

By the Committee on Natural Resources; and Senator Constantine

312-2185-04

1 A bill to be entitled
2 An act relating to the Wekiva Parkway and
3 Protection Act; creating part III of ch. 369,
4 F.S., consisting of ss. 369.314, 369.315,
5 369.316, 369.317, 369.318, 369.319, 369.320,
6 369.321, 369.322, 369.323, and 369.324, F.S.;
7 providing legislative intent; providing a legal
8 description of the Wekiva Study Area; defining
9 the Wekiva Parkway; providing guiding
10 principles for the Wekiva Parkway Design
11 Features and Construction; limiting the number
12 of exchanges along the Wekiva Parkway; granting
13 the Department of Transportation certain
14 eminent domain authority for the Wekiva Parkway
15 construction; providing that title of all lands
16 acquired for the Wekiva Parkway shall vest in
17 the State of Florida; providing that certain
18 lands not needed for the Wekiva Parkway be
19 transferred to the Board of Trustees of the
20 Internal Improvement Trust Fund; requiring
21 certain entities and agencies to cooperate and
22 establish funding responsibilities and
23 partnerships; appropriating \$25 million from
24 the General Revenue Fund to the Department of
25 Transportation for the purchase of certain
26 Wekiva Parkway lands; requiring certain studies
27 by the Department of Environmental Protection,
28 the Department of Health, the St. Johns River
29 Water Management District, and the Department
30 of Agriculture and Consumer Services; providing
31 for a master stormwater plan; providing for a

1 wastewater facility plan; requiring certain
2 local government comprehensive plan amendments;
3 providing for the coordination of land use and
4 water supply with the Wekiva Study Area;
5 providing that comprehensive plans and
6 comprehensive plan amendments be reviewed for
7 compliance by the Department of Community
8 Affairs; creating the Wekiva River Basin
9 Commission; amending s. 163.3184, F.S.;
10 amending the definition of "compliance";
11 providing an effective date.
12

13 WHEREAS, the Wekiva River System and its associated
14 springshed areas are of irreplaceable value to the quality of
15 life and well-being of the people of the State of Florida, and

16 WHEREAS, protection of the surface and groundwater
17 resources, including recharge within the springshed that
18 provides for the Wekiva River System, is crucial to the
19 long-term viability of the Wekiva River and springs and the
20 central Florida Region's water supply, and

21 WHEREAS, construction of the Wekiva Parkway and other
22 roadway improvements to the west of the Wekiva River System
23 will add to the pressures for growth and development already
24 affecting the surface and groundwater resources within the
25 recharge area, NOW, THEREFORE,

26
27 Be It Enacted by the Legislature of the State of Florida:
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29 Section 1. Part III of chapter 369, Florida Statutes,
30 consisting of sections 369.314, 369.315, 369.316, 369.317,
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1 369.318, 369.319, 369.320, 369.321, 369.322, 369.323, and
2 369.324, is created to read:

3 PART III

4 Wekiva Parkway and Protection Act.

5 369.314 Short title.--This act may be cited as the
6 "Wekiva Parkway Protection Act."

7 369.315 Intent.--

8 (1) The Legislature finds that, in general, Florida
9 springs whether found in urban or rural settings, public
10 parks, or private lands, are threatened by actual and
11 potential flow reductions and declining water quality. As a
12 result of climate patterns and population changes, over the
13 past 30 years, many of Florida's springs have begun to exhibit
14 signals of distress, including increasing nutrient loading and
15 lowered water flow. The groundwater that feeds springs is
16 recharged by seepage from the surface and through direct
17 conduits such as sinkholes.

18 (2) The Legislature further finds that springs and
19 groundwater once damaged by overuse can be restored through
20 good stewardship, including effective planning strategies and
21 best management practices to preserve and protect the spring
22 and its springshed. Prudent land use planning decisions can
23 protect and improve quality and quantity, as well as upland
24 resources of a springshed. Managing land use types and their
25 allowable densities and intensities of development, followed
26 by specific site planning to further minimize impacts, rank as
27 an important goal.

28 (3) It is the intent of the Legislature that the
29 recommendations of the Wekiva River Basin Coordinating
30 Committee as stated in its final report dated March 16, 2004,
31 be taken and implemented as a whole to achieve the objective

1 of improving and assuring protection of surface water and
2 groundwater resources. Coordination of comprehensive plans and
3 the Regional Water Supply Plan is important for protection of
4 water resources and to promote the continuity of effective
5 planning and development.

6 (4) It is not the intent of the Legislature to place
7 an undue burden on local governments within the Wekiva Study
8 Area. Any required Wekiva Study Area comprehensive plan
9 amendments may be adopted in conjunction with other amendments
10 not required by this part.

11 369.316 Wekiva Study Area.--The Wekiva Study Area is
12 defined to include the following land: Begin at the northwest
13 corner of Section 6, Township 18 South, Range 28 East, Lake
14 County, Florida, said corner lying on the north line of
15 Township 18 South; thence Easterly along said north line of
16 Township 18 South to the northeast corner of Section 5,
17 Township 18 South, Range 29 East; thence Southerly along the
18 east line of said Section 5 to the northeast corner of Section
19 8, Township 18 South, Range 29 East; thence Southerly along
20 the east line of said Section 8 to the northeast corner of
21 Section 17, Township 18 South, Range 29 East; thence Southerly
22 along the east line of said Section 17 to the northeast corner
23 of Section 20, Township 18 South, Range 29 East; thence
24 Southerly along the east line of said Section 20 to the
25 northeast corner of Section 29, Township 18 South, Range 29
26 East; thence Southerly along the east line of said Section 29
27 to the northeast corner of Section 32, Township 18 South,
28 Range 29 East; thence Southerly along the east line of said
29 Section 32 to the southeast corner thereof, said corner lying
30 on the south line of Township 18 South; thence Easterly along
31 the south line of said Township 18 South to an intersection

1 with the east line of Range 29 East; thence Southerly along
2 the east line of said Range 29 East to the southeast corner of
3 Section 24, Township 21 South, Range 29 East; thence Westerly
4 along the south line of said Section 24 to the southeast
5 corner of Section 23, Township 21 South, Range 29 East; thence
6 Westerly along the south line of said Section 23, to an
7 intersection with the centerline of Interstate Highway No. 4;
8 thence generally Southerly along the centerline of Interstate
9 Highway No. 4 to an intersection with the south line of
10 Section 13, Township 22 South, Range 29 East; thence Westerly
11 along the south line of said Section 13 to the southeast
12 corner of Section 14, Township 22 South, Range 29 East; thence
13 Westerly along the south line of said Section 14 to the
14 southeast corner of Section 15, Township 22 South, Range 29
15 East; thence Westerly along the south line of said Section 15
16 to the northeast corner of Section 21, Township 22 South,
17 Range 29 East; thence Southerly along the east line of said
18 Section 21 to an intersection with the centerline of State
19 Road No. 50; thence Westerly along the centerline of said
20 State Road No. 50 to the northeast corner of Section 30,
21 Township 22 South, Range 28 East; thence Southerly along the
22 east line of said Section 30 to the northeast corner of
23 Section 31, Township 22 South, Range 28 East; thence Southerly
24 along the east line of said Section 31 to the southeast corner
25 thereof, said corner lying on the south line of Township 22
26 South; thence Westerly along said south line of Township 22
27 South to the northeast corner of Section 2, Township 23 South,
28 Range 27 East; thence Southerly along the east line of said
29 Section 2 to the northeast corner of Section 11, Township 23
30 South, Range 27 East; thence Southerly along the east line of
31 said Section 11 to the southeast corner thereof; thence

1 Westerly along the south line of said Section 11 to the
2 southeast corner of Section 10, Township 23 South, Range 27
3 East; thence Westerly along the south line of said Section 10
4 to the southeast corner of Section 9, Township 23 South, Range
5 27 East; thence Westerly along the south line of said Section
6 9 to the Southeast corner of Section 8, Township 23 South,
7 Range 27 East; thence Westerly along the south line of said
8 Section 8 to the southeast corner of Section 7, Township 23
9 South, Range 27 East; thence Westerly along the south line of
10 said Section 7 to the southwest corner thereof, said corner
11 lying on the line of demarcation between Orange County and
12 Lake County; thence generally Northerly and along said county
13 line to the northeast corner of Section 12, Township 20 South,
14 Range 26 East, said corner lying on the east line of Range 26
15 East; thence generally Northerly and along said east line of
16 Range 26 East to the southeast corner of Section 24, Township
17 19 South, Range 26 East; thence Westerly along the south line
18 of said Section 24 to the southeast corner of Section 23,
19 Township 19 South, Range 26 East; thence Westerly along the
20 south line of said Section 23 to the southwest corner thereof;
21 thence Northerly along the west line of said Section 23 to the
22 southwest corner of Section 14, Township 19 South, Range 26
23 East; thence Northerly along the west line of said Section 14
24 to the southwest corner of Section 11, Township 19 South,
25 Range 26 East; thence generally Northeasterly to the southwest
26 corner of Section 1, Township 19 South, Range 26 East; thence
27 generally Northeasterly to the southwest corner of Section 31,
28 Township 18 South, Range 27 East; thence generally
29 Northeasterly to the southwest corner of Section 29, Township
30 18 South, Range 27 East; thence generally Northeasterly to the
31 northwest corner of Section 28, Township 18 South, Range 27

1 East; thence Easterly along the north line of said Section 28
2 to the northwest corner of Section 27, Township 18 South,
3 Range 27 East; thence Easterly along the north line of said
4 Section 27 to the northwest corner of Section 26, Township 18
5 South, Range 27 East; thence Easterly along the north line of
6 said Section 26 to the northwest corner of Section 25,
7 Township 18 South, Range 27 East; thence Easterly along the
8 north line of said Section 25 to an intersection with the west
9 line of Range 28 East; thence Northerly along the west line of
10 said Range 28 East, to the northwest corner of Section 6,
11 Township 18 South, Range 28 East, and the Point of Beginning.

12 316.317 Wekiva Parkway.--

13 (1) The "Wekiva Parkway" means any limited access
14 highway or expressway constructed between State Road 429 and
15 Interstate 4 specifically incorporating the corridor alignment
16 recommended by Recommendation 2 of the Wekiva River Basin Area
17 Task Force final report dated January 15, 2003, and the
18 recommendations of the SR 429 Working Group that were adopted
19 January 16, 2004.

20 (2) The following Guiding Principles for the Wekiva
21 Parkway Design Features and Construction shall be used for the
22 Wekiva Parkway. When the design of any new expressway facility
23 is completed, it should:

24 (a) Provide that all new expressways be fully limited
25 access, with interchanges;

26 (b) Promote a "parkway" look with appropriate natural
27 buffers between the roadways and the adjacent areas;

28 (c) Include the maximum provision for bridging through
29 strategically important wetlands;

30 (d) Elevate (bridge) identified functionally
31 significant wildlife corridors and provide appropriate

1 wildlife bridges with barriers to direct wildlife to safe
2 crossing points;
3 (e) Design stormwater treatment facilities to minimize
4 habitat loss and promote restoration of impacted sites and
5 assure capture and treatment of runoff from bridges over
6 Outstanding Florida Waters to Outstanding Florida Waters
7 standards;
8 (f) Offer opportunities to view, understand, and
9 access the environmental uniqueness of the Wekiva River
10 ecosystem;
11 (g) Provide nonintrusive and minimal roadway and
12 bridge lighting in the Wekiva River Protection Area to support
13 the conservation of dark skies in the basin; and
14 (h) Incorporate safety and access design features to
15 promote the continuation of prescribed burning in the basin.
16 (3) If any improvements are considered to SR 44
17 through the the Wekiva River Protection Area, then the
18 provisions of subsection (2) shall apply.
19 (4) When the design and construction of the Wekiva
20 Parkway is completed it should:
21 (a) Reduce hazards to wildlife by relocating CR 46-A
22 to tie into SR 46 at the proposed SR 46 interchange;
23 (b) Close the portions of CR 46-A that parallel and
24 duplicate SR 46 and serve only the traffic necessary to
25 provide access to local property;
26 (c) Elevate the Wekiva Parkway through the Wekiva
27 River Protection Area to the maximum extent feasible, and have
28 bridges and adequate barriers as often as practical to provide
29 for adequate wildlife passages;
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31

1 (d) Bridge Wekiva River wetlands and floodplains on
2 publicly owned lands that are adjacent to the Wekiva Parkway
3 where known wildlife crossings exist;

4 (e) Close existing SR 46 at an appropriate location
5 west of the Lake-Seminole County line so that the remaining
6 sections of SR 46 continue to be open only to provide local
7 access to private properties and recreational conservation
8 lands, and prevent through traffic; and

9 (f) Where the at-grade portions of the existing SR 46
10 remain in place to provide local access, there will be no need
11 to provide wildlife passages on this low-volume, low-speed
12 service road.

13 (5) The number of interchanges located along the
14 Wekiva Parkway shall not exceed five, and shall be located as
15 follows:

16 (a) SR 429 south of U.S. 441. The most southerly
17 interchange to occur south of U.S. 441 and serve as a junction
18 with the current SR 429 to allow a continuation of the route
19 to the northwest and then north and also to serve as a future
20 connection to the proposed extension to Maitland Boulevard
21 (the Apopka Bypass).

22 (b) U.S. 441. An interchange to be located where SR
23 429 reaches U.S. 441.

24 (c) Between U.S. 441 and SR 46 and a potential system
25 connection to the proposed U.S. 441 Bypass.

26 (d) SR 46. An interchange to be located at SR 46 near
27 the area where CR 46-A is to be located.

28 (e) Interstate 4. An interchange to be located where
29 the Wekiva Parkway reaches I-4 in Seminole County no further
30 north than the St. Johns River Bridge and no further south
31 than the SR 417 interchange in I-4.

1 (6) The Department of Transportation is hereby
2 specifically granted the authority to acquire and to exercise
3 the power of eminent domain to condemn all necessary lands,
4 property and all interests in property identified herein,
5 including fee simple or less-than-fee simple interests,
6 including but not limited to, all rights and interests set
7 forth in s. 337.27(1). The lands subject to this authority are
8 identified in paragraph 10.a., State of Florida, Office of the
9 Governor, Executive Order 03-112 of July 1, 2003, and in
10 Recommendation 16 of the Wekiva Basin Area Task Force created
11 by Executive Order 2002-259, such lands otherwise known as
12 Neighborhood Lakes, a 1,587+/- acre parcel located in Orange
13 and Lake Counties within Sections 27, 28, 33 and 34 of
14 Township 19 South, Range 28 East, and Sections 3, 4, 5 and 9
15 of Township 20 South, Range 28 East; Seminole Woods/Swamp, a
16 5,353+/- acre parcel located in Lake County within Section 37,
17 Township 19 South, Range 28 East; New Garden Coal; a 1,605+/-
18 acre parcel in Lake County within Sections 23, 25, 35 and 36,
19 Township 19 South, Range 28 East; Pine Plantation, a 617+/-
20 acre tract consisting of eight individual parcels within the
21 Apopka City limits. The Department of Transportation shall act
22 as the lead agency in the acquisition of these properties, and
23 the Department of Environmental Protection, the Department of
24 Community Affairs, the St. Johns River Water Management
25 District, and the Orlando-Orange County Expressway Authority
26 and other land acquisition entities shall participate and
27 cooperate in providing information and support to the lead
28 agency.

29 (a) Acquisition of the land described in this section
30 is required to provide right of way for the Wekiva Parkway, a
31 limited access roadway linking State Road 429 to Interstate 4,

1 an essential component in meeting regional transportation
2 needs to provide regional connectivity, improve safety,
3 accommodate projected population and economic growth, and
4 satisfy critical transportation requirements caused by
5 increased traffic volume growth and travel demands.

6 (b) Acquisition of the lands described in this section
7 is also required to protect the surfaces and surface water
8 resources of Lake, Orange, and Seminole Counties, otherwise
9 known as the Wekiva Study Area, including recharge within the
10 springshed that provides for the Wekiva River system.

11 Protection of this area is crucial to the long term viability
12 of the Wekiva River and springs and the central Florida
13 region's water supply. Acquisition of the lands described in
14 this section is also necessary to alleviate pressure for
15 growth and development already adversely affecting the surface
16 and groundwater resources within the recharge area.

17 (c) Title to all lands acquired under this section
18 shall vest in the State of Florida.

19 (d) Acquisition by the Department of Transportation
20 for lands described in this section that are not needed for
21 the Wekiva Parkway shall be transferred to the Board of
22 Trustees of the Internal Improvement Trust Fund for management
23 as conservation lands pursuant to ss. 259.032 and 253.034.
24 However, the Department of Transportation is authorized to
25 utilize such lands acquired with their own funds, or with
26 acquisition services provided at their cost, on a pro rata
27 basis to the total acreage acquired, as mitigation credits for
28 potential future impacts associated with the Wekiva Parkway
29 and/or other regionally significant roadways. With the
30 exception of the transportation use for the Wekiva Parkway,
31 uses of the property acquired shall be limited to traditional

1 conservation uses appropriate for land acquisition for the
2 Florida Forever program as created in s. 259.105.

3 (7) The Department of Transportation, the Department
4 of Environmental Protection, the St. Johns River Water
5 Management District, Orlando-Orange County Expressway
6 Authority and other land acquisition entities shall cooperate
7 and establish funding responsibilities and partnerships by
8 agreement to the extent funds are available to the various
9 entities. The Department of Transportation shall acquire land
10 in accordance with this section of law to the extent funds are
11 available from the various funding partners, but shall not be
12 required nor assumed to fund the land acquisition beyond the
13 agreement and funding provided by the various land acquisition
14 entities.

15 (8) The Board of Trustees of the Internal Improvement
16 Trust Fund is requested to consider amending the Wekiva-Ocala
17 Greenway Florida Forever project boundary to include the Pine
18 Plantation parcel and wetland and upland (scrub oak) parcels
19 as shown in Figure 6 of the Wekiva River Basin Coordinating
20 Committee's Final Report dated March 16, 2004.

21 (9) For fiscal year 2004-2005, there is appropriated
22 to the Department of Transportation the sum of \$25 million
23 from the General Revenue Fund to purchase environmentally
24 sensitive lands in the Wekiva Study Area.

25 369.318 Studies.--

26 (1) The Department of Environmental Protection shall
27 study the efficacy and applicability of water quality and
28 wastewater treatment standards needed to achieve nitrogen
29 reductions protective of surface and groundwater quality
30 within the Wekiva Study Area and report to the Governor and
31 the Department of Community Affairs no later than December 1,

1 2004. Based on the December 2004 report, the Department of
2 Environmental Protection shall, if appropriate, by March 1,
3 2005, initiate rulemaking to achieve nitrogen reductions
4 protective of surface and groundwater quality or
5 recommendation for any additional statutory authority needed
6 to implement the report recommendations.

7 (2) The Department of Health, in coordination with the
8 Department of Environmental Protection, shall study the
9 efficacy and applicability of onsite disposal system standards
10 needed to achieve nitrogen reductions protective of
11 groundwater quality within the Wekiva Study Area and report to
12 the Governor and the Department of Community Affairs no later
13 than December 1, 2004. Based on the December 2004 report, the
14 Department of Health shall, if appropriate, by March 1, 2005,
15 initiate rulemaking to achieve nitrogen reductions protective
16 of water quality or recommend legislation for any additional
17 statutory authority needed to implement the report
18 recommendations. The study shall consider:

19 (a) For new developments within the Wekiva Study Area
20 and any existing development within the Wekiva River
21 Protection Area using onsite disposal systems, a more
22 stringent level of wastewater treatment, including, but not
23 limited to, the use of multiple tanks to combine aerobic and
24 anaerobic treatment to reduce the level of nitrates.

25 (b) The implementation of a septic tank maintenance
26 and inspection program which includes upgrading certain onsite
27 disposal systems permitted prior to 1982 to meet minimum
28 Department of Health standards; replacement of failing systems
29 and systems not meeting current standards; and providing
30 funding mechanisms for supporting a septic tank inspection and
31 maintenance program.

1 (3) The St. Johns River Water Management District
2 shall initiate rulemaking to:

3 (a) Amend the recharge criteria in Rule 40C-41.063(3),
4 Florida Administrative Code, to expand the area within which
5 the standard is applied to include the Wekiva Study Area.

6 (b) Adopt a consolidated environmental resources
7 permit/consumptive use permit for projects that require both
8 an environmental resource permit and a consumptive use permit
9 that involve irrigation of urban landscape, golf course or
10 recreational areas.

11 (4) By March 1, 2005, the St. Johns River Water
12 Management District in conjunction with the Department of
13 Environmental Protection, shall initiate rulemaking to amend
14 the recharge criteria in Rule 40C-41.063(3), Florida
15 Administrative Code, to provide that the post-development
16 recharge volume conditions within the Wekiva Study Area
17 approximate pre-development recharge volume conditions. The
18 district shall study and undertake this rulemaking to
19 accomplish this standard on a development-specific basis.

20 (5) The St. Johns River Water Management District
21 shall complete an assessment of the significance of water uses
22 below the current consumptive use permit thresholds in the
23 Wekiva Study Area to determine if rulemaking should be
24 initiated to lower consumptive use permit thresholds.

25 (6) The St. Johns River Water Management District
26 shall conduct an analysis of the impact of redevelopment
27 projects in the Wekiva River basin upon aquifer recharge and
28 shall consider whether to adopt a rule amendment to require
29 those redevelopment projects exceeding a specified threshold
30 to meet the Wekiva Basin recharge criteria. The effect of
31

1 redevelopment upon aquifer recharge shall be analyzed and then
2 the costs of regulation shall be analyzed.

3 (7) By December 1, 2007, the St. Johns River Water
4 Management District shall update the minimum flows and levels
5 standards for Rock Springs and Wekiwa Springs. Further, the
6 district shall revise the consumptive use permit thresholds in
7 the Wekiwa Study Area to address proposed water withdrawals
8 above 50,000 gallons per day. Revisions to the consumptive use
9 thresholds shall provide for a general permit, if possible,
10 and include a transition period that allows continued access
11 to water supply for users that were not previously subject to
12 the permitting process.

13 (8) By December 1, 2005, the St. Johns River Water
14 Management District shall establish pollution load reduction
15 goals for the Wekiwa Study Area to assist the Department of
16 Environmental Protection in adopting total maximum daily loads
17 for impaired waters within the Wekiwa Study Area by December
18 1, 2006.

19 (9) The Department of Agriculture and Consumer
20 Services shall be the lead agency in coordinating the
21 reduction of agricultural nonpoint sources of pollution. The
22 Department of Agriculture and Consumer Services shall study,
23 and if necessary, initiate rulemaking to implement new or
24 revised best management practices for improving and protecting
25 surface water bodies, including those basins with impaired
26 water bodies addressed by the Total Maximum Daily Loads
27 Program.

28 369.319 Master stormwater management plan.--Each local
29 government within the Wekiwa Study Area shall develop a master
30 stormwater management plan that: assesses existing problems
31 and deficiencies in the community; identifies projects to meet

1 long-range needs; establishes priorities to address existing
2 deficiencies; establishes measures to address redevelopment;
3 establishes a schedule to complete needed improvements;
4 evaluates the feasibility of stormwater reuse; and includes
5 requirements for inspection and maintenance of facilities. The
6 plan shall also identify a funding source, such as a
7 stormwater utility fee, to fund implementation of the plan and
8 maintenance program. In addition, the local government shall
9 establish a water reuse and irrigation program that allows for
10 reuse of stormwater to minimize pumpage of groundwater for
11 nonpotable usage.

12 369.320 Wastewater facility plan.--

13 (1) Local governments shall develop a wastewater
14 facility plan for joint planning areas and utility service
15 areas where central wastewater systems are not readily
16 available. The facility plan shall include: the delineation of
17 areas within the utility service area that are to be served by
18 central facilities within 5 years; a financially feasible
19 schedule of improvements; an infrastructure work plan to build
20 the facilities needed to implement the facility plan,
21 including those needed to meet enhanced treatment standards
22 adopted by the Department of Environmental Protection; and a
23 phase-out of existing onsite septic tank systems where central
24 facilities are available. The facility plan shall also include
25 a long-range component addressing service of the joint
26 planning area or utility service area. In addition, local
27 governments shall establish a water reuse program that allows
28 for reuse of reclaimed water to minimize pumpage of
29 groundwater for nonpotable usage.

30 (2) Local governments shall update their wastewater
31 facility plans required in subsection (1) where the Total

1 Maximum Daily Loads Program requires reductions in point
2 source pollutants for a basin or as required by legislation
3 for enhanced treatment standards.

4 369.321 Comprehensive plan amendments.--By January 1,
5 2006, each local government within the Wekiva Study Area shall
6 amend its local government comprehensive plan to include the
7 following:

8 (1) Local governments hosting an interchange on the
9 Wekiva Parkway shall adopt an interchange land use plan into
10 their comprehensive plans. Each interchange land use plan
11 shall address: appropriate land uses and compatible
12 development; secondary road access; access management;
13 right-of-way protection; vegetation protection and water
14 conserving landscaping; and the height and appearance of
15 structures and signage. Local governments within which the
16 Wekiva Parkway is planned shall amend their local government
17 comprehensive plan to include the Wekiva Parkway.

18 (2) Local governments shall amend the appropriate
19 elements of the comprehensive plan, including the capital
20 improvements element, to ensure implementation of the master
21 stormwater management plan.

22 (3) Local governments shall amend their comprehensive
23 plans to establish land use strategies that optimize open
24 space and promote a pattern of development on a
25 jurisdiction-wide basis that protects the most effective
26 recharge areas, karst features, and sensitive natural habitats
27 including Longleaf Pine, Sand Hill, Sand Pine, and Xeric Oak
28 Scrub. Such strategies shall recognize property rights and the
29 varying circumstances within the Wekiva Study Area, including
30 rural and urban land use patterns. Local comprehensive plans
31 shall map, using best available data from the St. Johns River

1 Water Management District and the Fish and Wildlife
2 Conservation Commission, recharge areas and sensitive upland
3 habitats for this purpose. Local governments shall have
4 flexibility to achieve this objective through comprehensive
5 plan strategies that may include, but are not limited to:
6 (a) Coordinated greenway plans;
7 (b) Dedication of conservation easements;
8 (c) Land acquisition;
9 (d) Clustering of development;
10 (e) Density credits and density incentives which
11 result in permanent protection of open space; and
12 (f) Low to very low density development.
13 (5) An up-to-date 10-year water supply facility work
14 plan for building potable water facilities necessary to serve
15 existing and new development and for which the local
16 government is responsible.
17 (6) Comprehensive plans and comprehensive plan
18 amendments adopted by the local governments to implement this
19 section shall be reviewed by the Department of Community
20 Affairs pursuant to s. 163.3184, and shall be exempt from the
21 provisions of s. 163.3187(1).
22 (7) Implementing land development regulations shall be
23 adopted no later than January 1, 2007.
24 (8) During the period prior to the adoption of the
25 comprehensive plan amendments required by this act, any local
26 comprehensive plan amendment adopted by a city or county that
27 applies to land located within the Wekiva Study Area shall
28 protect surface and groundwater resources and be reviewed by
29 the Department of Community Affairs, pursuant to Rule 9J-5,
30 Florida Administrative Code, using best available data,
31

1 including the information presented to the Wekiva River Basin
2 Coordinating Committee.

3 369.322 Coordination of land use and water supply
4 within the Wekiva Study Area.--

5 (1) In their review of local government comprehensive
6 plan amendments for property located within the Wekiva Study
7 Area pursuant to s. 163.3184, the Department of Community
8 Affairs and the St. Johns River Water Management District
9 shall assure that amendments that increase development
10 potential demonstrate that adequate potable water consumptive
11 use permit capacity is available.

12 (2) Local governments located within the Wekiva Study
13 Area shall coordinate with the St. Johns River Water
14 Management District and other public and private utilities, on
15 a countywide or multicounty basis, to implement cooperative
16 solutions for development of alternative water sources
17 necessary to supplement groundwater supplies consistent with
18 the St. Johns River Water Management District Regional Water
19 Supply Plan.

20 (3) In recognition of the need to balance resource
21 protection, existing infrastructure and improvements planned
22 or committed as part of approved development, consistent with
23 existing municipal or county comprehensive plans and economic
24 development opportunities, planned community development
25 initiatives that assure protection of surface and groundwater
26 resources while promoting compact, ecologically and
27 economically sustainable growth should be encouraged. Small
28 area studies, sector plans, or similar planning tools should
29 support these community development initiatives. In addition,
30 the Department of Community Affairs may make available best

31

1 practice guides that demonstrate how to balance resource
2 protection and economic development opportunities.

3 369.323 Compliance.--Comprehensive plans and plan
4 amendments adopted by the local governments shall be reviewed
5 for compliance by the Department of Community Affairs.

6 369.324 Wekiva River Basin Commission.--

7 (1) The Wekiva River Basin Commission is created to
8 monitor and ensure the implementation of state, regional, and
9 local efforts to the recommendations of the Wekiva River Basin
10 Coordinating Committee for the Wekiva Study Area. The East
11 Central Florida Regional Planning Council shall provide staff
12 support to the commission with funding assistance from the
13 Department of Community Affairs. The commission shall be
14 comprised of a total of 19 members appointed by the Governor,
15 9 of whom shall be voting members and 10 shall be ad hoc
16 nonvoting members. The voting members include:

17 (a) One member of each of the Boards of County
18 Commissioners for Lake, Orange, and Seminole Counties.

19 (b) One municipal elected official to serve as a
20 representative of the municipalities located within Lake
21 County.

22 (c) One municipal elected official to serve as a
23 representative of the municipalities located within Orange
24 County.

25 (d) One municipal elected official to serve as a
26 representative of the municipalities located within Seminole
27 County.

28 (e) One citizen representing an environmental or
29 conservation organization, one citizen representing a local
30 property owner, a land developer, or an agricultural entity,
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1 and one at-large citizen who shall serve as chairman of the
2 council.

3 (f) The ad hoc nonvoting members shall include one
4 representative from each of the following entities:

5 1. St. Johns River Management District.

6 2. Department of Community Affairs.

7 3. Department of Environmental Protection.

8 4. Department of Health.

9 5. Department of Agriculture and Consumer Services.

10 6. Fish and Wildlife Conservation Commission.

11 7. Department of Transportation.

12 8. MetroPlan Orlando.

13 9. Orlando-Orange County Expressway Authority.

14 10. Seminole County Expressway Authority.

15 (2) Members shall serve 3-year, staggered terms, and
16 shall serve without compensation but shall serve at the
17 expense of the entity they represent.

18 (3) Meetings of the commission shall be held in Lake,
19 Orange, or Seminole county at the call of the chairman, but
20 shall meet at least twice a year.

21 (4) To assist the commission in its mission, the East
22 Coast Regional Planning Council, in coordination with the
23 applicable regional and state agencies, shall serve as a
24 clearinghouse of baseline or specialized studies through
25 modeling and simulation, including collecting and
26 disseminating data on demographic, economic, and the
27 environment of the Wekiva Study Area including the changing
28 conditions of the Wekiva River surface and groundwater basin
29 and associated influence on the Wekiva River springs.

30 (5) The commission shall report annually, no later
31 than December 31 of each year, to the Governor, the President

1 of the Senate, the Speaker of the House of Representatives,
2 and the Department of Community Affairs on implementation
3 progress.

4 Section 2. Paragraph (b) of subsection (1) of section
5 163.3184, Florida Statutes, is amended to read:

6 163.3184 Process for adoption of comprehensive plan or
7 plan amendment.--

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

9 (b) "In compliance" means consistent with the
10 requirements of ss. 163.3177, 163.31776, when a local
11 government adopts an educational facilities element, 163.3178,
12 163.3180, 163.3191, and 163.3245, with the state comprehensive
13 plan, with the appropriate strategic regional policy plan, and
14 with chapter 9J-5, Florida Administrative Code, where such
15 rule is not inconsistent with this part and with the
16 principles for guiding development in designated areas of
17 critical state concern and with part III of chapter 369, where
18 applicable.

19 Section 3. This act shall take effect July 1, 2004.
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1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 Senate Bill 1214

4 The committee substitute implements the recommendations of the
5 Wekiva River Basin Coordinating Committee Final Report.
6 Specifically, the committee substitute:

- 7 1. Creates part III of ch. 369, F.S. Provides a short title
8 and legislative intent.
- 9 2. Provides a legal description of the Wekiva Study Area.
- 10 3. Provides the Guiding Principles for the Wekiva Parkway
11 Design Features and Construction and limits the number of
12 interchanges on the parkway.
- 13 4. Provides that the DOT is authorized to use eminent domain
14 authority to acquire the needed lands for the parkway.
- 15 5. Requests the Board of Trustees of the Internal
16 Improvement Trust Fund to consider amending the
17 Wekiva-Ocala Greenway Florida Forever project boundary to
18 include certain lands in the Wekiva Study Area.
- 19 6. Appropriates \$25 million from the General Revenue Fund to
20 DOT to purchase needed lands in the Wekiva Study Area.
- 21 7. Requires the DEP to do a study regarding wastewater
22 treatment standards needed to protect the surface and
23 groundwater quality in the Wekiva Study Area.
- 24 8. Requires the Department of Health to do a study regarding
25 onsite sewage disposal system standards needed to protect
26 the groundwater quality in the Wekiva Study Area.
- 27 9. Requires the St. Johns River Water Management District to
28 initiate certain rulemaking. Requires the district to
29 update the minimum flows and levels for Rock Springs and
30 Wekiwa Springs. Requires the district to establish
31 certain pollution load reduction goals for the Wekiva
 Study Area to assist the DEP in adopting total maximum
 daily loads for impaired waters within the Wekiva Study
 Area.
10. Requires the Department of Agriculture and Consumer
 Services to be lead agency for coordinating the reduction
 of agriculture nonpoint sources of pollution.
11. Requires each local government within the Wekiva Study
 Area to adopt a master stormwater management plan.
12. Requires each local government within the Wekiva Study
 Area to develop a wastewater facility plan for joint
 planning areas and utility service areas where central
 wastewater systems are not readily available.
13. Requires local governments in the Wekiva Study Area to
 adopt certain amendments to their local government
 comprehensive plans.

- 1 14. Provides that comprehensive plan amendments are exempt
2 from the two-per-calendar-year limitation.
- 3 15. Provides that the Department of Community Affairs and the
4 St. Johns River Water Management District must assure
5 that any comprehensive plan amendments that increase
6 development potential demonstrate that adequate potable
7 water consumptive use permit capacity is available.
- 8 16. Provides that local governments within the Wekiva Study
9 Area must coordinate with the St. Johns River Water
10 Management District and other public and private
11 utilities to implement cooperative solutions for
12 development of alternative water sources necessary to
13 supplement groundwater supplies consistent with the St.
14 Johns River Water Management District Regional Water
15 Supply Plan.
- 16 17. Creates a 19-member Wekiva River Basin Commission to
17 monitor and ensure the implementation of the Wekiva River
18 Basin Coordinating Committee's recommendations. The
19 membership includes 9 voting members and 10 nonvoting
20 members.
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