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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 the Orlando-Orange County Expressway Authority  
20 is granted authority to act as a third-party  
21 acquisition agent on behalf of the Board of  
22 Trustees of the Internal Improvement Trust Fund  
23 or the St. Johns River Water Management  
24 District; providing that certain properties  
25 shall be acquired prior to the completion of  
26 the parkway; requiring certain entities and  
27 agencies to cooperate and establish funding  
28 responsibilities and partnerships; requiring  
29 certain studies by the Department of  
30 Environmental Protection, the Department of  
31 Health, the St. Johns River Water Management

1 District, and the Department of Agriculture and  
2 Consumer Services; providing for a master  
3 stormwater plan; providing for a wastewater  
4 facility plan; requiring certain local  
5 government comprehensive plan amendments;  
6 providing for the coordination of land use and  
7 water supply with the Wekiva Study Area;  
8 providing that comprehensive plans and  
9 comprehensive plan amendments be reviewed for  
10 compliance by the Department of Community  
11 Affairs; creating the Wekiva River Basin  
12 Commission; amending s. 163.3184, F.S. ;  
13 amending the definition of "compliance";  
14 creating s. 348.7546, F.S.; authorizing the  
15 construction and financing of the Wekiva  
16 Parkway; creating s. 348.7547, F.S.;  
17 authorizing the construction and financing of  
18 the Maitland Boulevard Extension and Northwest  
19 Beltway Part A; providing an effective date.

20  
21 WHEREAS, the Wekiva River System and its associated  
22 springshed areas are of irreplaceable value to the quality of  
23 life and well-being of the people of the State of Florida, and

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

29 WHEREAS, construction of the Wekiva Parkway and other  
30 roadway improvements to the west of the Wekiva River System  
31 will add to the pressures for growth and development already

1 affecting the surface and groundwater resources within the  
2 recharge area, NOW, THEREFORE,

3  
4 Be It Enacted by the Legislature of the State of Florida:

5  
6 Section 1. Part III of chapter 369, Florida Statutes,  
7 consisting of sections 369.314, 369.315, 369.316, 369.317,  
8 369.318, 369.319, 369.320, 369.321, 369.322, 369.323, and  
9 369.324, is created to read:

10 PART III

11 Wekiva Parkway and Protection Act.

12 369.314 Short title.--This act may be cited as the  
13 "Wekiva Parkway Protection Act."

14 369.315 Intent.--

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

25 (2) The Legislature further finds that springs and  
26 groundwater once damaged by overuse can be restored through  
27 good stewardship, including effective planning strategies and  
28 best management practices to preserve and protect the spring  
29 and its springshed. Prudent land use planning decisions can  
30 protect and improve quality and quantity, as well as upland  
31 resources of a springshed. Managing land use types and their

1 allowable densities and intensities of development, followed  
2 by specific site planning to further minimize impacts, rank as  
3 an important goal.

4 (3) It is the intent of the Legislature that the  
5 recommendations of the Wekiva River Basin Coordinating  
6 Committee as stated in its final report dated March 16, 2004,  
7 be taken and implemented as a whole to achieve the objective  
8 of improving and assuring protection of surface water and  
9 groundwater resources. Coordination of comprehensive plans and  
10 the Regional Water Supply Plan is important for protection of  
11 water resources and to promote the continuity of effective  
12 planning and development.

13 (4) It is not the intent of the Legislature to place  
14 an undue burden on local governments within the Wekiva Study  
15 Area. Any required Wekiva Study Area comprehensive plan  
16 amendments may be adopted in conjunction with other amendments  
17 not required by this part.

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

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1 northeast corner of Section 29, Township 18 South, Range 29  
2 East; thence Southerly along the east line of said Section 29  
3 to the northeast corner of Section 32, Township 18 South,  
4 Range 29 East; thence Southerly along the east line of said  
5 Section 32 to the southeast corner thereof, said corner lying  
6 on the south line of Township 18 South; thence Easterly along  
7 the south line of said Township 18 South to an intersection  
8 with the east line of Range 29 East; thence Southerly along  
9 the east line of said Range 29 East to the southeast corner of  
10 Section 24, Township 21 South, Range 29 East; thence Westerly  
11 along the south line of said Section 24 to the southeast  
12 corner of Section 23, Township 21 South, Range 29 East; thence  
13 Westerly along the south line of said Section 23, to an  
14 intersection with the centerline of Interstate Highway No. 4;  
15 thence generally Southerly along the centerline of Interstate  
16 Highway No. 4 to an intersection with the south line of  
17 Section 13, Township 22 South, Range 29 East; thence Westerly  
18 along the south line of said Section 13 to the southeast  
19 corner of Section 14, Township 22 South, Range 29 East; thence  
20 Westerly along the south line of said Section 14 to the  
21 southeast corner of Section 15, Township 22 South, Range 29  
22 East; thence Westerly along the south line of said Section 15  
23 to the northeast corner of Section 21, Township 22 South,  
24 Range 29 East; thence Southerly along the east line of said  
25 Section 21 to an intersection with the centerline of State  
26 Road No. 50; thence Westerly along the centerline of said  
27 State Road No. 50 to the northeast corner of Section 30,  
28 Township 22 South, Range 28 East; thence Southerly along the  
29 east line of said Section 30 to the northeast corner of  
30 Section 31, Township 22 South, Range 28 East; thence Southerly  
31 along the east line of said Section 31 to the southeast corner

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

1 Range 26 East; thence generally Northeasterly to the southwest  
2 corner of Section 1, Township 19 South, Range 26 East; thence  
3 generally Northeasterly to the southwest corner of Section 31,  
4 Township 18 South, Range 27 East; thence generally  
5 Northeasterly to the southwest corner of Section 29, Township  
6 18 South, Range 27 East; thence generally Northeasterly to the  
7 northwest corner of Section 28, Township 18 South, Range 27  
8 East; thence Easterly along the north line of said Section 28  
9 to the northwest corner of Section 27, Township 18 South,  
10 Range 27 East; thence Easterly along the north line of said  
11 Section 27 to the northwest corner of Section 26, Township 18  
12 South, Range 27 East; thence Easterly along the north line of  
13 said Section 26 to the northwest corner of Section 25,  
14 Township 18 South, Range 27 East; thence Easterly along the  
15 north line of said Section 25 to an intersection with the west  
16 line of Range 28 East; thence Northerly along the west line of  
17 said Range 28 East, to the northwest corner of Section 6,  
18 Township 18 South, Range 28 East, and the Point of Beginning.

19 316.317 Wekiva Parkway.--

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

27 (2) The Wekiva Parkway and related transportation  
28 facilities shall follow the design criteria contained in the  
29 recommendations of the Wekiva River Basin Area Task Force  
30 adopted by reference by the Wekiva River Basin Coordinating  
31 Committee in its final report of March 16, 2004 and the

1 recommendations of the Wekiva Coordinating Committee contained  
2 in its final report of March 16, 2004, subject to reasonable  
3 environmental, economic and engineering considerations.

4 (3) With the exception of the road commonly referred  
5 to as the Apopka Bypass, the construction of any other  
6 limited-access highway or expressway that is identified by the  
7 Final Recommendations of the State Road 429 Working Group  
8 adopted January 16, 2004 within the Wekiva Study Area shall  
9 adhere to transportation and conservation principles  
10 identified within the Final Report of the Wekiva River Basin  
11 Coordinating Committee dated March 16, 2004. If any other  
12 limited-access highway or expressway is considered within the  
13 Wekiva Study Area, then such a project shall adhere to the  
14 extent practicable with transportation and conservation  
15 principles identified within the Final Report of the Wekiva  
16 River Basin Coordinating Committee dated March 16, 2004.

17 (4) Access to properties adjacent to SR 46 shall be  
18 maintained through appropriate neighborhood streets or  
19 frontage roads integrated into the parkway design.

20 (5) In Seminole County, the Seminole County Expressway  
21 Authority, the Department of Transportation, and the Florida  
22 Turnpike Enterprise shall locate the precise corridor and  
23 interchanges for the Wekiva Parkway consistent with the  
24 legislative intent expressed in this act and other provisions  
25 of this act.

26 (6) The Orlando-Orange County Expressway Authority is  
27 hereby granted the authority to act as a third-party  
28 acquisition agent, pursuant to s. 259.041 on behalf of the  
29 Board of Trustees or chapter 373 on behalf of the governing  
30 board of the St. Johns River Water Management District, for  
31 the acquisition of all necessary lands, property and all



1 interests in property identified herein, including fee simple  
2 or less-than-fee simple interests. The lands subject to this  
3 authority are identified in paragraph 10.a., State of Florida,  
4 Office of the Governor, Executive Order 03-112 of July 1,  
5 2003, and in Recommendation 16 of the Wekiva Basin Area Task  
6 Force created by Executive Order 2002-259, such lands  
7 otherwise known as Neighborhood Lakes, a 1,587+/- acre parcel  
8 located in Orange and Lake Counties within Sections 27, 28, 33  
9 and 34 of Township 19 South, Range 28 East, and Sections 3, 4,  
10 5 and 9 of Township 20 South, Range 28 East; Seminole  
11 Woods/Swamp, a 5,353+/- acre parcel located in Lake County  
12 within Section 37, Township 19 South, Range 28 East; New  
13 Garden Coal; a 1,605+/- acre parcel in Lake County within  
14 Sections 23, 25, 26, 35 and 36, Township 19 South, Range 28  
15 East; Pine Plantation, a 617+/- acre tract consisting of eight  
16 individual parcels within the Apopka City limits. The  
17 Department of Transportation, the Department of Environmental  
18 Protection, the St. Johns River Water Management District, and  
19 other land acquisition entities shall participate and  
20 cooperate in providing information and support to the  
21 third-party acquisition agent. The land acquisition process  
22 authorized by this paragraph shall begin no later than  
23 December 31, 2004. Acquisition of the properties identified as  
24 Neighborhood Lakes, Pine Plantation, and New Garden Coal, or  
25 approval as a mitigation bank shall be concluded no later than  
26 December 31, 2010. Department of Transportation and  
27 Orlando-Orange County Expressway Authority funds expended to  
28 purchase an interest in those lands identified in this  
29 subsection shall be eligible as environmental mitigation for  
30 road construction related impacts in the Wekiva Study Area.  
31

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

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

20       (c) Lands acquired pursuant to this section that are  
21 needed for transportation facilities for the Wekiva Parkway  
22 shall be determined not necessary for conservation purposes  
23 pursuant to ss. 253.034(6) and 373.089(5) and shall be  
24 transferred to or retained by the Orlando-Orange County  
25 Expressway Authority or the Department of Transportation upon  
26 reimbursement of the full purchase price and acquisition  
27 costs.

28       (7) The Department of Transportation, the Department  
29 of Environmental Protection, the St. Johns River Water  
30 Management District, Orlando-Orange County Expressway  
31 Authority and other land acquisition entities shall cooperate

1 and establish funding responsibilities and partnerships by  
2 agreement to the extent funds are available to the various  
3 entities. Properties acquired with Florida Forever funds shall  
4 be in accordance with s. 259.041 or chapter 373. The  
5 Orlando-Orange County Expressway Authority shall acquire land  
6 in accordance with this section of law to the extent funds are  
7 available from the various funding partners, but shall not be  
8 required nor assumed to fund the land acquisition beyond the  
9 agreement and funding provided by the various land acquisition  
10 entities.

11 (8) The Department of Environmental Protection and the  
12 St. Johns River Water Management District shall give the  
13 highest priority to the acquisition of the lands described and  
14 identified in subsection (6) for Florida Forever purchases.

15 369.318 Studies.--

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

28 (2) The Department of Health, in coordination with the  
29 Department of Environmental Protection, shall study the  
30 efficacy and applicability of onsite disposal system standards  
31 needed to achieve nitrogen reductions protective of

1 groundwater quality within the Wekiva Study Area including  
2 publicly owned lands and report to the Governor and the  
3 Department of Community Affairs no later than December 1,  
4 2004. Based on the December 2004 report, the Department of  
5 Health shall, if appropriate, by March 1, 2005, initiate  
6 rulemaking to achieve nitrogen reductions protective of water  
7 quality or recommend legislation for any additional statutory  
8 authority needed to implement the report recommendations. The  
9 study shall consider:

10 (a) For new developments within the Wekiva Study Area  
11 and any existing development within the Wekiva River  
12 Protection Area using onsite disposal systems, a more  
13 stringent level of wastewater treatment, including, but not  
14 limited to, the use of multiple tanks to combine aerobic and  
15 anaerobic treatment to reduce the level of nitrates.

16 (b) The implementation of a septic tank maintenance  
17 and inspection program which includes upgrading certain onsite  
18 disposal systems permitted prior to 1982 to meet minimum  
19 Department of Health standards; replacement of failing systems  
20 and systems not meeting current standards; and providing  
21 funding mechanisms for supporting a septic tank inspection and  
22 maintenance program.

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

25 (a) Amend the recharge criteria in Rule 40C-41.063(3),  
26 Florida Administrative Code, to apply to all recharge lands  
27 within the Wekiva Study Area.

28 (b) Adopt a consolidated environmental resources  
29 permit/consumptive use permit for projects that require both  
30 an environmental resource permit and a consumptive use permit  
31

1 that involve irrigation of urban landscape, golf course or  
2 recreational areas.

3 (4) By March 1, 2005, the St. Johns River Water  
4 Management District in conjunction with the Department of  
5 Environmental Protection, shall initiate rulemaking to amend  
6 the recharge criteria in Rule 40C-41.063(3), Florida  
7 Administrative Code, to provide that the post-development  
8 recharge volume conditions within the Wekiva Study Area  
9 approximate pre-development recharge volume conditions. The  
10 district shall study and undertake this rulemaking to  
11 accomplish this standard on a development-specific basis. The  
12 rule shall permit the utilization of existing permitted  
13 municipal master stormwater systems with adequate capacity to  
14 meet the new standards in lieu of onsite retention and shall  
15 provide applicants with the ability to submit appropriate  
16 geotechnical information demonstrating that a specific site is  
17 not within a most effective recharge area of the Wekiva  
18 springshed.

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

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

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

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

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

25           369.319 Master stormwater management plan.--Each local  
26 government within the Wekiva Study Area shall develop a master  
27 stormwater management plan that: assesses existing problems  
28 and deficiencies in the community; identifies projects to meet  
29 long-range needs; establishes priorities to address existing  
30 deficiencies; establishes measures to address redevelopment;  
31 establishes a schedule to complete needed improvements;

1 evaluates the feasibility of stormwater reuse; and includes  
2 requirements for inspection and maintenance of facilities. The  
3 plan shall also identify a funding source, such as a  
4 stormwater utility fee, to fund implementation of the plan and  
5 maintenance program. In addition, the local government shall  
6 establish a water reuse and irrigation program that allows for  
7 reuse of stormwater on a site basis for development over a  
8 size threshold to be determined by the local government or on  
9 a jurisdiction-wide basis to minimize pumpage of groundwater  
10 for nonpotable usage.

11 369.320 Wastewater facility plan.--

12 (1) Local governments within the Wekiva Study Area  
13 shall develop a wastewater facility plan for joint planning  
14 areas and utility service areas where central wastewater  
15 systems are not readily available. The facility plan shall  
16 include: the delineation of areas within the utility service  
17 area that are to be served by central facilities within 5  
18 years; a financially feasible schedule of improvements; an  
19 infrastructure work plan to build the facilities needed to  
20 implement the facility plan, including those needed to meet  
21 enhanced treatment standards adopted by the Department of  
22 Environmental Protection; and a phase-out of existing onsite  
23 septic tank systems where central facilities are available.  
24 The term available shall be interpreted consistent with the  
25 definition of s. 381.0065(2)(a). The facility plan shall also  
26 include a long-range component addressing service of the joint  
27 planning area or utility service area. In addition, local  
28 governments shall establish a water reuse program that allows  
29 for reuse of reclaimed water on a site-by-site basis for  
30 development over a size threshold to be determined by the

31

1 local government or on a jurisdiction-wide basis to minimize  
2 pumpage of groundwater for nonpotable usage.

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

8 369.321 Comprehensive plan amendments.--By January 1,  
9 2006, each local government within the Wekiva Study Area shall  
10 amend its local government comprehensive plan to include the  
11 following:

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

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

26 (3) Local governments shall amend their comprehensive  
27 plans to establish land use strategies that optimize open  
28 space and promote a pattern of development on a  
29 jurisdiction-wide basis that protects the most effective  
30 recharge areas, karst features, and sensitive natural habitats  
31 including Longleaf Pine, Sand Hill, Sand Pine, and Xeric Oak



1 Scrub. Such strategies shall recognize property rights and the  
2 varying circumstances within the Wekiva Study Area, including  
3 rural and urban land use patterns. Local comprehensive plans  
4 shall map, using best available data from the St. Johns River  
5 Water Management District and the Fish and Wildlife  
6 Conservation Commission, recharge areas and sensitive upland  
7 habitats for this purpose. Local governments shall have  
8 flexibility to achieve this objective through comprehensive  
9 plan strategies that may include, but are not limited to:  
10 (a) Coordinated greenway plans;  
11 (b) Dedication of conservation easements;  
12 (c) Land acquisition;  
13 (d) Clustering of development;  
14 (e) Density credits and density incentives which  
15 result in permanent protection of open space; and  
16 (f) Low to very low density development.  
17 (4) An up-to-date 10-year water supply facility work  
18 plan for building potable water facilities necessary to serve  
19 existing and new development and for which the local  
20 government is responsible as required by paragraph  
21 163.3177(6)(c).  
22 (5) Comprehensive plans and comprehensive plan  
23 amendments adopted by the local governments to implement this  
24 section shall be reviewed by the Department of Community  
25 Affairs pursuant to s. 163.3184, and shall be exempt from the  
26 provisions of s. 163.3187(1).  
27 (6) Implementing land development regulations shall be  
28 adopted no later than January 1, 2007.  
29 (7) During the period prior to the adoption of the  
30 comprehensive plan amendments required by this act, any local  
31 comprehensive plan amendment adopted by a city or county that

1 applies to land located within the Wekiva Study Area shall  
2 protect surface and groundwater resources and be reviewed by  
3 the Department of Community Affairs, pursuant to chapter 9J-5,  
4 Florida Administrative Code, using best available data,  
5 including the information presented to the Wekiva River Basin  
6 Coordinating Committee.

7 369.322 Coordination of land use and water supply  
8 within the Wekiva Study Area.--

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

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

24 (3) In recognition of the need to balance resource  
25 protection, existing infrastructure and improvements planned  
26 or committed as part of approved development, consistent with  
27 existing municipal or county comprehensive plans and economic  
28 development opportunities, planned community development  
29 initiatives that assure protection of surface and groundwater  
30 resources while promoting compact, ecologically and  
31 economically sustainable growth should be encouraged. Small

1 area studies, sector plans, or similar planning tools should  
2 support these community development initiatives. In addition,  
3 the Department of Community Affairs may make available best  
4 practice guides that demonstrate how to balance resource  
5 protection and economic development opportunities.

6 369.323 Compliance.--Comprehensive plans and plan  
7 amendments adopted by the local governments within the Wekiva  
8 Study Area to implement this act shall be reviewed for  
9 compliance by the Department of Community Affairs.

10 369.324 Wekiva River Basin Commission.--

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

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

23 (b) One municipal elected official to serve as a  
24 representative of the municipalities located within the Wekiva  
25 Study Area of Lake County.

26 (c) One municipal elected official to serve as a  
27 representative of the municipalities located within the Wekiva  
28 Study Area of Orange County.

29 (d) One municipal elected official to serve as a  
30 representative of the municipalities located within the Wekiva  
31 Study Area of Seminole County.

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

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

8           1. St. Johns River Management District.

9           2. Department of Community Affairs.

10          3. Department of Environmental Protection.

11          4. Department of Health.

12          5. Department of Agriculture and Consumer Services.

13          6. Fish and Wildlife Conservation Commission.

14          7. Department of Transportation.

15          8. MetroPlan Orlando.

16          9. Orlando-Orange County Expressway Authority.

17          10. Seminole County Expressway Authority.

18       (2) Voting members shall serve 3-year, staggered  
19 terms, and shall serve without compensation but shall serve at  
20 the expense of the entity they represent.

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

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

1 and associated influence on the Wekiva River and the Wekiva  
2 Springs.

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

8 Section 2. Paragraph (b) of subsection (1) of section  
9 163.3184, Florida Statutes, is amended to read:

10 163.3184 Process for adoption of comprehensive plan or  
11 plan amendment.--

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

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

23 Section 3. Section 348.7546, Florida Statutes, is  
24 created to read:

25 348.7546 Wekiva Parkway, construction authorized;  
26 financing.--Notwithstanding s. 338.2275, the Orlando-Orange  
27 County Expressway Authority is hereby authorized to exercise  
28 its condemnation powers, construct, finance, operate, own, and  
29 maintain the Wekiva Parkway as part of the authority's  
30 long-range capital improvement plan. The "Wekiva Parkway"  
31 means any limited access highway or expressway constructed

1 between State Road 429 and Interstate 4 specifically  
2 incorporating the corridor alignment recommended by  
3 Recommendation 2 of the Wekiva River Basin Area Task Force  
4 final report dated January 15, 2003, and the recommendations  
5 of the SR 429 Working Group that were adopted January 16,  
6 2004. This project may be financed with any funds available to  
7 the authority for such purpose or revenue bonds issued by the  
8 authority under s. 11, Article VII of the State Constitution  
9 and s. 348.755(1)(b).

10 Section 4. Section 348.7547, Florida Statutes, is  
11 created to read:

12 348.7547 Maitland Boulevard Extension and Northwest  
13 Beltway Part A Realignment construction authorized;  
14 financing.--Notwithstanding s. 338.2275, the Orlando-Orange  
15 County Expressway Authority is hereby authorized to exercise  
16 its condemnation powers, construct, finance, operate, own, and  
17 maintain the portion of State Road 414 know as the Maitland  
18 Boulevard Extension and the realigned portion of the Northwest  
19 Beltway Part A as part of the authority's long-range capital  
20 improvement plan. The Maitland Boulevard Extension will extend  
21 from the current terminus of State Road 414 at U.S. 441 west  
22 to State Road 429 in west Orange County. The realigned portion  
23 of the Northwest Beltway Part A will run from the point at or  
24 near where the Maitland Boulevard Extension will connect with  
25 State Road 429 and will proceed to the west and then north  
26 resulting in the northern terminus of State Road 429 moving  
27 farther west before reconnecting with U.S. 441. However, under  
28 no circumstances shall the realignment of the Northwest  
29 Beltway Part A conflict or contradict with the alignment of  
30 the Wekiva Parkway as defined in s. 348.7546. This project may  
31 be financed with any funds available to the authority for such

1 purpose or revenue bonds issued by the authority under s. 11,

2 Article VII of the State Constitution and s. 348.755(1)(b).

3           Section 5. This act shall take effect July 1, 2004.

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