

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representative Brummer offered the following:

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3 **Amendment (with title amendment)**

4 Remove lines 130-455 and insert:

5 undue burden on local governments within the Wekiva Study Area.
6 Any required Wekiva Study Area comprehensive plan amendments may
7 be adopted in conjunction with other amendments not required by
8 this part.

9 369.316 Wekiva Study Area.--The Wekiva Study Area shall
10 consist of a portion of Lake, Orange, and Seminole Counties,
11 Florida, being more particularly described as follows:

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13 Begin at the northwest corner of Section 6, Township
14 18 South, Range 28 East, Lake County, Florida, said
15 corner lying on the north line of Township 18 South;
16 thence Easterly along said north line of Township 18

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17 South to the northeast corner of Section 5, Township
18 18 South, Range 29 East; thence Southerly along the
19 east line of said Section 5 to the northeast corner of
20 Section 8, Township 18 South, Range 29 East; thence
21 Southerly along the east line of said Section 8 to the
22 northeast corner of Section 17, Township 18 South,
23 Range 29 East; thence Southerly along the east line of
24 said Section 17 to the northeast corner of Section 20,
25 Township 18 South, Range 29 East; thence Southerly
26 along the east line of said Section 20 to the
27 northeast corner of Section 29, Township 18 South,
28 Range 29 East; thence Southerly along the east line of
29 said Section 29 to the northeast corner of Section 32,
30 Township 18 South, Range 29 East; thence Southerly
31 along the east line of said Section 32 to the
32 southeast corner thereof, said corner lying on the
33 south line of Township 18 South; thence Easterly along
34 the south line of said Township 18 South to an
35 intersection with the east line of Range 29 East;
36 thence Southerly along the east line of said Range 29
37 East to the southeast corner of Section 24, Township
38 21 South, Range 29 East; thence Westerly along the
39 south line of said Section 24 to the southeast corner
40 of Section 23, Township 21 South, Range 29 East;
41 thence Westerly along the south line of said Section
42 23 to an intersection with the centerline of
43 Interstate Highway No. 4; thence generally Southerly
44 along the centerline of Interstate Highway No. 4 to an

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45 intersection with the south line of Section 13,
46 Township 22 South, Range 29 East; thence Westerly
47 along the south line of said Section 13 to the
48 southeast corner of Section 14, Township 22 South,
49 Range 29 East; thence Westerly along the south line of
50 said Section 14 to the southeast corner of Section 15,
51 Township 22 South, Range 29 East; thence Westerly
52 along the south line of said Section 15 to the
53 northeast corner of Section 21, Township 22 South,
54 Range 29 East; thence Southerly along the east line of
55 said Section 21 to an intersection with the centerline
56 of State Road No. 50; thence Westerly along the
57 centerline of said State Road No. 50 to the northeast
58 corner of Section 30, Township 22 South, Range 28
59 East; thence Southerly along the east line of said
60 Section 30 to the northeast corner of Section 31,
61 Township 22 South, Range 28 East; thence Southerly
62 along the east line of said Section 31 to the
63 southeast corner thereof, said corner lying on the
64 south line of Township 22 South; thence Westerly along
65 said south line of Township 22 South to the northeast
66 corner of Section 2, Township 23 South, Range 27 East;
67 thence Southerly along the east line of said Section 2
68 to the northeast corner of Section 11, Township 23
69 South, Range 27 East; thence Southerly along the east
70 line of said Section 11 to the southeast corner
71 thereof; thence Westerly along the south line of said
72 Section 11 to the southeast corner of Section 10,

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73 Township 23 South, Range 27 East; thence Westerly
74 along the south line of said Section 10 to the
75 southeast corner of Section 9, Township 23 South,
76 Range 27 East; thence Westerly along the south line of
77 said Section 9 to the southeast corner of Section 8,
78 Township 23 South, Range 27 East; thence Westerly
79 along the south line of said Section 8 to the
80 southeast corner of Section 7, Township 23 South,
81 Range 27 East; thence Westerly along the south line of
82 said Section 7 to the southwest corner thereof, said
83 corner lying on the line of demarcation between Orange
84 County and Lake County; thence generally Northerly and
85 along said county line to the northeast corner of
86 Section 12, Township 20 South, Range 26 East,
87 said corner lying on the east line of Range 26 East;
88 thence generally Northerly and along said east line of
89 Range 26 East to the southeast corner of Section 24,
90 Township 19 South, Range 26 East; thence Westerly
91 along the south line of said Section 24 to the
92 southeast corner of Section 23, Township 19 South,
93 Range 26 East; thence Westerly along the south line of
94 said Section 23 to the southwest corner thereof;
95 thence Northerly along the west line of said Section
96 23 to the southwest corner of Section 14, Township 19
97 South, Range 26 East; thence Northerly along the west
98 line of said Section 14 to the southwest corner of
99 Section 11, Township 19 South, Range 26 East; thence
100 generally Northeasterly to the southwest corner of

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101 Section 1, Township 19 South, Range 26 East; thence
102 generally Northeasterly to the southwest corner of
103 Section 31, Township 18 South, Range 27 East; thence
104 generally Northeasterly to the southwest corner of
105 Section 29, Township 18 South, Range 27 East; thence
106 generally Northeasterly to the northwest corner of
107 Section 28, Township 18 South, Range 27 East; thence
108 Easterly along the north line of said Section 28 to
109 the northwest corner of Section 27, Township 18 South,
110 Range 27 East; thence Easterly along the north line of
111 said Section 27 to the northwest corner of Section 26,
112 Township 18 South, Range 27 East; thence Easterly
113 along the north line of said Section 26 to the
114 northwest corner of Section 25, Township 18 South,
115 Range 27 East; thence Easterly along the north line of
116 said Section 25 to an intersection with the west line
117 of Range 28 East; thence Northerly along the west line
118 of said Range 28 East to the northwest corner of
119 Section 6, Township 18 South, Range 28 East, and the
120 Point of Beginning.

121
122 369.317 Wekiva Parkway.--

123 (1) The "Wekiva Parkway" means a limited access highway or
124 expressway constructed between State Road 429 and Interstate 4
125 specifically incorporating the corridor alignment recommended by
126 Recommendation 2 of the Wekiva River Basin Area Task Force final
127 report dated January 15, 2003.

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128 (2) The State Road 46 Connector shall be a limited access,
129 nontoll facility connecting the Wekiva Parkway to State Road 46
130 west of Sorrento through a system interchange. The guiding
131 principles governing the construction of the Wekiva Parkway
132 shall be applied to the design and construction of the State
133 Road 46 Connector.

134 (3) To the maximum extent practicable, taking into account
135 environmental protection needs, economic feasibility, and
136 industry-standard construction design and engineering practices,
137 the "Guiding Principles for the Wekiva Parkway Design Features
138 and Construction" as set forth in the Wekiva River Basin
139 Coordinating Committee Final Report, dated March 16, 2004, shall
140 be followed. The Wekiva Parkway shall not replace State Road 46
141 in Lake County.

142 (4) The number of interchanges located along the Wekiva
143 Parkway shall not exceed six and shall be located as follows:

144 (a) State Road 429 south of U.S. Highway 441.

145 (b) U.S. Highway 441.

146 (c) Between U.S. Highway 441 and State Road 46.

147 (d) State Road 46.

148 (e) Interstate 4.

149 (f) The State Road 46 connector, as appropriate.

150 (5) The construction of the Wekiva Parkway or State Road
151 429 north of U.S. Highway 441 shall not commence until the
152 right-of-way for the Wekiva Parkway is acquired from State Road
153 46 in Lake County to Interstate 4 in Seminole County and the
154 properties identified in subsection (7) as Neighborhood Lakes,
155 Pine Plantation, and New Garden Coal are acquired or are

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156 approved as mitigation bank land as described for the New Garden
157 Coal property in section 3.

158 (6) In Seminole County, the Seminole County Expressway
159 Authority, the Department of Transportation, and the Florida
160 Turnpike Enterprise shall locate the precise corridor and
161 interchanges for the Wekiva Parkway consistent with the
162 legislative intent and other provisions of this part.

163 (7) The Department of Transportation is specifically
164 granted the authority to acquire and to exercise the power of
165 eminent domain to condemn all necessary lands, property, and all
166 interests in property identified herein, including fee-simple or
167 less-than-fee-simple interests, including, but not limited to,
168 all rights and interests set forth in s. 337.27(1). The lands
169 subject to this authority are identified in paragraph 10.a.,
170 State of Florida, Office of the Governor, Executive Order 03-112
171 of July 1, 2003, and in Task Force Recommendation 16 of the
172 Wekiva River Basin Area Task Force created by Executive Order
173 2002-259, such lands otherwise known as Neighborhood Lakes, a
174 1,587 +/- acre parcel located in Orange and Lake Counties within
175 Sections 27, 28, 33 and 34 of Township 19 South, Range 28 East,
176 and Sections 3, 4, 5 and 9 of Township 20 South, Range 28 East;
177 New Garden Coal, a 1,605 +/- acre parcel in Lake County within
178 Sections 23, 25, 26, 35 and 36, Township 19 South, Range 28
179 East; Pine Plantation, a 617 +/- acre tract consisting of eight
180 (8) individual parcels within the Apopka City limits; but
181 excluding Seminole Woods/Swamp, a 5,353.2 +/- acre parcel
182 located in Lake County within Section 37, Township 19 South,
183 Range 28 East. The Department of Transportation shall act as the

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184 lead agency in the acquisition of these properties, and the
185 Department of Environmental Protection, the Department of
186 Community Affairs, the St. Johns River Water Management
187 District, the Orlando-Orange County Expressway Authority, and
188 other land-acquisition entities shall participate and cooperate
189 in providing information and support to the lead agency. Within
190 those lands known as Seminole Woods/Swamp, a 5,353.2 +/- acre
191 parcel located in Lake County within Section 37, Township 19
192 South, Range 28 East, only those lands which are specifically
193 needed for the right-of-way for the Wekiva Parkway may be
194 acquired by the Department of Transportation through eminent
195 domain. The lands within the Seminole Woods/Swamp parcel which
196 are not needed for the right-of-way for the Wekiva Parkway may
197 be acquired by the Department of Transportation, the Department
198 of Environmental Protection, the Department of Community
199 Affairs, or the St. Johns River Water Management District by
200 voluntary sale through an authorized land acquisition program.

201 (a) Acquisition of the lands described in this section is
202 required to provide right-of-way for the Wekiva Parkway, a
203 limited access roadway linking State Road 429 to Interstate 4,
204 an essential component in meeting regional transportation needs
205 to provide regional connectivity, improve safety, accommodate
206 projected population and economic growth, and satisfy critical
207 transportation requirements caused by growth in traffic volume
208 and increased travel demands.

209 (b) Acquisition of the lands described in this section is
210 also required to protect the surface water and groundwater
211 resources of Lake, Orange, and Seminole Counties, otherwise

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212 known as the Wekiwa Study Area, including recharge within the
213 springshed that provides for the Wekiwa River system. Protection
214 of this area is crucial to the long-term viability of the Wekiwa
215 River and Wekiwa Springs and the central Florida region's water
216 supply. Acquisition of the lands described in s. 369.316 is also
217 necessary to alleviate pressure for growth and development which
218 could possibly affect the surface water and groundwater
219 resources within the recharge area.

220 (c) Title to all lands acquired under this section shall
221 vest in the state.

222 (d) Acquisition by the Department of Transportation of the
223 lands described in s. 369.316 that are not needed for the Wekiwa
224 Parkway shall be transferred to the Board of Trustees of the
225 Internal Improvement Trust Fund for management as conservation
226 lands pursuant to ss. 253.034 and 259.032. However, the
227 Department of Transportation is authorized to utilize such lands
228 acquired with its own funds, or with acquisition services
229 provided at its cost, on a pro rata basis to the total acreage
230 acquired, as mitigation credits for potential future impacts
231 associated with the Wekiwa Parkway or other regionally
232 significant roadways. With the exception of the transportation
233 use for the Wekiwa Parkway, uses of the property acquired shall
234 be limited to traditional conservation uses appropriate for land
235 acquisition for the Florida Forever program as created by s.
236 259.105.

237 (8) The Department of Transportation, the Department of
238 Environmental Protection, the St. Johns River Water Management
239 District, the Orlando-Orange County Expressway Authority, and

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240 other land-acquisition entities shall cooperate and establish
241 funding responsibilities and partnerships by agreement to the
242 extent funds are available to the various entities. The
243 Department of Transportation shall acquire land in accordance
244 with this section to the extent funds are available from the
245 various funding partners but shall not be required nor assumed
246 to fund the land acquisition beyond the agreement and funding
247 provided by the various land-acquisition entities.

248 369.318 Studies; rulemaking.--

249 (1) The Department of Environmental Protection shall study
250 the efficacy and applicability of water quality and wastewater
251 treatment standards needed to achieve nitrogen reductions
252 protective of water quality within the Wekiva Study Area and
253 report to the Governor and the Department of Community Affairs
254 no later than December 1, 2004. Based on the December 2004
255 report, the Department of Environmental Protection shall, by
256 March 1, 2005, initiate rulemaking to achieve nitrogen
257 reductions protective of water quality or recommend legislation
258 that grants any additional statutory authority needed to
259 implement the report recommendations.

260 (2) The Department of Health, in coordination with the
261 Department of Environmental Protection, shall study the efficacy
262 and applicability of onsite disposal system standards needed to
263 achieve nitrogen reductions protective of water quality within
264 the Wekiva Study Area and report to the Governor and the
265 Department of Community Affairs no later than December 1, 2004.
266 Based on the December 2004 report, the Department of Health
267 shall, by March 1, 2005, initiate rulemaking to achieve nitrogen

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268 reductions protective of water quality or recommend legislation
269 that grants any additional statutory authority needed to
270 implement the report recommendations. The study shall consider:

271 (a) For new developments and any existing development
272 within the Wekiva River Protection Area using onsite disposal
273 systems, a more stringent level of wastewater treatment,
274 including the use of multiple tanks to combine aerobic and
275 anaerobic treatment to reduce the level of nitrates.

276 (b) The implementation of a septic tank maintenance and
277 inspection program that includes upgrading certain onsite
278 disposal systems permitted prior to 1982 to meet minimum
279 Department of Health standards, replacement of failing systems
280 and systems not meeting current standards, and providing funding
281 mechanisms for supporting a septic tank inspection and
282 maintenance program.

283 (3)(a) The St. Johns River Water Management District shall
284 initiate rulemaking to apply the recharge criteria set forth in
285 Rule 40C-41.063(3), Florida Administrative Code, to the most
286 effective recharge areas within the Wekiva Study Area. In
287 addition, the St. Johns River Water Management District shall,
288 in conjunction with the Department of Environmental Protection,
289 study the recharge volume conditions in the Wekiva Study Area
290 and make recommendations to implement new standards to provide
291 that postdevelopment recharge volume conditions approximate
292 predevelopment recharge volume conditions. By March 1, 2005, the
293 St. Johns River Water Management District shall initiate
294 rulemaking to implement new standards to provide that

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295 postdevelopment recharge volume conditions approximate
296 predevelopment recharge volume conditions.

297 (b) By December 1, 2007, the St. Johns River Water
298 Management District shall update the minimum flows and levels
299 for Rock Springs and Wekiwa Springs. Further, the district shall
300 revise the consumptive use permit thresholds in the Wekiva Study
301 Area to address proposed water withdrawals above 50,000 gallons
302 per day. Revisions to the consumptive use thresholds shall
303 provide for a general permit, if possible, and include a
304 transition period that allows continued access to the water
305 supply for users that were not previously subject to the
306 permitting process.

307 (c) By December 1, 2005, the St. Johns River Water
308 Management District shall establish pollution load reduction
309 goals for the Wekiva Study Area to assist the Department of
310 Environmental Protection in adopting total maximum daily loads
311 for the Wekiva Study Area by December 1, 2006.

312 (4) The Department of Agriculture and Consumer Services
313 shall be the lead agency in coordinating the reduction of
314 agricultural nonpoint sources of pollution. The Department of
315 Agriculture and Consumer Services shall study, and, if
316 necessary, initiate rulemaking to implement, new or revised best
317 management practices for improving and protecting water bodies,
318 including those basins with impaired water bodies addressed by
319 the Clean Water Act's Total Maximum Daily Loads Program.

320
321 ===== T I T L E A M E N D M E N T =====

322 Remove line(s) 12-44, and insert:

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HOUSE AMENDMENT

Bill No. HB 849 CS

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323 F.S.; defining the Wekiva Parkway; providing for a limited
324 access, nontoll facility connecting the Wekiva Parkway to State
325 Road 46 west of Sorrento through a system interchange; providing
326 that to the extent practicable, the guiding principles governing
327 the Wekiva Parkway construction shall be followed; specifying
328 that the Wekiva Parkway shall not replace State Road 46 in Lake
329 County; specifying general location of interchanges; requiring
330 acquisition of right-of-way prior to commencement of
331 construction; requiring the Seminole County Expressway
332 Authority, the Department of Transportation, and the Florida
333 Turnpike Enterprise to locate the parkway corridor and
334 interchanges in Seminole County consistent with the intent of
335 the act; authorizing the Department of Transportation to acquire
336 and exercise the power of eminent domain with regard to
337 identified lands; providing purposes for the acquisition of
338 certain lands; providing that title to lands acquired under s.
339 369.316, F.S., shall vest in the state; providing for transfer
340 of certain lands not needed for the parkway to the Board of
341 Trustees of the Internal Improvement Trust Fund; providing for
342 certain uses of said lands; requiring cooperation and
343 establishment of funding responsibilities and partnerships
344 between certain land-acquisition entities; creating s. 369.318,
345 F.S.; requiring certain studies relating to water quality and
346 wastewater treatment standards to be conducted by the Department
347 of Environmental Protection, the Department of Health, and the
348 Department of Agriculture and Consumer Services; providing for
349 rulemaking; requiring a report to the Governor and the
350 Department of Community Affairs; requiring the St. Johns River

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HOUSE AMENDMENT

Bill No. HB 849 CS

Amendment No. (for drafter's use only)

351 Water Management District to initiate rulemaking with regard to
352 recharge criteria; requiring the district to provide certain
353 information and establish certain goals with regard to Rock
354 Springs, Wekiwa Springs, and the Wekiva Study Area;

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