessary for the protection of the Wekiva River Springs Protection Area; requires the state to give the highest priority to the Wekiva-Ocala Greenway Florida Forever Project and use all means at its disposal to complete the project; and provides that state and regional land planning agencies will develop model land development regulations for springshed protection with the support of the Department of Environmental Protection and the St. Johns River Water Management District.

This bill amends section 163.3184 of the Florida Statutes and creates s. 163.3247 of the Florida Statutes.

II. Present Situation:

The Wekiva Basin, consisting of the Wekiva River, the St. Johns River and their tributaries along with associated lands in central Florida, is part of a vast wildlife corridor that connects northwest Orange County with the Ocala National Forest. In recent years, the state has acquired more than 60,000 acres of conservation lands at a cost of \$139 million. These conservation lands provide habitat for the Florida black bear, burrowing owl, sandhill crane, Florida scrub-jay, gopher tortoise, and the limpkin.

The Wekiva River and its tributaries have been designated an Outstanding Florida Water, a National and Scenic River, a Florida Wild and Scenic River, and a Florida Aquatic Preserve. The river is a spring-fed system associated with 19 springs that are connected to the Florida Aquifer. Eleven of these springs are second and third magnitude springs, meaning those springs discharge 10 to 100 cubic feet per second or 1 to 10 cubic feet per second, respectively.

The central Florida region has experienced tremendous growth in the last twenty years resulting in increasing transportation demands and development pressure on lands within the Wekiva Basin. During the period between 1980 and 1990, the growth rate in Lake, Seminole, and Orange Counties exceeded 30 percent. The growth rate for this three-county area is expected to exceed 20 percent through the year 2010. While projected growth for the state between 2010 and 2020 is 13 percent, the growth rate for central Florida is expected to be 17 percent. The desire to balance the transportation needs associated with this projected growth and protection of the Wekiva Basin prompted Governor Bush to create the “Wekiva Basin Area Task Force” on September 26, 2002.^{1 2} The task force was charged with evaluating and making recommendations on the most appropriate location for a highway route connecting State Road 429 to Interstate 4 while proving the greatest protection to the Wekiva Basin. Also, the task force was asked to evaluate and recommend a transportation plan that considers the potential expansion of roads and corridors within the Wekiva Basin to address, among other issues, land acquisition, springshed protection, innovative road design, protection of rural character, protection of habitat, utilization of financial resources, and the adequacy of local governments relating to transportation corridors.³

The task force’s recommendations, as contained in its final report, may be summarized as follows:

- All recommendations should be taken as a whole and integrated into a unified plan of integration;
- Appropriate transportation agencies should use the “Recommended Corridor for the Wekiva Parkway” to undertake the environmental and engineering studies for determining the precise alignment;
- Appropriate transportation agencies should use the “Guiding Principles for the Wekiva Parkway Design Features and Construction” and also apply those principles to the expansion and construction of new expressways;
- Certain design and construction elements for the Wekiva Parkway should be employed so that when completed, the parkway creates a scenic roadway through the basin;
- The Department of Transportation, the Orlando-Orange County Expressway Authority, and the Seminole County Expressway Authority should consider the task force’s recommendations and report to the Governor and Legislature on their joint recommendations for the appropriate entity to operate the Wekiva Parkway;
- The plan for mitigating impacts of the Wekiva Parkway should ensure, to the maximum extent possible, that land acquisition and mitigation occur within the Wekiva River Protection Area, Wekiva River Basin, or Wekiva River Springshed;
- Not more than five interchanges should be located along the Wekiva Parkway and recommends locations;
- Local governments should review their long-range transportation improvement plans in light of the task force’s recommendations;
- Appropriate “Guiding Principles for Designing and Construction” should be applied if there are any improvements to State Road 44 through the Wekiva River Protection Area;

¹ See Executive Order No. 2002-259.

² See Wekiva Basin Area Task Force, *Final Report: Recommendations for Planning and Locating the Wekiva Parkway while Preserving the Wekiva River Basin Ecosystem*, Jan. 15, 2003.

³ See *id.* at 2.

- Establishment of the Wekiva River Springshed Protection Area with certain limitations on comprehensive plan amendments within the area as detailed by the task force;
- Legislation creating the Wekiva River Springshed Protection Act should include specific content requirements for the springshed sector plan as enumerated by the task force;
- Legislation creating the Wekiva River Springshed Protection Area and the related sector planning process should include planning requirements for each potential interchange recommended for the Wekiva Parkway;
- Legislation creating the Wekiva River Springshed Protection Area should result in new permitting criteria to be applied by the St. Johns River Water Management District through its existing permit programs governing the Management and Storage of Surface Waters and Environmental Resource Permits and Consumptive Uses of Water; and
- The State should use all means at its disposal to complete the Wekiva-Ocala Greenway Florida Forever Project and recommends giving the highest priority to specific parcels prior to the construction associated with the Wekiva Parkway.

III. Effect of Proposed Changes:

Section 1 of the bill amends s. 163.3184, F.S. to include in the definition of “in compliance” a cross-reference to the section of Florida Statutes created by section 2 of this bill.

Section 2 of the bill creates the “Wekiva River Springs Protection Act” and provides statements of legislative intent; directs local governments within the Wekiva River Springs Protection Area to amend their comprehensive plans to include “land use strategies, development controls, and best management practices to ensure the protection of the Wekiva River springs system”; and authorizes local governments with first-magnitude, second-magnitude or third magnitude springs, in addition to the planning requirements for the Wekiva River Springs Protection Area, to adopt similar springshed protection strategies applicable to a springshed protection area as delineated in the local government’s comprehensive plan.

This bill also requires the comprehensive plan for the rural areas of Lake, Orange, and Seminole Counties (Counties) be revised to include a Wekiva Sector Plan and the plan with this additional component must be adopted prior to the permitting and construction of the “Wekiva Parkway”; defines effective recharge areas, first-magnitude springs, second-magnitude springs, third-magnitude springs, rural character, and springshed protection area for the purposes of the act; and designates the geographical area to be included in the “Wekiva Springs Protection Area” and requires this area to include those areas of groundwater contribution and recharge to the Wekiva River and its tributaries and springs located in the Counties.

In addition, the bill provides the Wekiva Sector Plan area must include the rural areas within municipalities or the Counties as part of a contiguous sector plan without enclaves; and requires adoption, modification, or rejection by the Administration Commission of the recommended boundaries for the Wekiva River Springs Protection Area and the Wekiva Sector Plan area within 45 days after receipt of the boundaries.

Further, the bill requires comprehensive plans for local governments located in the area include land use strategies, development controls, and best-management practices to ensure their protection from incompatible land uses. These plans must also include a number of other

components such as public education, consideration of develop rights acquisition, cooperative management of public owned lands, economic development and ecotourism, best management practices for agriculture and silviculture, and water supply for existing and new development. In addition, the plans must have provisions for nonregulatory programs that include conservation easements, purchase of development rights, and transfer of land use credits or development rights, to reduce development rights and enhance local governments' ability to achieve the objectives of the act.

Also, the plans are required to have land use strategies and development standards to protect the aquifer and maintain spring flows and best management practices to mitigate land use impacts in the area. Examples of these land use strategies include low-impact land uses near the springs and in high areas of recharge. The bill requires these plan amendments to be adopted by July 1, 2004 or as part of a plan amendment proposing an increased density or intensity of use within the Wekiva River Springs Protection Area. The bill prohibits a local government from amending its comprehensive plan after July 1, 2004 until it has adopted the amendments required by this act, and is subject to sanctions if the required amendments are not adopted by January 1, 2005.

This bill requires the comprehensive plan amendment for the Wekiva Sector Plan Area to be a cooperative effort between the local governments that results in no net loss of recharge potential; provides the local government shall adopt the sector plan as applicable to its planning jurisdiction; and requires adoption of the sector plan as a comprehensive plan that addresses the following: detailed land use plan that does not exceed existing, allowable intensity and density of development now permitted; detailed transportation plan that addresses as applicable the Wekiva Parkway alignment; infrastructure planning; land use strategies, development standards, and best management practices; provision for nonregulatory programs to reduce development rights; design standards for commercial signs that reflect the rural character of the area; interchange land use plans, as applicable, including those recommended for the Wekiva Parkway.

Under this bill, a local government may not amend its comprehensive plan during the time between the bill's effective date and the effective date of the plan amendment adopting the Wekiva Sector Plan to increase the intensity or density of land uses within the sector plan area or to identify or schedule road improvements within the area except for amendments needed for the Wekiva Parkway.

The bill requires the Department of Transportation, Orlando-Orange County Expressway Authority, and the Seminole County Expressway Authority to report joint recommendations on a funding plan that addresses the recommendations of the Wekiva Basin Area Task Force to the Governor and the Legislature; requires the Department of Transportation and Orlando-Orange County Expressway Authority to locate the corridor and interchange for the Wekiva Parkway within a corridor already designated by the Wekiva Basin Area Task Force; and provides the act automatically repeals July 1, 2008 unless the right-of-way purchases for the Wekiva Parkway has been completed.

Finally, this bill provides the St. Johns River Water Management District to review existing rules and statutes to determine appropriate modifications necessary for the protection of the Wekiva River Springs Protection Area; requires the state to give the highest priority to the Wekiva-Ocala Greenway Florida Forever Project and use all means at its disposal to complete the project;

encourages efforts to identify and acquire additional lands in the area, including the purchase of easements through the Rural and Family Lands Protection Program; exempts plan amendments from the twice per year limitation in s. 163.3187(1), F.S.; requires the state and regional planning agencies to provide planning assistance to affected local governments; and provides these land planning agencies to develop model land development regulations for springshed protection with the support of the Department of Environmental Protection and the St. Johns River Water Management District.

Section 3 provides the act shall take effect July 1, 2003.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

This bill requires affected local governments to revise their comprehensive plans to include the Wekiva Sector Plan. These local governments will expend funds on preparation of the sector plan and the comprehensive plan amendment incorporating the sector plan and associated public hearings.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
