

By Senators Constantine and Webster

22-818A-03

1                                   A bill to be entitled  
 2           An act relating to growth management; amending  
 3           s. 163.3184, F.S.; providing a cross-reference;  
 4           creating s. 163.3247, F.S.; providing a short  
 5           title; providing legislative intent; providing  
 6           definitions; identifying those local  
 7           governments that are subject to the act;  
 8           requiring that those local governments amend  
 9           their comprehensive plans to include land use  
 10          strategies, development controls, and  
 11          best-management practices to ensure the  
 12          protection of Florida's springs; requiring  
 13          certain local governments to develop a Wekiva  
 14          Sector Plan; providing for transportation  
 15          requirements for the Wekiva Parkway; providing  
 16          for regulatory programs and land acquisition;  
 17          providing for planning assistance to local  
 18          governments; providing an effective date.

19  
 20 Be It Enacted by the Legislature of the State of Florida:

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 22           Section 1. Paragraph (b) of subsection (1) of section  
 23 163.3184, Florida Statutes, is amended to read:

24           163.3184 Process for adoption of comprehensive plan or  
 25 plan amendment.--

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

27           (b) "In compliance" means consistent with the  
 28 requirements of ss. 163.3177, 163.31776, when a local  
 29 government adopts an educational facilities element, 163.3178,  
 30 163.3180, 163.3191, ~~and~~ 163.3245, and 163.3247, with the state  
 31 comprehensive plan, with the appropriate strategic regional

1 policy plan, and with chapter 9J-5, Florida Administrative  
2 Code, where such rule is not inconsistent with this part and  
3 with the principles for guiding development in designated  
4 areas of critical state concern.

5 Section 2. Section 163.3247, Florida Statutes, is  
6 created to read:

7 163.3247 Wekiva River Springs Protection.--

8 (1) SHORT TITLE.--This section may be cited as the  
9 "Wekiva River Springs Protection Act."

10 (2) LEGISLATIVE INTENT.--

11 (a) The Legislature recognizes the Wekiva River and  
12 its tributaries, along with the St. Johns River and associated  
13 lands in central Florida, as one of the most valuable natural  
14 assets of the state. The Wekiva River and its tributaries have  
15 been designated an Outstanding Florida Water, a National Wild  
16 and Scenic River, a Florida Wild and Scenic River, and a  
17 Florida Aquatic Preserve.

18 (b) In 1988, the Legislature enacted the Wekiva River  
19 Protection Act, codified in part II of chapter 369, to protect  
20 the resources of the Wekiva River Basin. The Wekiva River  
21 Protection Act delineates an area comprising portions of Lake,  
22 Orange, and Seminole Counties as the Wekiva River Protection  
23 Area.

24 (c) The Wekiva River is a spring-fed system associated  
25 with 19 second-magnitude and third-magnitude springs and  
26 numerous smaller springs. The Legislature recognizes that a  
27 spring is only as healthy as its groundwater recharge basin.  
28 The groundwater that feeds springs is recharged by seepage  
29 from the surface and through direct conduits such as  
30 sinkholes. Because of this, the health of the spring systems  
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1 is directly influenced by activities and land uses within the  
2 spring recharge basin.

3 (d) Protection of groundwater that recharges the  
4 springs connected to the Wekiva River is crucial to the  
5 long-term viability of the Wekiva River ecosystem and the  
6 region's water supply. The volume of groundwater moving toward  
7 discharge to form the Wekiva River spring system has  
8 diminished over time, given withdrawals of water for  
9 consumptive use and loss of recharge due to land development  
10 trends. The Water Needs and Sources Assessment indicates that  
11 the Wekiva Basin is located in a Priority Water Resource  
12 Caution Area, indicating that water supply problems are  
13 projected to become critical by 2010 and projected water use  
14 may result in unacceptable impacts to natural systems and  
15 groundwater quality, including decline in the water table  
16 affecting wetland vegetation and reduced spring flows. The St.  
17 Johns Water Management District projects a 20-percent  
18 reduction in spring flows by the year 2020.

19 (e) Because the majority of the groundwater recharge  
20 basin of the Wekiva River is located outside the Wekiva River  
21 Protection Area as delineated in part II of chapter 369, no  
22 special protection currently exists for critical groundwater  
23 recharge lands. Therefore, the Legislature directs local  
24 governments within the Wekiva River Springs Protection Area or  
25 groundwater recharge basin of the Wekiva River to amend their  
26 comprehensive plans to include land use strategies,  
27 development controls, and best-management practices to ensure  
28 the protection of the Wekiva River springs system.

29 (f) In addition to the planning requirements for the  
30 Wekiva River Springs Protection Area, the Legislature  
31 authorizes local governments with first-magnitude,

1 second-magnitude or third-magnitude springs to adopt similar  
2 springshed protection strategies applicable to a springshed  
3 protection area as delineated in the local government's  
4 comprehensive plan.

5 (g) Recognizing the need to balance regional  
6 transportation needs in central Florida with protection of the  
7 Wekiva River Protection Area in part II of chapter 369, as  
8 recommended by the Wekiva Basin Area Task Force in its Final  
9 Report dated January 15, 2003, it is the intent of the  
10 Legislature that each comprehensive plan for the rural areas  
11 of Lake, Orange, and Seminole Counties and any rural area  
12 within the municipalities in those counties as described in  
13 subparagraph (4)(a)1. be revised to include a Wekiva Sector  
14 Plan, as a component to the local government comprehensive  
15 plan, which is designed to protect the rural character of the  
16 area and recharge areas in the Wekiva River Basin. The sector  
17 plan must be adopted and in effect before the permitting and  
18 construction of the "Wekiva Parkway."

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

20 (a) "Effective recharge areas" means those areas that  
21 contribute medium (4 to 8 inches of recharge to the aquifer  
22 annually) to high (greater than 8 inches of recharge to the  
23 aquifer annually) recharge to replenish the aquifer and  
24 sustain spring flows. These recharge areas, sometimes referred  
25 to as "most effective areas of recharge," are vulnerable to  
26 contamination due to the rapid movement of surface waters down  
27 through the soils to the aquifer.

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

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

3           3. "Third-magnitude springs" means those springs  
4 discharging 1 to 10 cubic feet of water per second,

5  
6 on or before July 1, 2003.

7           (c) "Rural character" means characterized by a pattern  
8 of land use in which open space, agricultural and  
9 silvicultural lands, the natural landscape, and vegetation  
10 predominate over the built environment; that fosters  
11 traditional rural lifestyles, supports rural-based economies  
12 such as agriculture, timber, ecotourism, and aquaculture, and  
13 provides opportunities to both live and work in rural areas;  
14 that provides visual landscapes associated with rural areas  
15 and rural communities; and that is compatible with the use of  
16 the land by wildlife and consistent with the protection of the  
17 quality and quantity of water resources, including natural  
18 surface water flows and groundwater recharge and discharge  
19 areas.

20           (d) "Springshed protection area" means a land-planning  
21 area wherein special springshed features require additional  
22 protection through local government comprehensive plans and  
23 land development regulations, including land that is most  
24 sensitive to environmental contamination and merits special  
25 protection. The area subject to land planning for springshed  
26 protection includes the areas of groundwater contribution and  
27 recharge, sinkholes, depressions, and stream-to-sink features,  
28 including areas around the spring itself, and first-magnitude,  
29 second-magnitude and third-magnitude springs.

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

1           (a) The Wekiva River Springs Protection Area means the  
2 groundwater recharge basin of the Wekiva River generally  
3 depicted as within the yellow line on Figure 5, and the Wekiva  
4 Sector Plan Area means the area generally depicted as the  
5 yellow hatchmarks on Figure 5a, in the Final Report of the  
6 Wekiva Basin Area Task Force dated January 15, 2003. Before  
7 September 30, 2003, and after giving notice to all local  
8 governments with jurisdiction over any land proposed to be  
9 included in the Wekiva River Springs Protection Area, the  
10 state land planning agency and the St. Johns River Water  
11 Management District shall hold a rule-development workshop to  
12 recommend definitive boundaries for the Wekiva River Springs  
13 Protection Area and the Wekiva Sector Plan Area based on the  
14 following criteria:

15           (a) The Wekiva River Springs Protection Area must  
16 include the portions of Lake, Orange, and Seminole Counties,  
17 and all or portions of the municipalities in those counties,  
18 within the areas of groundwater contribution and recharge to  
19 the Wekiva River and its tributaries and springs.

20           (b) The Wekiva Sector Plan Area must include the rural  
21 areas of Lake, Orange, and Seminole Counties, and any existing  
22 rural area within municipalities in those counties, to form a  
23 contiguous sector planning area without enclaves. The Wekiva  
24 Sector Plan Area should, to the extent feasible, avoid areas  
25 within municipalities that are developed at urban densities  
26 and intensities of use.

27           (b) Within 45 days after receipt of the recommended  
28 boundary, the Administration Commission shall adopt, modify,  
29 or reject the recommendation and shall by rule establish the  
30 definitive boundaries of the Wekiva River Springs Protection  
31 Area and the Wekiva Sector Plan Area.

1           (5) COMPREHENSIVE PLAN REQUIREMENTS FOR THE WEKIVA  
2 RIVER SPRINGS PROTECTION AREA.--

3           (a) For those local governments located within the  
4 Wekiva River Springs Protection Area, the comprehensive plan  
5 must include land use strategies, development controls, and  
6 best-management practices to ensure their protection from  
7 incompatible land uses and land use activities that may  
8 directly or indirectly adversely impact the spring's water  
9 quality; water quantity; visual, economic, and recreational  
10 qualities; and other characteristics. Land use strategies,  
11 development controls, and best-management practices are to  
12 apply throughout the Wekiva River Springs Protection Area.

13           (b) Land use strategies are also to include, at a  
14 minimum, public education, partnerships with property owners,  
15 consideration of land use or development rights acquisition,  
16 cooperative management of public owned lands, economic  
17 development and ecotourism, best-management practices for  
18 agriculture and silviculture, and the provision of appropriate  
19 drainage, wastewater treatment, and water supply to support  
20 new or existing development.

21           (c) Provisions for nonregulatory programs to reduce  
22 residential and other development rights and strengthen local  
23 governments' capacity to achieve the objectives of this act to  
24 retain recharge areas, environmentally sensitive lands, and  
25 rural character. Nonregulatory programs include conservation  
26 easements, purchase of development rights, and transfer of  
27 land use credits or development rights. Transferable land use  
28 credits or development rights increase density and cluster  
29 development rights in appropriately designated receiving  
30 areas, while discouraging development in recharge areas and  
31 environmentally sensitive lands. Land use credits and

1 development rights may be transferred from one jurisdiction to  
2 another as reflected in the applicable comprehensive plans  
3 that assign and distribute land use credits or development  
4 rights and designate appropriate receiving areas.

5 (d) Land use strategies and development standards to  
6 protect the quality and quantity of recharge that replenish  
7 the aquifer and maintain springs flows and best-management  
8 practices to mitigate land use impacts which are consistent  
9 with the Florida Springs: Land Use Strategies and Best  
10 Management Practices Manual must be adopted. Land use  
11 strategies include locating low-impact land uses near the  
12 springs and in areas of high recharge. Low-impact land uses  
13 include preservation, conservation, recreation, unimproved  
14 rangeland, silviculture and very-low-density rural residential  
15 use that, generally, has no more than one unit per 10 acres.  
16 In addition, the following best-management practices are to be  
17 used to mitigate impacts in the recharge basin of the Wekiva  
18 River:

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

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

23 3. Manage stormwater impacts to reduce runoff and  
24 maintain water quality of recharge;

25 4. Provide enhanced wastewater treatment for septic  
26 tanks, central treatment systems, and a septic tank  
27 maintenance program;

28 5. Use landscape design and maintenance to reduce  
29 impacts from chemicals and conserve water resources, including  
30 golf course design and maintenance; and  
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1           6. Site, construct, and maintain golf courses using  
2 special management zones, best-management practices,  
3 integrated pest management, and a natural resource management  
4 plan to prevent, manage, and monitor potential impacts to  
5 water resources.

6           (e) The comprehensive plan amendments required by this  
7 subsection must be adopted by July 1, 2004, or as part of any  
8 comprehensive plan amendment that proposes to increase the  
9 density or intensity of use within the Wekiva River Springs  
10 Protection Area. A local government may not amend its  
11 comprehensive plan thereafter unless it has adopted the  
12 required comprehensive plan amendments. The Administration  
13 Commission may impose the sanctions provided by s.  
14 163.3184(11) against any local government that fails to adopt  
15 the required comprehensive plan amendments by January 1, 2005,  
16 using the procedure in s. 163.3191(11).

17           (f) Notwithstanding the provisions of chapter 380, the  
18 numerical guidelines and standards provided in s. 380.0651 and  
19 in chapter 28-24, Florida Administrative Code, must be reduced  
20 by 50 percent as applied to proposed developments entirely or  
21 partially located within the Wekiva River Springs Protection  
22 Area.

23           (6) COMPREHENSIVE PLAN AMENDMENT REQUIREMENTS FOR THE  
24 WEKIVA SECTOR PLAN AREA.--

25           (a) The Wekiva Sector Plan is intended to be a  
26 cooperative, coordinated effort between the local governments  
27 within the sector plan area with the objective of maintaining  
28 rural character and protecting groundwater recharge resulting  
29 in no net loss of recharge potential. Through  
30 intergovernmental coordination, each participating local  
31 government shall adopt the sector plan as applicable to its

1 planning jurisdiction to assure furtherance of the objectives  
2 of this act and compatibility among local governments.

3 (b) Each local government within the Wekiva Sector  
4 Plan Area shall adopt the sector plan as an amendment to the  
5 local government comprehensive plan that addresses the  
6 following content requirements:

7 1. A detailed land use plan that does not exceed the  
8 overall type, intensity, and density of development now  
9 permitted by the applicable local comprehensive plan within  
10 the sector plan area. However, flexibility is available to  
11 convert between land use categories, as long as provisions to  
12 protect rural character and groundwater recharge remain at  
13 levels that are equal to or greater than existing levels. The  
14 sector plan may include innovative and flexible planning  
15 techniques, such as performance standards for open space and  
16 impervious surface coverage, clustering, transfer of  
17 development rights, and land acquisition, for the purposes of  
18 ensuring the predominance of open space, agricultural and  
19 silvicultural lands, the natural landscape, and vegetation  
20 over the built environment.

21 2. A detailed transportation plan that addresses as  
22 applicable the Wekiva Parkway alignment, interchange  
23 locations, and the need for any additional or expanded  
24 regional or local roadways, including alignment, interchange  
25 locations, and design and construction features. The  
26 transportation plan should include an evaluation of any  
27 programmed road improvements within or which might affect the  
28 Wekiva River Protection Area and Wekiva River Springs  
29 Protection Area and eliminate any improvements that are  
30 inconsistent with maintaining rural character or protecting  
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1 groundwater recharge or that are made unnecessary by the  
2 Wekiva Parkway.

3 3. Infrastructure planning, including best-management  
4 practices and incentives for enhanced wastewater treatment and  
5 effluent disposal, stormwater management, the inspection and  
6 maintenance of existing onsite treatment and disposal systems,  
7 and for the installation of enhanced onsite treatment and  
8 disposal systems.

9 4. Land use strategies, development standards, and  
10 best-management practices to protect the quality and quantity  
11 of recharge and replenish the aquifer and maintain springs  
12 flows consistent with Florida Springs: Land Use Strategies and  
13 Best Management Practices Manual.

14 5. Provision for nonregulatory programs to reduce  
15 residential and other development rights and retain rural  
16 character, such as conservation easements, purchase of  
17 development rights, and transfer of development rights.

18 6. Provisions requiring design standards for  
19 commercial signs and associated advertising which reflect the  
20 rural character of the area.

21 7. Interchange land use plans, as applicable,  
22 including provisions for land use planning requirements for  
23 each of the interchanges recommended for the Wekiva Parkway,  
24 including land use strategies, development standards, and  
25 best-management practices to maintain rural character and  
26 protect groundwater recharge. The interchange land use plans  
27 must address appropriate land uses and compatible development,  
28 secondary road access, access management, right-of-way  
29 protection, vegetative protection and landscaping, signage,  
30 and the height and appearance of structures. The interchange  
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1 land use plans must also direct appropriate changes to land  
2 development regulations.

3 (c) During the period of time between the effective  
4 date of this act and the effective date of the local  
5 comprehensive plan amendment adopting the Wekiva Sector Plan,  
6 a local government that has planning jurisdiction within the  
7 Wekiva Sector Plan Area may not amend its comprehensive plan  
8 to increase the types, intensities, and densities of land uses  
9 within the Wekiva Sector Plan Area, or to identify or schedule  
10 new road improvements within the area, except for the  
11 necessary comprehensive plan amendments needed to plan,  
12 design, engineer, and acquire the right-of-way for the Wekiva  
13 Parkway. Permitting and construction of the Wekiva Parkway  
14 may not occur until the completion of the sector plan.

15 (7) TRANSPORTATION REQUIREMENTS FOR THE WEKIVA  
16 PARKWAY.--

17 (a) The Department of Transportation, the  
18 Orlando-Orange County Expressway Authority, and the Seminole  
19 County Expressway Authority shall provide to the Governor and  
20 the Legislature a report of their joint recommendations on a  
21 funding plan that addresses the Wekiva Basin Area Task Force  
22 recommendations in its Final Report dated January 15, 2003,  
23 and any legislation needed to implement the recommendations.

24 (b) The Orlando-Orange County Expressway Authority and  
25 the Department of Transportation shall locate the precise  
26 corridor location and interchange locations for the Wekiva  
27 Parkway within the corridor generally depicted in Figure 3,  
28 "Recommended Corridor for the Wekiva Parkway," of the Final  
29 Report of the Wekiva Basin Area Task Force dated January 15,  
30 2003. The transportation agencies shall apply the "Guiding  
31 Principles for Corridor Location" in selecting the final

1 roadway alignment and shall apply the "Guiding Principles for  
2 the Wekiva Parkway Design Features and Construction" to the  
3 construction of any new expressways, including the Wekiva  
4 Parkway, and to the expansion of existing expressways within  
5 the Wekiva Sector Plan Area and the Wekiva River Protection  
6 Area, as recommended by the Task Force.

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

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

11 (a) The St. Johns River Water Management District  
12 shall review existing rules and statutes to determine the  
13 appropriateness of modifications necessary for protection of  
14 the Wekiva River Springs Protection Area as recommended by the  
15 Wekiva Basin Area Task Force in its Final Report dated January  
16 15, 2003.

17 (b) The State of Florida shall give the highest  
18 priority and use all means at its disposal for completing the  
19 acquisition of the Wekiva-Ocala Greenway Florida Forever  
20 Project. Efforts should be made to identify and acquire  
21 additional lands in the Wekiva River Springs Protection Area,  
22 including efforts to protect agricultural lands through the  
23 purchase of easements as provided in the Rural and Family  
24 Lands Protection Program, ss. 570.70 and 570.71.

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

30 (10) PLANNING ASSISTANCE TO LOCAL GOVERNMENTS.--The  
31 state land planning agency and appropriate state and regional

1 agencies shall provide planning assistance to the affected  
2 local governments in the development of comprehensive plan  
3 amendments to meet the requirements of this act. The state  
4 land planning agencies, with the support of the Department of  
5 Environmental Protection and the St. Johns Water Management  
6 District, shall develop model land development regulations for  
7 springshed protection.

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

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11 SENATE SUMMARY

12 Creates the "Wekiva River Springs Protection Act."  
13 Identifies those local governments that are subject to  
14 the act. Requires those local governments to amend their  
15 comprehensive plans to include land use strategies,  
16 development controls, and best-management practices to  
17 ensure the protection of Florida's springs. Requires  
18 certain local governments to develop a Wekiva Sector  
19 Plan. Includes transportation requirements for the Wekiva  
20 Parkway. Addresses regulatory programs and land  
21 acquisition. Directs the provision of planning  
22 assistance. Provides for a contingent future repeal.  
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