

By the Committee on Appropriations; and Senators Constantine
and Webster

309-2545-03

1 A bill to be entitled
2 An act relating to growth management; amending
3 s. 369.301, F.S.; changing the short title;
4 creating s. 369.3011, F.S.; providing for a
5 short title; providing legislative intent;
6 providing definitions; providing for the
7 designation of the Wekiva River Springshed
8 Protection Area; creating comprehensive plan
9 requirements for the area; creating a
10 integrated planning area for the Wekiva River
11 Basin; creating comprehensive plan requirements
12 for transportation, land use, and water
13 resource in the basin; creating transportation
14 requirements for road construction in the
15 basin; providing for planning assistance by the
16 Department of Community Affairs; describing
17 duties of the Department of Agriculture and
18 Consumer Services for the creation of
19 best-management practices; amending s.
20 163.3187, F.S.; exempting comprehensive plan
21 amendments created by this act from the
22 statutory limit of two amendments per year;
23 creating s. 373.0425, F.S.; providing for
24 rulemaking authority for the St. Johns River
25 Water Management District as it relates to
26 implementing the provisions of this act;
27 creating s. 381.0069, F.S.; directing the
28 Department of Health to develop a program for
29 the improvement of certain wastewater treatment
30 systems in the Wekiva River Springshed
31 Protection Area; amending s. 373.139, F.S.;

1 encouraging the St. Johns River Water
2 Management District to pursue land acquisition
3 within the Wekiva Basin; amending s. 369.307,
4 F.S.; encouraging all agencies to pursue
5 acquisitions within the Wekiva-Ocala Greenway
6 Florida Forever project or other additional
7 lands in the springs recharge area; providing
8 for the repeal of this act; providing an
9 effective date.

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

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13 Section 1. Section 369.301, Florida Statutes, is
14 amended to read:

15 369.301 Short title.--This part may be cited as the
16 "Wekiva River Basin and Springs Protection and Planning Act."

17 Section 2. Section 369.3011, Florida Statutes, is
18 created to read:

19 369.3011 Land use, transportation, and water resources
20 planning in the Wekiva River Basin.--

21 (1) SHORT TITLE.--This section may be cited as the
22 "Wekiva River Basin Planning Act."

23 (2) LEGISLATIVE INTENT.--

24 (a) The Legislature recognizes that population growth
25 and the future transportation and water resource needs of the
26 central Florida region must be balanced with protection of the
27 ecosystem of the Wekiva River Basin and finds that these are
28 issues of legitimate and compelling state interest. The
29 Legislature, therefore, finds that the recommendations
30 included in the Final Report, dated January 15, 2003, of the

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1 Wekiva Basin Area Task Force, which was created by Executive
2 Order 2002-259, are valuable and should be implemented.

3 (b) The Legislature finds that, in addition to the
4 issues of legitimate and compelling state interest related to
5 protecting natural resources and meeting the future
6 transportation needs in and near the Wekiva Basin Area, there
7 exists a state interest in respecting and recognizing
8 judicially acknowledged or statutorily and constitutionally
9 protected property rights. It is the intent of the Legislature
10 that state agencies and county and municipal governments with
11 jurisdiction in the area of the Wekiva River Basin establish
12 policies to guide and coordinate local decisions relating to
13 growth and development and implement their decisions without
14 imposing undue restrictions on vested property rights in
15 violation of the laws and constitutions of this state and of
16 the United States. Further, the Legislature recognizes
17 sensitivity to private property rights as stated in s.
18 163.3167(8) to not limit or modify rights of any person to
19 complete any development that has been authorized as a
20 development of regional impact pursuant to chapter 380 or who
21 has been issued a final local development order and
22 development has commenced and is continuing in good faith as
23 of the effective date of this act.

24 (c) The Legislature finds that the water resources and
25 ecosystems of the Wekiva River Basin and the associated
26 springshed areas that sustain the spring-fed Wekiva River and
27 tributaries are of irreplaceable value to the quality of life
28 and well-being of the people of the State of Florida. The
29 Legislature further finds that greater intensities of
30 development facilitated by the construction of major
31 transportation facilities through the Wekiva River Basin and

1 associated springshed areas may, unless properly designed,
2 present serious threats to the continuing existence of the
3 hydrological functions of the springs. It is the intent of the
4 Legislature that regional transportation facilities be
5 located, designed, and constructed in a manner that assures
6 the protection of the Wekiva River Basin ecosystem. To
7 accomplish these purposes, the Legislature directs that the
8 completion of transportation improvements, including, but not
9 limited to, the Wekiva Parkway and U.S. 441 Bypass, be
10 accomplished in the context of a well-coordinated plan that
11 simultaneously assures that the natural resources of the
12 Wekiva River Basin, including the springshed, are protected
13 against adverse impacts.

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

15 (a) "Springshed" means the geographic area that
16 contributes groundwater and surface water to the Wekiva River
17 Springs systems.

18 (b) "U.S. 441 Bypass" means an expressway system
19 connector designed and constructed as part of an extension of
20 State Road 429 that begins at the Maitland Boulevard Extension
21 Interchange and links to the Wekiva Parkway at a system
22 interchange and continues in a northwesterly direction into
23 Lake County.

24 (c) "Wekiva Parkway" means any highway, interstate
25 connector, or expressway connector, constructed between State
26 Road 429 and Interstate 4.

27 (4) DESIGNATION OF THE WEKIVA RIVER SPRINGSHED
28 PROTECTION AREA.--

29 (a) The Governor and Cabinet, sitting as the
30 Administration Commission, shall establish by rule a Wekiva
31 River Springshed Protection Area, which shall complement the

1 Wekiva River Protection Area as defined in s. 369.303(9). Not
2 later than September 30, 2003, the state land planning agency
3 shall begin this process by giving notice of negotiated
4 rulemaking, pursuant to s. 120.54(2)(d), for the purpose of
5 recommending to the Administration Commission boundaries for
6 the Wekiva River Springshed Protection Area.

7 (b) The boundary for the Wekiva River Springshed
8 Protection Area shall be based upon, but need not be limited
9 to, the following criteria:

10 1. The Wekiva River Springshed Protection Area must
11 encompass an area no larger than the Wekiva River Springshed.

12 2. The boundary of the Wekiva River Springshed
13 Protection Area shall be based upon the best available data
14 from the St. Johns River Water Management District, the
15 Department of Environmental Protection, the Department of
16 Agriculture and Consumer Services, and other sources.

17 3. The boundary of the Wekiva River Springshed
18 Protection Area shall be established in a manner that ensures
19 predictability and uniformity of implementation, which may
20 require aligning boundaries with recognizable geographic
21 features that are not subject to change.

22 (c) Within 45 days after receipt of the recommended
23 boundaries, the Governor and Cabinet, sitting as the
24 Administration Commission shall adopt, modify, or reject the
25 recommendation and shall by rule establish the boundaries of
26 the Wekiva River Springshed Protection Area.

27 (5) COMPREHENSIVE PLAN REQUIREMENTS FOR THE WEKIVA
28 RIVER SPRINGSHED PROTECTION AREA.--

29 (a) The state land planning agency, in consultation
30 with the Department of Environmental Protection, the St. Johns
31 River Water Management District, and the Department of

1 Agriculture and Consumer Services, shall, not less than 60
2 days prior to the next regular legislative session, adopt by
3 negotiated rule pursuant to s. 120.54(2)(d) minimum criteria
4 for land use strategies and development standards within the
5 Wekiva River Springshed Protection Area. Such rules shall not
6 be subject to rule challenges under s. 120.56(2) or to drawout
7 proceedings under s. 120.54(3)(c)2. Such rules shall become
8 effective only after they have been submitted to the President
9 of the Senate and the Speaker of the House of Representatives
10 for review by the Legislature. In its review, the Legislature
11 may accept, reject, modify, or take no action relative to the
12 rules. The agency shall conform the rules to the changes made
13 by the Legislature or, if no action was taken, the agency
14 rules shall become effective.

15 (b) The rules for the land use strategies and
16 development standards shall protect the quality and quantity
17 of recharge that replenishes and maintains spring flows for
18 the Wekiva River. Land use strategies and development controls
19 shall apply throughout the Wekiva River Springshed Protection
20 Area and shall include, but need not be limited to, the
21 following:

22 1. Ensuring appropriate drainage, wastewater
23 treatment, and water supply to support new or existing
24 development;

25 2. Locating low-impact land uses near the Wekiva River
26 Springs. Low-impact land uses include preservation,
27 conservation, passive recreation, unimproved rangeland,
28 silviculture, and rural residential;

29 3. Minimizing impervious surfaces to reduce runoff and
30 retain recharge;

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1 4. Maintaining open space and natural recharge areas
2 to protect groundwater resources and wildlife habitat through
3 standards for open space, impervious surface coverage, and
4 clustering; transfer of land use credits or development
5 rights; and land acquisition, purchase of development rights,
6 and conservation easements;

7 5. Managing stormwater impacts to reduce runoff and
8 maintain water quality of recharge;

9 6. Providing enhanced wastewater treatment for septic
10 tanks, central treatment systems, and a septic tank
11 maintenance program;

12 7. Using landscape design and maintenance to reduce
13 impacts from chemicals and conserve water resources, including
14 golf course design and maintenance;

15 8. Siting, constructing, and maintaining golf courses
16 using special management zones, integrated pest management,
17 and a natural resource management plan to prevent, manage, and
18 monitor potential impacts to water resources; and

19 9. Adopting local programs for public education and
20 partnerships with property owners, consideration of land use
21 or development rights acquisition, and cooperative management
22 of public owned lands, economic development, and ecotourism.

23 (c) Within 1 year after the ratification of the rules
24 for land use strategies and development standards for the
25 Wekiva River Springshed Protection Area, or after approval of
26 the rules as part of any comprehensive plan amendment that
27 proposes to increase the density or intensity of development
28 within the Wekiva River Springshed Protection Area, whichever
29 occurs first, a local government must adopt the comprehensive
30 plan amendments required by this subsection. A local
31 government may not amend its comprehensive plan if it does not

1 adopt the amendments as required by this subsection. The
2 Administration Commission may impose the sanctions provided by
3 s. 163.3184(11) against any local government that fails to
4 adopt the comprehensive plan amendments required by this
5 subsection, using the procedure in s. 163.3191(11). All
6 existing local governments are required to adopt the
7 comprehensive plan amendments required by this subsection as
8 amendments to their respective comprehensive plans. Any
9 municipality incorporated within the Wekiva River Springshed
10 Protection Area after the effective date of this act shall
11 include applicable portions of the comprehensive plan
12 amendments required by this subsection in the initial
13 transmittal and adoption of its local government comprehensive
14 plan.

15 (d) After legislative ratification of the rules for
16 land use strategies and springshed protection, the state land
17 planning agency shall review the local comprehensive plans,
18 and all amendments, which are applicable to portions of the
19 Wekiva River Springshed Protection Area for compliance with
20 the provisions of this subsection in addition to its review of
21 local comprehensive plans and amendments for compliance as
22 defined in s. 163.3184. All procedures and penalties described
23 in s. 163.3184 shall be applicable to this review.

24 (6) WEKIVA RIVER BASIN TRANSPORTATION; LAND USE AND
25 WATER RESOURCES INTEGRATED PLANNING AREA DEFINED.--

26 (a) The state land planning agency, in collaboration
27 with affected local governments, other state and regional
28 agencies, appropriate federal agencies, and interested parties
29 shall coordinate the development of an integrated plan for
30 future transportation, land use, and water resource needs in
31 the area of the Wekiva River Basin. Affected local governments

1 shall incorporate the integrated plan in their respective
2 comprehensive plans by amendment pursuant to paragraph (7)(b).
3 The integrated plan for the future transportation, land use,
4 and water resources in the area of the Wekiva River Basin
5 shall include the following lands in Lake and Orange
6 Counties: Township 18 South, Range 27 East, Sections 22-27,
7 34-36; and Township 18 South, Range 28 East, Sections 19-22,
8 27-34; and Township 19 South, Range 27 East, Sections 1-3,
9 10-15, 24, 25, 36; and Township 19 South, Range 28 East,
10 Sections 3-10, 15-22, 27-34; and Township 20 South, Range 27
11 East, Sections 1, 2, 11-14, 23-26, 35, 36; and Township 20
12 South, Range 28 East, Sections 3-10, 15-22, less and except
13 those lands located in a joint planning area defined by a
14 county and municipality as of the date of this act, and less
15 and except those lands located in the Wekiva River Protection
16 Area defined in s. 369.303(9).

17 (b) During the period of time between the effective
18 date of this act and the adoption of the plan amendments
19 required in subsections (5) and (7), a local government with
20 jurisdiction in the area defined in paragraph (a) shall not
21 amend its comprehensive plan to increase the density or
22 intensity of development.

23 (c) Notwithstanding paragraph (b), a local government
24 may amend its plan as needed to plan, design, engineer, and
25 acquire the right-of-way for the Wekiva Parkway or the U.S.
26 441 Bypass.

27 (d) This section shall not be construed to limit any
28 local government's authority to implement its current
29 comprehensive plan, including the ability to approve
30 development consistent with its current comprehensive plan and
31 provide public facilities and services as provided in the

1 5-year capital improvement element, or consistent with a joint
2 planning agreement.

3 (7) COMPREHENSIVE PLAN REQUIREMENTS FOR THE WEKIVA
4 BASIN INTEGRATED TRANSPORTATION, LAND USE, AND WATER RESOURCE
5 PLANNING AREA.--

6 (a) The purpose of the integrated plan for future
7 transportation, land use, and water resource needs is to
8 assist affected local governments in completing the planning
9 needed to prepare for the construction and related mitigation
10 of the Wekiva Parkway and the U.S. 441 Bypass and further
11 protection of the Wekiva River Springshed. The state land
12 planning agency shall coordinate development of this plan with
13 the Department of Environmental Protection, the St. Johns
14 River Water Management District, the Department of
15 Transportation, the Fish and Wildlife Conservation Commission,
16 the Department of Agriculture and Consumer Services, the East
17 Central Florida Regional Planning Council, the Orlando-Orange
18 County Expressway Authority, the Seminole County Expressway
19 Authority, appropriate federal agencies, interest groups
20 represented on the Wekiva Basin Area Task Force, and other
21 interested parties.

22 (b) By December 31, 2004, or as part of any
23 comprehensive plan amendment that proposes to increase the
24 density or intensity of development within the integrated
25 planning area, whichever comes first, a local government must
26 adopt the comprehensive plan amendments required by this
27 subsection. These plan amendments shall consider, but need not
28 be limited to, the following:

29 1. A detailed land use plan that considers the overall
30 types, intensities, and densities of development now permitted
31 by the applicable local comprehensive plan as of the effective

1 date of this act. However, flexibility is available to convert
2 between land use categories provided that provisions to
3 protect groundwater recharge are equal to or greater than
4 existing levels. The land use plan adopted by the respective
5 jurisdictions may include establishing reasonable urban growth
6 boundaries for existing municipalities in the area. As a
7 component of the land use plan, a local government shall have
8 the option to investigate the economic and other benefits that
9 might be derived from the establishment of a Rural Land
10 Stewardship Area pursuant to s. 163.3177(11)(d). As part of
11 this investigation, a local government shall have the
12 flexibility to consider application of the stewardship concept
13 that may be better suited to local circumstances. If deemed
14 beneficial, a Rural Land Stewardship Area may be established
15 by the local government.

16 2. A transportation plan that addresses the Wekiva
17 Parkway and U.S. 441 alignments, as applicable, interchange
18 locations, and design and construction features. The
19 transportation plan should include an evaluation of any
20 programmed road improvements that are made unnecessary by the
21 Wekiva Parkway or the U.S. 441 Bypass.

22 3. Infrastructure planning including incentives for
23 enhanced wastewater treatment and effluent disposal and
24 stormwater management, including programs establishing
25 incentives or regulations for the inspection and maintenance
26 of existing onsite treatment and disposal systems, and for the
27 installation of enhanced onsite treatment and disposal
28 systems.

29 4. Provisions requiring design standards for
30 commercial and other signage which are compatible with and
31 reflect the character of the area.

1 5. Interchange land use plans, as applicable,
2 including provisions for land use planning requirements for
3 each of the interchanges associated with the Wekiva Parkway,
4 including land use strategies and development standards, to
5 maintain and to protect groundwater resources. The interchange
6 land use plans or any other plans for additional expressways
7 must address appropriate land uses and compatible development,
8 secondary road access, access management, right-of-way
9 protection, vegetative protection and landscaping, signage,
10 and the height and appearance of structures.

11 (c) A local government may not amend its comprehensive
12 plan if it does not adopt the comprehensive plan amendments as
13 required by this section. The Administration Commission may
14 impose the sanctions provided by s. 163.3184(11) against any
15 local government that fails to adopt the required
16 comprehensive plan amendments, using the procedure in s.
17 163.3191(11). All existing local governments are required to
18 adopt the comprehensive plan amendments required by this
19 subsection as amendments to their respective comprehensive
20 plans. Any municipality incorporated within the integrated
21 planning area after the effective date of this act shall
22 include applicable portions of the comprehensive plan
23 amendments required by this subsection in the initial
24 transmittal and adoption of its local government comprehensive
25 plan.

26 (d) After December 31, 2004, the state land planning
27 agency shall review the local comprehensive plans, and all
28 amendments, which are applicable to portions of the integrated
29 planning area for compliance with the provisions of this
30 subsection in addition to its review of local comprehensive
31 plans and amendments for compliance as defined in s. 163.3184.

1 All the procedures and penalties described in s. 163.3184
2 shall be applicable to this review.

3 (e) As part of the integrated planning process for
4 future transportation, land use, and water resources, the
5 state land planning agency and local governments with
6 jurisdiction shall consider issues of compatibility of the
7 integrated planning area with the Wekiva River Protection Area
8 as designated in part II of chapter 369. By January 30, 2005,
9 the state land planning agency shall report to the Governor,
10 the President of the Senate, and the Speaker of the House of
11 Representatives any land use compatibility issues with respect
12 to the Wekiva River Protection Area, including recommendations
13 to address any identified compatibility issues.

14 (8) TRANSPORTATION REQUIREMENTS IN THE WEKIVA RIVER
15 BASIN.--

16 (a) The Department of Transportation, in collaboration
17 with the Turnpike Enterprise, the Orlando-Orange County
18 Expressway Authority, and the Seminole County Expressway
19 Authority shall, by September 15, 2004, provide to the
20 Governor and the Legislature a report of their joint
21 recommendations to implement the Wekiva Basin Area Task Force
22 recommendations in its Final Report dated January 15, 2003.
23 The report shall also include the agencies' joint
24 recommendations on the following:

25 1. The choice of a lead agency to build the Wekiva
26 Parkway and the respective roles of other transportation
27 agencies, authorities, and enterprises;

28 2. A funding plan for locating, designing, and
29 constructing the Wekiva Parkway which addresses the task force
30 recommendations related to wider rights-of-way to promote the
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1 parkway concept, preserve rural character, buffer
2 interchanges, and other design features; and

3 3. Any legislation needed to secure the authority
4 needed to acquire private lands or development rights within
5 the Wekiva River Protection Area or the Wekiva River
6 Springshed Protection Area in excess of that which is required
7 for right-of-way and associated roadway construction.

8 (b) The Orlando-Orange County Expressway Authority,
9 the Seminole County Expressway Authority, the Department of
10 Transportation, and the Turnpike Enterprise shall locate the
11 precise corridor and interchanges for the Wekiva Parkway
12 within the corridor generally depicted in Figure 3,
13 "Recommended Corridor for the Wekiva Parkway," of the Final
14 Report of the Wekiva Basin Area Task Force dated January 15,
15 2003. The determination of the final alignment of the Wekiva
16 Parkway within Seminole County shall be subject to approval by
17 the Seminole County Expressway Authority. The transportation
18 agencies shall apply the "Guiding Principles for the Wekiva
19 Parkway Design Features and Construction" to the construction
20 of the Wekiva Parkway and, as applicable, to the U.S. 441
21 Bypass, the expansion of existing expressways within the
22 Wekiva River Springshed Protection Area, and the Wekiva River
23 Protection Area, as the Task Force recommended in
24 Recommendation 2 and Recommendation 8 of its Final Report,
25 dated January 15, 2003.

26 (c) The specific design features included within
27 Recommendations Nos. 3, 4, 6, and 7 of the Wekiva Basin Area
28 Task Force Report shall be incorporated within the design of
29 the Wekiva Parkway and the U.S. 441 Bypass, as applicable,
30 where those expressways extend into or across the Wekiva River
31 Protection Area or Wekiva River Springshed Protection Area.

1 Such features, to the maximum extent feasible, shall include,
2 but not be limited to, elevated roadways or bridging of
3 identified wildlife corridors, a parkway design with
4 appropriate natural buffers between the roadways and adjacent
5 areas, fulfillment of mitigation needs by supporting land
6 acquisition projects only within the Wekiva River Protection
7 Area or Wekiva River Springshed Protection Area, and
8 limitations on the number and location of permissible
9 interchanges.

10 (d) If a local government fails to timely adopt plan
11 amendments required by this section, it shall be subject to
12 the imposition of sanctions by the Administration Commission,
13 and that government's failure to adopt amendments by December
14 31, 2004, shall not preclude construction of the Wekiva
15 Parkway or U.S. 441 Bypass. Nothing herein shall preclude the
16 immediate planning, design, engineering, and right-of-way
17 acquisition of the U.S. 441 Bypass pursuant to Recommendation
18 11 of the Final Report of the Wekiva Basin Area Task Force,
19 dated January 15, 2003.

20 (9) PLANNING ASSISTANCE TO LOCAL GOVERNMENTS.--The
21 state land planning agency and appropriate state and regional
22 agencies shall provide planning assistance to the affected
23 local governments in the development of comprehensive plan
24 amendments to meet the requirements of this act. The state
25 land planning agency, with the support of the Department of
26 Environmental Protection, the Department of Agriculture and
27 Consumer Services, and the St. Johns River Water Management
28 District shall develop model land development regulations for
29 the implementation of this act. The state land planning agency
30 is authorized to prioritize the expenditure of funds
31 appropriated for the purpose of providing technical assistance

1 to local governments to those local governments with
2 jurisdiction in the Wekiva River Springshed Protection Area
3 and integrated planning area defined in subsection (6).

4 (10) DUTIES OF THE DEPARTMENT OF AGRICULTURE AND
5 CONSUMER SERVICES.--The Department of Agriculture and Consumer
6 Services shall assist local governments in implementing this
7 section and local governments shall consult with the
8 Department of Agriculture and Consumer Services to determine
9 if agricultural best management practices should be included
10 in the comprehensive plan. Following consultation with a local
11 government, any agricultural best management practices
12 referenced or required in a comprehensive plan amendment shall
13 be developed and adopted by the Department of Agriculture and
14 Consumer Services.

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

17 163.3187 Amendment of adopted comprehensive plan.--

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

21 (m) Any comprehensive plan amendment related to the
22 implementation of the Wekiva River Basin Planning Act,
23 pursuant to s. 369.3011.

24 Section 4. Section 373.0425, Florida Statutes, is
25 created to read:

26 373.0425 Duties of the St. Johns River Water
27 Management District regarding springshed protection.--

28 (1) The St. Johns River Water Management District
29 shall complete a review of its existing permitting rules
30 authorized under parts II and IV of chapter 373 to determine
31 the appropriateness of adding criteria within the Wekiva River

1 Springshed Protection Area to protect the water quality and
2 flow of springs in the Wekiva River System as defined in s.
3 369.303(10). In reviewing its rules, the St. Johns River Water
4 Management District shall consider Recommendation 15 of the
5 Final Report of the Wekiva Basin Area Task Force, dated
6 January 15, 2003, and whether it is appropriate to add
7 criteria specific to the Wekiva River Springshed Protection
8 Area. The review shall include, but need not be limited to,
9 aquifer recharge protection, permitting thresholds to prevent
10 significant adverse impacts to the springs, concurrent action
11 on consumptive use permit and environmental resource permit
12 applications, landscaping to reduce irrigation needs and
13 protect spring water quality, and use of reclaimed water to
14 reduce the use of groundwater. This review shall be completed
15 by December 1, 2003.

16 (2) If rule amendments are determined to be
17 appropriate, the St. Johns River Water Management District
18 shall commence the rulemaking process within 90 days after the
19 adoption of the boundary of the Wekiva River Springshed
20 Protection Area by the Administration Commission pursuant to
21 s. 369.3011(4). If such rule amendments include amendments to
22 chapter 40C-44, Florida Administrative Code, governing the
23 regulation of agricultural surface water management systems,
24 the St. Johns River Water Management District shall consult
25 with the Department of Agriculture and Consumer Services to
26 develop such rule amendments.

27 Section 5. Section 381.0069, Florida Statutes, is
28 created to read:

29 381.0069 Wekiva River Springshed Protection
30 Area.--Within 3 years after the adoption of a final boundary
31 of the Wekiva River Springshed Protection Area by the

1 Administration Commission pursuant to s. 369.3011(4)(d), the
2 Department of Health, with assistance from the Department of
3 Environmental Protection, shall develop a program to encourage
4 and provide incentives for the inspection and maintenance of
5 onsite wastewater treatment and disposal systems and for the
6 installation of enhanced onsite treatment and disposal systems
7 within the Wekiva River Springshed Protection Area.

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

10 373.139 Acquisition of real property.--

11 (8) The St. Johns River Water Management District is
12 encouraged to pursue the fee simple or less-than-fee-simple
13 purchase of lands in the Wekiva Basin Area which contribute
14 surface water and groundwater to spring flow as a means to
15 protect the Wekiva River Springs.

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

18 369.307 Developments of regional impact in the Wekiva
19 River Protection Area; land acquisition.--

20 (5) The Department of Environmental Protection is
21 directed to proceed to negotiate for acquisition of
22 conservation and recreation lands projects within the Wekiva
23 River Protection Area provided that such projects have been
24 deemed qualified under statutory and rule criteria for
25 purchase and have been placed on the priority list for
26 acquisition by the advisory council created in s. 259.035 or
27 its successor. Agencies are encouraged to use all means at
28 their disposal for completing the acquisition of the
29 Wekiva-Ocala Greenway Florida Forever Project. It is the
30 intent of the Legislature that the highest priority be given
31 to completing the acquisition of the following specific

1 parcels, as identified in Recommendation 16 of the Final
2 Report of the Wekiva Basin Area Task Force, dated January 15,
3 2003, prior to construction associated with the Wekiva Parkway
4 and U.S. 441 Bypass:

5 (a) Neighborhood Lakes;

6 (b) Seminole Woods/Swamp;

7 (c) New Garden Coal; and

8 (d) Pine Plantation.

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10 It is also the intent of the Legislature that efforts should
11 be made to identify and acquire additional lands located
12 within the Wekiva River Springs recharge area. Agencies are
13 encouraged to pursue binding purchase agreements for the
14 acquisition of properties identified above, to the greatest
15 extent practicable, prior to the commencement of construction
16 of the Wekiva Parkway.

17 Section 8. This act shall stand repealed effective
18 July 1, 2008, unless purchase of the right-of-way for the
19 Wekiva Parkway or the U.S. 441 Bypass has been commenced. Part
20 II of chapter 369, Florida Statutes, (2002) shall not be
21 repealed by operation of this section.

22 Section 9. This act shall take effect July 1, 2003.
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1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 Senate Bill 1956

4 The committee substitute creates s. 369.3011, F.S., the Wekiva
5 River Basin Planning Act.

6 This bill renames the "Wekiva River Protection Act" as the
7 "Wekiva River Basin and Springs Protection and Planning Act."
8 Creates the "Wekiva River Basin Planning Act." Provides
9 legislative intent and findings. Provides legislative intent
10 that regional transportation facilities be located, designed,
11 and constructed in a manner that assures the protection of the
12 Wekiva River Basin ecosystem. Provides definitions. Requires
13 the Governor and Cabinet, sitting as the Administration
14 Commission, to establish by rule a Wekiva River Springshed
15 Protection Area to complement the Wekiva River Protection
16 Area. The boundary for the Wekiva River Springshed Protection
17 Area shall be based on certain specified criteria.

18 Requires the state land planning agency, in consultation with
19 the Department of Environmental Protection, the St. Johns
20 River Water Management District, and the Department of
21 Agriculture and Consumer Services to adopt by rule minimum
22 criteria for land use strategies and development standards
23 within the Wekiva River Springshed Protection Area. Provides
24 that the rules become effective only after they have been
25 reviewed by the Legislature.

26 Requires local governments to adopt certain comprehensive plan
27 amendments.

28 Requires the state land planning agency to coordinate the
29 development of an integrated plan for future transportation,
30 land use, and water resource needs in the area of the Wekiva
31 River Basin. Requires affected local governments to
incorporate the integrated plan in their respective
comprehensive plans by amendment. The integrated plan includes
certain lands in Lake and Orange Counties. During a certain
period of time, amendments to increase the density or
intensity of development are prohibited.

Notwithstanding any other prohibitions, a local government may
amend its plan as needed to plan, design, engineer, and
acquire the right-of-way for the Wekiva Parkway or the U.S.
441 Bypass. A local government's authority to implement its
current comprehensive plan is not limited.

Provides that the state land planning agency shall coordinate
the development of the Wekiva Basin Integrated Transportation,
Land Use, and Water Resource Plan with other specified
entities. Provides for comprehensive plan amendments by
affected local governments.

Requires the Department of Transportation to provide a report
to the Governor and the Legislature with recommendations.

Requires the Orlando-Orange County Expressway Authority, the
Seminole County Expressway Authority, the Department of
Transportation, and the Turnpike Enterprise to locate the

1 precise corridor and interchanges for the Wekiva Parkway
2 within the corridor generally depicted in Figure 3,
3 "Recommended Corridor for the Wekiva Parkway," of the Wekiva
4 Basin Area Task Force's Final Report. Requires the
5 transportation agencies to apply the "Guiding Principles for
6 the Wekiva Parkway Design Features and Construction" to the
7 construction of the Wekiva Parkway and, as applicable, to the
8 U.S. 441 Bypass.
9
10 Requires the state planning agency and appropriate state and
11 regional agencies to provide planning assistance to the
12 affected local governments in the development of comprehensive
13 plan amendments.
14
15 Provides for duties of the Department of Agriculture and
16 Consumer Services regarding best management practices.
17
18 Provides that comprehensive plan amendments related to the
19 implementation of the Wekiva River Basin Planning Act are not
20 subject to the twice-a-year amendment restriction.
21
22 Provides certain duties of the St. Johns River Water
23 Management District regarding springshed protection.
24
25 Requires the Department of Environmental Protection to develop
26 a program to encourage and provide incentives for the
27 inspection and maintenance of onsite wastewater treatment and
28 disposal systems and for the installation of enhanced onsite
29 treatment and disposal systems within the Wekiva River
30 Springshed Protection Area.
31
32 Encourages the St. Johns River Water Management District to
33 purchase certain lands.
34
35 Encourages agencies to acquire certain parcels of land.
36
37 Provides that the act is repealed on July 1, 2008, unless
38 purchase of the right-of-way for the Wekiva Parkway or the
39 U.S. 441 Bypass has been commenced.
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