

By the Committees on Appropriations; Comprehensive Planning;
Natural Resources; and Senator Constantine

309-2534-04

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 interchanges along the Wekiva Parkway;
13 granting the Department of Transportation
14 certain eminent domain authority for the Wekiva
15 Parkway construction; requiring that certain
16 entities locate the precise corridor and
17 interchanges for the Wekiva Parkway in Seminole
18 County consistent with this act; providing that
19 title of all lands acquired for the Wekiva
20 Parkway shall vest in the State of Florida or
21 the St. Johns River Water Management District;
22 providing that certain lands not needed for the
23 Wekiva Parkway be transferred to the Board of
24 Trustees of the Internal Improvement Trust
25 Fund; requiring certain entities and agencies
26 to cooperate and establish funding
27 responsibilities and partnerships; requiring
28 the Department of Transportation to purchase
29 certain lands subject to a legislative
30 appropriation; requiring certain studies by the
31 Department of Environmental Protection, the

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

16
17 WHEREAS, the Wekiva River System and its associated
18 springshed areas are of irreplaceable value to the quality of
19 life and well-being of the people of the State of Florida, and

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

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

30
31 Be It Enacted by the Legislature of the State of Florida:

1 Section 1. Part III of chapter 369, Florida Statutes,
2 consisting of sections 369.314, 369.315, 369.316, 369.317,
3 369.318, 369.319, 369.320, 369.321, 369.322, 369.323, and
4 369.324, is created to read:

5 PART III

6 Wekiva Parkway and Protection Act.

7 369.314 Short title.--This act may be cited as the
8 "Wekiva Parkway Protection Act."

9 369.315 Intent.--

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

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

30 (3) It is the intent of the Legislature that the
31 recommendations of the Wekiva River Basin Coordinating

1 Committee as stated in its final report dated March 16, 2004,
2 be taken and implemented as a whole to achieve the objective
3 of improving and assuring protection of surface water and
4 groundwater resources. Coordination of comprehensive plans and
5 the Regional Water Supply Plan is important for protection of
6 water resources and to promote the continuity of effective
7 planning and development.

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

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

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

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

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

14 316.317 Wekiva Parkway.--

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

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

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

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

30 (c) Include the maximum provision for bridging through
31 strategically important wetlands;

1 (d) Elevate (bridge) identified functionally
2 significant wildlife corridors and provide appropriate
3 wildlife bridges with barriers to direct wildlife to safe
4 crossing points;

5 (e) Design stormwater treatment facilities to minimize
6 habitat loss and promote restoration of impacted sites and
7 assure capture and treatment of runoff from bridges over
8 Outstanding Florida Waters to Outstanding Florida Waters
9 standards;

10 (f) Offer opportunities to view, understand, and
11 access the environmental uniqueness of the Wekiva River
12 ecosystem;

13 (g) Provide nonintrusive and minimal roadway and
14 bridge lighting in the Wekiva River Protection Area to support
15 the conservation of dark skies in the basin; and

16 (h) Incorporate safety and access design features to
17 promote the continuation of prescribed burning in the basin.

18 (3) If any improvements are considered to SR 44
19 through the the Wekiva River Protection Area, then the
20 provisions of subsection (2) shall apply.

21 (4) When the design and construction of the Wekiva
22 Parkway is completed it should:

23 (a) Reduce hazards to wildlife by relocating CR 46-A
24 to tie into SR 46 at the proposed SR 46 interchange;

25 (b) Close the portions of CR 46-A that parallel and
26 duplicate SR 46 and serve only the traffic necessary to
27 provide access to local property;

28 (c) Elevate the Wekiva Parkway through the Wekiva
29 River Protection Area to the maximum extent feasible, and have
30 bridges and adequate barriers as often as practical to provide
31 for adequate wildlife passages;

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) In Seminole County, the Seminole County Expressway
2 Authority, the Department of Transportation, and the Florida
3 Turnpike Enterprise shall locate the precise corridor and
4 interchanges for the Wekiva Parkway consistent with the
5 legislative intent expressed in this act and other provisions
6 of this act.

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

1 and other land acquisition entities shall participate and
2 cooperate in providing information and support to the lead
3 agency.

4 (a) Acquisition of the land described in this section
5 is required to provide right of way for the Wekiva Parkway, a
6 limited access roadway linking State Road 429 to Interstate 4,
7 an essential component in meeting regional transportation
8 needs to provide regional connectivity, improve safety,
9 accommodate projected population and economic growth, and
10 satisfy critical transportation requirements caused by
11 increased traffic volume growth and travel demands.

12 (b) Acquisition of the lands described in this section
13 is also required to protect the surface water and groundwater
14 resources of Lake, Orange, and Seminole Counties, otherwise
15 known as the Wekiva Study Area, including recharge within the
16 springshed that provides for the Wekiva River system.
17 Protection of this area is crucial to the long term viability
18 of the Wekiva River and springs and the central Florida
19 region's water supply. Acquisition of the lands described in
20 this section is also necessary to alleviate pressure from
21 growth and development affecting the surface and groundwater
22 resources within the recharge area.

23 (c) Title to all lands acquired under this section
24 shall vest in the State of Florida or the St. Johns River
25 Management Water District, as appropriate.

26 (d) Acquisition by the Department of Transportation
27 for lands described in this section that are not needed for
28 the Wekiva Parkway shall be transferred to the Board of
29 Trustees of the Internal Improvement Trust Fund for management
30 as conservation lands pursuant to ss. 259.032 and 253.034.
31 However, the Department of Transportation is authorized to

1 utilize such lands acquired with their own funds, or with
2 acquisition services provided at their cost, on a pro rata
3 basis to the total acreage acquired, as mitigation credits for
4 potential future impacts associated with the Wekiva Parkway or
5 other regionally significant roadways. With the exception of
6 the transportation use for the Wekiva Parkway, uses of the
7 property acquired shall be limited to traditional conservation
8 uses or other uses appropriate for lands acquired for the
9 Florida Forever program as created in s. 259.105.

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

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

28 (10) Subject to an appropriation by the Legislature,
29 the Department of Transportation shall purchase those lands in
30 the Wekiva Study Area necessary for the construction of the
31

1 Wekiva Parkway and the preservation of environmentally
2 sensitive lands.

3 369.318 Studies.--

4 (1) The Department of Environmental Protection shall
5 study the efficacy and applicability of water quality and
6 wastewater treatment standards needed to achieve nitrogen
7 reductions protective of surface and groundwater quality
8 within the Wekiva Study Area and report to the Governor and
9 the Department of Community Affairs no later than December 1,
10 2004. Based on the December 2004 report, the Department of
11 Environmental Protection shall, if appropriate, by March 1,
12 2005, initiate rulemaking to achieve nitrogen reductions
13 protective of surface and groundwater quality or recommend any
14 additional statutory authority needed to implement the report
15 recommendations.

16 (2) The Department of Health, in coordination with the
17 Department of Environmental Protection, shall study the
18 efficacy and applicability of onsite disposal system standards
19 needed to achieve nitrogen reductions protective of
20 groundwater quality within the Wekiva Study Area and report to
21 the Governor and the Department of Community Affairs no later
22 than December 1, 2004. Based on the December 2004 report, the
23 Department of Health shall, if appropriate, by March 1, 2005,
24 initiate rulemaking to achieve nitrogen reductions protective
25 of water quality or recommend legislation for any additional
26 statutory authority needed to implement the report
27 recommendations. The study shall consider:

28 (a) For new developments within the Wekiva Study Area
29 and any existing development within the Wekiva River
30 Protection Area using onsite disposal systems, a more
31 stringent level of wastewater treatment, including, but not

1 limited to, the use of multiple tanks to combine aerobic and
2 anaerobic treatment to reduce the level of nitrates.

3 (b) The implementation of a septic tank maintenance
4 and inspection program which includes upgrading certain onsite
5 disposal systems permitted prior to 1982 to meet minimum
6 Department of Health standards; replacement of failing systems
7 and systems not meeting current standards; and providing
8 funding mechanisms for supporting a septic tank inspection and
9 maintenance program.

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

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

15 (b) Adopt a consolidated environmental resources
16 permit/consumptive use permit for projects that require both
17 an environmental resource permit and a consumptive use permit
18 that involve irrigation of urban landscape, golf course or
19 recreational areas.

20 (4) By March 1, 2005, the St. Johns River Water
21 Management District in conjunction with the Department of
22 Environmental Protection, shall initiate rulemaking to amend
23 the recharge criteria in Rule 40C-41.063(3), Florida
24 Administrative Code, to provide that the post-development
25 recharge volume conditions within the Wekiva Study Area
26 approximate pre-development recharge volume conditions. The
27 district shall study and undertake this rulemaking to
28 accomplish this standard on a development-specific basis.

29 (5) The St. Johns River Water Management District
30 shall complete an assessment of the significance of water uses
31 below the current consumptive use permit thresholds in the

1 Wekiva Study Area to determine if rulemaking should be
2 initiated to lower consumptive use permit thresholds.

3 (6) The St. Johns River Water Management District
4 shall conduct an analysis of the impact of redevelopment
5 projects in the Wekiva River basin upon aquifer recharge and
6 shall consider whether to adopt a rule amendment to require
7 those redevelopment projects exceeding a specified threshold
8 to meet the Wekiva Basin recharge criteria. The effect of
9 redevelopment upon aquifer recharge shall be analyzed and then
10 the costs of regulation shall be analyzed.

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

21 (8) By December 1, 2005, the St. Johns River Water
22 Management District shall establish pollution load reduction
23 goals for the Wekiva Study Area to assist the Department of
24 Environmental Protection in adopting total maximum daily loads
25 for impaired waters within the Wekiva Study Area by December
26 1, 2006.

27 (9) The Department of Agriculture and Consumer
28 Services shall be the lead agency in coordinating the
29 reduction of agricultural nonpoint sources of pollution. The
30 Department of Agriculture and Consumer Services shall study,
31 and if necessary, initiate rulemaking to implement new or

1 revised best management practices for improving and protecting
2 water bodies, including those basins with impaired water
3 bodies addressed by the Total Maximum Daily Loads Program.

4 369.319 Master stormwater management plan.--Each local
5 government within the Wekiva Study Area shall develop a master
6 stormwater management plan that: assesses existing problems
7 and deficiencies in the community; identifies projects to meet
8 long-range needs; establishes priorities to address existing
9 deficiencies; establishes measures to address redevelopment;
10 establishes a schedule to complete needed improvements;
11 evaluates the feasibility of stormwater reuse; and includes
12 requirements for inspection and maintenance of facilities. The
13 plan shall also identify a funding source, such as a
14 stormwater utility fee, to fund implementation of the plan and
15 maintenance program. In addition, the local government shall
16 establish a water reuse and irrigation program that allows for
17 reuse of stormwater to minimize pumpage of groundwater for
18 nonpotable usage.

19 369.320 Wastewater facility plan.--

20 (1) Local governments within the Wekiva Study Area
21 shall develop a wastewater facility plan for joint planning
22 areas and utility service areas where central wastewater
23 systems are not readily available. The facility plan shall
24 include: the delineation of areas within the utility service
25 area that are to be served by central facilities within 5
26 years; a financially feasible schedule of improvements; an
27 infrastructure work plan to build the facilities needed to
28 implement the facility plan, including those needed to meet
29 enhanced treatment standards adopted by the Department of
30 Environmental Protection; and a phase-out of existing onsite
31 septic tank systems where central facilities are available.

1 The facility plan shall also include a long-range component
2 addressing service of the joint planning area or utility
3 service area. In addition, local governments shall establish a
4 water reuse program that allows for reuse of reclaimed water
5 to minimize pumpage of groundwater for nonpotable usage.

6 (2) Local governments shall update their wastewater
7 facility plans required in subsection (1) where the Total
8 Maximum Daily Loads Program requires reductions in point
9 source pollutants for a basin or as required by legislation
10 for enhanced treatment standards.

11 369.321 Comprehensive plan amendments.--By January 1,
12 2006, each local government within the Wekiva Study Area shall
13 amend its local government comprehensive plan to include the
14 following:

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

25 (2) Local governments shall amend the appropriate
26 elements of the comprehensive plan, including the capital
27 improvements element, to ensure implementation of the master
28 stormwater management plan.

29 (3) Local governments shall amend their comprehensive
30 plans to establish land use strategies that optimize open
31 space and promote a pattern of development on a

1 jurisdiction-wide basis that protects the most effective
2 recharge areas, karst features, and sensitive natural habitats
3 including Longleaf Pine, Sand Hill, Sand Pine, and Xeric Oak
4 Scrub. Such strategies shall recognize property rights and the
5 varying circumstances within the Wekiva Study Area, including
6 rural and urban land use patterns. Local comprehensive plans
7 shall map, using best available data from the St. Johns River
8 Water Management District and the Fish and Wildlife
9 Conservation Commission, recharge areas and sensitive upland
10 habitats for this purpose. Local governments shall have
11 flexibility to achieve this objective through comprehensive
12 plan strategies that may include, but are not limited to:
13 (a) Coordinated greenway plans;
14 (b) Dedication of conservation easements;
15 (c) Land acquisition;
16 (d) Clustering of development;
17 (e) Density credits and density incentives which
18 result in permanent protection of open space; and
19 (f) Low to very low density development.
20 (4) An up-to-date 10-year water supply facility work
21 plan for building potable water facilities necessary to serve
22 existing and new development and for which the local
23 government is responsible.
24 (5) Comprehensive plans and comprehensive plan
25 amendments adopted by the local governments to implement this
26 section shall be reviewed by the Department of Community
27 Affairs pursuant to s. 163.3184, and shall be exempt from the
28 provisions of s. 163.3187(1).
29 (6) Implementing land development regulations shall be
30 adopted no later than January 1, 2007.
31

1 (7) During the period prior to the adoption of the
2 comprehensive plan amendments required by this act, any local
3 comprehensive plan amendment adopted by a city or county that
4 applies to land located within the Wekiva Study Area shall
5 protect surface and groundwater resources and be reviewed by
6 the Department of Community Affairs, pursuant to chapter 9J-5,
7 Florida Administrative Code, using best available data,
8 including the information presented to the Wekiva River Basin
9 Coordinating Committee.

10 369.322 Coordination of land use and water supply
11 within the Wekiva Study Area.--

12 (1) In their review of local government comprehensive
13 plan amendments for property located within the Wekiva Study
14 Area pursuant to s. 163.3184, the Department of Community
15 Affairs and the St. Johns River Water Management District
16 shall assure that amendments that increase development
17 potential demonstrate that adequate potable water consumptive
18 use permit capacity is available.

19 (2) Local governments located within the Wekiva Study
20 Area shall coordinate with the St. Johns River Water
21 Management District and other public and private utilities, on
22 a countywide or multicounty basis, to implement cooperative
23 solutions for development of alternative water sources
24 necessary to supplement groundwater supplies consistent with
25 the St. Johns River Water Management District Regional Water
26 Supply Plan.

27 (3) In recognition of the need to balance resource
28 protection, existing infrastructure and improvements planned
29 or committed as part of approved development, consistent with
30 existing municipal or county comprehensive plans and economic
31 development opportunities, planned community development

1 initiatives that assure protection of surface and groundwater
2 resources while promoting compact, ecologically and
3 economically sustainable growth should be encouraged. Small
4 area studies, sector plans, or similar planning tools should
5 support these community development initiatives. In addition,
6 the Department of Community Affairs may make available best
7 practice guides that demonstrate how to balance resource
8 protection and economic development opportunities.

9 369.323 Compliance.--Comprehensive plans and plan
10 amendments adopted by the local governments within the Wekiva
11 Study Area to implement this act shall be reviewed for
12 compliance by the Department of Community Affairs.

13 369.324 Wekiva River Basin Commission.--

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

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

26 (b) One municipal elected official to serve as a
27 representative of the municipalities located within Lake
28 County.

29 (c) One municipal elected official to serve as a
30 representative of the municipalities located within Orange
31 County.

1 (d) One municipal elected official to serve as a
2 representative of the municipalities located within Seminole
3 County.

4 (e) One citizen representing an environmental or
5 conservation organization, one citizen representing a local
6 property owner, a land developer, or an agricultural entity,
7 and one at-large citizen who shall serve as chairman of the
8 council.

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

- 11 1. St. Johns River Management District.
- 12 2. Department of Community Affairs.
- 13 3. Department of Environmental Protection.
- 14 4. Department of Health.
- 15 5. Department of Agriculture and Consumer Services.
- 16 6. Fish and Wildlife Conservation Commission.
- 17 7. Department of Transportation.
- 18 8. MetroPlan Orlando.
- 19 9. Orlando-Orange County Expressway Authority.
- 20 10. Seminole County Expressway Authority.

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

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

27 (4) To assist the commission in its mission, the East
28 Coast Regional Planning Council, in coordination with the
29 applicable regional and state agencies, shall serve as a
30 clearinghouse of baseline or specialized studies through
31 modeling and simulation, including collecting and

1 disseminating data on the demographics, economics, and the
2 environment of the Wekiva Study Area including the changing
3 conditions of the Wekiva River surface and groundwater basin
4 and associated influence on the Wekiva River springs.

5 (5) The commission shall report annually, no later
6 than December 31 of each year, to the Governor, the President
7 of the Senate, the Speaker of the House of Representatives,
8 and the Department of Community Affairs on implementation
9 progress.

10 Section 2. Paragraph (b) of subsection (1) of section
11 163.3184, Florida Statutes, is amended to read:

12 163.3184 Process for adoption of comprehensive plan or
13 plan amendment.--

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

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

25 Section 3. This act shall take effect July 1, 2004.
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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
CS/CS SB 1214

The committee substitute makes technical and clarifying changes. Provides that lands acquired for the Wekiva Parkway shall vest in the State of Florida or the St. Johns River Water Management District, as appropriate. Also clarifies that uses of the property acquired for the Wekiva Parkway shall be limited to traditional conservation uses or other uses appropriate for land acquisition for the Florida Forever Program.